Bellevue Planning Commission

Wednesday, January 14, 2015
6:30 to 9:30 p.m. ▪ 1E-113
City Hall ▪ 450 110th Avenue NE, Bellevue

Agenda

Regular Meeting

6:30 p.m.	**1.**	**Call to Order** *Aaron Laing, Chairperson*	
	2.	**Roll Call**	
	3.	**Public Comment*** *Limited to 5 minutes per person or 3 minutes if a public hearing has been held on your topic*	
	4.	**Approval of Agenda**	
	5.	**Communications from City Council, Community Council, Boards and Commissions**	
	6.	**Staff Reports** *Paul Inghram, Comprehensive Planning Manager*	
6:50	**7.**	**Open Public Meetings Act Discussion** *Lori Riordan, City Attorney*	Pg. 32
	8.	**Study Session** A. Comprehensive Plan Update	Pg. 1
7:10		A.1 Project Update and Schedule *Paul Inghram, Comprehensive Planning Manager*	
7:15		A.2 Community Vision Brief the Commission on work updating the Community Vision statement *Commissioners deVadoss and Carlson*	
7:45		A.3 Neighborhoods Element Concept Discuss new Neighborhoods Element draft *Mike McCormick-Huentelman, Neighborhood Outreach Manager, PCD*	
8:15		A.4 Downtown Subarea Boundary Review potential amendments to the Downtown Subarea boundary *Nicholas Matz, Senior Planner, PCD*	
8:45		A.5 Utilities Policies Follow-up Review follow-up items for the Utilities Element *Nicholas Matz, Senior Planner, PCD*	

9:00		A.6 Housing Policies Follow-up Review follow-up items for the Housing Element *Paul Inghram, Comprehensive Planning Manager; Janet Lewine, Associate Planner, PCD; Arthur Sullivan, ARCH*
9:15	**9.**	**Other Business**
	10.	**Public Comment*** - *Limited to 3 minutes per person*
	11.	**Draft Minutes Review** • September 10 • September 24 • October 8 • October 22
9:30	**12.**	**Adjourn**

Agenda times are approximate

Planning Commission members

Aaron Laing, Chair
Michelle Hilhorst, Vice Chair
John Carlson
Jay Hamlin
Diane Tebelius
John deVadoss
Stephanie Walter

John Stokes, Council Liaison

Staff contact:

Paul Inghram 452-4070
Michelle Luce 452-6931

** Unless there is a Public Hearing scheduled, "Public Comment" is the only opportunity for public participation.*

Wheelchair accessible. American Sign Language (ASL) interpretation available upon request. Please call at least 48 hours in advance. 425-452-5262 (TDD) or 425-452-4162 (Voice). Assistance for the hearing impaired: dial 711 (TR).

City of Bellevue

Planning Commission Study Session

January 9, 2015

SUBJECT

Major Comprehensive Plan Update

STAFF CONTACT

Paul Inghram AICP, Comprehensive Planning Manager, 452-4070 pinghram@bellevuewa.gov
Mike McCormick-Huentelman, Neighborhood Outreach Manager, 452-4089 MMHuent@bellevuewa.gov
Nicholas Matz AICP, Senior Planner, 452-5371 nmatz@bellevuewa.gov
Planning and Community Development

DIRECTION NEEDED FROM PLANNING COMMISSION

Action
X Discussion
Information

The January 14, 2015, study session continues the update and review of the Bellevue Comprehensive Plan. The following are remaining review items for which staff is seeking additional direction from the Commission:

- Community Vision – continued subcommittee work
- Neighborhoods Element concept – see Attachments 1 & 2
- Downtown boundary review – see Attachments 3-3.3f
- Utility policy follow-up – see Attachment 4
- Housing policy follow-up – see Attachment 5

Staff is seeking direction on what items to bring back for additional discussion at the next study session on January 28. No formal action is requested at this study session. The Commission's review and comment on the drafts at this stage will help staff prepare a draft Comprehensive Plan for the Commission's and public review. Staff seeks to schedule a public hearing for March 4.

Staff has continued to work with commissioners deVadoss and Carlson on an updated Community Vision statement that incorporates elements of the current statement, input we heard from the community, and aspects of the Council's recent visioning work. It is anticipated that a draft vision document will be distribute prior to the meeting.

BACKGROUND

The Planning Commission has worked over the last year through policy-by-policy reviews of the chapters of the Comprehensive Plan. At the Commission's meetings in November and December, the Commission reviewed:

- Southwest Bellevue policy amendment, recommending to remove policy S-SW-27 to support the Surrey Downs Park master plan
- Urban Boulevards designations and maps, and an updated Urban Design policy table with corresponding policies to support the map designations
- Crossroads/BelRed subarea boundary, electing to retain the current boundary at this time
- Transportation Element policies recommendations by the Transportation Commission
- And other outstanding policy questions

Tables showing the progression from the original policy to the Planning Commission's direction were distributed for Citizen Participation, Land Use, Housing, Capital Facilities, Utilities, Environment, and Urban Design (and are available online). Other plan components were provided to the Commission as informational items, including draft updates of the Glossary and a number of maps. Additionally, the following items are included in this packet for information:

- Maps for the Environment and Urban Design elements (the UD maps reflect the changes the PC made at the last meeting) – enclosed
- Updated Economic Development and Urban Design policy tables indicating the Commission's previous review – enclosed

These reviews follow dozens of study sessions by the Planning Commission and the city's other boards and commissions to examine the current Comprehensive Plan, last updated in 2004, background information on how the city has changed, and staff recommendations for policy changes.

Staff is working to develop a full draft plan for public and the Commission's further review, scheduled to be released February 11. The full draft will allow the Commission to see the plan as whole and evaluate the integration of the individual sections. The city will also conduct a new round of broader public engagement to encourage public review of the draft plan.

As the entire update is pulled together competing policies may be identified. To an extent, it is recognized that any comprehensive plan will have a dynamic tension between multiple goals and that it is appropriate to read the plan as a whole and to balance competing interests. However, there are times when it is appropriate to ensure consistency of terminology, approach or areas of policy direction across elements of the plan. Over the last year, the focus has been on reviewing individual components of the plan. As a complete draft is developed, staff will work to identify whether to recommend additional changes or additions to ensure that the plan works together as an integrated document.

NEXT STEPS

With this study session, the Planning Commission and other boards and commissions will have completed initial review of all the policies of the Comprehensive Plan and a number of other related components, such as specific questions about subarea boundaries. Any remaining items or questions will be addressed at the study session on January 28.

Staff seeks to schedule a public hearing for March 4 and to proceed with the following schedule:

January 28	Initial review of components completed
February 11	Public review draft of entire plan available
February 18	Public open house
February 25	Joint boards and commissions meeting
March 4	Public Hearing
March 11	Deliberations
March 18	Recommendations to Council
Late March	Transmittal to Council
Mid-June	Council final action
June 30, 2015	Statutory deadline for Comprehensive Plan Update

ATTACHMENTS

1. Neighborhoods Element Review
2. Neighborhoods Element Concept
3. Downtown Boundary Review (3-3.3f)
4. Utility Policy Follow-up
5. Housing Policy Follow-up
6. Community Health Review

ENCLOSED

1. Economic Development Policy Table
2. Urban Design Policy Table
3. Maps for the Environment and Urban Design elements

ATTACHMENT 1

Neighborhood Element Review

At its September 15 study session review of the Comprehensive Plan update project, the City Council asked whether the Comprehensive Plan should include a neighborhoods element. While Council did not provide explicit direction, the question raised interest in how to best recognize the importance of subarea plans and how to weave neighborhood issues throughout the Comprehensive Plan. Councilmember Robertson stated, "Regardless of whether the neighborhood is Downtown or single family, neighborhood quality is important for Bellevue's quality of life, important to everyone in the city." Council expressed interest in wanting to make sure that the update addresses the protection of neighborhoods and their quality of life even as neighborhoods manage in-fill development. Could a neighborhoods element be a way to address neighborhood-specific issues?

Staff followed through to draft a new Neighborhoods Element that would create a set of policies that frame how to address neighborhood issues. This would be a valuable addition to the Comprehensive Plan. It would fill gaps in the current plan – the need to update and maintain subarea plans; support for neighborhood adaptability; and increased social connectivity. The element would also express how subarea plans relate to the overall Comprehensive Plan and a cross-referencing section would identify key policy sections in other general elements that relate directly to neighborhoods. As an individual element, it would provide a single place where one looking for neighborhood policies could begin and it would help one understand the role of subarea plans.

Action Requested

Staff is looking for the Planning Commission's feedback on the draft element as well as a recommendation as to whether this is a valuable addition to the Comprehensive Plan.

CITY OF BELLEVUE COMPREHENSIVE PLAN

NEIGHBORHOODS ELEMENT

WHAT YOU WILL FIND IN THIS CHAPTER:

- Introduction to key elements that shape the character and quality of life in neighborhoods.
- Discussion on challenges and opportunities facing Bellevue neighborhoods.
- Policies on issues common to Bellevue neighborhoods.
- Process and procedures for updating the city's Neighborhood Area Plans and how they relate to the Comprehensive Plan.

NEIGHBORHOOD ELEMENT VISION

Bellevue is a community of diverse and vibrant neighborhoods.

Bellevue residents live in a variety of distinctive, safe and attractive neighborhoods that provide amenities and opportunities for a high quality of life. The strong connections among neighbors contribute to these qualities and the ability of neighborhoods to respond to change.

ROLE OF NEIGHBORHOOD ELEMENT

Policies that maintain and enhance the health and vitality of Bellevue's neighborhoods are integrated throughout the Comprehensive Plan. The Neighborhood Element provides an additional framework to consider issues that go beyond a neighborhood's basic needs. It identifies policies to support neighborhoods in their ability to actively respond to changing internal needs and external forces, while balancing the needs of the city and distinct elements of neighborhood character. It establishes policies for maintaining and updating the city's neighborhood area (subarea) plans, as defined by the state Growth Management Act. Neighborhood area plans provide an essential pathway to engage local communities to address neighborhood-specific concerns and identify neighborhood values and policies to help shape their future.

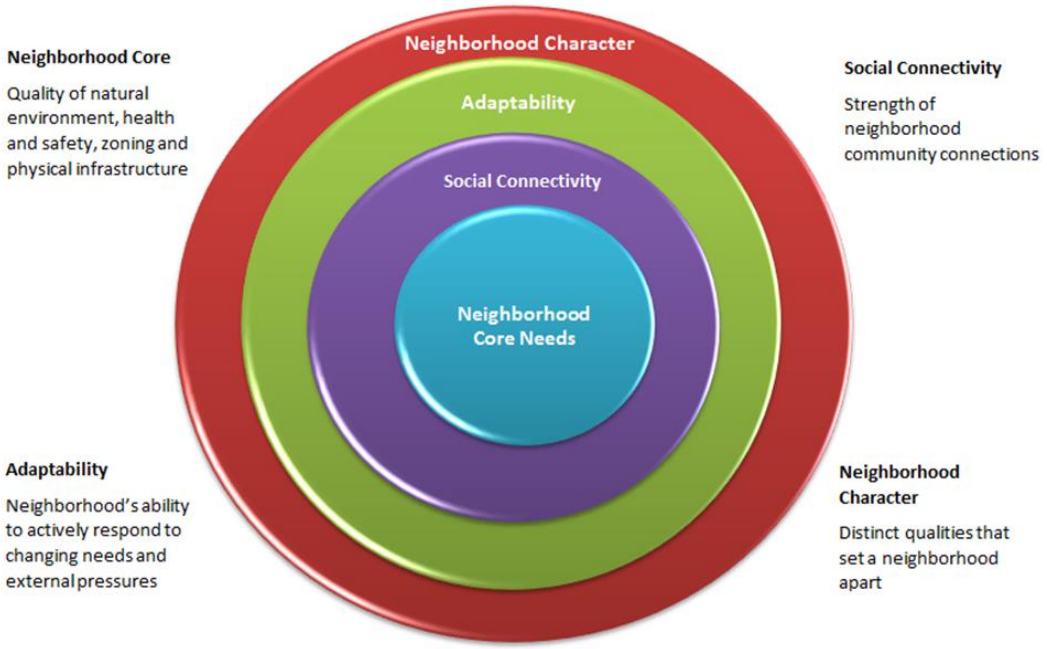
INTRODUCTION

Bellevue is a city of neighborhoods. Bellevue's neighborhoods include single-family neighborhoods, multi-family communities and the growing vertical neighborhoods of Downtown and BelRed. Each neighborhood holds unique histories and characteristics. They are stable communities full of rich history and community traditions. They are dynamic neighborhoods that are responsive to the changing needs of our residents. Bellevue's neighborhoods are home to a diverse and well connected community of neighbors. They are alive with local connections to schools, stores, parks, trails and the natural beauty that defines the character of the Pacific Northwest.

DRAFT

Key Elements of a Highly Functioning Neighborhood

Attachment 2



Bellevue's neighborhoods are both unique and interconnected communities. The city's role is to ensure that our neighborhoods enjoy a high quality built environment that facilitates a safe and welcoming community, able to adapt to changing needs and preserve what is cherished most.

Four key elements shape neighborhoods' quality of life: Neighborhood Core, Social Connectivity, Adaptability and Neighborhood Character. In the center is the Neighborhood Core, the quality natural environment, services, and physical infrastructure that provide for basic needs. Surrounding that core is the people, the social connections, that make up the heart of the neighborhood community. Adaptability is the ability of that local community to actively respond to changes (both internal and external) that impact the health and development of the neighborhood. Neighborhood character is comprised of the distinct qualities and amenities that set each neighborhood apart and provide a 'sense of place.'

Neighborhood Core

All Bellevue neighborhoods share a common core of basic needs. All neighborhoods share the need for a quality-built natural environment that facilitates a safe and welcoming community. This includes healthy neighborhood centers, local businesses, schools, community centers and other 'third places' for neighbors to meet neighbors. All neighborhoods need good connectivity within and among neighborhoods to provide access to its schools, parks, stores and trails. They all depend on core city services to safeguard the health and safety of the community, provide appropriate zoning and regulations, steward its natural resources and maintain vital infrastructure.

Social Connectivity

Neighborhoods are made up of people. In all neighborhoods, the strength of the connectedness among neighbors contributes to the quality of life that our residents experience. Social connectivity determines a neighborhood's ability to resolve neighborhood disputes, prepare for emergencies, deter crime, care for our elderly or vulnerable residents and provide a collective voice to shape the amenities, planning and future of the community. Social connectivity contributes to the resiliency of the community to bounce back from natural disasters or unforeseen tragic incidents. It is the social fabric that provide residents with a strong 'sense of community' and place of belonging. The city has a role in

supporting the development of vibrant and caring communities that are essential to the make-up of its quality neighborhoods.

Adaptability

Bellevue is a growing, international, world-class city and our neighborhoods reflect our past, present and our future. Bellevue's neighborhoods are not static. They are dynamic communities that will continue to adapt and change, while seeking to preserve what is cherished most about the quality of life they provide. They will grow with new schools, businesses, parks and amenities. They will adapt to new changes in traffic patterns and congestion. They will reflect the market forces that respond to changing needs for different types of housing for Bellevue's diverse community. Healthy neighborhoods play an active role in responding to the changing needs and external pressures that impact their community.

Neighborhood Character

Bellevue cherishes the distinctive characters and qualities of the city's diverse neighborhoods. Bellevue has sixteen neighborhood areas, including emerging neighborhood areas of Downtown, BelRed and Eastgate. Each neighborhood area is home to many smaller neighborhoods. The diversity of Bellevue's neighborhood expressions is a city treasure – whether it is the vibrancy of Downtown, Crossroads and BelRed neighborhoods, the shoreline communities of West Lake Sammamish and Lake Washington, the hilltop neighborhoods of Cougar Mountain, Somerset and Newport Hills, the historic neighborhoods of Wilburton, Northtowne, Lake Hills and Woodridge, or the wooded neighborhoods of Enatai and Bridle Trails. The unique aspect and 'look and feel' of each neighborhood depends on its location, history, characteristics of the natural environment, and qualities of the built environment.

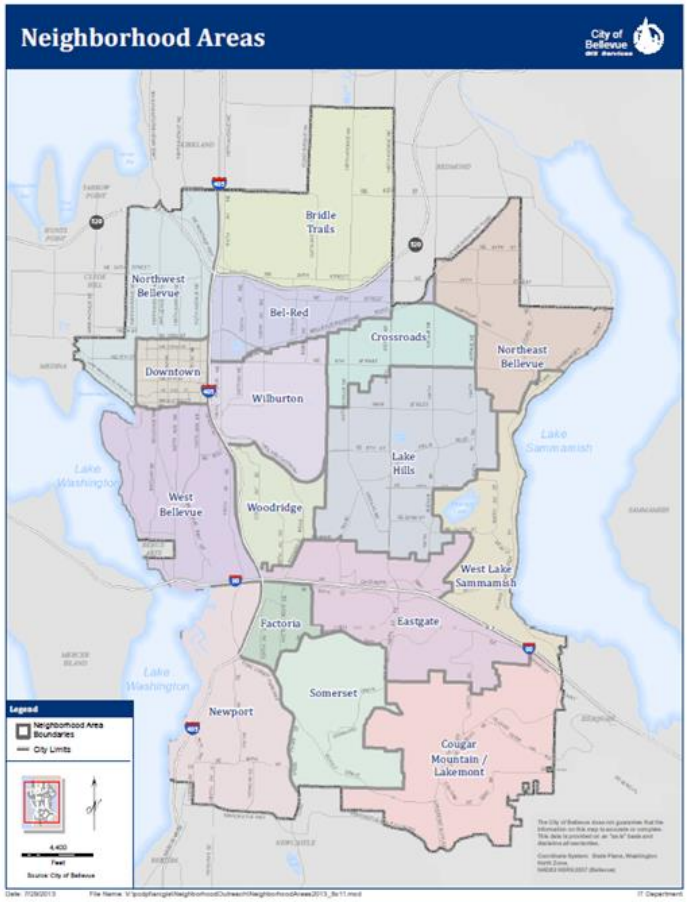
The city encourages and coordinates neighborhood participation in projects to enhance their unique neighborhood character. Neighborhood groups can partner with the city to enhance their area with features such as landscape plantings, identification signing, neighborhood artwork and special paving on streets or sidewalks. Neighborhood engagement with the city shapes city planning and decision-making on neighborhood improvements and determines how to preserve and develop distinct neighborhood character across the City.

DRAFT

TODAY'S CONDITIONS AND TOMORROW'S PROJECTIONS

Neighborhoods Today and Tomorrow

Bellevue has sixteen neighborhood areas; each is home to many smaller neighborhoods. In addition to extraordinary single family areas, these include strong multi-family neighborhoods, such as Crossroads. Bellevue's core strength has been its commitment to neighborhoods, providing planning and services that have made these highly desirable places in which to live.



Bellevue has also been successful at cultivating a vibrant urban center downtown, providing amenities that attract a thriving residential and business community. BelRed will become another dynamic 'vertical' neighborhood. As Bellevue continues to grow in the future, most growth will occur in these denser mixed commercial and residential areas. This will increase density within Bellevue's core urban areas and develop new vertical neighborhoods, while protecting established neighborhoods from needing to absorb this growth.

The city is paying attention to a number of different factors that will affect the future of neighborhoods:

- Neighborhoods are distinct places shaped by location and history – and neighborhoods are interested in preserving and developing their unique character.
- Neighborhoods will need to respond to the changing needs of Bellevue's diverse population, such as smaller households and older adults who want to stay in their neighborhood.
- Public and private amenities, such as parks and neighborhood scaled commercial centers, foster community connections and neighborhood livability.
- Ninety percent of the city's future housing capacity will occur in Bellevue's multifamily mixed use districts.
- Careful planning and mitigation of new development ensures that the legacy of Bellevue's neighborhoods includes preservation of our tree canopy, shorelines, wetlands and wildlife.
- Even as growth is denser, Bellevue residents will continue to want safe, quality neighborhoods and access to schools, parks, trails, local stores and recreation.

CHALLENGES AND OPPORTUNITIES

Neighborhood Investment Patterns

During upturns in the housing market, neighborhoods face stress from impacts from development and construction projects, tear-downs of single-family lots, 'mega-homes', investment properties, group homes and rentals, and increases in traffic congestion. During economic downturns, neighborhoods

face stress from increases in foreclosures, vacant properties, substandard maintenance and stalled commercial development. Neighborhoods depend on City policies and planning to help to protect and mitigate negative impacts as well as provide benefits of new opportunities and amenities that become available.

Maintaining Safe and Welcoming Neighborhood Environments

Maintaining the high level of neighborhood safety depends on the strength of partnership between the city and local residents. This includes ongoing attention to residential crime prevention, emergency preparedness, public safety services, enforcement of city codes, neighborhood maintenance, the maintenance of public property and right-of-way, neighborhood walkability, lighting, and social cohesiveness.

Increasing Diversity

Bellevue's residents are increasingly diverse, adding layers of complexity in the social fabric of Bellevue's neighborhoods. This provides an opportunity for our residents to embrace the world next door and a challenge to successfully learn together how to respectively engage cross-culturally in community life. Bellevue's neighborhoods will need to continue to provide places for local connection. It also includes attention to the social cohesiveness of Bellevue's neighborhoods; including support for neighborhood associations, community clubs, faith communities, park and community services, schools, non-profits and businesses that invest in the social fabric of Bellevue's community.

Neighborhood Capacity for Problem-Solving

The capacity for neighborhoods to be able to actively engage around the changing needs and the external stresses they face varies from neighborhood to neighborhood. It depends on the local organization of community groups, neighborhood associations, and skill sets of neighborhood and community leaders in the neighborhood. The strongest neighborhoods are the neighborhoods with active associations, familiar with city process and decision-making. Providing clear channels of two-way communication provides safeguards against unnecessary neighborhood disruptions and turmoil, while providing essential local insight for planning and creative solution-making.

Maintaining Neighborhood Character

As Bellevue matures, the character of Bellevue's neighborhoods will provide a diversity of expression, history and local amenities that enrich the quality of life for the entire community. The city requires a balanced and nuanced approach to provide for the growth and development of the city while preserving the key elements that help to distinguish neighborhood character. The challenge will be how to address the needs of the whole city, while allowing for neighborhood distinctiveness that advocates against a "one size fits all" approach to neighborhood planning.

WHAT DOES IT MEAN?

- Bellevue has sixteen neighborhood areas, each containing a number of smaller neighborhoods.
- Bellevue is enriched by the diversity of its neighborhood characters.
- Neighborhoods need to be resilient and adaptable to changing needs and external stresses.
- Bellevue's residential population is increasingly diverse, adding layers of complexity to its social fabric.
- Most of the city's remaining residential capacity is in mixed-use areas, primarily Downtown and BelRed.
- All neighborhoods share the need for healthy natural systems and safe and high quality built environments.

DRAFT

Attachment 2

NEIGHBORHOOD POLICIES

The strength of a neighborhood is found in the health of its community. Stronger community connections directly raise the quality of life. The Neighborhood Plan adds policies to support the resiliency and capacity of neighborhoods to respond to local needs, care for one another and develop a strong 'sense of community' that make our neighborhoods home.

Neighborhoods are dynamic communities. Neighborhoods will have internal needs, like the desire for older adults to 'age in place.' External stresses, like shifting investment patterns, will also place new demands on neighborhoods. Both internal and external factors will require neighborhoods to be able to deal constructively with change. The Neighborhood Plan adds policies to identify changing conditions in neighborhoods and provide support for local community responses to meet changing needs.

Distinct neighborhood character enhances the quality of life for our entire city. The Neighborhood Plan acknowledges that neighborhoods can have unique values, amenities, natural environments, and local priorities. The Neighborhood Plan adds policies that encourage neighborhoods to preserve and develop distinct neighborhood character, engage locally on neighborhood enhancement projects, and improve communication with the city on sharing neighborhood-specific priorities, opportunities and concerns.

Neighborhood Area Planning

The city plans for different neighborhood areas through individual neighborhood area (subarea) plans. Subarea plans have been an important tool for addressing the needs and changing conditions of specific parts of the city. The neighborhood areas include changes to subarea boundaries to better reflect today's neighborhood areas and facilitate improved long-range planning for neighborhoods.

