Bellevue Planning Commission

Wednesday, October 8, 2014
6:30 to 9:30 p.m. ▪ 1E-113
City Hall ▪ 450 110th Ave. NE, Bellevue

Agenda

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*	
	7. Study Session	
7:00 p.m.	A. Clean-up Code Amendments Review proposed clean-up amendments and consider making a recommendation to Council *Mike Bergstrom, Principal Planner*	Pg. 1
7:30 p.m.	B. Comprehensive Plan Update Continue review of draft sections of the Comprehensive Plan • Environment Element • Utilities Element *Paul Inghram, Comprehensive Planning Manager* *Nicholas Matz, Senior Planner* *Paul Andersson, ESI Program Administrator*	Pg. 25
	8. Other Business	
	9. Public Comment* - *Limited to 3 minutes per person*	
	10. Draft Minutes Review • June 25, 2014 • July 9, 2014 • July 30, 2014	
9:30 p.m.	**11. 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

STAFF REPORT TO THE PLANNING COMMISSION

October 1, 2014

SUBJECT

Deliberation and Recommendation to Council - Land Use Code Clean-Up Amendments

STAFF CONTACT:

Carol Helland, Land Use Director, 452-2724, chelland@bellevuewa.gov
Mike Bergstrom, Principal Planner, 452-2970, mbergstrom@bellevuewa.gov
Development Services Department

DIRECTION NEEDED FROM PLANNING COMMISSION

X Action
X Discussion
Information

INTRODUCTION

On September 10, 2014, the Planning Commission held a public hearing on a set of proposed Land Use Code "clean-up" amendments (Attachment A). This hearing followed a study session on June 11, 2014. While the hearing was held on September 10 (no public comments were received), there was insufficient time for the Commission to deliberate and formulate a recommendation that evening due to a full agenda. Therefore, on October 8, 2014, the Commission will be asked to formulate a recommendation to Council on the proposal.

BACKGROUND

"Clean-up" amendments typically address numerous provisions of the Land Use Code and are intended to provide code simplification, clarity, and internal consistency, as well as align code provisions with actual practice. This differs from a "single issue" amendment, e.g., Recreational Marijuana, SMP Update, or Residential Room Rentals, that would likely have broader community interest or greater policy implications.

The proposed Land Use Code Clean-Up amendment would affect a variety of Land Use Code provisions, including:

20.10.440	Use Charts
20.20.010	Dimensional Requirements Chart
20.20.015	Minimum lot size - Shape
20.20.125	Accessory structures in residential districts – Detached
20.20.130	Animal keeping and services
20.20.170	Child care service use

20.20.520	Landscape development
20.20.590	Parking, circulation, and walkway requirements
20.20.720	Recreational vehicles, watercraft, and utility trailers
20.20.890	Trailers, boats and large vehicles – Use as dwelling units
20.20.900	Tree retention and replacement
20.25B.010	Transition Area Design District Purpose
20.25B.020	Transition Area Design District Applicability
20.25B.040	Transition Area Design District Development Standards
20.25D.070	Bel-Red Services Land Use Chart
20.25D.080	Bel-Red Districts Dimensional Requirements
20.25D.130	Bel-Red Development Standards
20.25H.035	Critical area buffers and structure setbacks
20.30D.285	Amendment of an approved Planned Unit Development
20.30N.140	Home Occupation Permit Decision Criteria
20.30T	Reasonable Accommodation
20.35.015	Review and Appeal Procedures – Framework for Decisions
20.35.210	Process II: Administrative decisions – Notice of application
20.35.250	Appeal of Process II decisions
20.40.500	Vesting and expiration of vested status of land use permits and approvals
20.45A.140	Preliminary Plat – Time Limitations
20.45A.180	Final Plat – General
20.50.012	"B" definitions (Building Height; Building Height – Single-Family Land Use Districts; Building Height – Shoreline Overlay Districts; Building Height – Transition Area Design Districts)
20.50.020	"F" definitions (Floor Area Ratio; Floor Area Ratio – Single-Family Dwelling
20.50.030	"K" definitions (Kitchen)

The proposed ordinance contained in Attachment A includes comment bubbles in the right margin that state the purpose or need for each amendment. The majority of the individual amendments add clarity or user convenience, correct citations or cross-references, remove unused code provisions, or provide internal code consistency or consistency with other laws.