The Neighborhood Element adds policies to periodically update the neighborhood area (subarea) plans as conditions warrant. It promotes a planning process for individual neighborhood areas and provides the structure for policies that account for distinctive neighborhood character to develop over time. The City understands that not every neighborhood-specific concern is a city-wide issue. Some matters are best approached at a neighborhood-area scale, with awareness of a wider city context.

DRAFT

Attachment 2

NEIGHBORHOOD ELEMENT POLICIES

The Neighborhood Element policies below build from and add to the many neighborhood-directed policies found throughout the Comprehensive Plan. Policy direction found elsewhere in the Comprehensive Plan, while critical to neighborhoods, is not repeated here. See "Policy Connections" below for extensive references.

Goal Maintain and enhance the high quality of life in Bellevue's diverse neighborhoods.

New N-1. Maintain neighborhoods as safe and welcoming environments for everyone to enjoy.

New N-2. Promote community connections that strengthen the social fabric of neighborhoods, including support for local neighborhood associations, community clubs, community centers, school organizations and non-profits that invest in building community.

New N-3. Preserve and develop distinctive neighborhood character within Bellevue's diverse neighborhoods.

Update N-4. Provide programs and support for residents to make a difference in local neighborhood improvements. This includes ways to direct neighborhood enhancement projects, neighborhood identity signage, gateways, park enhancements, neighborhood art and maintenance of public right-of-ways.

New N-5. Provide venues for two-way communication with residents to listen and respond to emerging neighborhood opportunities and concerns.

New N-6. Support the capacity of local neighborhood communities to actively engage and respond to changing internal neighborhood needs and external stresses.

New N-7. Regularly track changes in demographics and neighborhood indicators to improve city responsiveness to changing conditions in neighborhoods.

Neighborhood Area Planning

New N-8. Periodically assess and update neighborhood area plans, and adapt plans to changing conditions.

New N-9. Update neighborhood area plans consistent with the planning boundaries shown in Figure __. For any given site, the 2014 Subarea Plan policies remain in effect until and unless they have been superseded by new planning area boundaries and policies.

New N-10. Use the neighborhood area planning process to engage local communities to define neighborhood area specific values and policies.

New N-11. Enable neighborhood-specific approaches to issues that may appropriately be addressed at a neighborhood area scale, while ensuring that this does not deter from meeting city-wide needs and responsibilities.

New N-12. Ensure Neighborhood area plans and policies are consistent with the other policies of the Comprehensive Plan.

DRAFT

POLICY CONNECTIONS

[This section is intended to guide the reader to other policies in the plan that relate to this element. This section may need refinement as this element draft progresses.]

Neighborhood issues are often citywide issues that are addressed throughout other elements of the Comprehensive Plan. In addition to policies focused on neighborhoods included in this chapter, neighborhoods are recognized in other parts of the plan, such as these elements:

The **Civic Participation Element** includes policies on engaging community input in land use decisions and commercial development (see CP2, CP3)
The **Land Use Element** includes policies about residential and neighborhood commercial uses, park opportunities, housing choices and maintenance, land use regulations, pedestrian connections, including support of neighborhood shopping centers (see LU1, LU14, LU19-LU27, LU32)
The **Urban Design Element** includes policies on streetscape designs, landscaping and maintenance of public arterials and right of way, neighborhood signage, and sidewalk enhancements (see UD44, UD60-64, UD66)
The **Parks, Open Space and Recreation Element** includes policies on distributing park and recreation opportunities, pedestrian connections, preservation of open spaces, manage forest resources, community centers (see PA4, PA6, PA13, PA17, PA33)
The **Housing Element** includes policies about housing quality, options and affordability. (see HO1-10, HO13-14, HO16-18, HO22, HO23, HO37)
The **Transportation Element** includes polices about connectivity within and among neighborhoods, discouraging cut-through traffic. (see TR113, TR115, cross reference TR-48 and TR49)
The **Economic Development Element** includes policies about the economic health of shopping centers and the quality of life of Bellevue neighborhoods. It also includes policies about schools. (See ED3,ED9, ED27-28)
The **Environment Element** includes policies about environmental and critical areas protection, conservation, public education, water quality, property owner environmental regulations (See EN1, EN5, EN9-16, EN)
The **Utilities Element** includes policies on public utilities, facilities, waste management, storm and surface water, water service, franchise agreements, telecommunications. (See UT…)

IMPLEMENTATION

[This section addresses how the policies are implemented, by pointing to specific city efforts. This will be fleshed out further as this element draft progresses.]

- Neighborhood Area Plan updates
- Neighborhood improvements through the city's Neighborhood Enhancement Program
- Neighborhood Outreach programs that increase neighborhoods' capacity for problem-solving
- Revitalization of Neighborhood Commercial Centers; city tools may include demonstration projects and land use incentives.

DRAFT

ATTACHMENT 3

Southern Downtown Boundary Analysis

Issue: Should adjustments be made to the southern Downtown Subarea Plan and zoning boundary?

INTRODUCTION

During scoping for both the Downtown Livability Initiative and the Comprehensive Plan Update, property owners along the southern Downtown boundary asked the city to examine the Downtown boundary location.

The Council included the issue in the major Comprehensive Plan Update work program, directing examination along the entire southern boundary extending from 100th Avenue to 108th Avenue. This is a somewhat jagged southern boundary organized along Main Street, and is irregular in comparison with the other Downtown boundaries established in straight edges along existing roadways.

The southern Downtown boundary is different. In some places it follows property lines, in others it splits property and buildings, and in still others it separates properties under common ownership. Sometimes it follows a street centerline and sometimes it follows the edge of the right-of-way.

This memo notes the genesis of the southern boundary, suggests review factors relevant to consideration of a potential boundary change, and then reviews the sites under consideration to recommend whether any changes are warranted.

BACKGROUND

History of the Existing Boundary

How did the boundary come to be? Today's southern Subarea boundary derives from the historical platting of the area south of Main Street, and by zoning decisions to define a growing business and commercial area developing in "old" Bellevue. The result treated Main Street as a *spine* rather than an *edge*, where the latter is typical for the streets defining the other Downtown boundaries.

The first modern zoning of the evolving city center can be traced to 1953, the year of the City's incorporation. As zoning changed so did the extent of the commercial district. By 1971 the commercial, business and office uses had solidified along Main Street and to the south. Rezoning in the area kept up in this decade as offices and apartments "layered up" approaching the southern edges of the commercial areas, and the intensification of uses was reflecting in the Downtown boundary.

Other factors germane to the boundary designation include responding to topography in some areas, desire for a straight line in some locations between Downtown and southern neighborhoods, and historical attempts to reconcile the Subarea boundary with parcel boundaries.

Comprehensive Plan Policy Framework

Policy S-SW-8: *Maintain the borders of the Downtown Bellevue Subarea as established by the 1979 Subarea Plan to prevent the spread of Downtown into adjacent residential neighborhoods.*

There is a strong public interest in having a stable and predictable boundary for the city center. This helps create a focused and planned approach toward growth, a hallmark of Bellevue's planning over the years. It also contributes to predictability for property owners in neighborhoods near Downtown, to avoid potential concerns about the spillover impacts of Downtown development.

Moreover, it is important to note that the City does not need to expand the Downtown boundary to have capacity to meet City growth targets. Bellevue has adequate land and zoning capacity to meet these regional targets within the established Downtown, Bel-Red, and other planning area boundaries.

Given the strong public interest in a stable boundary, any potential change should be considered very carefully, on a case-by-case basis, to determine whether there is a compelling need for a change that retains the policy intent of preventing the spread of Downtown into adjacent residential neighborhoods. Among other factors, the analysis should include whether the property can reasonably be developed in the manner envisioned by the Comprehensive Plan, and whether a boundary change would result in unintended consequences. Additional review factors are set forth below.

Sites Under Review

For purposes of this study, staff focused on those properties where the southern boundary splits property parcels and/or buildings, where it separates properties under contiguous ownership, and where property owners have raised specific boundary issues.

- In four cases (**Par 5**, **Surrey**, **Rodgers**, and **Forum)** parcels have split zoning—the zoning does not follow a property line. In two cases (**Rodgers**, **Forum**) the line also splits an existing building.

- In one case (**Tri-West Radford)** the boundary splits a building but does follow a property line. That line separates contiguously-owned properties. **Par 5** also separates contiguously-owned property.

- In one case (**Vander Hoek/Hogan)** the boundary contains no split buildings or parcels and is separately owned. It is being examined because it was proposed by a private party and is consolidated into this review.

Review Factors

Staff suggests evaluating the Downtown boundary location for the above sites through consideration of the following review factors. Given the solid case needed to justify any change to the Subarea boundary, staff would recommend a boundary change only in a case that meets a preponderance of the following conditions. These are in addition to the general Comprehensive Plan Amendment decision criteria set forth in LUC 20.30I.150.

1. *A change is needed for a property to reasonably develop consistent with the land use pattern envisioned in the Comprehensive Plan.*

Consideration includes physical characteristics of the site, such as size, topography and opportunities for access.

2. *A change would not have undesirable impacts on the quality or consistency of urban design.*

The question is whether changes in zoning standards such as setbacks, sidewalk and street frontage treatments would create an undesirable impact on urban design and character.

3. *A boundary change would result in a more logical and rational boundary.*

Any change should result in a boundary that is supported by an objective analysis of factors on the ground. Consistent with current practice, it should be more regular than the current boundary, and not result in new protuberances northward or southward.

4. *A boundary change has the support of affected property owners.*

City staff contacted each of the property owners to gauge their interest and level of engagement on the issue. A change in the boundary is a discretionary review, and should likely move forward only with the active support of the affected owner.

The specific circumstance of each case site are shown in separate tables in Attachments 3.3a-3.3f. These tables lay out both pros and cons for each site relative to the recommended review factors.

RECOMMENDATION

Staff recommends that a boundary adjustment should be made only for property meeting the review factors set forth above. Based on the analysis, one of the affected sites sufficiently meets these criteria: site 4, also known as the Radford property. Staff recommends amending the Downtown and Southwest Bellevue boundary to include the two Radford parcels within the Downtown Subarea. While some of the other parcels meet some of the criteria, other factors weigh against making changes at this time.

NEXT STEPS

The Planning Commission is asked tonight to consider whether any specific adjustments should be made for the southern Downtown Subarea Plan and zoning boundary. An initial direction could be incorporated into the public review draft of the Comprehensive Plan Update.

ATTACHMENTS

3.1 Vicinity map of entire Downtown Subarea
3.2 Southern boundary map with study sites highlighted
3.3a-f Review factors tables by site

Scale: 1 inch = 500 feet

Basis of Bearing: NAD 83 (2011)
Washington, North Zone

CBD AREA

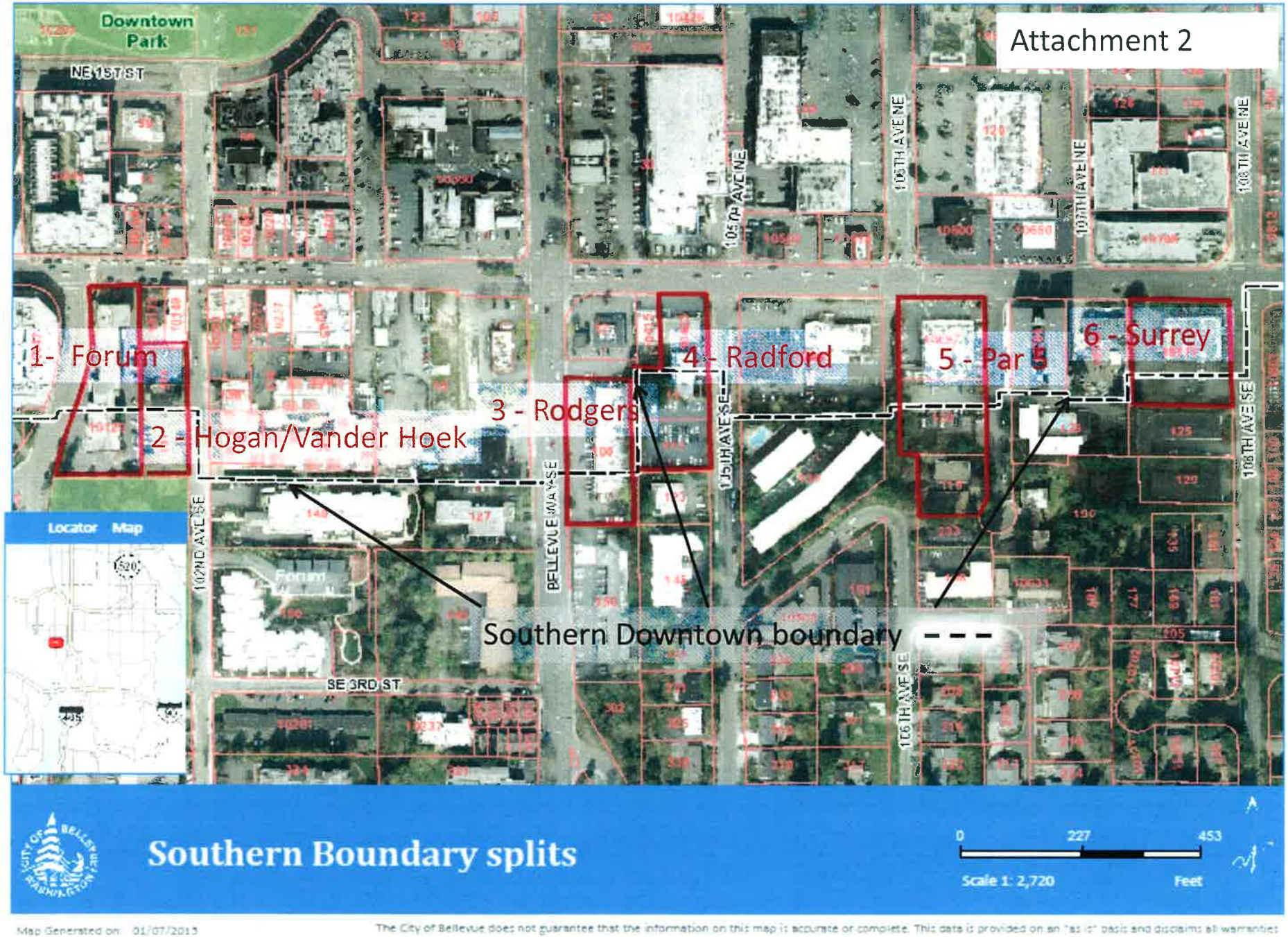
DEFINED BY ORD 2439

Secs 29&32, T.25 N., R.05 E., W.M.
King County, Washington

City of Bellevue
Civic Services Department

job. no.: 13081
date: 08/15/2013
sheet: 1 of 1
drawn by: SLB

ACAD File: 13081 COB ORD 239.DWG



Map Generated on: 01/07/2013

The City of Bellevue does not guarantee that the information on this map is accurate or complete. This data is provided on an "as is" basis and disclaims all warranties

Attachment 3.3a – **Forum 10129 Main St**

Move the Downtown boundary to the southernmost property line?		**1**
Zoning Split: DNTN-OB and R-30	Built in 1969; 0.96 acres and 29 existing residential condominium units and 5 ground-floor businesses	
Evaluation Factors	Pro (change the boundary)	Con (leave boundary as is)
A change is needed for a property to reasonably develop consistent with the land use pattern envisioned in the Comprehensive Plan	Consistent redevelopment of the site would be easier if the parcel was not split by the Downtown boundary. The site size, north-south shape and access from both 101st Ave SE and Main St suggest the potential for reasonable consistency.	The condominium ownership limits the likelihood of redevelopment. All 29 condo owners would need to agree to demolish and redevelop the property.
A change would not impact the quality or consistency of urban design	The higher building façade permitted under a change to Downtown zoning may be mitigated by the dense foliage in the northern park area.	Redevelopment would potentially present a more prominent building façade to the park contiguous to the south; the effect may be exaggerated by the downward sloping topography towards the park.
A boundary change would result in a more logical and rational boundary	The split designation was a result of historical circumstance; today's practice is to follow parcel boundaries where feasible.	The split used to be a property line. Adjustment would create an irregular "tooth" shape extending beyond the adjacent boundary.
A boundary change has the support of affected property owners	Owners expressed cautious awareness of potential redevelopment, indicating that their observations were based primarily on their impression of the Meydenbauer condo project across 101st Ave SE from them to the west. The building's property manager remains actively engaged on the issue.	Each of the condominiums is individually owned. Although there is a homeowners association, it has not taken a position, and no critical mass of ownership interest has been generated.

Attachment 3.3b - **Hogan-Vander Hoek 105 and 117 102nd Ave SE**

Move the Downtown boundary to include the southern property?		**2**
Zoning Split: DNTN-OB and R-30	0.38 acres – one existing business (Hogan - 105) and a parking lot (Vander Hoek - 117)	
Evaluation Factors	Pro (change the Downtown boundary)	Con (leave boundary as is)
A change is needed for a property to reasonably develop consistent with the land use pattern envisioned in the Comprehensive Plan	A boundary change would enhance the ability to develop the southern parcel with the same massing as the northern parcel, if also brought under common ownership.	The southern parcel is separately owned from the parcel to the north. The northern parcel's existing size and configuration are similar to nearby smaller properties that have successfully developed.
A change would not have an undesirable impact on the quality or consistency of urban design	With the boundary change, a consistent façade treatment along 102nd Ave SE could occur, with the building face and sidewalk developing similar to the existing development across 102nd Ave SE to the east.	Extends Downtown street frontage one lot along 102nd Ave SE closer to the park.
A boundary change would result in a more logical and rational boundary	Adjusting the southern property line at the park edge would be consistent with the linear boundary that already extends east towards Bellevue Way. However, the logic and consistency of this parcel's boundary is also related to the treatment of the Forum parcel, which has a similar interface with Wildwood Park.	The current boundary is consistent with the existing boundary to the west. The current boundary does not split a building, parcel boundary, or ownership.
A boundary change has the support of affected property owners	The southern property owner has been an advocate of adjustment through the use of the CPA process.	Staff has not heard from the northern owner.

Attachment 3.3c - **Rodgers 100 Bellevue Way SE**

Move the Downtown boundary to the southern property line?		**3**
Zoning Split: DNTN-MU and O		0.87 acres – one existing one-story retail business building
Evaluation Factors	Pro (change the Downtown boundary)	Con (leave boundary as is)
A change is needed for a property to reasonably develop consistent with the land use pattern envisioned in the Comprehensive Plan	Removing the property/building split would make the site more attractive to a unified redevelopment.	The portion of the parcel to the north, already included in the Downtown boundary, is of reasonable size for redevelopment under existing standards.
A change would not have undesirable impacts on the quality or consistency of urban design	Redevelopment would provide for a street frontage different from office property to the south but consistent with property being developed across Bellevue Way to the northwest.	Extending the Downtown boundary on one side of Bellevue Way would incorporate Downtown façade and sidewalk standards, creating conditions that are inconsistent with facing properties to the west.
A boundary change would result in a more logical and rational boundary	The current boundary splits the parcel and the existing building.	Extending the boundary to the property's extent south would create a 'tooth' that is not linear and would result in the furthest southern extent of Downtown.
A boundary change has the support of affected property owners	The owner is supportive of a change, has been responsive to inquiries and has kept informed about the project through contact and writing.	

Attachment 3.3d - **Radford 10423 Main St.**

Move the Downtown boundary to the southern property line of the commonly-owned property?		**4**
Zoning Split: DNTN-MU and O		0.91 acres – one existing one-story retail business building
Evaluation Factors	Pro (change the Downtown boundary)	Con (leave boundary as is)
A change is needed for a property to reasonably develop consistent with the land use pattern envisioned in the Comprehensive Plan	Extending the boundary would create the potential for greater and more unified development of the Radford property that would be consistent with other redeveloping property. The site slopes upward to the south. The overall site gains access from both Main St. and 105th Ave SE.	Each of the existing three properties could reasonably allow for redevelopment individually.
A change would not have undesirable impacts on the quality or consistency of urban design	The northern 2/3 of the site would redevelop consistent with redeveloping property across 105th Ave SE and would give coherent street treatment to 105th where it comes into Downtown.	The upward-sloping topography might exaggerate the perspective of building height from Main St. If moved to the southernmost property line, redevelopment would extend a Downtown façade and street treatment into the non-Downtown multifamily neighborhood.
A boundary change would result in a more logical and rational boundary	The current boundary is on a property line but is also through a building and separates the single ownership of these three lots. This is the only location of the Downtown boundary where it makes a northern jog between the boundary pattern to the east and to the west; changing the boundary would straighten the boundary line.	Current boundary has been in existence for many years.
A boundary change has the support of affected property owners	The owner was responsive to inquiries and has kept himself informed about the project through contact and writing.	

Attachment 3.3e - **Par 5 10697 Main St.**

Move the Downtown boundary on the currently split property to its southern property line?		**5**
Zoning Split: DNTN-MU and O	0.91 acres – one existing one-story retail business building and parking lot, one existing house	
Evaluation Factors	Pro (change the Downtown boundary)	Con (leave boundary as is)
A change is needed for a property to reasonably develop consistent with the land use pattern envisioned in the Comprehensive Plan	Adjustment would create a lot that is similar in size and location to other nearby redeveloping property. The site sits between unimproved 106th Ave ROW and 107th Ave ROW. The latter serves non-Downtown property at its southern end, but neither ROW connects to the neighborhood to the south.	The size of the northern area under single ownership is adequate to promote redevelopment.
A change would not have undesirable impacts on the quality or consistency of urban design	The owner hired an architect to explore design density options. The scale and bulk of such design could be consistent with the Main St. streetscape on properties which developed to either side of this one.	The upward-sloping topography at the south end, as translated into the calculation of permitted building height, may exaggerate the perception of building height from Main Street. Sensitive steep slopes are present. The site would extend Downtown façade and street treatment into the non-Downtown residential area.
A boundary change would result in a more logical and rational boundary	The middle parcel (not building) is split by the Downtown boundary.	The existing boundary forms a consistent east-west line at this edge of Downtown. Adjustment would create an inconsistent "tooth" shape extending farther south than the boundary east or west of this site.
A boundary change has the support of affected property owners	The owner was very responsive to inquiries and has kept himself informed about the project through contact and writing. He hired an architect to explore design density options.	

Attachment 3.3f - **Surrey 10777 Main St.**

Move the Downtown boundary on the currently split property to its southern property line?		**6**
Zoning Split: DNTN-MU and PO	1.48 acres – one existing one-story retail business building and parking lot, one existing house	
Evaluation Factors	Pro (change the Downtown boundary)	Con (leave boundary as is)
A change is needed for a property to reasonably develop consistent with the land use pattern envisioned in the Comprehensive Plan	Moving the boundary would allow the parcel to be redeveloped under the Downtown zoning as a single unified site. The site is a very slightly sloping corner property at Main St and 108th Ave SE.	The site could be redeveloped without a boundary change. There is no immediate redevelopment pressure.
A change would not have undesirable impacts on the quality or consistency of urban design	The site would extend Downtown façade and street treatment further south, helping define the gateway into Downtown from 108th.	Redevelopment would extend Downtown south along 108th, a major access for southern non-Downtown neighborhoods.
A boundary change would result in a more logical and rational boundary	The single property is split roughly three-fourths of its length to the south, thru a parking lot.	The split used to be a property line.
A boundary change has the support of affected property owners		The owner has not responded to contact by the city.

ATTACHMENT 4

Utilities Policy Follow-Up

With review of the Utilities Element the Commission identified two policy areas to return to. The Commission asked to continue to review changes related to policy UT-39, regarding the undergrounding of electrical distribution lines, and a new policy that supports seeking funding for undergrounding.

The Comprehensive Plan states, "While it is critically important to meet growing demand for electrical service and further develop the reliability of Bellevue's electrical system, it is also important to ensure that new and expanding electrical facilities are sensitive to neighborhood character." Policy UT-39 requires the undergrounding of new electrical and communication lines and existing lines when there is a change in intensity of use, such as a short plat. This policy is reflective of a long-standing community desire to work towards undergrounding of aerial lines as a means to address Utilities Element policy.

> Current version of Policy UT-39:
> *Require the undergrounding of all new electrical distribution and communication lines except that interim installation of new aerial facilities may be allowed if accompanied by a program to underground through coordination with the city and other utilities. Require the undergrounding of all existing electrical distribution and communication lines where a change in use or intensification of an existing use occurs, unless delayed installation is approved as part of a specific program to coordinate undergrounding of several utilities or in conjunction with an undergrounding program for several sites or when related to street improvements. Interim facilities should be limited to the aerial installation of a new line of 1/2" diameter or less.*

However, the current policy is seen as a hindrance to deployment of new telecommunication technologies. UT-39, which is focused on undergrounding of electrical lines, applies the same standard for telecommunication lines even though electrical lines are typically the controlling factor of whether and when to underground. Could the policy on undergrounding change to reflect an updated balance between encouraging access to high speed internet service and protecting neighborhood character?

Staff recommends decoupling telecommunications lines from the UT-39 policy to, 1) recognize that the undergrounding of telecommunication lines is a separate decision from undergrounding electrical distribution lines and, 2) to consider a number of policy changes to recognize both positive support for internet access while continuing to protect neighborhood quality. To manage this staff proposes both the following change to UT-39 and a new policy regarding telecommunication lines specifically. Please keep in mind that these policies work in conjunction with other Utility Element policies that address local impacts and electrical service.

> Proposed change to Policy UT-39:
> *Require the undergrounding of all new electrical distribution ~~and communication~~ lines except that interim installation of new aerial facilities may be allowed if accompanied by a program to underground through coordination with the city and other utilities. Require the undergrounding of all existing electrical distribution ~~and communication~~ lines where*

a change in use or intensification of an existing use occurs, unless delayed installation is approved as part of a specific program to coordinate undergrounding of several utilities or in conjunction with an undergrounding program for several sites or when related to street improvements. ~~Interim facilities should be limited to the aerial installation of a new line of 1/2" diameter or less~~.

Proposed new policy to address telecommunication lines:
Allow new aerial telecommunication lines on existing systems provided that they are designed to address visual impacts and required to be placed underground at the time of undergrounding electrical distribution lines.

The decision of how to pay for undergrounding existing lines involves many stakeholders. Recognizing this complex situation, staff also recommends a new policy that supports the city seeking new funding sources to address neighborhood impacts. The Commission questioned whether the policy as originally the proposed could be misconstrued to advocate for reaching beyond the city's appropriate role. There was interest in making the policy more oriented toward its intended outcome.

The original draft policy was:
Advocate for state legislation that provides for funding opportunities that help mitigate the neighborhood impacts of deploying electrical and telecommunications infrastructure.

A proposed revised draft policy to address the Commission's comments is:
Seek opportunities to mitigate the neighborhood impacts of deploying electrical and telecommunications infrastructure through new funding sources.

ATTACHMENT 5

Housing Policy Items

The Planning Commission has held several study sessions on housing policy and provided policy-by-policy direction on potential amendment. In review of the latest draft, staff identified several questions to confirm and two areas where staff missed gaps in the existing element.

HO-23

Originally, staff proposed an updated version of HO-23 as follows:

> *Staff proposed version: Encourage the development of affordable housing through incentives and by removing regulatory barriers.*
> *PC version: Encourage the development of affordable housing consistent with state-enabling legislation.*

The Commission expressed concern about a policy that could advocate for implementation that would be inconsistent with state law. However, the revised policy as recorded by staff removes specificity about how the city might act. A new alternative for the policy that attempts to address the Commission's concern could be:

> *Encourage the development of affordable housing through incentives and other tools consistent with state-enabling legislation.*

HO-25 and HO-29

These two policies addressed the distribution of affordable housing throughout the city. City policy has advocated for both providing affordable housing dispersed throughout the city and in Downtown. With growth of BelRed and other mixed use areas, staff recommended modifying policy to recognize those areas in addition to Downtown. And while, retaining the policy to address affordability throughout the city, emphasize Downtown and mixed areas, which will see the vast majority of housing growth in the next twenty years. The Commission had recommended to delete HO-29 seeing it as redundant to HO-25 and recommended shortening HO-25. Reducing redundancy makes sense. However, in light of removing HO-29, staff recommends considering a new version of HO-25.

> *Original staff proposed version of HO-25: Ensure that affordable housing opportunities are available throughout the city including multifamily and mixed use/commercial areas served by transit.*
> *PC version of HO-25: Ensure that affordable housing opportunities are available throughout the city.*
> *Staff proposed version of HO-29 Encourage new affordable housing Downtown and in mixed use centers planned for housing growth. (PC proposes to delete.)*
> *New staff proposal for HO-25: Ensure that affordable housing opportunities are available throughout the city <u>including Downtown and mixed residential/commercial areas planned for housing growth.</u>*

HO-37 and HO-41

These two policies address housing for people with special needs. In the staff proposal, updates to HO-37 appeared to make HO-41 redundant and was proposed to be removed. The

Commission concurred, but also suggested changes to HO-37 that change its scope. The combination of removing HO-41 and modifying HO-37 would create a gap without policy support for addressing special needs housing. The change makes HO-37 focused on the "reasonable accommodation" clause, which removes the act of working to address the needs of people with special needs. Staff recommends adding the words, "*Work to address the housing needs*" to the beginning of the version from the Planning Commission to address this gap.

> *Original staff recommended version of HO-37: Plan for and provide reasonable accommodation for housing for people with special needs. Provide in all areas and avoid concentrations of such housing and protect residential neighborhoods from adverse impacts.*
>
> *Planning Commission version HO-37: Provide reasonable accommodation for housing for people with special needs in all areas, and avoid concentrations of such housing while protecting residential neighborhoods from adverse impacts.*
>
> *New staff recommendation for HO-37: <u>Work to address the housing needs and</u> provide reasonable accommodation for people with special needs in all areas, and avoid concentrations of such housing while protecting residential neighborhoods from adverse impacts.*

<u>Surplus Land</u>

Surplus land is something that the current housing element does not address and was missed by staff in the original review of the Housing Element. Commonly, cities have policy that prioritizes looking at surplus public lands for potential housing. In light of Sound Transit's light rail project that may result in surplus public land, it could be valuable to add a policy to the Comprehensive Plan. Potential new policy language could be:

> *Evaluate surplus public land for use for affordable housing.*

<u>Seniors</u>

The plan does not address the housing needs specific to seniors and, as with surplus land, this was missed during the initial staff review. Previous discussions of senior housing focused on aging in place and resulted in a new policy that supports assisting seniors to stay in place. However, this doesn't address the need for housing types that accommodate seniors. Including an additional policy to this effect may be important as the city's demographic continues to get older. Potential policy language that is based on an example from Redmond is:

> *Encourage a range of housing types for senior affordable at a variety of incomes, such as independent living, assisted living, and skilled nursing care facilities.*

<u>HO-2a and HO-39</u>

Two other policies have proposed additional edits that would further clarify the language without changing the intent from the Commission's previous discussions. Policy 2a would add language about "housing type" to provide a more balanced definition of "affordable housing" by encompassing a variety of *types* and levels of affordability. Policy HO-39 would add "housing" to the language to clarify the broader definition of permanent and transitional housing in addressing homelessness. The following two policies are proposed to be revised as noted unless there is additional direction.

> *HO-2a. Promote a strategy to provide a diverse supply of <u>housing types and affordabilities</u> ~~affordable housing~~. Monitor amount, types and affordability of housing achieved.*

HO-39. Collaborate with other jurisdictions and social service organizations in their efforts to obtain funds and operate emergency ~~homeless~~ shelters, ~~and~~ day centers and housing that address homelessness.

City of Bellevue

MEMORANDUM

DATE: January 8, 2015

TO: Chair Laing, Planning Commission Members

FROM: Lori M. Riordan, City Attorney LMRior

RE: Open Meetings Act Training

On Wednesday, January 14, 2015, I will provide the Commission with a brief presentation on the Open Public Meetings Act, a Washington statute that applies to the work of public bodies such as the Planning Commission.

Background

During 2014 the Commission was briefed on the state Public Records Act and Open Public Meetings Act as these laws apply to the work of the Commission. Regular training is a recent requirement added by the state Legislature for local elected officials and their formal boards and commissions. The January 14 training is designed to supplement the training most recently provided to the Commission, and will focus exclusively on the Open Public Meetings Act and exceptions to the requirements of that law. Boards and Commissions do not generally have a need to participate in executive sessions, which are provided for in this statutory scheme, and therefore the training for these bodies has not been designed cover these sessions in any detail. Recent events, including commitments made by the City at the Planning Commission's retreat, and a planned executive session with the Commission late in 2014 have led to the conclusion that specific training on executive sessions and their purposes is called for.

I will make a brief presentation to the Commission, therefore, explaining the executive session provisions in state law, how they are applied, and how to cure violations of the Open Public Meetings Act when those occur. This training is consistent with the more detailed training generally provided to the City Council.

Planning Commission Schedule

January 14, 2015

The Bellevue Planning Commission meets Wednesdays as needed, typically two or three times per month. Meetings begin at 6:30 p.m. and are held in the Council Conference Room (Room 1E-113) at City Hall, unless otherwise noted. Public comment is welcome at each meeting.

The schedule and meeting agendas are subject to change. Please confirm meeting agendas with city staff at 425-452-6931. Agenda and meeting materials are posted the Monday prior to the meeting date on the city's website at:

http://www.bellevuewa.gov/planning-commission-agendas-2014.htm

Date	Tentative Agenda Topics
Jan 28	Comprehensive Plan Update
Feb 11	TBD
Feb 25	Joint Meeting of Boards and Commissions
Mar 4	Potential Public Hearing on Comprehensive Plan
Mar 11	Comprehensive Plan Deliberations
Mar 18	Comprehensive Plan Deliberations

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

September 10, 2014 Bellevue City Hall
6:30 p.m. City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Laing, Commissioners Carlson, Hamlin, Hilhorst, Tebelius, Walters

COMMISSIONERS ABSENT: Commissioner deVadoss

STAFF PRESENT: Paul Inghram, Nicholas Matz, Department of Planning and Community Development; Mike Bergstrom, 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 Laing who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Carlson, who arrived at 7:11 p.m., and Commissioner deVadoss, who was excused.

3. PUBLIC COMMENT - None

4. APPROVAL OF AGENDA

A motion to amend the agenda by moving item 7.C ahead of 7.B, and 8.C ahead of 8.B, and to add an additional public comment following item 8.D, was made by Commissioner Hilhorst. The motion was seconded by Commissioner Hamlin and it carried unanimously.

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

6. STAFF REPORTS

Comprehensive Planning Manager Paul Inghram reported that following its August break the City Council held a study session on the Shoreline Master Program, and took up the one Comprehensive Plan amendment application and directed that it come back to the Commission for final review. The staff also provided the Council with a brief status report concerning the Comprehensive Plan update process.

8. PUBLIC HEARING

A. Horizon View Rezone

A motion to open the public hearing was made by Commissioner Tebelius. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

Senior Planner Nicholas Matz said the legislative rezone was initiated by the Council in response to requests from property owners in the recently annexed Horizon View area. The property owners expressed concerns regarding recent short plat activities in their neighborhood. Their concern centered on the current R-3.5 zoning and its 10,000-square-foot minimum lot size could enable an increase in short plat activity that is incompatible with the existing neighborhood character. The roughly half-acre average lot size in Horizon View A with views to and from the lots accounts for the existing neighborhood character.

Such rezones are viewed through the legislative process. In initiating the rezone the Council noted an issue of fairness in assuring that all three recently annexed neighborhoods could make a reasonable examination of their zoning and its appropriateness. The Councilmembers were clear that initiating the process would allow for a review of the merits of the proposal, and that their action did not presume approval or denial of the rezone.

The Process IV approach involves a public hearing before the Commission and a recommendation to be transmitted to the Council for action. The Council will make its decision based on the record. A State Environmental Policy Act (SEPA) Determination of Nonsignificance has been issued.

Mr. Matz said the staff were recommending approving of the proposed rezone from R.3.5 to R.2.5 for the 79 lots in Horizon View A. Both R-3.5 and R-2.5 are consistent zoning designations for the underlying single family designation, thus the proposal is consistent with the Comprehensive Plan. The neighborhood has urban infrastructure in place by way of streets, water and sewer connections, and generally the city sees infill development as desirable. However, what appears on its face as a decrease in potential redevelopment is obviated by the fact that the potential never really existed in the first place; the rezone will in fact protect the neighborhood by encouraging existing levels of development. Growth will still be accommodated under the R-2.5 zoning. The proposal is consistent with the Land Use Element and the Newcastle subarea policies.

Staff have concluded that the proposed rezone bears a substantial relationship to the public health, safety and welfare. The proposal does not trigger a need for new public facilities.

The staff also believe the rezone is warranted because the proposed zoning classification is appropriate for reasonable development of the properties. Public opinion is strongly aligned with the finding of the staff with the exception of a Mr. Dworsky whose written submittal opposed the proposed approach. The lot sizes in Horizon View A are somewhat smaller than those in the Hilltop and Horizon View C developments. The existing public sewer in Horizon View A does distinguish the area from the individual septic systems that dominate in the other two developments, yet all three areas share similar view characteristics and all three are urban areas. The city has established the R-2.5 zoning based on the current development pattern and on what is in the Comprehensive Plan. Mr. Dworsky's concern about preventing redevelopment of the sites is difficult to argue across the broad expanse of Horizon View A; there are only two lots that are vacant, and one of them is too small to take advantage of the minimum lot size for either R-2.5 or R-3.5, and the other is big enough it could be split under either zoning.

Mr. Matz said the staff concluded that the rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property, which would be the surrounding developments of Horizon View C, Hilltop, Eaglesmere and Sommerset.

The rezone has merit and value for the community as a whole. The city has concluded that the tenets of the Growth Management Act continue to be met citywide. Mr. Dworsky has voiced a concern about not being able to meet the growth management targets on the 79 lots in Horizon View A. Rezones of the type proposed are consistent and recognize the rezone as a tool for neighborhood character. The Growth Management Act allows for selectivity in allowing where growth should occur. It is not necessary to meet every tenet of the Act across the entire city. The Act does not demand that all growth be available all the time; that is in fact why growth is concentrated in certain areas of the city.

Commissioner Tebelius said she read all of the comments sent in by landowners in the Horizon View A neighborhood and noted that only two property owners have conveyed comments opposed to the proposed rezone.

Mr. Robert Thorpe, 2737 SE 27th Street, Mercer Island, complimented the staff on their very thorough and supportable report. He noted that in zoning matters the applicant has the burden to make the record. He said his staff at Robert Thorpe and Associates analyzed 20 city goals in the Comprehensive Plan and two goals Growth Management Act. Of the 20 city goals, the conclusion reached was that more half were found to be highly compatible with the proposal. Two or three of the goals were found to be subjective and each of them deals with density in neighborhoods. Under the Growth Management Act the city has the opportunity to put density in the downtown and other activity centers. The proposed rezone is timely, needed to protect the neighborhoods, and is compatible with the Comprehensive Plan. As such the proposal should be supported. In addition to the two vacant lots, however, there is the possibility of a developer purchasing developed large lots and either short platting them or constructing very large homes on them. Renton, Kirkland and Mercer Island are all looking at protecting neighborhood by reducing density much as the Horizon View A proposal seeks to do. The Commission was urged to support the conclusion of the staff and approve the proposed rezone.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Mr. Greg Rossellini, 15011 SE 51st Street, spoke as president of the Horizon View Citizens Association. He said the proposal will positively affect the neighborhood and the city. Horizon View A is an older community with more than 50 homes, all of which have a similar character and lot size. Those in the audience who live in Horizon View A were asked to stand and be recognized. He noted that Horizon View C was similarly rezoned at the time of its annexation, and he submitted to the Commission a letter from the Hilltop neighborhood in support of the proposed rezone to R-2.5.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Mr. Ken Clark, 14860 SE 61st Street, said the Horizon View A neighborhood is 63 years old and many who live in the neighborhood have been there for almost that long; the average resident has lived there for about 35 years. The proposed rezone was triggered by a short plat action a

developer attempted in order to tear down a house and divide the lot. A total of 59 neighborhood residents went on record as opposing the action. Comments have been made about the uniqueness of Horizon View A given that the Horizon View C and Hilltop neighborhoods are still on septic tanks and drain fields; at some point in the future those neighborhoods are going to have to face the reality of connecting to sanitary sewer. He thanked the staff for understanding and supporting the cause of the neighborhood.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Mr. Mike Dworsky, 5079 145th Place SE, said the lot he owns in Horizon View A did not have an address until the city annexed the neighborhood two years ago. The lot was purchased by his parents in 1941. He respectfully opposed the proposed rezone from R-3.5 to R-2.5 for the exact same reasons the city used to approve a short plat in Horizon View just a few months ago and which represents a perfect example of infill development. He said during the time his lot was in the jurisdiction of King County the zoning was R-4 and it could have been short platted; annexation into the city included no comparable zoning so R-3.5 was chosen, ending the possibility of short platting the site. The Comprehensive Plan, the Newcastle subarea plan, the Puget Sound Regional Council Vision 2040 plan, and the Growth Management Act all are aimed at accommodating growth. Without infill development, there will not be any growth. The homeowners association, with is volunteer only, does not represent all of the property owners, many of whom do not want change in the neighborhood, only a change in the zoning. He said he was not asking for change either, only to retain the current zoning. When the lot was acquired by his parents the adjacent land was all forest extending all the way to Somerset. He said he and his brother often hiked through the woods that has for the past 35 years been developed under R-5 and R-3.5 zoning. Bellevue's population has doubled since then but many in the neighborhood refuse to acknowledge that and are unwilling to accommodate growth in their backyard. Bellevue is a beautiful place to live, largely because the planning department has made good decisions over the years. The proposed rezone, however, if approved will not be a good decision. The city should respect the zoning laws that were in place when the property owners purchased their sites, and should retain a zoning designation that is at least close to what was in place under King County. Changing the zoning to a lesser density is contrary to and contradicts the state's Growth Management Act; it may benefit local residents but will effectively penalize all residents of the area relative to their right to develop their properties. With the possibility for infill development, property values will be higher. The Comprehensive Plan states that for older neighborhoods that are not seeing as much private reinvestment, the city may encourage and work to promote investments that add vitality and that are compatible with neighborhood context. Horizon View is seeing that investment thanks to the short plats, but the proposed rezone will stop it cold.

Mr. John Beck, 14557 SE 51st Street, said he has lived in his home for 20 years. He spoke in favor of the proposed rezone. He said he loves the view and the amenities the neighborhood has to offer. He said he and many others want to live there until they die and do not want to see the neighborhood change.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Mr. John Seethoff, 5211 150th Place SE, said he is a relative newcomer to the neighborhood, having been in Horizon View A for just over a year. He noted, however, that what attracted him

to the neighborhood is its character. He said his family moved to the Newport Hills area when he was only seven at a time when there was ample opportunity to walk through and enjoy the forest. There was at that time no Coal Creek Parkway and I-405 was actually a two-lane road. Developed has clearly occurred since then. The question is what is appropriate development. Infill is not required everywhere and there are a variety of opportunities to increase density in Bellevue. It is simply not necessary to have density added to the Horizon View A neighborhood, which could only occur by tearing down a home that is consistent with the neighborhood, splitting the lot into two, and bringing in more density and more traffic, all of which would substantially change the character of the neighborhood. The proposed change is consistent with what has historically existed; it certainly is consistent with the broader neighborhood that surrounds the proposed rezone area. He noted his support for the proposed rezone.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Ms. Katie Phillips, 5001 145th Place SE, said she has lived in Horizon View A for ten years. She said she chose the neighborhood because of its unique characteristics, including the fact that it feels like a pocket of the country close in to the city. The proposed rezone will serve to maintain the character of the neighborhood, something the city sees value in.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

A motion to close the public hearing was made by Commissioner Tebelius. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

C. Camp and Conference Center

A motion to open the public hearing was made by Commissioner Tebelius. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

Principal Planner Mike Bergstrom said the proposal involves the creation of a new land use district in the Land Use Code called Camp and Conference Center. The privately initiated Comprehensive Plan amendment was filed by the Sambica camp in 2008. The new designation was approved by the Council in 2009 along with supportive policies that speak directly to the Sambica site; those policies are housed in the Newcastle subarea plan. Their action, however, only created the basis for the creation of a new land use district. The next step is to actually create the new district. If anyone then wants to take advantage of it, they will need to go through the rezone process.

The Commission worked on the issue in 2010 and 2011 without a great sense of urgency. It was picked up again in June of 2014. The Commission concluded the issue was ready to proceed to public hearing.

Mr. Bergstrom said staff met with the East Bellevue Community Council for a courtesy hearing. On the strength of a 5-0 vote, the Community Council indicated its support for the new land use district. Should the Commission recommend approval, the recommendation will be forwarded to the Council and will in due course loop back again to the East Bellevue Community Council for a final public hearing and action.

The key elements of the ordinance are the allowed uses, the establishment of procedures for review, including a master development plan and design review for the Sambica site, and standards for the district, including dimensional, landscape and other development standards, along with building and site design guidelines.

Mr. Bergstrom reviewed with the Commission the map of the Sambica boundaries and where the Comprehensive Plan would apply the land use designation. He noted that the East Bellevue Community Council had some reaction to the map and suggested that the single family area in the center should have been included. The Commission and the Council are charged with geographic scoping and because the single family lots have homes on them it was deemed inappropriate to expand the boundary to include the lots.

Mr. Bergstrom said following the public hearing the Commission would be asked to recommend approval, approval with modifications, or denial of the proposed ordinance.

Commissioner Hilhorst asked why the shoreline area was not included in the proposal. Mr. Bergstrom said the Land Use Code designation established by the Comprehensive Plan stopped short of the shoreline properties. Sambica does own some property within the shoreline jurisdiction. Commissioner Tebelius said it was her understanding that Sambica does not in fact own land in the shoreline and that the land it uses is owned by private property owners who allow the camp to use the shoreline area. Mr. Bergstrom suggested seeking clarification from the Sambica representative.

Answering a question asked by Commissioner Tebelius about the language allowing for a small retail component, Mr. Bergstrom said the language came out of the Council process. The intent is to allow for a small bookstore or retail shop for the benefit of those attending or working at the camp. The language cannot be interpreted to include a restaurant use.

Commissioner Tebelius noted that she had previously objected to the requirement for the city to approve the architectural design of buildings at the camp. Mr. Bergstrom said there is a design review requirement but no requirement for the city to approve final architectural designs. Design review is a public process the city employs to make sure buildings comply with all the standards in the code.

Commissioner Carlson asked how much time the design review process will add to gaining approval for an application. Mr. Bergstrom said the process would be merged with the master development plan. Design review typically takes six to nine months. The process is not use-driven and there are exemptions allowed.

Ms. Lori Cress, 4013 176th Avenue SE, said her home is located adjacent to the Sambica camp. She said as a former camper and current neighbor of the camp and member of the Sambica board of directors, she asked the Commission to support approving the proposed zoning code amendment. Approval of the amendment will solve ongoing zoning issues faced by the camp. She pointed out the persons in the audience who were in support of approving the proposed ordinance. She submitted a written statement in support of the amendment.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Ms. Kari Nakamura, 4115 West Lake Sammamish Parkway SE, said Sambica is located adjacent

to her property. She gave her full support to the proposed amendment. She said she loves hearing the happy sounds of children emanating from the fun and happy place that is Sambica. She submitted a written statement in support of the amendment.

Mr. Richard Nakamura, 4115 West Lake Sammamish Parkway SE, said his views were included in the written statement submitted by his wife. He agreed that it is wonderful to have Sambica located next door, to hear the happy sounds of the children, and to see the happy faces of the parents as they drop off their children.

Ms. Dee Reif, 17834 SE 40th Place, said her home is three doors down from Sambica. She said she has lived there for six years and her daughter has attended the camp for the last five years. The camp is a wonderful asset to the neighborhood. She gave her full support to the proposal. She also said kudos are due to the camp directors who always make good decisions for the campers and for the neighborhood. She submitted a written statement to the Commission.

Ms. Julie Resseck, 17840 SE 40th Place, said in her professional life she runs a big agency and in her private life makes time for the Make A Wish Foundation. The importance of a good and happy place for children cannot be overstated, and that is what Sambica is. She said she has two boys that go there and friends that send their kids to the camp. The camp has a positive impact on the children who attend; it is a place for the kids to be happy and to unplug. The community at large benefits by having the camp essentially in its backyard. She noted her full support for the proposed amendment and submitted a written statement to that effect.