QUESTIONS FROM JUNE 11 STUDY SESSION

At your June 11 study session on this item, the Commission raised questions concerning the possible addition of two definitions to the Land Use Code: "Floor Area Ratio (FAR) – Single-Family Dwelling" and "Kitchen".

Floor Area Ratio (FAR) – Single-Family Dwelling. The proposed definition reads as follows:

> **"**A measure of development intensity equal to the gross floor area divided by net on-site land area (square feet). Included in the calculation of gross floor area is the floor area of the ground floor plus that of any additional stories of all buildings on the lot, including accessory structures. High-volume spaces – 16 feet or greater in height – are counted twice. Excluded in the calculation of gross floor area is the floor area or partially exposed lower levels that are less than five feet above finished grade, attic areas which are unfinished and non-habitable, and carports, porches, and decks that are open on at least two sides. See also LUC 20.20.010, Note (43)."

The Commission asked about the origin of this definition, and about "high-volume spaces" counting twice toward allowable FAR. FAR limits were established in 2009 by the adoption of Ordinance No. 5896, as a part of the Neighborhood Livability initiative. The purpose of adopting FAR limits was to help newer (often larger) homes achieve scale compatibility with neighboring existing homes. However, that ordinance did not adopt a definition of FAR that could be applied to single-family dwellings. Therefore, staff reviewed FAR definitions from several other jurisdictions and researched how those jurisdictions approach high-volume spaces. Staff then developed the above language as a working definition and has been applying it to new permits for the past five years. For continued consistency moving forward, and to help users of the Land Use Code find this definition, staff proposes that the definition be codified.

Regarding high-volume spaces, the definition was crafted to balance the fundamental purpose of having a single-family FAR (reduce impacts relating to scale) with the acknowledgement that many newer houses contain entries or other rooms with high ceilings. The definition as written allows reasonable flexibility in accommodating increased ceiling heights before counting such spare twice toward FAR. Basically, it is not until a high-volume space reaches a height equivalent to a two-story structure with more traditional ceiling heights, and therefore having similar exterior bulk as a two-story structure, that it counts twice toward the FAR limit just as that two-story structure would. It should also be kept in mind that the 0.5 FAR limit is not hard and fast; it simply requires that for any structure exceeding 0.5 FAR setbacks be increased to 7.5 feet for each side yard, and that the structure either incorporate daylight plan standards or a second story stepback of not less than 5 feet on each side of the building facing a side yard property line.

<u>Kitchen.</u> The proposed definition reads as follows:

> "An identifiable area inside a building, including all appliances, fixtures, and features within that area together with high-voltage electrical wires and plumbing serving such appliances, fixtures, and features, that contains a combination of functionally related appliances including a stove, range, oven, microwave, or any combination thereof, a refrigerator or other food storage appliance, a sink, and a counter or cupboards, in proximity to each other."

The need for a definition of "kitchen" arises from the definition of Dwelling, Single-Family in the Land Use Code. That definition begins "A building containing but one kitchen….." Without establishing what constitutes a kitchen, it is difficult to determine the point at which a single-family dwelling becomes a duplex.

The proposed definition has been used for several years in the City's Single Family Use Agreement, a document that verifies that certain dwellings will be used for single-family purposes. Similar to the FAR discussion above, codifying this definition will ensure continued consistency moving forward, and will help Land Use Code users find this definition more easily.

PUBLIC NOTICE AND COMMENT

Notice of the LUCA application was published in the Weekly Permit Bulletin on February 20, 2014. Notice of the Public Hearing was published on August 21, 2014. The public hearing was held on September 10, 2014, and no comments were received from the public at that hearing.

Pursuant to the Washington State Growth Management Act, state agencies must be given 60 days to review and comment on proposed amendments to the Land Use Code. A copy of the proposed amendment was provided to state agencies on February 20, 2014.

No comments from either the public or state agencies have been received on the proposal.

EAST BELLEVUE COMMUNITY COUNCIL COURTESY HEARING

On August 5, 2014 the East Bellevue Community Council held a courtesy hearing on the proposed ordinance. The EBCC asked general questions about the proposed ordinance, as well as more specific questions about the proposed addition of the definitions of "Floor Area Ratio (FAR) – Single-Family Dwelling" and "Kitchen". At the conclusion of the courtesy hearing the EBCC did not suggest any changes to the proposed ordinance, but did acknowledge that adding the definition of "Kitchen" would only define that term, and would not address the question of the number of kitchens allowed in a residential dwelling.