Mr. Matt Wimmer, 17815 SE 40th Place, said he serves as the executive director for Camp Sambica. He submitted a written statement on behalf of the camp and a written statement from the Strandvic neighborhood which surrounds the camp. She said she recently met with a counselor from a local school who talked about her concerns relative to an increase in the number of young persons attempting to take their own lives, which is tied to an increase in incidents of depression. She talked about Sambica as being a place where children are loved by those at the camp and by God, who loves them just the way they are. She said the camp creates community. He said Sambica has been overwhelmed by the support offered by the community. The camp had a record summer in 2014 with 2733 campers served. That number, however, pales in comparison to the number of lives impacted by service work done throughout the year. The proposed amendment will allow for taking care of the gem that is Sambica. With regard to the shoreline question, he said the camp has a permissive use agreement with Strandvic that goes back to before 1919. Under the agreement, the camp and the neighborhood share the shoreline.

A motion to close the public hearing was made by Commissioner Tebelius. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

B. Room Rental Code Amendment

A motion to open the public hearing was made by Commissioner Carlson. The motion was seconded by Commissioner Tebelius and it carried unanimously.

Mr. Bergstrom noted that the Commission has had a number of study sessions on the room rental issue. The issue was first raised as a concern by residents of the Spiritwood neighborhood but has since been highlighted as a concern by other neighborhoods in the city. What the residents are opposed to is the business model of purchasing a single family home and then as absentee landlords renting out individual rooms to individuals who have no real relationship to each other.

Mr. Bergstrom said feedback from the Commission and the public regarding an earlier draft of the regulations triggered the need to create a new draft, which is the current proposed draft. A courtesy hearing was held by the East Bellevue Community Council; questions were asked and answered but no changes to the proposed ordinance were suggested. If approved, the ordinance will apply citywide.

The city has been operating under interim regulations since September 2013. By state law emergency interim regulations can be adopted but only for a period of six months unless extended following a public hearing before the City Council. The interim regulations have in fact been extended twice to date and will remain in effect until March 2015 unless permanent regulations are put in place or if they lapse and must be extended again by the Council.

The Land Use Code has a definition of family that refers to any number of related persons or up to six unrelated persons. The way it is applied, however, is that any number of related persons counts as one toward the maximum of six. Another group of unrelated persons could count as one as well, so while there may be many bodies in the house, for purposes of compliance with the Land Use Code there would be only two in the house, and so forth until the maximum number of six is reached. The interim regulations lowered the maximum from six to four, and include a provision to go beyond four provided a group can show they live as a functional equivalent of a family. The standard is subjective and is not easy to apply.

The draft ordinance focuses on the primary issue, which is multiple adult individuals that otherwise have no relationship to each other occupying a single family house. There are a number of provisions that allow homeowners to rent out single rooms for a variety of reasons, and those provisions are kept intact under the proposed ordinance. The proposed ordinance calls a rooming house any single family home that is not owner-occupied that is used for the purpose of renting out individual rooms and allows the use only when all applicable standards are met. Under the proposed ordinance, the rooming house use would not be permitted in a single family district, only in multifamily or mixed use districts. The definitions of bed and breakfast and boarding house uses are revised by the ordinance to indicate that they are owner-occupied establishments. The ordinance also clarifies the definition of family to say there can be up to six people unless all are related. The functional equivalent concept has been removed. The Land Use Code has historically said that a family lives together as a single housekeeping unit, but has never defined what that means, so the proposed ordinance includes a definition. Leases that do not conform with the new ordinance but which were legally established will be given time to lapse; leases not legally established will have no legal right to continue.

The proposed ordinance would require rooming houses to be located in single family dwellings but not in single family districts. The use could be a transitional use in an area such as Bel-Red that has single family homes but which is likely to redevelop over time. The ordinance limits the number of rooms that can be rented to four and the total number of tenants to five. All rooms for rent must be legally established bedrooms. A local owner, landlord or registered agent must be identified, and there must be legal on-site parking equal to the number of bedrooms rented. Provisions for exterior property maintenance and refuse collection are included. The use must also comply with the noise and nuisance laws as well as all health and safety codes. The owner, landlord or registered agent is the person who would be responsible in any civil violations.

The East Bellevue Community Council conducted a courtesy public hearing in August and had a few questions for clarification, but no changes were proposed. The Community Council

indicated its support for the ordinance.

Mr. Bergstrom said the comments received to date by orally and in writing have been overwhelmingly in support of the draft ordinance. A lengthy email received recently was from a person who is not in favor of the ordinance; the view espoused was that the proposed ordinance in some respects is discriminatory in the sense that it could be more restrictive in situations where there are non-married couples. Where there are related persons living as a family, there could more than six in a home, whereas non-married persons living in a home could not exceed six.

Answering a question asked by Commissioner Hilhorst, Mr. Bergstrom explained that the maximum number of unrelated persons living in a single dwelling without the owner living on site under a single lease would be six. He also explained that all parking areas must comply with the code requirements. There are greenscape requirements for front yards that prevent the mere paving of a front yard from side yard to side yard.

Commissioner Tebelius asked how the ordinance, which would allow six unrelated persons to share a single family house in a single family neighborhood provided there is a single lease, addresses the concerns of the neighborhoods. Mr. Bergstrom said the overriding concern of the neighborhood was rooms being rented to people who did not even know each other and who had nothing in common other than renting rooms in the same house. The limit of six has historically been on the books for some time and ties in nicely with both state and federal laws, making it easier to administer.

Ms. Cheryl Zettler, 1821 155th Avenue SE, said she has lived in her Spiritwood home since 1973. She said she appreciates the difficulties associated with defining things like family, self-identified groups, rooming house, and single housekeeping unit. She said the proposed ordinance is a positive step toward closing loopholes, but pointed out that some are not addressed. In her single family neighborhood there is a monstrous home built with six tiny little bedrooms that are being rented out to six individuals; the home was achieved through subterfuge and misrepresentation. The proposed ordinance prohibits that, but even so six unrelated persons could agree to rent the house and live in it provided they self-identify as a group. What that means is unclear. A rock band working as a self-identified group could lease the house under a single lease and live there. Each person could have a large car or truck and it all would be legal. A family could conceivably be six college students, some of whom have kids, or handicapped individuals. The kids or the handicapped persons would not count toward the limit of six, thus a single home could be occupied by a slew of people under a single lease. Any number of those persons could have cars parked all over the place and the impact on the neighborhood would be substantial. The definition of rooming house is good, but it appears the tenants would be completely exempt from civil penalties for breaking civil laws. The landlord is totally responsible. The language of the ordinance should be revised to make the tenants fully and jointly responsible for certain violations caused by the tenants.

Commissioner Carlson asked Ms. Zettler if a landlord would tend to be a bit more selective if he or she was held to be 100 percent responsible. Ms. Zettler reiterated her desire to see the landlord and the tenants be held fully and equally responsible.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Mr. Greg Zettler, 1821 155th Avenue SE, said he will favor anything that can be done to prevent abuses in single family zones. He said everything possible should be done to put teeth into the permanent regulations. It should be made economically difficult for persons to commercially exploit properties in single family zones. A number of restrictions should imposed on parking, including covered, locked, no cars on the street, or no cars in a driveway.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Mr. Steven Fricke, 14430 SE 19th Place, said Mr. Bergstrom had done a good job of addressing the history of the issue and outlining the Commission's task, which is to advise the Council about a rule regarding room rentals. Over the months of study there has been talk of college kids renting rooms in homes, and nothing was found wrong with a group of people banding together to rent a house. Many college kids choose to go that route. He said in his neighborhood there is a group of soccer players from Bellevue College who rent a house as a unit, not as individuals. It does not happen all that often and is not really a problem. It would be totally unfair to make tenants responsible for the rental activities in a house. Those who choose to rent a single room in a house are generally not well educated, do not know the laws, and it would be unfair to put such pressures on them; the pressure and responsibility should rest with the landlord. There are already codes in place relative to parking and nuisances. The proposed ordinance does not address those issues, nor should it. The use should not be viewed in isolation; it should be viewed with the entire code in mind. By disallowing single room rentals in single family areas the ordinance strikes at the heart of most of the problem.

Mr. Bart Goff, 421 155th Place SE, said there are 23 houses on his block. He said prior to moving to Bellevue he lived in Queens, New York, in an apartment building that had 83 units and served as chair of the housing committee and worked as a housing counselor under the Fair Housing Act for a non-profit agency. He said he now deals with homeowners and is in complete agreement with them about the need to disallow single room rentals. What remains to be seen is how serious the city will be in upholding the permanent regulations, what the oversight process will be, and if the city will interact with the banks and insurance underwriters for homes used as rooming houses. Banks generally include a good repair clause that spells out who is responsible to keep the building in good condition. He said he has heard that if college students living in a home throw a party and trash the place, their parents are actually responsible under their own home ownership. With regard to leases, there should be some distinction about how long they will run and where they will be registered. It should also be investigated whether or not the regulation will have a rider that will go onto insurance policies and mortgage documents. Careful consideration needs to be given to whether or not the proposed ordinance will be able to withstand charges by homeowners that the city is restraining their trade.

Mr. Steve Kasner, 1015 145th Place SE, said he would like to see the ordinance restrict the maximum to four unrelated persons. He noted that the East Bellevue Community Council did not see Mr. Bergstrom's chart outlining what is permitted and what is not. The Community Council is in a difficult position in that it cannot amend ordinances, it can only approve or disapprove them. A decision to disapprove the ordinance would leave the Spiritwood community totally unprotected. Compliance with the ordinance is predicated on complaints which on its face causes neighbors to come after neighbors. The city's current compliance staff may not be able to handle all of the complaints once the ordinance goes into effect. Hundreds if not thousands of properties will be out of compliance. Whatever gets put in place will have to work for the community and the neighborhoods. The monster house that started the ball rolling

obviously supports more than four residents and it is unclear what the penalties will be for being noncompliant.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Mr. Ron Merck, 14824 SE 18th Place, said it was his understanding that the ordinance was going to limit the maximum number of persons allowed to live in a house to four. He said his preference would be to set the limit at three. He agreed that if the regulation is not gotten right, including some teeth, the East Bellevue Community Council will be put in a nebulous position along with the Spiritwood area.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Ms. Barbara Benson, 14405 SE 117th Street, agreed with Mr. Fricke and with Mr. Kasner. The ordinance allows time for homes that will be noncompliant to become compliant, but there are no conditions or rules about that. Once the permanent ordinance goes into effect, the emergency ordinance will be gone, and that could mean going back to filling up houses with single room renters. She said there should be a limit on the number of people who currently live in houses, and as renters leave no one should be allowed to take their place. Certainly no new uses should be allowed to start during the step-down process.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Ms. Wei Cai, 14403 SE 19th Place, voiced her appreciation for the work of the city staff, the Commission and the Council for the work done to date. She agreed with Mr. Kasner about the need to get it right. She agreed that rooming houses should not be allowed in single family zones. That is a key point in helping to solve the problem. If there are loopholes, they should be closed.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Mr. David Pater, 1614 144th Avenue SE, said his neighborhood has been working cooperatively with city staff, the Commission and the Council since before June 2013. He concurred with the statements made previously and supported the proposed ordinance, and agreed that not allowing the rooming house use in single family neighborhoods is the single most important element. The city has clearly listened to the residents of Spiritwood along with the residents of other concerned neighborhoods. He said he has lived across the street from a rooming house since September 2013. Between September and April there were between six and eight people living in the home, each with a vehicle; one person had two vehicles and a camper trailer. While those living in the house were good people, the use was inappropriate for the single family neighborhood and there were cars parked everywhere. In April the landlord kicked everyone out and the house sat vacant for a month and a half. Currently there are only three or four people sharing the house and things are far more tolerable.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Ms. Betty Hassen, 2618 169th Avenue NE, said she opposed any approach that will allow for multiple rental dwellings. Single family homes should be for single families. Bellevue is not the University district where there are large old homes that people have turned into rooming houses. There is a situation in her neighborhood near Interlake High School in which a rental home is operating, complete with a sign on a tree that advertises a room to let. There are about four cars parked on the sidewalk and it demeans the neighborhood. There are several homes in the neighborhood that are rented to single families, and that is perfectly acceptable. She said a friend lives near Phantom Lake near a home in which six Bellevue College students are living. There is no garbage service. Each resident has a car, but often there are more cars because friends come to visit. The Commission should consider banning rooming houses entirely.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Ms. Mary Ibeck, 14423 SE 17th Street, concurred with the statements made by her neighbors. She said there are 15 young children in the part of the neighborhood where she lives. When there are a lot of cars and a lot of young people driving, it is dangerous. The city should act to protect the children by keeping single family homes for single families.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Ms. Betsy Hummer, 14541 SE 26th Street, said she serves as a member of the East Bellevue Community Council. She expressed support for the work being done by the Commission. She said she is most concerned about enforcement and getting the word out about the regulations once they are adopted. It would be discriminatory to allow six people to live in a house where a homeowner is limited to renting out only two rooms in the home he or she lives in. Some daylight basement homes have as many as four or five bedrooms that could be rented out by a homeowner. It will be problematic to enforce the ordinance by complaint only, making it necessary for neighbors to call out neighbors. It should be made clear what the penalties will be, and they should be detrimental to anyone wanting to buy a house for the sole purpose of renting out single rooms.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Mr. Glenn Extor, 3470 162nd Place SE, said a home on his street is being used for individual room rentals. He said at least five are living in the house and there are five cars parked on the street. He said he was opposed to allowing for individual room rentals. If allowed, four would be better than five or six. The interim ordinance currently in effect is not being enforced, so there is some question as to what will happen down the road once the permanent ordinance goes into effect.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Mr. Al Larson, 1647 152nd Avenue SE, commented that it appeared a lot of effort had been put into trying to define a number of different things. For most older people, single family homes have been occupied by single families, and it has not been necessary to define boarding houses

and rooming houses. The best approach would be to strictly define what a single family home is and make that the overriding rule.

Chair Laing noted a large number of hands raised by members of the audience in support of the comments made.

Mr. Jerry Hughes, 10231 44th Place SE, said he did not want the Commission to lose track of what is important. The city already has ordinances on the books and the proposed ordinance is a huge improvement on them. It may not be perfect but it is a big step forward. Once the ordinance becomes the permanent ordinance it still can be changed if necessary.

A motion to close the public hearing was made by Commissioner Carlson. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

D. Clean-Up Code Amendments

A motion to open the public hearing was made by Commissioner Carlson. The motion was seconded by Commissioner Hilhorst and it carried 4-1, with Commissioner Tebelius voting no and Chair Laing abstaining.

There were no members of the public present to address the Commission.

A motion to close the public hearing was made by Commissioner Carlson. The motion was seconded by Commissioner Hamlin and it carried unanimously.

BREAK

8. STUDY SESSION

A. Horizon View Rezone

A motion to accept the recommendation of the staff to change the zoning from R-3.5 to R-2.5 was made by Commissioner Hilhorst. The motion was seconded by Commissioner Carlson and the motion carried unanimously.

C. Camp and Conference Center

A motion to recommend approval of the Camp and Conference Center land use district was made by Commissioner Tebelius. The motion was seconded by Commissioner Carlson and it carried unanimously.

B. Room Rental Code Amendment

Commissioner Carlson commented that during the break he asked staff why the limit was moved back to six from four and was told the understanding was that the Commission wanted it that way. He said he did not believe that was in fact the desire of the Commission and he suggested moving it back to four. He also asked what the penalties are for noncompliance with the ordinance, noting that if the penalties do not have sufficient teeth they will essentially become a tax. Mr. Bergstrom explained that Chapter 1.18 of the Bellevue city code lays out the penalties for civil violations. He noted that the penalties apply to a number of different codes and can be

very hefty. Once a complaint is lodged, an investigation is carried out to determine if there is cause for further review. Where code compliance staff identifies a violation, they first attempt to achieve voluntary compliance. If that does not work, the issue is brought before the hearing examiner whose decision is appealable to court. Once they get to that point the monetary penalties begin to build beginning with $100 for the first day, jumping quickly to $200 per day and so on. A case several years ago had penalties amounting to several hundred thousand dollars; it went all the way through the appellate court and was upheld. He said he was satisfied that the penalties for noncompliance will have deterrent value, but allowed that no matter how the ordinance is written there will be those who will try to find ways around it. As much as neighbors do not want to be the ones having to call in apparent violations, they are in fact the best source of what is going on in their neighborhoods.

Commissioner Walter asked if there is a timeline for voluntary compliance before monetary penalties are imposed. She commented that several years ago there was an abandoned house in her neighborhood and the person who owned the house worked with the city for some time before the issue was simply dropped. It was not until the issue was raised by a second group of people that the property owner ended up paying a $50,000 penalty. If a neighbor complains, the complaint should not be allowed to just lay dormant. Mr. Bergstrom said he was not an expert in the ways of code compliance but allowed they do have protocols they must follow in terms of following up on a complaint. He said he did not know if there is a timeline that outlines when voluntary compliance transitions into monetary penalties. Certainly follow-through once a complaint has officially been filed is important.

Commissioner Tebelius said it was her understanding that anyone electing to rent out rooms is in fact in a business and is required to obtain a business license, and that the city would not give a business license for setting up such a business where it is not allowed. Mr. Bergstrom concurred, adding that the city's legal staff has reviewed the proposed ordinance and has expressed no concerns about prohibiting the use in single family districts.

Commissioner Tebelius noted that as drafted the ordinance disallows rooming houses in single family districts, and limits them to no more than four rooms with five unrelated individuals. She observed that the draft ordinance also allows homeowners in single family districts to rent to separate persons but only under a single lease, though she suggested the distinction is a difficult one to make. What the ordinance says is that in a single family neighborhood there can be four people plus one, all of whom can be unrelated, and that in a multifamily district four rooms can be rented to four persons plus one. The only distinction is that in single family neighborhoods there must be a single lease.

Commissioner Hamlin pointed out the requirement for owner occupation.

Mr. Bergstrom allowed that as drafted the ordinance would allow for a group of up to six unrelated persons to share a house under a single lease without having the owner also living in the home. Where there are multiple leases, the use is called a rooming house and is not allowed in any single family district. The only distinction is the form of the lease.

Commissioner Tebelius asked how the approach will in fact benefit the neighborhoods. Mr. Bergstrom said the neighborhoods have largely been in agreement that the problems lie with the situations in which there are multiple leases to individuals who do not know each other and only are looking for a place to sleep. Groups that self-select and opt to jointly rent a house tend to operate differently. Commissioner Tebelius said she could not buy the distinction because there

really is no difference. She said she would allow less than four in single family neighborhoods. Rooming houses, as described in the ordinance, belong in multifamily and mixed use districts.

Commissioner Hamlin noted that a rooming house can have no more than four rooms for rent and no more than five total individuals. The definition of family in the proposed ordinance is no more than six unless all are related by blood, marriage or adoption; in the interim code the number is four rather than six. He asked how difficult it would be to move the maximum number back to four given how well six matches up with some federal definitions. Mr. Bergstrom said if the Commission wants to make the change to four, the city's legal staff would be asked to provide comment. He said he was not aware of any real legal issue with four, though it could add some administrative challenges.

Commissioner Hamlin asked if problems could ensure by lowering the limit to three. Mr. Bergstrom said there is a housing affordability issue wrapped up in the subject. People of all stripes need living arrangements they can afford. Even in houses being built or chopped up specifically for the rooming house trade are charging rents of $600 or more per month. With a lower limit, the more the homeowner is likely to increase the room rates.

Mr. Inghram asked the Commission to keep in mind that in reality family means different things to different people. As a result there can be all manner of variations. It could be two single mothers renting a house together, each with two kids for a total of six. It could be two divorced parents who choose to move in together with their kids. It is not always college kids choosing the single room rental situations, and moving the bar down to two or three may disallow some fairly common forms of family.

Mr. Bergstrom clarified that the city cannot discriminate based on familial status or handicap status under the federal Fair Housing Act. In effect, kids under the age of 18 are not counted at all. Chair Laing noted that somewhere along the line the qualifier that only adults are counted got dropped out. There was consensus to add the clarification to the ordinance.

Commissioner Hamlin asked if staff had even a ballpark estimate on the percentage of renters who are faculty, staff or students are Bellevue College. Mr. Bergstrom said the city has no information in that regard. He pointed out that Bellevue College is still largely a commuter campus, and the percentage of the student body the international students comprise is very low. The problem likely is to persist even if Bellevue College elects to construct on-campus housing; the issue relates to far more than just persons associated with Bellevue College.

Commissioner Tebelius commented that aside from the fact that children are not counted, the instance of two single mothers renting a home together likely would not rise to the level of someone filing a complaint with the city.

Commissioner Walter agreed. On the topic of affordable housing she commented that there are defined thresholds in addition to the common sense application of the term. If six-bedroom homes are shared by six persons, each of whom is paying $600 per month, many families would not be able to afford them. There are many groups working to see more affordable housing brought online, but there are no orchestrated groups highlighting the needs of middle income families.

Mr. Bergstrom commented that early in the study of the topic staff reviewed a number of cities across the nation with regard to how they define family and the numbers they used. It was found

that the definitions and numbers were wide ranging. Some limited the number of unrelated people by zoning district, and the numbers ranged from two to eight.

Chair Laing stated that the perfect is the enemy of the good. The Commission has done a good job of thinking about every possibility, but at the end of the day it must be recognized that people have been renting rooms in their houses to groups of people for a long time. It is true that what precipitated the conversation was what obviously is a new form, and the proposed ordinance does a good job of addressing it.

A motion to recommend to the Council approval of the proposed Land Use Code amendment to establish permanent regulations governing the rental of individual rooms and non owner-occupied residential dwellings, revised to include that only adult persons are countered, and revised to change the number of unrelated persons who can live together to four, was made by Commissioner Hamlin. The motion was seconded by Commissioner Carlson.

Chair Laing proposed as a friendly amendment adding an express reference for sublease to the rooming house definition in 20.50.044. Commissioner Hamlin as maker of the motion, and Commissioner Carlson as seconder of the motion, accepted the friendly amendment.

The motion carried unanimously.

D. Clean-Up Code Amendments

A motion to postpone the study session on the clean-up code amendments to the Commission meeting on October 8 was made by Commissioner Tebelius. The motion was seconded by Commissioner Hamlin and it carried unanimously.

9. PUBLIC COMMENT - None

10. DRAFT MINUTES REVIEW

A. June 25, 2014
B. July 9, 2014

Commissioner Tebelius called attention to page 140 of the packet and the motion to exclude the Downtown Perimeter A design district from the table and asked staff to review the meeting recording and have the minutes reflect who voted for the motion and who voted against it.

Pending making the requested change, a motion to approve the minutes was made by Commissioner Tebelius. The motion was seconded by Commissioner Hamlin.

Commissioner Hilhorst said she would not be able to support the motion because she had not had ample time to read the minutes.

The motion failed; Commissioner Hamlin cast the only vote in favor.

A motion to postpone approval of the minutes until the next Commission meeting was made by Commissioner Hilhorst. The motion was seconded by Commissioner Tebelius and it carried unanimously.

11. NEXT PLANNING COMMISSION MEETING

A. September 24, 2014

12. ADJOURN

A motion to adjourn was made by Commissioner Hamlin. The motion was seconded by Commissioner Tebelius and it carried unanimously.

Chair Laing adjourned the meeting at 9:37 p.m.

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

September 24, 2014 Bellevue City Hall
6:30 p.m. City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Laing, Commissioners Carlson, Hamlin, Hilhorst, Tebelius, deVadoss, Walter

COMMISSIONERS ABSENT: None

STAFF PRESENT: Paul Inghram, Nicholas Matz, Andrew Kidde, Department of Planning and Community Development

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:34 p.m. by Chair Laing who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Hamlin, who arrived at 6:40 p.m., and Commissioner Carlson, who arrived at 7:25 p.m.

3. PUBLIC COMMENT

Mr. Steve O'Donnell, address not given, said he serves as president of the Somerset Community Association, as a member of the Puget Sound Energy Energize Eastside project CAC, and is a co-founder of the Coalition of Eastside Neighborhoods for Sensible Energy (CENSE). The Energize Eastside project spans 18 miles and passes through five jurisdictions; half the line runs through Bellevue, and one mile of it is through Somerset. CENSE hopes the Planning Commission will look to rapidly advancing energy technologies, many of which are non-wired. The vision for 2035 should be different from what the past has been. To look to the future with technologies of the past will be to commit a hundred-year blunder. The Energize Eastside project needs to be right-sized and should not overburden rights-of-way and easements. Puget Sound Energy is contemplating the installation of steel poles as tall as 135 feet with 230KV heavy transmission lines attached to them vertically stacked. The vision for the future of the city should look different from that, possibly calling for all new transmission lines to be located underground, and over time relocating all existing lines underground.

Mr. Don Marsh, 4411 137th Avenue SE, said the Energize Eastside project has generated a new appreciation for the importance of the Comprehensive Plan and the role it plays in the lives of citizens and the future of the city. Two things have brought that to light recently. First is the Energize Eastside project, which is disturbing in its scope, and that fact that the Comprehensive Plan allows for a project that seems so contrary to the vision it portrays for the city. Second is the recently published report on the most livable cities in the nation based on factors such as

crime, economy, education, housing, environment, leisure and infrastructure. Bellevue was judged to be the second most livable city in the nation under the criteria. Such a result is not brought about by accident but rather by decades of hard work and difficult choices. A firm foundation has been laid for the city. The Energize Eastside project is the latest challenge. The fact is a private energy company can build a project with very little oversight to ensure the public will be well served by the project. Complaints filed with the state attorney general and the Washington Utilities and Transportation Commission (WUTC) were met with responses indicating that only city councils have the authority to regulate the project. The Comprehensive Plan and other city statutes are relatively silent on the question of permitting a high-voltage transmission line. A project that will impact so many people and scar the city for decades should have a much higher bar to clear than a local distribution line, which are in fact governed by specific codes, unlike transmission lines. Puget Sound Energy has been asked about alternatives to overhead wires, including small gas-fired peaker plants, grid batteries, and cables submerged in Lake Washington. The company has dismissed each alternative, not because they are too expensive or technically unsound, but rather for reasons associated with siting and permitting. Implicit in their response is the message that overhead transmission lines offer the path of least resistance. The Comprehensive Plan should be aligned with energy policy that takes into account the beauty of the surroundings, the environment, and the quality of life residents enjoy.

Mr. Russell Borgman, 2100 120th Place SE, said there is a need to revise the Utilities Element of the Comprehensive Plan. Bellevue is one of the most beautiful urban regions on the face of the earth. Bellevue has been rated one of the most desirable and livable cities in America for good reasons: world-class views of Mt. Rainier, and world-class city parks, and clean high-tech industries that attract a highly educated workforce. For those and other reasons, the city enjoys an above-average tax revenue base. The region will continue to grow and attract talent from around the world. The city must consider smart growth with an eye on what makes the city so livable and how to continue to enhance the city's infrastructure. The city's recent hiring of an independent technical consultant to delve into the need and purpose of the Energize Eastside project, as well as to look at viable alternatives, should be applauded. The consultant should be charged with delivering facts that will drive decisions for decades to come. The vague generalities that equate on a one-to-one ratio population growth, economic growth and construction growth must be set aside. Nationwide there has been a decline in electricity use in the face of economic growth. Bellevue's Comprehensive Plan must make provisions for incorporating technology alternatives that reflect the region's values as well as its needs. Every assumption and projection should be challenged, and all viable alternatives should be investigated. Alternatives that will enhance grid security must be considered, making Bellevue less dependent on an outdated energy delivery system that relies on wires and poles. Policy UT-39 should be expanded to require underground installation of all new transmission lines, and underground installation of electricity line upgrades of 230KV or more. All electricity transmission lines and substation upgrades located in residential areas should be designated sensitive siting per Comprehensive Plan Figure UT-5A. Councilmember Robinson is to be applauded for suggesting the city hire an independent legal consultant to advise the city about the roles and responsibilities for various city, state and federal agencies that must be involved in large-scale transmission line infrastructure. He said he has been in conversation with Federal Energy Regulation Commission, which has deferred to the Washington State Attorney General's Office; with the Attorney General's Office, which has deferred to the WUTC; and with the WUTC, which has deferred to the city of Bellevue. It appears the buck stops with the city or with the federal authorities at the Department of Energy. The Council should consider alternatives to the existing electricity utility company, possibly forming a parallel Bellevue PUD that invests in non-wired technologies and distributed energy projects. The city should seek

more independent control over its electricity needs. Until the Comprehensive Plan can be revised, the Council should consider implementing a moratorium of at least six months on all above-ground high-voltage transmission lines to allow more facts to come to light.

Mr. Warren Halvorson, 13701 NE 32nd Place, said he serves as an alternative on the Energize Eastside project CAC and is a member of CENSE. The organization is concerned about the seeming disconnect between the city in a park vision and the Comprehensive Plan's proposals as they relate to neighborhoods. Everything from undergrounding, pool size, setbacks, safety and new technologies need to be viewed with an eye on taking actions to protect the neighborhoods. Policy UT-46 must be made stronger in terms of supporting alternatives. The city needs to embrace 21st Century electrical technologies in the city's facilities, and needs to foster wind, solar, and co-generation technologies for all residents. The organization has been told that the city's future growth needs could be met by applying emerging technologies to the city's electrical backbone. A simpler idea would be to require city facilities to adopt new technologies, and Sound Transit should be required to place solar panels on the roof of its planned garage thereby showcasing technology, cutting future costs, and reducing demand on the grid. In the interim there is a need for a moratorium on major projects until the Comprehensive Plan is updated. The Energize Eastside project has not been fully explained, explored or justified. The CAC will ultimately recommend one of forced-choice options, but basic questions about the need remain to be answered. Puget Sound Energy is putting forward a plan that will tear apart neighborhoods. There is a strong likelihood that the company's growth projections will not be met; their usage has been flat over the recent past, as have Bellevue's revenues from taxes on electricity. Experts in the industry are saying there is little if any direct correlation between electrical usage and employment, GDP or population growth, yet Puget Sound Energy continues to use just such a correlation to forecast growth. If the projections are correct, the proposed 230KV line will add 100 percent more capacity to a system that is experiencing a one percent annual growth rate. The proposed 230KV line is in fact shown in the Utilities Element of the Comprehensive Plan as planned; it should be indicated as proposed instead. Alternative approaches must be explored. The neighborhoods should be given top priority.

Ms. Mary Anne Halvorson, 13701 NE 32nd Place, said her memories of Bellevue go back to the early 50s. Things have changed greatly over the years, but there is still much to be proud of. Change is good unless it is bad. The city is approaching a slippery slope and decisions that will affect generations. She said recently she chatted with someone involved in a construction project that was putting in 80-foot poles. The poles are absolutely huge but nowhere near as tall as the poles proposed by Puget Sound Energy as part of a new 230KV transmission line that will cut right through Bellevue neighborhoods. The electrical reliability policies in the Utilities Element should limit the size of poles in residential neighborhoods to no more than 40 feet. The Comprehensive Plan needs to incorporate statements about public safety and the prevention of sabotage. Serious questions should be raised about allowing for the erection of a 230KV transmission line next to the Olympic pipeline corridor, something that makes no sense at all from a safety and security point of view; any natural disaster or act of terrorism would produce catastrophic results on the city's infrastructure. Puget Sound Energy experts have repeated said there are no setback requirements even where such pipelines are involved. There is no law saying one cannot smoke a cigarette on top of a pile of straw, but that does not mean it is a good idea. The city should develop and impose setback requirements. The Commission was urged to give careful and thoughtful consideration to Bellevue's neighborhoods.

4. APPROVAL OF AGENDA

A motion to approve the agenda was made by Commissioner Hilhorst. The motion was seconded by Commissioner Hamlin and it carried unanimously.

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

6. STAFF REPORTS - None

7. STUDY SESSION

A. Montvue Place Annual Comprehensive Plan Amendment Request

Senior Planner Nicholas Matz reported that at the September 8 study session the City Council accepted the threshold review recommendation of the Commission regarding Montvue Place to advance the proposed amendment into the final review phase. The site, located at 14510 NE 20th Street, is 4.67 acres in size. The proposal is to change the map to remove the split BR-CR and BR-GC zoning and to make the entire site BR-CR. The recommendation forwarded to the Council recognized that the zoning split was the historical result of subarea planning that was not anticipated through the Bel-Red planning process. The Commission concluded that the current zoning split is inconsistent with the intent for mixed use redevelopment in the district. The intent of the applicant is to remove the split zoning in order to achieve a unified development.

Mr. Matz suggested a public hearing date of November 12.

A motion to set the proposed amendment for public hearing on November 12 was made by Commissioner Tebelius. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

B. Comprehensive Plan Update

i. Citizen Engagement Element

Mediation program manager Andrew Kidde stressed the importance of public engagement for the city. The public participation element appears first in the existing Comprehensive Plan, which signals its importance. The desire is to see the section updated to be even more robust. The current element focuses almost entirely on planning and land use issues, but public engagement is important to every element of city government. The city has volunteer programs and commissions focused on a number of areas, and the opportunities for citizen involvement should be guided by policy language in the Comprehensive Plan. The draft element also bolsters the existing policies in the area of serving a diverse community. Bellevue has become a very diverse place and thus more strategies are needed.

Commissioner Tebelius noted that she previously had expressed concerns about the draft element. She said the policies in the existing citizen participation element were very well written, but in the draft many of them have been divided and renumbered. The policies are now divided between citywide citizen engagement and citizen engagement in planning and land use. Most of the policies listed under the latter category were in the current Comprehensive Plan. Under the Growth Management Act, local jurisdictions are required to regularly update their comprehensive plans as a way to deal with sprawl reduction, concentrated urban growth and property rights, among other things, all of which deals with land use. She distributed to the

Commissioners copies of an expanded Comprehensive Plan checklist that any city must follow. There state is clear with regard to including a section on public participation, but it stresses public participation in the Comprehensive Plan planning process. The state does not require anything more than that. During the last update of the Comprehensive Plan, the city included a detailed and well-drafted citizen participation element. The proposed draft begins with policies that are not focused in any way on growth management, land use or the Comprehensive Plan. The policies talk about keeping citizens informed about budget allocations; learning from citizens through surveys and outreach; providing access to citizens to city programs, services and events; conducting outreach; including businesses, non-profits and the Bellevue School District as targets for outreach; investing in training; educating Bellevue residents about pathways to civic engagement for citizens; ensuring broad and deep citizen engagement; and increasing access to city government. While each is a fine goal, none are necessary, and none are needed in the Comprehensive Plan. The current element is very well written and should be left as it is.

Commissioner Hamlin said he disagreed with nearly everything Commissioner Tebelius had said. The Comprehensive Plan addresses far more than just land use. It makes perfect sense to include the citywide citizen engagement policies as proposed. The policies set up engagement guidelines and make it clear the city is interested in citizen engagement in far more than just land use. While the Growth Management Act is specific to planning for growth, the Comprehensive Plan is not focused solely on land use issues. The draft policies suggest that citizens should be engaged in everything the city does.

Commissioner deVadoss concurred with Commissioner Tebelius with respect to the scope of the Planning Commission. The element should be kept as simple as possible. The citywide citizen engagement policies seem out of place with respect to the scope of the Comprehensive Plan.

Commissioner Hilhorst said she has been a community leader for a long time and has enjoyed a great relationship with the city's outreach department and city staff. She asked what was broken and why the new policies should be included. The policy to ensure citizen engagement is both broad and deep is noble but is something that cannot be measured. Bellevue does an awesome job of communicating and engaging its citizens and as such the new policies are simply not needed. Mr. Kidde said the Comprehensive Plan serves as a policy blueprint for all of the city. It is not focused only on land use and planning. It includes a focus on utilities, transportation, parks and a number of other areas. He agreed that the city is currently doing a fabulous job of engaging its citizens and those good practices should be captured in policy language as a guide to the future.

Commissioner Walter commented that each of the citywide citizen engagement policies represents a noble objective. She indicated, however, that she was neutral as to whether or not they should be included as proposed.

Chair Laing agreed that the policies in question are all laudable. He suggested some wordsmithing would be in order, particularly the deletion of all "including" language which more often than not becomes the focus. He allowed there is wisdom in the points made by Commissioners Tebelius, deVadoss and Hilhorst in that each policy addresses aspirational things and things the city is already doing. The public participation requirements under the Growth Management Act all refer to the adoption and amendment of the Comprehensive Plan itself. He said he favored a less is more approach and would agreed the policies are not necessary.

Commissioner Carlson agreed that the goals are worthy aspirations. However, the focus should

be on requirements, not goals. If a goal becomes a requirement, it can become a snag. He said he would prefer to keep things simple and fundamental with the expectation that most people involved in the public process are driven by good faith efforts and want to make the process as inclusive as possible.

Commissioner Tebelius agreed with Commissioner Hilhorst that each of the policies addresses something the city is already doing.

A motion to retain the existing citizen participation element was made by Commissioner Tebelius. The motion was seconded by Commissioner Hilhorst.

Commissioner Carlson said his opinion of Bellevue city staff is very high. When it comes to the issue of reaching the public and welcoming a diverse array of opinions, Bellevue does it right and can be expected to continue to do it right.

Commissioner deVadoss said he would support the motion but requested a minor edit to revised policy CP-8 to delete "such as the internet." The maker and seconder of the amendment accepted the suggestion as a friendly amendment.

Commissioner Walter said she felt unprepared to vote one way or the other given that she had not anticipated simply retaining the existing policies.

The motion carried 4-1, with Commissioners Tebelius, deVadoss, Hilhorst and Carlson voting for and Commissioner Hamlin voting against. Chair Laing and Commissioner Walter abstained.

ii. Capital Facilities Element

Mr. Matz said the Capital Facilities Element and the Utilities Element of the Comprehensive Plan share similar yet distinct roles in planning for the future of the city. Both are concerned with ensuring that public and private facilities are developed to respond to the city's growth and changing conditions. The Capital Facilities Element is focused on financial planning for the provision of public infrastructure. The Growth Management Act requires jurisdictions to have a Capital Facilities Element, including an inventory of public facilities, and at least a six-year plan for developing needed facilities. Cities are also required to tie land use and capital facilities planning together, and to reassess the Land Use Element if funding for new facilities fall short of meeting the needs.

The Capital Facilities Element is largely an inventory of everything from streets to water/sewer utilities to fire stations. Facilities operated by other entities, such as schools and libraries, are also included. For city facilities, plans are maintained that address long-term infrastructure development. The Comprehensive Plan summarizes things in terms of financial responsibility and then points to the functional plans for details. Reference is also made to the city's Capital Investment Program. Policy direction is also included regarding the city's essential public facilities, which by definition are typically difficult to site.

Chair Laing invited the Commissioners to comment on the element goals and policies as outlined in the matrix beginning on page 27 of the packet.

With regard to item 1, Policy CF-1, Commissioner Walter suggested the new wording was overly complex. She proposed having the policy read "Ensure that capital facilities are provided

within a reasonable amount of time following identification of needed level of service."

Commissioner Hilhorst said she generally agreed but would prefer to see the language read "Ensure that capital facilities are provided within a reasonable amount of time as needed."

Chair Laing commented that facilities are to be in place in time to meet the demand. The existing policy language and the proposed language both seem to indicate there can be a deficiency in the capital facilities provided it is addressed within a reasonable time. Mr. Inghram explained that under the Growth Management Act projects must be brought online at the time or growth or within the six-year period of capital planning. For growth that occurs today that requires a new street, the street project must be fully funded in the CIP, but it does not have to be constructed the day the new growth opens for business.

Commissioner Walter suggested the policy language should make that clear. Mr. Matz pointed out that along with the policy language, the element will include narrative language that makes the point clear.

Mr. Inghram stressed the need to retain the reference to facilities that are necessary to meet level of service standards. Streets are measured on a grading system ranging from A to F based on how they operate. Capital facilities planning is done precisely in order to meet the required level of service standards.

There was agreement to revise the policy to read "Ensure that capital facilities necessary to meet level of service standards are provided within a reasonable time."

With regard to item 1, a new policy, Commissioner Tebelius asked what is meant by the reference to "target service levels." Mr. Matz said there are a number of adopted service levels, ranging from acres of park per resident to water pipes that pass water through at a rate sufficient to meet the demand. Target service levels also refer to the length of time facilities can be expected to be in service.

Answering a question asked by Commissioner Hilhorst about the difference between items 2 and 8, Mr. Matz explained that item 2 acknowledges the city has aging infrastructure and directs planning efforts to renew or replace it as needed in order to maintain target service levels. Item 8 refers to the functional and facility system plans that help guide the process of identifying and planning for the long-range facilities needs of city services. The idea is to be open and transparent about what the city has, what it needs, and how it will pay for it. The two items are sequential pieces of the puzzle rather than duplicative.

Commissioner deVadoss asked how the city goes about anticipating the need for new facilities. Mr. Matz said that is where the functional plans and the Capital Investment Program come into play. The engineers and planners know that systems will last for a certain amount of time and then need replacement. In the case of utilities systems, replacement is built into the rate structure. Mr. Inghram said part of the planning exercise associated with producing the functional plans includes identifying future needs based on growth and changing technologies.

Turning to item 3, Policy CF-2, Mr. Matz explained that the Capital Investment Program is a rolling program that is updated every two years. The existing policy language does not capture that fact and has meant that planning efforts often referred to a document that no longer existed. The proposed policy language makes that acknowledgment.

There was consensus in favor of the proposed policy language. There also was consensus to delete the old Policy CF-3 as proposed in item 4, and to make no changes to polices CF-7, CF-9 and CF-4, items 5, 6 and 7.

With regard to item 8, a new policy, Commissioner Hamlin asked if "facility system plans" should be capitalized. Mr. Matz explained that the reference is in fact to several different individual plans all of which are capitalized in their own right.

Commissioner Walter proposed spelling out "level of service" in item 9, Policy CF-5, rather than using "LOS." There was agreement to make that change and to otherwise not change the language of the policy.

Answering a question asked by Commissioner Hilhorst regarding item 10, a new policy, Mr. Matz said the intent is to alert members of the community to the fact that the various city departments are considering the collective city needs in designing projects. It is keyed back to the idea that the Capital Facilities Element shows how the city is responding to growth and how it intends to pay for it. Commissioner Hilhorst suggested that "across city departments" would be better than "across city business lines." The other Commissioners concurred.

Commissioner Carlson proposed deleting "to maximize community benefit and avoid conflicts" and there was agreement to make that change as well.

Commissioner Hamlin suggested "avoid conflicts" could be interpreted to mean competition for city dollars. Mr. Inghram pointed out that by having city departments working together conflicts of that sort are dispelled. The intent of the language is to avoid design and engineering conflicts.

With regard to item 11, Policy CF-6, Commissioner Hamlin suggested "other providers" is too broad and abstract. Chair Laing proposed "Coordinate with non city managed capital facility providers consistent with Bellevue's Comprehensive Plan." There was agreement to make the change.

There was consensus to delete Policy CF-8 and Policy CF-10 as proposed in items 12 and 13.

With respect to item 14, Policy CF-11, Commissioner Walter suggested the language could be interpreted as referring to two distinct things. Chair Laing said his reading of the policy was that the city will consider adopting education impact fees upon a school district's showing of is capital facilities plan and demonstrating that it needs such fees to accommodate growth. Commissioner Tebelius suggested that if that is what the intent of the policy it, the language should be tweaked to be clearer.

Chair Laing said the language outlines exactly what is happening relative to the Issaquah school district and as such no change to the policy is needed. While a mouthful, the language is acceptable.

There was consensus not to change the language of Policy CF-11.

Answering a question asked by Commissioner deVadoss regarding item 15, Policy CF-12, Mr. Matz said the city's post-disaster response and recovery plan is in fact an amazing document. He said the intent of the policy is to call attention to the plan that is in place and ready to go in the

event of a disaster.

Commissioner Hamlin suggested changing "Maintain a…plan" to "Maintain the…plan." Mr. Matz agreed to make the change.

Commissioner Carlson agreed but proposed shortening the overall policy to read "Maintain the city's post-disaster response and recovery plan that ensures the city's capability to recover from a disaster."

At the suggestion of Mr. Matz, there also was agreement to work into the narrative around the policy an outline of the components covered by the response and recovery plan.

Commissioner Hilhorst said she would accept the language suggested by Commissioner Carlson provided it included the notion of reconstruction. There was agreement to make those revisions.

Mr. Matz noted that items 16, 17 and 18 are all existing policy language being moved into the Capital Facilities Element from the Annexation Element. The Commissioners offered no comments on the policies.

Mr. Matz explained that items 20 to 28 comprised the essential public facilities policies. He noted that much of the original intent of the policies has been codified since the last update, thus some of the policies are no longer needed. That is the case with item 20, Policy CF-13.

Chair Laing asked why there should not be a policy in the Comprehensive Plan requiring the city to define essential public facilities the same as the state does, and why the city might suggest that it would allow a definition of essential public facilities that is broader than what state law defines. To ensure the definition in the zoning code is consistent with state law of an essential public facility, having policy language in the Comprehensive Plan would be the way to do it. Absent amending the Comprehensive Plan, the Council could not designate something as an essential public facility that state law does not designate. Mr. Inghram reminded Chair Laing that the Planning Commission makes recommendations to the Council on both plan amendments and code amendments. As such the policy language would not necessarily constrain the code. The direction of the Commission throughout the update process has been that less is more and that policies should remain at the policy level, and the existing Policy CF-13 directs the city to take an action by defining a term.

Chair Laing stressed the need for the language at the Comprehensive Plan level. A zoning code can be changed any time of the year at the direction of the Council, whereas the Comprehensive Plan can only be updated once a year and it must follow an established process. As soon as the state determines something is an essential public facility, a local jurisdiction cannot outright preclude it; all the local jurisdiction can do is try to manage it. He said his concern was in giving the Council more ability to call anything an essential public facility, allowing it to be pushed into places it may not fit. The policy should be retain so that at a minimum there will be a longer public engagement process with robust discussions at both the Commission and Council levels before the Council can call an essential public facility anything the state does not call an essential public facility. He suggested the existing policy should be retained with the language revised to read "Define essential public facilities consistent with the Growth Management Act."

Commissioner Walter asked if taking that approach would in any way tie the hands of the Council should a situation arise where it needed to act quickly. Chair Laing said one thing

defined as an essential public facility under state law is group homes. He said given that precedent, the Council could conclude that rooming houses are essential public facilities. The Council should not be put in a position of being able to quickly and easily making such a change.

Commissioner Hamlin countered that policy language is not law and having the policy or not will not prevent the Council from making a decision, but where there is policy language in place the Council must at the very least give consideration to it.

There was consensus to retain the policy language as proposed by Chair Laing.

There was agreement in favor of the proposed language for item 21, Policy CF-14.

With regard to item 23, Policy CF-15, Commissioner Walter suggested the "seek agreements" should be more definitively worded along the lines of "obtain agreements."

Chair Laing said he understood the language to mean the city will seek to work by agreement or consensus rather than by contract. Mr. Matz said the language is intended to point out things like interagency agreements, development agreements, MOU's and interlocal agreements, all of which are tools allowing the city to "seek agreements."

Commissioner deVadoss proposed using the word "pursue" in place of "seek" and there was consensus to make that revision.

There was consensus with regard to the proposed revisions to item 24, Policy CF-16, and to delete policy CF-17 as recommended in item 25.

Answering a question asked by Commissioner Tebelius regarding the equitable distribution of essential public facilities as outlined in item 27, Policy CF-19, Mr. Matz said the notion is to share the burden of placing things like the secure community transmission facilities among cities and counties in the region. Commissioner Tebelius said she had no problem with that.

Commissioner Carlson proposed shortening the policy to read "Work to site or expand essential public facilities in ways that equitably balance social, environmental and economic impacts to achieve citywide and regional planning objectives." There was agreement to make the change.

There was agreement to make no change to Policy CF-20 as proposed by item 28.

With regard to the Comprehensive Plan update, Mr. Inghram pointed out that the process had been slowed by having to address other issues. He called attention to the table in the packet that outlined the topics yet to be discussed and a tentative schedule.

8. PUBLIC COMMENT - None

9. DRAFT MINUTES REVIEW

A. June 25, 2014

Commissioner Tebelius submitted to staff changes she proposed to the minutes. Commissioner Hamlin noted that he had previously done the same.

Chair Laing called attention to the last paragraph on page 5 and suggested the first sentence should be revised.

He also noted changes that should be made to the last paragraph on page 7 , paragraphs 3 and 4 on page 9, and the fourth paragraph on page 11.