STATE ENVIRONMENTAL POLICY ACT

This action is exempt from the requirements of SEPA, pursuant to WAC 197-11-800(19) – Procedural Actions.

DECISION CRITERIA

LUC 20.30J.135 provides the decision criteria for amendments to the text of the Land Use Code:

A. The amendment is consistent with the Comprehensive Plan; and

The proposed amendment is supported by the following Comprehensive Plan policies:

CP-5. Develop and maintain Land Use Code provisions that define the process and standards relevant to each stage of land use decision making, and educate the public about these processes and standards to promote meaningful citizen participation.

ED-3. Develop and maintain regulations that allow for continued economic growth while respecting the environment and quality of life of city neighborhoods.

ED-4. Maintain an efficient, timely, predictable and customer-focused permit process, conducted in a manner that integrates multiple city departments into a coordinated entity.

B. The amendment enhances the public health, safety or welfare; and

The amendment enhances the public health, safety, and welfare by maintaining development regulations that are current, user-friendly, and clear. Well-maintained regulations help to remove confusion and conflicts that can add time and cost to the permit process, as well as reduce legal exposure arising from internal code conflicts or lack of consistency with State laws.

C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.

The amendment is in keeping with the best interest of the citizens and property owners of the City of Bellevue, as well as other users of the Land Use Code. Adding clarity and removing internal code conflicts or gaps increases the usability of the Land Use Code by citizens, property owners, and developers alike.

RECOMMENDATION

Move to recommend that the City Council approve the proposed Land Use Code Amendment.

NEXT STEPS

Adoption of the ordinance will entail the steps listed below. Dates indicated are tentative.

1. November 10, 2014: Council study session – transmittal of Planning Commission recommendation
2. November 17, 2014: Council action on ordinance
3. December 2, 2014: East Bellevue Community Council public hearing and final action

ATTACHMENT

A. Proposed Land Use Code Clean-Up Amendment

Attachment A

September 10, 2014 Public Hearing Draft

Draft Land Use Code Clean-Up Amendments

Section 1. Section 20.10.440, Residential Land Use Chart, Note (16), is hereby deleted:

~~(16) For Single-Family Land Use Districts, "building height" is defined as the vertical distance measured from the average existing grade around the building to the highest point of a flat roof, or to the mean height between the eaves and ridge of a pitched roof, provided this measurement does not apply to flag poles and short wave radio antennas. Refer to the definition of building height for Single-Family Land Use Districts at LUC 20.50.012.~~

Comment [CoB1]: Removes errant note; 20.10.440 does not address building height.

Section 2. Section 20.10.440, Residential Land Use Chart, is hereby amended to add Note (16), to read as follows:

(16) See LUC 20.20.190 for additional regulations.

Comment [CoB2]: User convenience – directs user to special setback and auto access requirements in 20.20.190.

and to attach Note (16) to the following uses:

- Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities; and
- Congregate Care Senior Housing; and
- Nursing Home.

Section 3. Section 20.10.440, Recreation Land Use Chart, is hereby amended to add Note (11), to read as follows:

20.10.440 Recreation Land Use Chart.

(11) See LUC 20.20.190 for additional regulations.

Comment [CoB3]: User convenience – directs user to special setback and auto access requirements in 20.20.190.

and to attach Note (11) to the following uses:

- Recreation Activities: Golf Courses, Tennis Courts, Community Clubs, Athletic Fields, Play Fields, Recreation Centers, Swimming Beaches and Pools.

Section 4. Section 20.10.440, Resources Land Use Chart, is hereby amended to add Note (5), to read as follows:

20.10.440 Resources Land Use Chart.

(5) See LUC 20.20.130.E for additional regulations.

Comment [CoB4]: User convenience – directs user to additional regulations elsewhere in the Land Use Code.

Section 5. Section 20.10.440, Services Land Use Chart, is hereby amended to add Note (26), to read as follows:

20.10.440 Services Land Use Chart.

(26) See LUC 20.20.190 for additional regulations.