Mr. Inghram noted the need to indicate the presence of Councilmember Stokes.

There was agreement to reprint the minutes with the amendments before approving them.

B. July 9, 2014

Chair Laing, Commissioner Hamlin and Commissioner Walter noted changes to the minutes.

Mr. Inghram noted the need to indicate the presence of Councilmember Stokes.

There was agreement to reprint the minutes with the amendments before approving them.

Commissioner Tebelius took a moment to note that at the September 15 Council meeting staff provided the Council with a presentation regarding the Comprehensive Plan update. She suggested it would be helpful for the Commissioners to know what was covered. Mr. Inghram said he would be happy to email the update to the Commissioners. He noted that the Council asked for a follow-up study session on October 20.

Commissioner Tebelius suggested the Commission chair and/or vice-chair should attend the October 20 study session in order to explain where the Commission stands on some of the issues.

10. ADJOURN

A motion to adjourn was made by Commissioner Hamlin. The motion was seconded by Commissioner deVadoss and it carried unanimously.

Chair Laing adjourned the meeting at 8:48 p.m.

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

October 8, 2014 Bellevue City Hall
6:30 p.m. City Council Conference Room 1E-113

COMMISSIONERS PRESENT:	Chair Laing, Commissioners Carlson, Hamlin, Hilhorst, Tebelius, deVadoss, Walter
COMMISSIONERS ABSENT:	None
COUNCIL LIAISON:	Councilmember Stokes
STAFF PRESENT:	Paul Inghram, Mike Bergstrom, Nicholas Matz, Department of Planning and Community Development; Phyllis Varner, Department of Utilities; Councilmember Stokes
GUEST SPEAKERS:	Wayne Carlson, AHBL
RECORDING SECRETARY:	Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:37 p.m. by Chair Laing who presided.

2. ROLL CALL

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

3. PUBLIC COMMENT

Mr. Warren Halvorson, 13701 NE 32nd Place, said he and his neighborhood appreciate the service provided by the Commissioners. He observed that going forward the United States government will strongly support solar energy. Currently about ten percent of the energy consumed in Germany and Japan comes from solar; in the United States it is only one percent. There is a clear market opportunity, and that will bring with it the opportunity to get away from the current sources of energy. The Commission has the responsibility to be visionary in updating the Comprehensive Plan, and it should support and endorse alternative sources of energy as well as street lighting options that will greatly reduce the amount of energy needed.

4. APPROVAL OF AGENDA

A motion to approve the agenda was made by Commissioner Hilhorst. The motion was seconded by Commissioner Walter and it carried unanimously.

5. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS

Councilmember Stokes reported that for the past four years the Bellevue Downtown Association has sponsored trips to various cities to see how they do things. He said he participated in the recent trip to Austin, Texas, along with several staff from Bellevue. He said it was good to learn that Bellevue is doing a lot of things really well when it comes to planning.

Councilmember Stokes noted that the Council had a very good budget discussion at its meeting on October 6. The primary focus was the CIP. He allowed that there is a lot of work to do in Bellevue and the work of the Planning Commission and the city's other boards and commissions is vital to seeing the work completed.

6. STAFF REPORTS

Comprehensive Planning Manager Paul Inghram said the Eastgate/I-90 open house at the Newport library was well attended and there was good interaction with the community. He also reported that on October 7 the Neighborhood Outreach Program hosted the neighborhood leaders meeting, something they do two or three times each year. The meeting brings together neighborhood leaders from across the city to discuss different topics or themes. There were 92 neighborhood leaders present along with the mayor, city manager and others and the focus of discussion was change affecting neighborhoods and neighborhood character.

Commissioner Walter said she attended the meeting and enjoyed it. The videos that were shared with the group were very good. Councilmember Stokes said he attended as well and noted that there was a good mix of seasoned neighborhood leaders and new neighborhood leaders. There was a rich discussion.

7. STUDY SESSION

A. Clean-up Code Amendments

Principal Planner Mike Bergstrom reminded the Commissioners that a study session on the clean-up amendments was held in June and the public hearing was held in September. No public input was received, but because the agenda was full the Commission elected to postpone deliberation and formulating a recommendation to a later meeting.

Answering a question asked by Commissioner Tebelius regarding the stricken paragraphs in 20.20.13.E veterinary services, Mr. Bergstrom said the proposal stems from the fact that no one has been able to determine where the restrictions in paragraphs 7 and 8 came from originally. The existing language could be interpreted to mean that should a veterinarian clinic occupy a tenant space at a strip mall and a restaurant chooses to locate within 100 feet of it, the veterinarian clinic might be forced out.

With regard to the proposal to delete a sentence from 20.20.015 Minimum Lot Size - Shape, Commissioner Walter asked if a rectangular lot measuring 12 by 10 were to be split diagonally, the result would be two 10 by 12 lots; she asked if that was the intended result. Mr. Bergstrom said while that would be an extreme example, that is what can be done under the current language. The concern is that in establishing minimum lot size shape, which is done at the platting stage, it is unknown where the buildings will be sited, making it impossible to apply the rule relative to measuring from the building line.

Commissioner Tebelius called attention to 20.25B.040 Development Standards, paragraph A.1

Building Height Definition, and asked for an explanation for the proposed change. Mr. Bergstrom explained that the current language is not clear as to which ridge and which eave is to be used in measuring the mean height. The change is intended to offer some clarity in that regard. Commissioner Tebelius pointed out the need to include the same language in 20.50.012.B Definitions, Building Height. Mr. Bergstrom agreed.

Chair Laing called attention to the building height definitions in Sections 20.25 and 20.50 and said it was his recollection that the light rail overlay includes provisions that deal with height restrictions and transitions. He asked if the proposed change would affect the allowed or required height of anything within the overlay district. Mr. Bergstrom said it would not. He clarified that the transition relative to the light rail overlay district has to do with separation of landscaping.

Commissioner Walter called attention to 20.30D.285 Amendment of an approved Planned Unit Development and specifically the proposal to strike paragraph C.1. She reminded the Commissioners about the Bellevue Technology Center issue and suggested that had the proposed paragraph deletion been in place, the issue would never have come before the Commission. She said she would prefer to see the paragraph rewritten as a standard that can be met. Mr. Bergstrom said the basic concern is the phrase "not foreseen by the applicant or the City." An applicant may in fact have foreseen a natural physical feature but concluded it would not be a problem, but would then have prove they did not see it, which is unlikely. He suggested shortening the paragraph to read "The change is necessary because of natural features of the subject property, and."

There was consensus to make that revision.

Chair Laing called attention to 20.50.020.F, the definition of floor area ratio that counts 16 feet or greater height twice. He said it appeared to him that an FAR of 0.5, which is the residential maximum density, for what is effectively a single story house of 2500 square feet of living area, ceilings of 16 feet or higher would mean the house is actually counted as a 5000 square-foot house. Mr. Bergstrom agreed with that interpretation. Chair Laing said he understood the intent but pointed out that 16 feet is not a two-story house; a two-story house would be 24 feet or more. Space that operates as a two-story space should be counted twice, but the cutoff should be greater than 16 feet. He suggested changing the number to somewhere between 18 and 24 feet.

Commissioner Hamlin voiced concern over increasing the limit to as much as 24 feet. A single-story home with 24-foot ceilings would appear very large. Chair Laing agreed that 24 feet would be too much and would feel comfortable establishing the limit at 18 feet.

Mr. Bergstrom pointed out that the 0.5 FAR is not hard and fast; it can be exceeded under the daylight plane provisions and increased setbacks.

There was agreement to set the number at 18 feet.

Commissioner Hilhorst asked why 20.20.900.E Tree Retention and Replacement, specifically calls out the Bridle Trails subarea. Mr. Inghram explained that several years ago the Bridle Trails community came to the city and asked for a different set of regulations regarding tree retention for their neighborhood. There have been discussion since then about whether or not the regulations should apply elsewhere but to date that determination has not been made. The city does not want to have a different set of tree preservation standards for every individual

neighborhood, so any neighborhood coming forward wanting more protections likely would end up with something very similar to the Bridle Trails regulations. Currently there are only limited tree protection standards in place outside of the Bridle Trails subarea; at the time of development one is required to retain between 15 and 30 percent of the tree diameter inches existing on the site. Homeowners, however, do not have to meet those same restrictions.

A motion to approve the proposed Land Use Code amendment with the changes as noted was made by Commissioner Hamlin. The motion was seconded by Commissioner Carlson and it carried unanimously.

B. Comprehensive Plan Update

Mr. Inghram pointed out that Senior Planner Nicholas Matz was attending the Puget Sound Energy Energize Eastside CAG meeting along with several members of the public interested in the electrical policies in the Utilities Element. There was consensus among the Commissioners to hold off discussion of the policies relating to non-city managed utilities until the October 22 meeting of the Commission.

Paul Andersson, Environmental Stewardship Initiative program administrator, noted that in the presentation made in July 2013 on a range of topics where staff had conducted a gap analysis of the existing Comprehensive Plan and changes that had taken place since it was published in 2004, key performance indicators across different metrics of environmental performance were discussed along with gaps identified in the Comprehensive Plan. Since then there has been a great deal of citizen feedback with regard to environmental topics; there have been some countywide policy changes; and there have been some Council actions. A joint boards and commissions forum was conducted on the environment that engaged a lot of community members as well. All of that background work has resulted in recommendations for new policies that fall into three main categories: edits to existing policy language; new policy editions; and formatting relative to improving readability. The proposed policy additions fall into five categories: tree canopy restoration; public/private partnerships for stewardship projects; lifecycle materials management; greener buildings and infrastructure; and mitigation of greenhouse gas emission.

Commissioner Tebelius observed that many of the proposed policy changes involve verbs that move the policies away from being aspirational toward tying the hands of the Council to do certain things. She said her preference would be to err on the side of being aspirational. Mr. Andersson said there has been some feedback on some of the qualifying and subjective language. Many are opposed to language that does not give clear direction, which includes words such as "encourage" and "promote." Where there is policy language to do some specific thing, the language of the policy should be specific, otherwise the policy is likely not needed at all.

Commissioner Carlson said policy statements by definition are general guidelines. Policies are not code.

There was agreement to work through the matrix line by line.

With regard to line 2, Policy EN-1, Commissioner Hamlin suggested that the revised version of the policy is fairly abstract. The latter part that is proposed to be deleted actually provides needed clarification. Commissioner Hilhorst concurred. Mr. Andersson explained that latter part of the existing policy points out some obligations but not all; there are many more that could

be added and calling out some but not all could be confusing.

Commissioner deVadoss concurred but suggested "in the context of the city's other obligations" should read "in the context of the city's obligations." He also suggested the policy should begin with "balance" rather than "evaluate."

Commissioner Carlson said the language should be simple and straightforward, making it possible for an interested layperson to read it and understand what it means.

There was agreement to have the policy read "Balance the immediate and long-range environmental impacts of policy and regulatory decisions in the context of the city's commitment to provide for public safety, infrastructure, economic development and other obligations."

Turning to line 3, Policy EN-2, Commissioner Tebelius pointed out the need to insert the word "its" ahead of "employees."

Commissioner deVadoss proposed revising the policy to read "…ensures the sustainable use of natural resources…."

With regard to line 4, Policy EN-3, Commissioner Tebelius asked why "where practicable" should be eliminated. Mr. Andersson said practicable is a term that always ends up needing to be defined. Mr. Inghram added that the aspiration is to seek to eliminate. In the capital program and regulations there is more precise definition relative to the means by which the aspiration is carried out.

Councilmember Stokes said the proposed policy language moves the city toward taking a more active role. Phrases such as "where practicable" are vague. It is better to have policy language directing the city to move forward actively.

Chair Laing said he would prefer to see the policy begin with the phrase "Seek to reduce and eliminate…."

Commissioner Walter proposed changing "and the environment" to "or the environment."

Commissioner Carlson pointed out that the policy as proposed could be understood to mean the putting out of poisons to control rodents would no longer be permitted. Chair Laing suggested the city could seek to reduce or eliminate in areas that do not include that specific prohibition. Commissioner Tebelius suggested that in that case the word "seek" might be too strong and "minimize" should be retained. Chair Laing countered that the word "seek" is less active than "minimize" or "eliminate."

Commissioner Hilhorst pointed out that the existing policy language is somewhat clearer with regard to the air, water and soil. Commissioner Carlson proposed combining the existing policy with the proposed policy to read "Minimize and where practicable eliminate the release of substances into the air, water and soil that may have harmful impacts on people, wildlife and the environment."

Chair Laing explained that the policy is really aimed at reducing and eliminating pollution. The existing policy language is a bit of a mouthful and uses plannerese. The proposed policy language uses regular words.

The Commissioners had no comments regarding line 5, Policy EN-4 or line 6, Policy EN-7.

With regard to line 7, New Policy EN-XX, Commissioner Hilhorst proposed changing "take positive actions" to "take corrective actions" and to strike everything after "reduce greenhouse gas emissions."

Answering a question asked by Commissioner Tebelius, Mr. Andersson said in 2007 the Council signed the mayor's Climate Protection Agreement that established a greenhouse gas emission target of seven percent below the 1990 emission levels by 2012. The target is both for municipal operations and for the community as a whole. The target has since more or less expired. The Countywide Planning Policies referenced in the analysis and assessment column directs the establishment of a new target that meets or exceeds the state target, and the Growth Management Planning Council recently adopted a countywide target of a 25 percent reduction by 2020, a 50 percent reduction by 2030, and an 80 percent reduction by 2050. The question is how in practice to get there. The policy does not go so far as to force actions by Bellevue citizens.

Commissioner Carlson said he would like to see micro targets such as goals for enhancing the tree canopy and fuel efficiency. Mr. Andersson noted that line 12, New Policy EN-XX, includes language that talks about tree canopy targets. He said it is possible to measure a number of specific targets and have as the largest number at the end of the day be the greenhouse gas emissions number, which can take dissimilar units of measure and equate it all to a metric ton of CO2 emissions.

Chair Laing pointed out that technically greenhouse gas emissions are not reduced by increasing the tree canopy, rather sequestration of greenhouse gasses is increased by having more trees.

Commissioner deVadoss observed that the use of vehicles that operate without producing greenhouse gasses should be encouraged. As such the phrase "reduce vehicle dependency" should be revised to clarify that what needs to be reduced is dependence on vehicles that do contribute greenhouse gas emissions. Mr. Andersson pointed out that there are transportation policies focused on vehicle dependence in general which call for an overall reduction of the number of vehicles on the roads. He also pointed out that the proposed policy language talks specifically about reducing energy consumption and vehicle emissions before going on to reference enhancing land use patterns that will result in reducing vehicle dependency.

Councilmember Stokes commented that while broad policy statements are helpful to the Council, to the extent that the policy language can help inform or give specific direction, the Council will also be benefited.

Chair Laing observed that while many Bellevue citizens likely would support policy language aimed at reducing energy consumption and vehicle emissions, a good many likely would not support policy language that essentially argues against living in a single family home where it is necessary to have a car in order to get around.

Commissioner Carlson proposed deleting from the proposed language "and enhancing land use patterns to reduce vehicle dependency." Mr. Inghram pointed out that one of the city's strategies for reducing emissions involves the way it plans for growth, which is focused on encouraging growth in those areas that are pedestrian friendly, have better access to transit, and which will result in fewer vehicle trips and therefore fewer vehicle emissions.

The Commission agreed with the proposal not to change line 8, Policy EN-8.

With regard to line 9, Policy EN-9, Commissioner Carlson proposed having it read "Educate the public about environmental issues and demonstrate how individual actions can benefit the environment." Commissioner Walter agreed but said she would use "illustrate" in place of "demonstrate." There was agreement to use "illustrate."

Commissioner deVadoss suggested that in addition to individuals the policy should also encourage entities or organizations. Commissioner Hamlin pointed out that "individual actions" is not necessarily a reference to individuals, it could refer to corporations.

Commissioner Carlson called attention to line 10, Policy EN-28, and suggested that "utilize" should be changed to "use."

Commissioner Tebelius asked what a life cycle cost analysis is. Mr. Andersson said it will be defined in the glossary, but one example would be factoring in the operating costs, resale value and environmental impacts when buying a city vehicle. The city has purchased several hybrid vehicles which have lower life cycle operating costs and higher resale values, so while they might be more expensive up front, the life cycle cost analysis shows they are actually financially and environmentally a better value.

Answering a question asked by Commissioner Tebelius regarding line 11, new Policy EN-XX, Mr. Andersson said the context could be a stream restoration project where the city has acted to create better habitat for fish but where just upstream there are scouring flows and no shade on a private property. The intent of the policy is to support partnerships that will enable private parties to upgrade the habitat on their properties. Mr. Inghram explained that the city does not do public projects on private lands. Policy language can, however, establish a mechanism that allows private property owners to partner with the city, thus opening the door to investing city dollars. The Mountains to Sound Greenway is an example of a private/public partnership.

Councilmember Stokes left the meeting.

Referring to line 12, New Policy EN-XX, Commissioner Walter asked if the reference to tree canopy refers to all trees or just those that are congregated to form an actual canopy. Mr. Andersson said it refers to all trees, both individual trees and trees growing together that form a forest.

Commissioner Carlson asked if by including a reference to residential uses in the policy the city will be given the green light to restrict the cutting down of trees on private residential properties. Mr. Andersson said that would not necessarily be the case. The focus of the policy is on establishing an action plan for maintaining tree canopy while recognizing that there are many different types of land use types having different sensitivities. The city has the power it needs to establish tree canopies along rights-of-way, and by consulting with neighborhoods and residents the city can determine the preferred option for growing the tree canopy in residential spaces.

Answering a question asked by Commissioner Tebelius, Mr. Andersson said the city has lost about 20 percent of its tree canopy since 1986 when measurements were first made. Currently there is about a 36 percent tree canopy coverage citywide. The Arbor Day Foundation recommends a tree canopy of 40 percent for Tree City USA status.

Commissioner Hilhorst commented that in her neighborhood many lots that have only a single house and plenty of trees are being redeveloped with eight houses and no trees. Setting tree canopy targets is one thing, but allowing development of that sort is working directly against the targets. Mr. Andersson said the policy may force the city to recognize what the left hand and right hand are doing. The city requires maintaining a certain percentage of significant trees as part of the development permit process, but what is happening is a lot of prospective clearing. Any property owner can simply clear their properties of trees with the full intent of later getting a permit to develop. The policy would promote a study of what is happening, where and how the tree canopy is being lost, and what can be done to stem the tide.

Commissioner Tebelius commented that the city wants affordable housing but will only get it if there is more development. Development requires the removal of trees. Trees grow so there should be a requirement to replant after development occurs. Mr. Inghram allowed that the city is struggling with that very issue. He said when the Bel-Red standards were adopted they included standards focused on increasing on-site vegetation hand in hand with development, resulting in a net gain. Additionally, there is more green in the downtown than there was 10 or 20 years ago specifically because the city has actively sought to make that happen. By the same token, allowing for adequate root space, trees will be able to grow much larger, will last longer, and will have much larger canopies. There are competing objectives, but policy language can help address them.

Chair Laing pointed out that the Growth Management Act has 13 competing goals and policies. The courts and the Growth Management Hearings Board have repeatedly recognized there is no hierarchy, that all are equal, and that they are competing. The devil is in the details when it comes to implementing the Comprehensive Plan through the CIP or the zoning code, and it is anticipated that recommendations made at the Comprehensive Plan level will result in direct conflicts. He said he would like to see a standalone policy included about linear transportation projects. The light rail project will decimate the city's tree canopy more than all of the residential and commercial development that will occur over the next 30 years. The most impacted stretch will be between I-90 and Surrey Downs Park.

Commissioner Walter said the said circumstance is associated with Energize Eastside. That linear project will remove all trees 130 feet on either side of the transmission lines.

Mr. Inghram said staff would draft a policy for the Commission to review.

With regard to line 13, there was consensus to name the section Waste and Materials Management.

Commissioner Tebelius referred to line 14, Policy EN-5, and asked how the city is going to prevent waste. Mr. Andersson said the concept behind materials management is looking upstream. Materials management is a circular process that begins with upstream design and production, moves on to consumption and use, and finally concludes with end of life management, which feeds back into the first element. The city has been focused on the end of life component. A lot of cities have bans on specific materials which puts some of the onus on upstream design and production. In some instances excessive packaging associated with products is taken back by the producers of the product.

Commissioner Hilhorst suggested that to avoid confusion the policy should read "Reuse and

recycle materials and dispose of all wastes in a safe and environmentally responsible manner." Mr. Inghram said that language does not get at the creation of waste at the production end. Mr. Andersson agreed that if the reference to preventing waste is confusing, making the change will not be productive. He allowed that the policy as proposed by Commissioner Hilhorst would not prevent the city from addressing upstream design and production waste reduction.

There was consensus to keep the current language for Policy EN-5 and to accept the new wording for line 15, Policy EN-6.

Answering a question asked by Commissioner Walter regarding line 16, New Policy EN-XX, Mr. Andersson said the city has received a lot of feedback with regard to purchasing bottled water for city uses and the need for more pesticide-free parks. The policy is intended to walk that fine line.

Chair Laing suggested the policy, if retained, should clarify that it is addressing municipal operations. He said his preference would be to eliminate it.

Commissioner Hilhorst expressed the view that line 16 is covered by line 15 and as such there is no additional benefit to having line 16.

Mr. Inghram proposed revising line 16 to call for using alternatives to materials and products that are determined to have negative ecological impacts. That would move the policy away from any perceived outright prohibition on the use of such goods. Mr. Andersson allowed that line 17, New Policy EN-XX, actually is preferable to line 16.

There was agreement to eliminate line 16 and to reword line 17 to read "Engage in environmentally preferable purchasing practices and support product stewardship."

Commissioner deVadoss stressed the need to be consistent throughout the policies in using words such as prioritize, minimize and balance.

Mr. Andersson explained with regard to line 18, New Policy EN-XX, that the city has a high percentage of residential waste diversion, currently about 68 percent. There is, however, no policy encouraging that trend to continue and to include businesses and multifamily. Multifamily recycling rates currently are close to 19 percent.

Commissioner Tebelius commented that one of the best ways to encourage people to recycle is to not charge them for doing so.

BREAK

There was agreement not to make any changes to lines 20 through 24.

With regard to line 25, Policy EN-36, Commissioner Walter suggested that the words "littoral" and "riparian" are not commonly used by the general populace. Commissioner Carlson suggested the proposed change to the policy to add those words was not needed given that a healthy riparian zone will enhance aquatic life.

There was agreement to retain the current language of Policy EN-36, and to not make any changes to line 27, Policy EN-38.

Chair Laing asked why "watersheds" was proposed to be changed to "basins" in line 28, Policy EN-38. Mr. Andersson said the change was made for reasons of consistency. Lake Washington and Lake Sammamish are not recognized necessarily as watersheds. The word "basin" is more reflective of the terminology used by the utilities department. Mr. Inghram pointed out that Lake Sammamish and Lake Washington are in fact both in the same watershed. The current policy language implies the lakes are in separate watersheds.

There was agreement to make the changes to line 27, Policy EN-38, and line 28, Policy EN-39, and to make no changes to lines 29 through 33. There was agreement to accept the change to line 34, Policy EN-46; to make no change to lines 35 and 36; to delete line 37; and to make no changes to lines 38 and 39.

There was consensus to replace "utilize" with "use" in both line 40 and line 42.

With regard to line 41, Policy EN-54, Chair Laing commented that structure setback can be modified and even eliminated with a geotechnical report under the critical areas ordinance. To require a setback in the Comprehensive Plan would set up a conflict. The policy language should be consistent with the zoning ordinance. The policy as it exists is very prescriptive and allows for no relief. If retained, the policy should reflect that setbacks are not hard and fast lines. All that is really needed, however, is Policy EN-52. Mr. Inghram agreed to reconsider Policy EN-53 in light of making it consistent with actual practice.

There was agreement not to make any change to line 42, Policy EN-54; to accept the change to line 43, pen55; and to make no change to lines 44 through 49. There was also agreement to place line 44, Policy EN-56, first in the Earth Resources and Geologic Hazards section in order to set the tone.

There was agreement to relative to line 47 to use the title "Low-Impact Development and Green Buildings."

With regard to line 48, Policy EN-17, Commissioner Walter pointed out that in fact regulations that limit the amount of impervious surface area in new development are already on the books. Rather than use the word "establish," the policy should use "maintain." The Commissioners concurred.

Commissioner Walter said the same argument could be made relative to line 49, Policy EN-18. Mr. Inghram allowed that there may still be new ways to create incentives. He suggested using "provide" in place of "implement" and the Commissioners agreed.

Answering a question asked by Commissioner Tebelius, Mr. Andersson said the proposed change to line 50, Policy EN-27, seeks to remove the language referencing critical areas functions.

Chair Laing suggested line 51, New Policy EN-XX, needs to include "where feasible" to match the state standard for implementing low-impact development. He also proposed eliminating the phrase "minimize impervious surfaces" because it is redundant. Mr. Inghram explained that the proposed language is intended to reflect the federal National Pollution Discharge Elimination System (NPDES) requirements.

Phyllis Varner, NPDES Permit Coordinator with the Department of Utilities, explained that the Department of Ecology has split low-impact development into best management practices where feasible, and low-impact development principles. The latter are considered by the city to be land use policies the Clean Water Act did not address. The state has combined the federal Clean Water Act permit and the state water pollution law into a single permit. The federal government has delegated permit authority to the states, and the states are allowed to exceed the federal standards. The principles specify minimizing impervious surfaces and native vegetation loss. Combined with the best management practices, the intent is to make low-impact development the common and preferred approach to site development. The best management practices have metrics to be met, but the principles are more focused on philosophy. There is no metric for what minimizing impervious surfaces, so the decision is left to local jurisdictions. Bellevue already has impervious surface limits in the codes and standards, and the NPDES permit requirement is to review and revise where appropriate all land use-related codes, standards and policies by January 1, 2017.

With regard to the city's appeal of the permit, Ms. Varner said the Pollution Control Hearings Board upheld the position of the Department of Ecology. While the city does not agree with that finding, it is now in the federal permit and all Phase II municipalities are required to review and revise their land use codes for low-impact development principles. The process has been started, beginning with an opportunity analysis of the Comprehensive Plan policies, codes and standards.

Wayne Carlson with the consulting firm AHBL stressed that there is no standard for minimizing impervious surface and native vegetation loss. As such, getting at native vegetation retention and impervious surface thresholds can be accommodated in a variety of ways. Staff have looked for opportunities to integrate the principles into the Comprehensive Plan, following which they will be incorporated into codes and standards. Line 51, New Policy EN-XX, has to do with the principles.

Commissioner Tebelius asked if the state will need to approve what the local cities do relative to establishing standards. Ms. Varner said the city put that very question to the Department of Ecology and the answer given was that the state wants to see good-faith efforts. They have established a process that includes public involvement and a full review of all policies, codes and standards. To date no jurisdiction has accomplished that task. Legal Planner Catherine Drews has been tapped to serve as the manager for a project team that has been set up; the team involves a number of other jurisdictions. The team started with a review of the Comprehensive Plan policies and a consultant has reviewed the findings and has offered some recommendations. There are 36 existing policies that support the low-impact development principles; there are four policies for which amendments have been recommended; and there are six proposed new policies. Line 51, New Policy EN-XX, represents a recommendation by the project team for an umbrella policy to get at what is required by the NPDES permit.

Commissioner Hamlin agreed with Chair Laing that the reference in the policy to stormwater runoff would capture the concept of minimizing impervious surfaces, so in that respect the phrase is not needed. However, given that the phrase is included in the NPDES permit, it make sense to include it.

Chair Laing proposed wording the policy to minimize native vegetation loss and stormwater runoff through techniques such as minimizing impervious surfaces. To simply require developers to minimize impervious surfaces becomes a problem because no specific impact

having to do with water quality or quantity is being mitigated. The practice does, however, have a profound impact on the viability of a project. The Comprehensive Plan should not blindly call for reducing impervious surface for the sake of reducing impervious surface.

Commissioner Hamlin said the point is well taken but does not address the fact that the NPDES permit specifically uses the reference to impervious surfaces.

Chair Laing reiterated his desire to see "where feasible" included in the language. Ms. Varner said the "where feasible" language applies to the best management practices. She said it will be necessary to use the phrase in that regard.

Mr. Inghram stressed that the policy is aimed at making low-impact development the preferred and commonly used approach to site development. The upshot of the language will be that the principle must be considered for every site to be development, not that a specific technique will have to be implemented. He agreed to have staff take another stab at drafting the policy language.

Turning to line 52, New Policy EN-XX, Commissioner Tebelius asked why new city facilities should exceed the required development standards. Mr. Inghram said there is no need to include a policy that simply calls for meeting the standards. The proposed policy language calls for going above the mere basics. The policy does not apply to existing buildings given the challenges that would bring to bear. Commissioner Tebelius argued against including the policy, saying that if the city wants to go above and beyond it is free to do so but there should not be a policy requiring that approach.

Chair Laing said he was pleased to see language that would have government stepping up and setting an example. Mr. Andersson said Bellevue has a policy to maintain regional leadership on environmental issues and line 52 represents one way to do that. The common standards for buildings in the city already exceed the code requirements; by some calculations downtown Bellevue is the second greenest zip code for new residential living in the nation, not because of the codes but because that is what the market wants.

There was agreement in favor of line 53, New Policy EN-XX, and line 54, New Policy EN-XX. There also was agreement to make no changes to lines 56 through 59. There was agreement to take another look at line 60, Policy EN-82, given that vehicle emissions testing will be going away before 2020.

Commissioner deVadoss proposed using an actionable word in place of "investigate" in line 61, pen83. There was agreement to use the word "evaluate."

There was agreement to accept the proposed change to line 62, Policy EN-84.

With regard to line 63, pen-85, Commissioner Hilhorst suggested that the issue is covered by line 7, New Policy EN-XX.

Chair Laing allowed that while line 63 is specific to air quality, it does feel redundant to line 7. Mr. Andersson agreed the specific issues are covered elsewhere. There was agreement to delete the policy.

A motion to extend the meeting to 10:00 p.m. was made by Commissioner Hilhorst. The motion

was seconded by Commissioner Hamlin and it carried unanimously.

There was agreement not to make changes to lines 64 through 76; to accept the clarification to line 77, Policy EN-62; and to make no change to line 78.

With regard to line 79, Policy EN-64, Mr. Andersson explained that "protection zone" is associated with critical areas. It is for the most part interchangeable with critical area though there are some nuanced overlays where it would be interpreted as protection zone. Mr. Inghram added pointed out that the term is not included anywhere in the Land Use Code.

There was agreement to have the policy read "Preserve and enhance native vegetation in critical area buffers."

There was agreement to make no changes to lines 80 through 83.

Relative to line 84 that while the city does not certify specific wildlife, there are other certifications out there which the city leverages. There was agreement to have the policy read "Promote urban backyard wildlife habitat programs."

There was agreement to make no changes to line 85.

It was noted that line 81, Policy EN-66, and line 86, Policy EN-71, say essentially the same thing. There was consensus to delete line 81 and to redraft line 86 to read "Minimize habitat fragmentation, especially along existing corridors and in patches of native habitat."

There was agreement to make no change to lines 87 and 88; to delete line 89 as proposed; and to make no change to lines 90 through 94.

Answering a question asked by Commissioner Hilhorst regarding line 95, Policy EN-11, Mr. Andersson said the second part of the policy ties back to the consistency issue raised previously by Chair Laing regarding the toe and tip of a slope being accounted for in other policies. The policy offers the example of a site-specific critical areas study to provide a science-based approach to development that will achieve all goals. There was agreement to make no changes to the policy.

There was agreement to make no changes to lines 96 through 100. Staff allowed that the proposal to roll line 101, Policy EN-22 into line 102, Policy EN-23, was in error and that no change was needed. There was agreement to make no changes to lines 101 through 103.

Commissioner Tebelius asked if line 104, Policy EN-25, applied to shorelines. Chair Laing said it would not because the shoreline is not a critical area. He proposed having the policy read "Allow for limited building footprint expansion options for existing single family structures in critical areas, protective buffers and setbacks only in a manner that does not degrade critical area functions." There was agreement to make that change to the policy.

There was agreement to make no change to lines 105 to 109.

With regard to line 109, Policy EN-91, Chair Laing proposed having the policy read "Require a noise analysis for transportation projects in or near residential areas…."

There was agreement to make no changes to line 110.

Commissioner Hilhorst called attention to lines 111 and 112, Policy EN-92 and Policy EN-93, and asked how they are put into practice. She noted that on the western edge of her neighborhood there is a significant amount of green space separating the neighborhood from I-405. The city has approved the construction of 50 homes which will mean all of the green space will be gone. That will make the noise coming from the freeway worse for the local homeowners. The policies are both existing but have not made a difference.

Chair Laing explained that the code requires new residential development in areas where the ambient noise levels exceed the interior and exterior standards to be designed so as to avoid exposing residents to noise levels above the standards. Vegetation does not actually mitigate noise. The reality is that cutting down a swath of trees and building a bunch of houses between a noise source and existing residential homes, the new homes will in fact mitigate the noise for the existing residents. That is because the structures will provide a solid barrier. Trees provide only psychological barriers.

Commissioner Walter challenged that statement. She noted that in her neighborhood she never knew there were buses operating on the adjacent arterial until all the vegetation was removed and a wall was constructed. Chair Laing suggested the hardscape wall is reflecting the noise.

Mr. Inghram said the policy is intended to keep a developer from building a development in which the residents would immediately be subject to a noise impact. He said staff would take another look at the issue and return with suggestions.

8. OTHER BUSINESS - None

9. PUBLIC COMMENT - None

10. DRAFT MINUTES REVIEW

A. June 25, 2014
B. July 9, 2014
C. July 30, 2014

No action was taken to approve the minutes.

11. ADJOURN

A motion to adjourn was made by Commissioner Hamlin. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

Chair Laing adjourned the meeting at 10:07 p.m.

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

October 22, 2014 Bellevue City Hall
6:30 p.m. City Council Conference Room 1E-113

COMMISSIONERS PRESENT:	Commissioners Carlson, Hamlin, Hilhorst, Tebelius, deVadoss, Walter
COMMISSIONERS ABSENT:	Chair Laing
COUNCIL LIAISON:	Councilmember Stokes
STAFF PRESENT:	Paul Inghram, Nicholas Matz, Department of Planning and Community Development; Pam Maloney, Department of Utilities
GUEST SPEAKERS:	None
RECORDING SECRETARY:	Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:35 p.m. by Chair Laing who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Chair Laing, who was excused.

3. PUBLIC COMMENT

Mr. Norm Hanson, 3851 136th Avenue NE, addressed the issue of non city-managed utilities. Calling attention to policy UT-39, he noted that currently the city requires undergrounding of all new electrical distribution and communication lines if they exceed one-half inch in diameter. Temporary installations above ground are permitted. Along 140th Avenue NE there are up to four communication trunk lines that measure a half inch or larger that are above ground. One line has never been utilized; it is curled up and has been that way for four years. The Land Use Code relative to undergrounding communication lines has what amounts to a loophole. It allows that undergrounding is not required where the provider can claim a hardship, and that loophole has been used repeatedly over the last ten years. In some cases electrical lines have been undergrounded by the communication lines have not. The proposed change to the policy will not help in that situation at all. There are transmission lines running through the Bridle Trails area, but the feeder lines and the distribution lines have all been undergrounded. Bridle Trails residents have for many years tried to find a pathway to undergrounding all overhead utilities because the trees there wreak havoc with them when storms come along. Other jurisdictions have imposed a surcharge on all ratepayers as a way to generate funds to underground utilities, and to improve the overall reliability of the system. The language of the existing UT-39 should be retained, and the loophole in the Land Use Code should be removed.

Mr. Andy Swain, 10885 NE 4th Street, municipal liaison manager for Puget Sound Energy, said since 2005 he has worked with Bellevue staff on a range of matters, including comprehensive planning, project coordination, review and permitting, service, quality and reliability, energy efficiency, and local regulations. He thanked the Commission for the work it is doing to update the Comprehensive Plan and said Puget Sound Energy understands how important the work is. Puget Sound Energy appreciates having a good working relationship with the city which helps to ensure that Bellevue residences and businesses receive safe, dependable and efficient natural gas and electric service. The company coordinates with the city annually on a number of projects aimed at helping the city achieve its vision for community growth and development. During the past year the Ardmore substation project was completed in the northeast section of Bellevue. The Lake Hills to Phantom Lake transmission line project is currently under permitting review with the city. The Energize Eastside project is being discussed with residents of Bellevue, Redmond, Newcastle and Renton, and a project route selection for the important transmission system improvement will be unveiled in late 2014 or early in 2015. All of the projects are part of the long-term plans of Puget Sound Energy and have been reflected in the city's Comprehensive Plan since the early 1990s.

Mr. Steve O'Donnell, president of the Somerset Community Association, a member of the Puget Sound Energy Energize Eastside CAC, and a co-founder of the Coalition of Eastside Neighborhoods for Sensible Energy, agreed with the comments made by Mr. Hanson with regard to policy UT-39 and the need to address the loophole in the Land Use Code. He pointed out that Bellevue was recently rates as the number two most livable city in the nation, but the vision for the city does not include an unsightly major high-power transmission line running through the middle. The East Main station area planning CAC has been charged with making recommendations that consider both current and future neighborhood character. Councilmembers hold up neighborhood character as critical to their campaigns; it is also a major criteria for the Commission and the vision for Bellevue. With regard to policy UT-46, supporting alternative energy, the language should include some specifics with regard to the alternative energy sources. Multijurisdictional coordination is referenced in policy UT-48 and with respect to the Energize Eastside project Bellevue should be coordinating with Renton, Newcastle, Redmond and Kirkland. The Energize Eastside project must be sized right to meet the growth needs of the city. Nationwide, statewide and countywide energy use is flat or trending down. Population growth and energy use has been decoupled; over the last three years energy use has dropped by 12 percent even in the face of one billion new devices being put into use. The city's easements and rights-of-way should not be overused and overstretched in creating systems that will not be needed. Residential areas should be avoided completely when it comes to making route selections.

Commissioner Tebelius commented that even if the Commission were fully in agreement, there is no way to express that opinion in the Comprehensive Plan. Mr. O'Donnell pointed out that policy UT-72 speaks to working with Puget Sound Energy to assure compatibility with new and expanded facilities. Expanding on that language would be a good idea. Many counties in the state have PUDs. Puget Sound Energy is owned by a hedge fund out of Australia with Canadian pension fund money. They are racing the investment clock, and the technology clock for grid storage and distributed generation.

4. APPROVAL OF AGENDA

A motion to approve the agenda was made by Commissioner Hamlin. The motion was seconded

by Commissioner deVadoss and it carried unanimously.

5. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS

Councilmember Stokes stressed the need to schedule the annual Commission retreat. He proposed setting it for November 12.

6. STAFF REPORTS

Comprehensive Planning Manager Paul Inghram reported that at its October 20 meeting the City Council reviewed the multifamily tax exemption, a tool cities can use to exempt a portion of property tax on multifamily projects that include a certain amount of affordable units. The issue will be back before the Council in ordinance form later in the year.

Mr. Inghram said the East Main station area planning open house is scheduled for October 28. Information will be sought from the public with regard to what the city should do in response to having a light rail station located in the East Main neighborhood.

He reported that the five police chief candidates will attend an event at City Hall on October 23 between 6:00 p.m. and 7:00 p.m.

Commissioner Tebelius observed that the written staff report provided to the Commissioners included the statement that the Transportation Element, Human Services Element and Parks, Recreation and Open Space Element will all be incorporated per the respective commissions' recommendations. She suggested that approach would be inconsistent with the Commission's work to date. All elements should be reviewed by the Commission in light of the entire Comprehensive Plan. Commissioner Hilhorst agreed to discuss the suggestion with Chair Laing and with staff.

7. STUDY SESSION

A. Comprehensive Plan Update: Utilities Element

Mr. Inghram noted the inclusion in the Commission packets information about the Parks, Recreation and Open Space Element and the Human Services Element for review. He asked the Commissioners to review them and identify any items in need of discussion, or to conclude the elements are ready for inclusion in the larger Comprehensive Plan draft for final review.

Senior Planner Nicholas Matz commented that the Commission has been asked to identify and resolve issues that cross multiple areas of the Comprehensive Plan in reviewing the elements and policies brought before the Commission to date. Some of the policies in the Utilities Element do that and relate to the aesthetics of the built and natural environment. There are two sections to the Utilities Element: city-managed utilities and non city-managed utilities. He noted that Utilities Planning Manager Pam Maloney has been working closely with the Environmental Services Commission on the policies; that group has done a lot of the heavy lifting, particularly with regard to the city-managed utilities policies.

Continuing, Mr. Matz said the use of the Utilities Element is framed around four general themes: 1) facilitating the provision of utilities at appropriate service levels; 2) balancing reliable service

with community impacts; 3) processing permits with predictability and fairness; and 4) encouraging new technologies that enhance service, reduce costs or reduce impacts. The element functions as a collection of descriptions of utility plans, it also includes policies to reflect the quality, reliability, safety and regulation of the services provided.

The Commissioners were reminded that they had previously received information from city utilities engineering staff about city utility systems and the desire of the staff and the Environmental Services Commission to incorporate how the utilities department is planning the management of aging infrastructure, respond to growth, and adapt to changing consumer behavior. The Environmental Services Commission reviewed the utility policies in light of the NPDES requirements.

Commissioner Tebelius observed that the chapter goals are complex and somewhat difficult to read. Mr. Matz explained that they are deliberately worded because of the way in which they work in context with each other. He said it was not his intention by shortening them in the narrative that the policies should be shortened.

Mr. Inghram added that there has not been a lot of focus given to the existing goal statements. He agreed they could be reviewed, particularly with regard to how they relate to the goals for the other elements.

Mr. Matz acknowledged receipt of an email communication from David Plummer who has been fully engaged in reviewing the Utilities Element. His concerns have been around cost-effective analysis and implementation. His email included specific comments with regard to policy language. Cost-effectiveness is often difficult to define and include in policy language, but for the most part many of his suggestions involve things the city already does. His comments also refer to the education policies the Environmental Services Commission is emphatic about; Mr. Plummer would prefer an approach that involves informing people rather than educating them. Staff have had good conversations with Mr. Plummer about the issue of asset management and life cycle costing. He would prefer to see a level of detail that is not appropriate for policy documents but which are certainly appropriate in functional plans that come into play at the implementation stage.

Mr. Inghram added that line 11, a proposed new policy, was added largely in response to issues raised by Mr. Plummer during the process, though Mr. Plummer would prefer to see the language be far more specific.

Turning to line 2, policy UT-2, Mr. Matz said utilities staff and the Environmental Services Commission was clear about the need to incorporate in policy the term "sustainable" in order to reflect the utility's broader evolving mission that is captured in the system plans. Sustainability is a metric that is occurring in different ways in different places. In the case of utilities, it is a necessary component of changing consumer behavior that the city needs to be able to react to in updating its functional plans.

Answering a question asked by Commissioner deVadoss, Ms. Maloney said sustainability is a function of the long-term holistic perspectives associated with the purchase, installation and management of assets and facilities. The term includes the notions of environmental, social and economic costs overall.

With regard to 3, policy UT-1, Commissioner deVadoss proposed replacing "environmentally

sensitive" with "sustainable."

Commissioner Walter suggested that some things are context specific where someone with a specific background will read something into a word differently from the average person. She said to her "sustainable" means long lasting, not environmentally sensitive. Commissioner Hamlin allowed that while the two terms can be used interchangeably, adding "sustainable" to the policy would only create confusion.

There was agreement not to change policy UT-1.

Mr. Matz noted that line 4 introduces a new policy encouraging public/private partnerships that will take advantage of the city's fiber optic network in order to facilitate service delivery and competition.

Commissioner deVadoss asked if it would be better to have the policy read "Encourage innovation" rather than referencing public/private partnerships. Mr. Matz proposed leaving in the reference to public/private partnerships but rewording the policy language to incorporate an innovation focus. Mr. Inghram said at the heart of the policy is the fact that the city is open to working with private companies in utilizing the city's infrastructure.

Mr. Matz explained that line 5 involves a new policy that establishes support for new and emerging technologies that will benefit city-managed utilities.

Commissioner Tebelius asked if the policy was needed given that the city would do that anyway.

Commissioner Carlson commented that the policy language proposed by Mr. Plummer uses fewer words to more simply say more. Mr. Matz said Mr. Plummer's focus is on cost-effectiveness, something that does not work when looking at new and emerging technologies. By default the city uses a cost-effective approach, but without permission to engage, the ability to say why new and emerging technologies are being investigated does not exist.

Commissioner Hilhorst asked if by using Mr. Plummer's verbiage that the city would be limiting when it comes to exploring new and emerging technologies that look to be very expensive. Ms. Maloney said that is the concern she has with Mr. Plummer's suggestion. Utilities defaults to cost-effective approaches, but the process of investigating new approaches must occur before cost effectiveness can be determined. For instance, several years ago utilities began exploring the use of smart meters at a time when the cost was prohibitive; the costs are falling, however, and the time to recommend their installation and use will come. She voiced support for the last part of Mr. Plummer's proposed language, except that "and improve utility services" should read "and technologies that would improve utility services."

Commissioner Hamlin said he preferred the staff-proposed language over that of Mr. Plummer.

Mr. Matz proposed melding the two into a policy reading "Support new and emerging information and telecommunications technologies that would benefit city utility users and technologies that would improve utility service and efficient water and energy use."

Commissioner Walter called for retaining the word "viable" and the other Commissioners concurred.

There was agreement to make no changes to the policies referenced by lines 6, 7 and 8. Mr. Matz stressed that the three existing policies work together to stress that system capacity will not determine land use.

Mr. Matz noted that line 9, policy UT-6, is an existing policy that focuses on the joint use of public facilities, the most common example of which is using detention areas for passive recreation. The proposed language change is focused on reflecting current practice. No changes were made to the draft wording.

Mr. Matz said lines 10 and 11 involve new policies that get to the desire of the Environmental Services Commission and utilities staff to have the necessary tools to address asset management. The language of lines 10 and 11 are predicated on best practices relative to the risk management component and general asset management. In the opinion of the staff, the proposal of Mr. Plummer relative to line 11 seeks to add things not appropriate at the policy language level relative to implementing detail.

There was agreement to delete "business/social" from the proposed language of the new policy in line 10.

Answering a question asked by Commissioner Tebelius, Ms. Maloney stressed the need to take lines 10 and 11 together. If the focus is placed entirely on cost, the result will be higher risk. While cost-effectiveness is an important component of asset management, risk balancing is equally important.

Commissioner Hilhorst proposed moving the line 10 and 11 policies closer to the top.

Commissioner Walter raised the issue of including projected service levels along with maintaining desired service levels in the line 11 policy. Ms. Maloney said the city establishes target service levels, such as how long the average customer should be without water service over the course of a year. Even with growth, every attempt is made to hold those targets constant, which of course requires investing in infrastructure.

Commissioner deVadoss suggested the line 10 and 11 policies could be made a part of line 2 policy UT-2. Mr. Matz said he would be reluctant to merging the policies but would be willing to place them to follow each other. There was agreement to do that.

Mr. Matz said the new policy in line 12 addresses a specific function of the city utility department, namely the need to educate the providers, consumers and the community about the benefit of emerging technologies. The idea is to link the conservation efforts and the existing technology relationship in the Comprehensive Plan to the emerging technologies issue.

There was agreement to change "the benefits" to read "the costs and benefits."

Answering a question asked by Commissioner Carlson, Mr. Matz said "educate" is a more active term than "inform." Ms. Maloney added that when the Council makes the decision to move to smart meters, simply informing the public could involve putting a flyer in the utility billing, whereas educating the public would involve holding workshops and actively working to make sure the public will know what to expect.

Commissioner Carlson asked where the dividing line is between "educate" and "lobby." Mr.

Matz said lobbying involves advocating for a particular approach and would by definition be done before the Council makes a decision about funding that approach. Once the Council acts, utilities would have on their plate educating the public about the new approach. There will never be any lobbying or advocating ahead of the Council adopting the financial means by which a particular approach will be taken.

Commissioner Walter said informing involves telling people what the city is doing whereas educating involves telling people what the city is doing and why. She suggested that educating the public will reduce the number of calls to and criticisms of the city and would save everyone a lot of time.

There was agreement to have the line 12 policy read "Inform and educate utility providers, consumers and the community about the costs and benefits of emerging technologies."

Mr. Matz explained that line 13 proposes a new policy to address something both the utilities operating staff and the Environmental Services Commission concluded is lacking. One of the goals of the update is to create a closer nexus between the policy direction of the Comprehensive Plan and the functional plans that implement the policies. The proposed policy also makes reference to Bellevue Solid Waste planning because of the expectation to at some point in the future go beyond the current mechanism for the transfer and disposal of solid waste.

Commissioner Hamlin commented that the second sentence of the proposed policy reads like an explanation of the first sentence and as such would better serve the policy if made part of a narrative. The Commissioners agreed to make that change.

Commissioner deVadoss said the 20-year horizon referenced in the policy seems very long. Ms. Maloney said in the world of planning piped utilities, 20 years is not very long at all. Most of the assets built have much longer lifespans. Mr. Inghram added that the state's population projections reach out 20 years and they are broken down by subarea level within the city. While the forecasts are not always completely accurate, they do offer guidance for planning.

Mr. Matz said the new policy outlined in line 14 seeks to ensure that low-impact development techniques for stormwater management are considered in infrastructure projects.

No changes were made to the proposed language.

Mr. Matz reminded the Commissioners that the Annexation Element is being dissolved but pointed out that there are policies in it that still need to be used. The policies in lines 15, 16, and 17 fall into that category. All three are directly related to people understanding how the city will extend utility service, which makes it appropriate to include them in the Utilities Element. No changes were made to policies AN-3, AN-6 or AN-8.

Mr. Matz noted that the policies in the intergovernmental relations and coordination section address the city's dealings with other entities that provide city-managed services. The proposal relative to line 19, policy UT-7, is to recognize that by definition service areas are consistent with local plans, which they are.

Commissioner Tebelius commented that the title intergovernmental relations and coordination is less than clear. Mr. Inghram agreed to work on a new title for the section along the lines of relations and coordination between local governments.

There was agreement to delete policy UT-8 as proposed by line 20. Since the existing policy was adopted, the practice has been codified so the policy is no longer needed.

There was agreement to make no changes to policies policy UT-9 and policy UT-10, lines 21 and 22.

With regard to line 23, Mr. Matz said the new policy is needed because the Comprehensive Plan is currently silent about interagency coordination for emergency preparedness. The practice is addressed on a broad scale, but not on the level of local and regional utility partners. No changes were made to the proposed language.

Mr. Matz noted that lines 25 and 26, policies UT-11 and UT-12, exist in the current Comprehensive Plan and that staff were proposing no changes.

Commissioner Walter commented that recently there was a problem in the state of Texas having to do with waste and ebola. The underlying issue is huge. Many jurisdictions do not allow such wastes to be burned. Mr. Matz said hazardous waste and moderate-risk waste are defined terms by the King County Department of Public Health.

Commissioner Carlson pointed out that hospitals call in private companies to handle wastes of that sort. Hospitals certainly do not call the local city to deal with it. Mr. Matz said the policies recognize how waste is managed with regard to the particular classes of waste.

Commissioner Hilhorst commented that since Bellevue is now part of a global society, consideration should be given to better and more clearly addressing medical hazards in the Comprehensive Plan. Mr. Matz agreed to find out from existing providers how they handle those wastes.

Councilmember Stokes pointed out that the language of the two policies is primarily focused on household waste. He agreed the time might be right to address the broader issue, however.

No changes were made to policies UT-11 through UT-15, lines 25 through 30.

With regard to line 31, policy UT-16, Commissioner Carlson proposed eliminating the words "sensitivity to." Commissioner Walter proposed replacing "environmental conditions" with "the environment." The other Commissioners agreed to make both revisions.

With regard to line 33, policy UT-17, Commissioner Tebelius suggested that the current policy language is better than the proposed, which adds limitations to the city's contract renewal negotiations. She said she would delete everything after the word "system" in the first sentence, but could agree to retaining just the first sentence.

Councilmember Stokes agreed that the first sentence is a good policy statement, whereas the second sentence is focused more on implementation.

There was agreement to strike the second sentence.

Commissioner Walter asked what is meant by "unobtrusive components." Ms. Maloney said it could refer to the aesthetics of overhead powerlines or dumpsters. Mr. Matz said he would seek

a different word that captures the intent. Commissioner Carlson suggested "discreet."

There was agreement not to make any changes to line 34, policy UT-18, and to delete line 35, policy UT-19 as proposed.

Mr. Matz explained that line 37, a new policy, is intended to serve as an umbrella policy directing the city to develop a wastewater system that is consistent with the utility mission for assuring public health and safety and protecting the environment. The policy is intended to tell the public why the city does what it does.

Mr. Matz said the recommendation of Mr. Plummer was to provide a reliable and cost-effective system.

Commissioner Hilhorst said she did not see value in including a reference to a cost-effective system.

Commissioner Walter proposed adding the word "viable" instead of cost-effective. Ms. Malone pointed out that the issue of cost-effectiveness is addressed by the asset management approach used by the city.

There was consensus not to make any changes to the proposed policy language.

There was agreement to accept the change proposed to line 38, policy UT-20.

With regard to line 39, policy UT-31, Mr. Matz said the policy allows existing septic systems to continue to be used and addresses when they need to be swapped out. He stressed that King County Public Health determines the requirements for connection, not the city. The city provides the service, but the county decides when the service is needed. The policy language only clarifies what the city already does.

Commissioner Carlson proposed replacing "utilize" with "use."

The Commissioners were informed that the changes to line 41, policy UT-23, were recommended by the Environmental Services Commission to improve clarity, to be consistent with the mission statement, and to address low-impact development and watershed-scale stormwater planning.

Commissioner Tebelius said she hoped the policy would not put the city in a position of not having enough money to do what the state says must be done. Ms. Maloney said the policy reflects the existing stormwater mission statement.

Commissioner Walter asked why "hydrologic balance" was proposed to be removed from the policy. Ms. Maloney said the very technical term means different things to hydrologic engineers than it does to the general public. The staff and the Environmental Services Commission also concluded that it did not add value to the policy.

Commissioner Hamlin commented that since the policy is the language of the mission statement, it should not be changed. There was agreement not to make any changes to policy UT-23.

Mr. Matz explained that line 42, policy UT-22, takes an existing policy and breaks it into two

pieces, and seeks terminology consistency. There was agreement to accept the proposed changes.

Mr. Matz said line 43 includes a new policy specific to the design of stormwater management facilities being appropriate to the neighborhood in which they are situated. Mr. Plummer proposed including the term "cost-effective."

Commissioner Carlson said he understood Mr. Plummer's call for including the notion of cost-effective given that the things referenced are things that can spiral out of control absent a built-in sense of cost-effectiveness. Councilmember Stokes pointed out that the point made earlier was that the cost factor concept is embedded in the lead-off paragraph. The city seeks to be cost-effective in everything it does and adding the phrase to every policy will only serve to water it down.

There was agreement not to change the policy.

With regard to line 44, policy UT-24, Mr. Matz said the Environmental Services Commission has proposed deletion of the policy given that surface water quality is now broadly protected by regulations, obviating the need for the policy. There was agreement to delete the policy.

Before leaving the meeting, Councilmember Stokes informed the Commission that the Council has acted on the Horizon View ordinance. He said Councilmember Robinson made a point of complimenting the Commission on the fine work it did in handling the issue.

Mr. Matz allowed that line 45, policy UT-25, takes a fairly simple policy and broadening it to include low-impact development, pollution protection, aquatic habitat and public engagement, and coordination with schools.

Commissioner Tebelius objected to the overall policy. She said the Comprehensive Plan should not encourage coordination with the schools. The schools have much on their plates and it is not the city's job to be educating the students. Educating the public on water quality issues is okay, but the policy should not be so specific, and public engagement is not related to education. Mr. Matz suggested that the Mercer Slough Environmental Center is a shining example of what the policy calls for. The center is run in cooperation with the Pacific Science Center and local schools. Commissioner Tebelius agreed but pointed out that no policy language was needed to make the center a reality.

Ms. Maloney said the proposed policy language comes directly from the Environmental Services Commission. They were concerned, particularly during the economic downturn, that things like the Mercer Slough Environmental Center are the first to go when budgets get cut. Commissioner Tebelius suggested that fact will not change with or without the policy given the Council's right to determine how limited funds are to be spent.

Commissioner Carlson agreed that the policy could be construed as mission creep. He said the policy as proposed would provide a green light for advocacy. The existing policy is much better.

Mr. Matz asked why the city should not want to do what the policy calls for. Commissioner Carlson responded that the language might be tempting for activist-inclined staffers to use their designation as city officials to lobby and advocate. Mr. Matz suggestion that that would be an inappropriate use of policy; there is a clear distinction between education and advocacy.

Commissioner Hilhorst commented that the proposed language calls for outreach efforts. Ms. Maloney clarified that the language specific to educating about low-impact development is aligned with the NPDES permit; that is where that piece came from.

Commissioner Hamlin offered his support for the proposed policy language, though he said he could support deleting the second sentence.

Commissioner Carlson proposed revising the language of the current policy to read "Educate the ratepayers on water quality issues." Ms. Maloney pointed out that there are many who work or shop in Bellevue but do not live in the city and as such are not ratepayers. Outreach efforts are generally focused on everyone who consumes the utility.

The majority of the Commissioners preferred retaining the language of the current policy.

Mr. Matz noted that line 46 is a proposed new policy and is needed to connect low-impact development practices with how the city manages stormwater. No changes were made to the proposed language.

Mr. Matz informed the Commissioners that line 48, policy UT-26, is crafted around the mission statement for water utility. He said the proposal included retaining the discussion paragraph from the existing policy in the narrative section of the Utilities Element.

Commissioner Tebelius asked why the phrase "environmentally responsible manner" is needed. Ms. Maloney said the phrase is pulled from the mission statement and refers to taking responsible actions relative to protecting the environment.

Commissioner Carlson proposed using the word "affordable" in place of "cost-effective." Commissioner Hamlin stressed that the proposed policy is in fact an adopted mission statement and suggested the Commission should not seek to change it. Commissioner deVadoss concurred.

There was agreement not to change the proposed language.

Mr. Matz explained that the revision to line 49, policy UT-27, is intended to recognize that there are also state drinking water quality standards in addition to federal standards. No changes were made to the policy.

There was agreement to make no change to line 50, policy UT-28.

Turning to line 51, policy UT-29, Mr. Matz explained that the proposal clarifies the existing policy and makes reference to what the city already does. He also noted that the discussion paragraph would be folded into the narrative. There was agreement to accept the proposal.

Mr. Matz said line 52, policy UT-30, clarifies a text reference to the functional plan in terms of when well-water users are allowed access to the city's water system. The proposed policy language reflects current practice. No changes were made to the proposed policy language.

There was agreement not to make any changes to Line 53, policy UT-31.

Moving into the general non city-managed utilities section, Mr. Matz noted that lines 55 and 56 highlight new policies. He explained that mandate under the Growth Management Act is for the city to ensure non city-managed utilities will provide the services needed sufficient for the city's growth. Non city-managed utilities are primarily electricity, natural gas, and telecommunications. Members of the community have weighed in through the various outreach efforts and have indicated a desire to continue coordinating with utility providers to make sure their systems and their intent behind providing services are aligned with what the Comprehensive Plan and the growth forecasts call for.

There was agreement to accept the language of line 55.

Commissioner deVadoss suggested the language of line 56 could be simplified to read "Support new and emerging technologies…." Commissioner Hamlin agreed and suggested that change would broaden the policy to cover more than just information and telecommunications technologies. There was agreement to make the change.

There was agreement to make no changes to lines 57 and 58, policies UT-32 and UT-33.

Mr. Matz said the recommended change to line 59, policy UT-34, is aimed at broadening the scope beyond just trenching activities.

Commissioner Hamlin cautioned against using the phrase "such as." Mr. Inghram said the phrase is generally avoided. However, the desire was not to drop the reference to trenching altogether and it was deemed appropriate to use "such as" in the policy.

Commissioner Carlson proposed replacing "such as" with "including." There was agreement to make that revision.

Mr. Matz said the new policies in lines 60 through 62 reference telecommunications. He said it was clear as a result of the various outreach efforts that the business and residential communities in the city are very interested in deploying telecommunications policies in light of the fact that things change very rapidly. The three policies are aimed at advancing the city's objective of increasing internet access competitively, understanding why that is necessary as an economic development issue, and giving guidance to the permitting process to balance the deployment of new technology with protecting neighborhood character.

Mr. Matz pointed out that Mr. Plummer had called for adding in "cost-effective" to the line 60 policy.

Answering a question asked by Commissioner Tebelius, Mr. Inghram said the policies are intended to encourage competition among providers. He stated, however, that the city has only limited control over the private companies providing the services.

Commissioner deVadoss noted that Bellevue recently was highlighted as being the most connected city in the state. He asked if something aspirational can be done in that context along the lines of maintaining a leadership role. Mr. Matz said that absolutely could be done.

Commissioner Hilhorst asked if the reference to "protecting neighborhood character" in the line 62 policy is explicit to keeping towers out of residential neighborhoods. Mr. Inghram allowed that it is. He noted that the flip side would be to give carte blanche access that would result in

new satellite dishes, towers, wires and utility boxes everywhere. The community wants access to technology choices, but not at any cost. Mr. Matz added that by focusing on the permitting process component allows for engaging in a level of public review or engagement focused on finding tailored solutions.

Mr. Matz explained that line 63, policy UT-35, is focused on the city's policy intent to coordinate undergrounding efforts, both for electrical and telecommunications facilities. The proposed language change is aimed at making the policy direction stronger and more assertive.

Mr. Inghram said the policy and others in the section are about getting lines underground as opportunities arise. It is very costly to put existing overhead lines underground and the policies are focused on identifying opportunities and directing the city to take advantage of them.

Mr. Matz said in the case of telecommunications providers, a requirement to underground can represent a market disadvantage, especially where the competitors did not have to. The intent of the policies is to get everyone dealing with the issue and looking for the opportunities. The city can leverage the process by facilitating it through the permitting process and through the process of building and rebuilding streets.

No changes were made to policy UT-35 or to policy UT-36.

Mr. Matz noted that line 65, policy UT-37, also represents a rewrite of an existing policy to be more assertive when it comes to taking advantage of major capital projects.

Commissioner Walter asked why the reference to scheduling was pulled from the existing policy. Mr. Matz said scheduling of projects is built into the seven-year Capital Investment Program (CIP). Mr. Inghram said the proposed policy language could include specific reference to the schedules for projects within the CIP. There was agreement to make that revision.

There was agreement not to make any changes to line 66, policy UT-38.

With regard to line 67, policy UT-39, Mr. Matz explained that there has been an evolving discussion between the Utilities Element and the connectivity teams around separating telecommunication facilities from electrical distribution. The purpose of policy UT-39 is to ultimately achieve undergrounding of electrical distribution lines. While there must be recognition of the fact that the city does not have a financial structure that allows for mandating undergrounding, the policy clearly states the city's desired outcome. Telecommunications is pulled from the policy but added back into the new policy at line 71.

Commissioner deVadoss asked what the rationale is for separating telecommunication facilities from electrical facilities if the city's goal in both cases is the same. Mr. Inghram said the problem is that under the current policy any new electrical or communication line would have to go underground. Any company wanting to install a new fiber optic cable would be required to put it underground even though all other cables may be strung up on poles. The proposed policy change allows for putting new wires on an existing aerial system, but if any of the lines are ultimately put underground, they all must be undergrounded.

Commissioner deVadoss noted that as proposed the policy says where there is existing legacy infrastructure, more legacy infrastructure will be allowed. That does not seem to be a constructive principle. Mr. Inghram said that has certainly been a concern for many and that is

in fact where the original policy language comes from. What the city is hearing, however, is that a new fiber optic company will not underground lines if there are existing lines up in the air for economic reasons. The existing policy, therefore, means new facilities simply will not be built, reducing competition, and the legacy systems will remain in place.

Commissioner Carlson asked if there has been a discussion at the Council level about eventually phasing out all legacy infrastructure. Mr. Inghram said there are two aspects. Where new development occurs, undergrounding is required. Where there are new street projects, there is an evaluation conducted to determine if undergrounding can be done as part of the work. The new policy states that when undergrounding of an existing line is done, all existing overhead lines must be undergrounded. Other policies in the section advocate for funding mechanisms and require the removal of equipment that become abandoned. There is not, however, currently any policy direction to sunset legacy systems.

Commissioner Tebelius noted that the undergrounding of facilities was contemplated as part of the West Lake Sammamish Parkway project but the cost was deemed to be prohibitive. Mr. Matz said the city wants to recognize that situations like that one do exist.

Mr. Inghram suggested the Commissioners should read several of the policies together and return to discussing them before making changes to them. He reiterated that policy UT-39 is a change in policy, and that the current policy language has been shown to be a hindrance toward allowing new telecommunication facilities.

Mr. Matz explained that the new policy in line 68 addresses determining at the time street projects are implemented whether or not undergrounding of distribution facilities should be required, and if so, how the work should be paid for. The new policy in line 69 links the issue of constraints with advocating for state legislation that helps address the need for funding.

With regard to line 69, Commissioner Tebelius said she had no issue with the city seeking funds from the state, but said she did not believe the direction should be included in the Comprehensive Plan. She proposed eliminating the policy. Commissioner Hamlin expressed the same view.

Mr. Matz noted that Mr. Plummer was calling for the inclusion of "cost-effective" in both new policies.

Mr. Inghram said it is very difficult for the city to go to adjacent property owners to find the money to underground facilities, just as it is difficult for the city to pony up several million dollars to underground facilities. While the desire is there to see systems undergrounded, there appear to be a lot of rules in place that keeps the city from simply requiring the utility to do it. He allowed that while the intent of the policy is clear, the wording may not be. Clearly it will require involvement on the part of non city agencies to prevail. The policy goes well beyond simply seeking grant money and incorporates the notion of identifying different ways to enable funding.

Commissioner Hamlin said that clarification was helpful but suggested the wording of the proposed policy is not quite right. The real intent is on seeking opportunities to mitigate impacts by undergrounding, including advocating for change at the legislative level.

Commissioner Tebelius stated that there are many changes needed to regulations at the

legislative level. However, the Comprehensive Plan should not be the vehicle to use. It would be appropriate for the Commission to recommend that the Council consider advocating for change.

The staff agreed to revise the language and bring it back for consideration.

Returning to the new policy in line 68, Commissioner Hamlin said he liked what the language is trying to say but not the way it is drafted. Mr. Matz allowed that the language was reverse engineered from existing code requirements. The intent is to be directive about the means required at the time opportunities occur.

Answering a question asked by Commissioner Hilhorst, Mr. Matz said there is a statute that allows cities to use an LID to underground facilities, and it is slightly different from the city's general LID authority to pay for projects. Even so, the formation of an LID requires a vote of those who will be benefited.

Commissioner Hamlin and Commissioner Hilhorst proposed wording the policy to read, "When implementing street projects, determine whether the relocation of distribution facilities underground is required. If so, determine the manner of payment: tariff schedule, capital improvement program, or the formation of a local improvement district." There was agreement to do so.

With respect to line 70, Mr. Matz said the idea is to reinforce the intent of the Utilities Element with the urban design policies.

A motion to extend the meeting to 9:45 p.m. was made by Commissioner Carlson. The motion was seconded by Commissioner Hamlin and it carried unanimously.

Mr. Matz explained that the new policy in line 71 is related to policy UT-39 and the separation of electrical and telecommunications facilities. The policy is focused on directing the undergrounding of telecommunications facilities.

Commissioner deVadoss asked how do other cities approach the issue of underground telecommunications. Mr. Inghram said some older cities have a lot of above-ground power poles and they allow new lines to be strung on them without much regulation. Where there are modern developments, utilities are routinely placed underground at the time of development and anything new that comes along must also be undergrounded. In the middle are the cities like Bellevue that have a mix of above-ground and underground facilities. Mr. Matz said for the most part cities try to link the undergrounding of telecommunications facilities to street projects using franchise agreements and rights-of-way. Commissioner deVadoss said it would be helpful to be given data on how cities similar in size to Bellevue handle the issue.

Commissioner Hilhorst observed that line 71 links back to line 67 which the Commission put on hold. She suggested leaving line 71 open for a time as well, allowing time for the Commissioners to give the issue more consideration.

There was agreement in favor of making the proposed change to line 72, policy UT-40; to make no change to line 73, policy UT-41; to make the proposed change to line 74; and to make no changes to lines 75 through 86.

With regard to line 88, policy UT-55, Mr. Matz said the minor wording change is intended to reflect current terminology. There was agreement to make the change.

Mr. Matz explained that the submittal of areawide plans as called for in line 89, policy UT-56, is required by code, and that is why the word "encourage" was changed to "require."

Commissioner Tebelius questioned why the policy is even needed given the code requirement. Mr. Matz answered that the city sometimes has trouble getting permit applicants to submit areawide plans. Commissioner Tebelius said even so earlier on a policy was deleted because the issue was included in the code. Mr. Inghram added that there is oftentimes pushback from applicants and the permitting staff likes to have a policy it can point to. Commissioner Tebelius said her preference would be to focus on making the code requirement clear if it is not already.

There was agreement not to make any changes to lines 90 and 91, policies UT-57 and UT-58.

Mr. Matz explained that the changes to line 92, policy UT-59, were intended to shorten the policy while maintaining its intent, and to avoid redundancy with policies UT-55 and UT-60.

Commissioner Hilhorst said her preference would be to retain the portion proposed to be deleted, except for removing the word "personal." There was agreement to make that revision.

There was agreement to make the proposed changes to lines 93 and 94, policies UT-60 and UT-61.

Answering a question asked by Commissioner Tebelius, Mr. Matz said there is currently no code requirement in place that addresses the issue outlined in line 95, policy UT-62. He said having a policy in the Comprehensive Plan would be the first step to realizing such a code requirement, however.

Commissioner Walter asked if a timeline for removal of abandoned facilities is needed. Mr. Matz agreed it would be useful and suggested adding "the timely" ahead of "removal." There was agreement to do that.

There was agreement to delete lines 96 and 97, policies UT-63 and UT-64, given that both are duplicative of UT-61.

There was consensus to make the change to policy UT-65 as proposed in line 98; to make no change to lines 99 and 100, policies UT-66 and UT-67; to accept the new policy in line 101; and to make no changes to lines 103 and 103, policies UT-68 and UT-69.

With regard to line 105, policy UT-70, Mr. Matz said the city has twice since 2004 reviewed the state of research on electromagnetic fields. The proposed change seeks to broaden the existing policy to include the potential health impacts associated with electrical facilities to assure the relevance of the policy over time.

Commissioner Walter suggested that "review periodically" is vague. She proposed having the policy call for the review of all new accepted scientific research. Mr. Matz said the two reviews conducted by the city were both triggered by a specific issue, and he suggested the city would not make decisions in the absence of the latest information. Mr. Inghram added that the planning staff are not constantly online checking for the latest data regarding electromagnetic radiation.

The literature is reviewed when there is a specific need to do so. He agreed, however, to look for a better word than "periodically."

There was agreement to make no changes to lines 106 through 110, policies UT-70 to UT-75, and to accept the new policy in line 111.

With regard to the new policy in line 112, Mr. Matz explained that the city does exercise oversight of the Seattle City Light and Olympic Pipeline infrastructure, but the current Comprehensive Plan does not include a policy to say so. The city has a franchise agreement with Olympic Pipeline, and should Seattle City Light ever propose upgrading their facilities, the city could regulate them as an electrical utility facility. There was agreement in favor of the new policy.

8. OTHER BUSINESS - None

9. PUBLIC COMMENT - None

A motion to extend the meeting for five minutes was made by Commissioner Hamlin. The motion was seconded by Commissioner Tebelius and it carried unanimously.

10. DRAFT MINUTES REVIEW

A. June 25, 2014
B. July 9, 2014
C. July 30, 2014

A motion to move approval of the minutes to the next Commission meeting was made by Commissioner Tebelius. The motion was seconded by Commissioner Hamlin and it carried unanimously.

11. ADJOURN

A motion to adjourn was made by Commissioner Tebelius. The motion was seconded by Commissioner Walter and it carried unanimously.

Commissioner Hilhorst adjourned the meeting at 9:48 p.m.