Comment [CoB5]: User convenience – directs user to special setback and auto access requirements in 20.20.190.

and to attach Note (26) to the following uses:

DRAFT

- Military and Correctional Institutions; and
- Education: Primary and Secondary; and
- Universities and Colleges; and
- Religious Activities.

Section 6. Section 20.20.010, Dimensional Requirements Chart, Note 44, of the Bellevue Land Use Code is hereby amended to read as follows:

(44) Maximum building height for single-family uses in single-family residential land use districts is 30 feet measured from the average elevation of the existing grade around the building to the highest point of a flat roof, or 35 feet to the ridge of a pitched roof. Refer to 20.50.012 for definition of Building Height – Single-Family Land Use Districts.

Comment [CoB6]: User convenience.

Section 7. Section 20.20.015 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.015 Minimum lot size – Shape.

Every lot shall be of a shape such that two lines, one equal to the required width and one equal to the required depth for the land use district, may be placed at right angles to each other entirely within the lot boundaries. ~~Lot width shall be measured at the building line of the primary structure, which structure does not include garages or other accessory buildings.~~

Comment [CoB7]: Removes confusion, adds user clarity.

Section 8. Section 20.20.125.E of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.125.E Accessory structures in residential districts – Detached.

E. Limitations on Location and Lot Coverage.

~~1. Detached accessory structures shall not be located less than six feet from the associated primary structure.~~

Comment [CoB8]: Consistency with International Residential Code adopted by the City of Bellevue.

~~2~~1. Detached accessory structures shall be included in the calculation of lot coverage necessary to comply with the Maximum Lot Coverage by Structures requirements contained in LUC 20.20.010. In addition, detached accessory structures are limited to a maximum lot coverage of 10 percent except as otherwise provided in paragraph F.2. of this section.

~~3~~2. Detached accessory structures are required to comply with the front and side setbacks required for the primary structure and are required to maintain a five-foot setback from the rear lot line except as otherwise provided in paragraph F.3. of this section.

Note: The International ~~Building~~Residential Code as adopted and amended by the City of Bellevue contains additional fire protection requirements that are applicable to some structures constructed within a side or rear yard setback.

Comment [CoB9]: The IRC is the code now used by the City of Bellevue.

DRAFT

Section 9. Section 20.20.130.E of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.130.E Veterinary Services.

In addition to the development standards applicable to the land use district, including BCC Title 8 and Chapter 9.18 BCC, veterinary services are subject to the following requirements:

1. A veterinary clinic designed for the treatment and care of pet animals shall be operated by a registered veterinarian.

2. Animals shall be confined within the exterior walls of the building at all times.

3. Pet day care services may be allowed as a subordinate use subject to the provisions of subsection D of this section and LUC 20.20.840. All pet day care services shall be isolated by soundproofing from all adjacent property and uses.

4. Walls of interior-court animal runs shall be a minimum of eight feet high. Interior-court animal runs shall be roofed and if there are open air spaces between the top of the wall and the roof, they shall be enclosed with wire mesh.

5. All rooms housing animals shall have ample natural or mechanical ventilation.

6. There shall be no cremation or other disposal of dead animals on the premises.

7. ~~A veterinary clinic or hospital building shall not be located closer than 100 feet to an existing residence, residential district (R-1 through R-30), restaurant, clinic or hospital for humans.~~

8. ~~The setback required above shall not apply in the case of a residence used by the veterinarian himself, or any caretaker or watchman on the same or an adjoining lot.~~

Comment [CoB10]: Outdated requirement with no basis in either King County or Washington State regulations regarding health or other veterinary activities/locations.

Comment [CoB11]: If subsection (7) above is removed, this subsection (8) is no longer relevant.

Section 10. Section 20.20.170.C of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.170.C Child care service use.

C. Family Child Care Home in a Residence.

Family child care providers must obtain an operating license from the Department of ~~Social and Health Services~~Early Learning. Minimum licensing requirements can be found in Chapter ~~388-155~~170-296 WAC. Family child care providers also must obtain a Registration Certificate from the City of Bellevue as required by Chapter ~~4.02~~4.03 BCC (Tax Administration Code). All family child care homes must comply with applicable building and fire codes, the Sign Code, Chapter 22B.10 22 BCC, and LUC provisions governing lot size, building dimensions, setbacks and lot coverage requirements for the zone in which they are located.

Comment [CoB12]: Reference and code citation corrections.

Section 11. Section 20.20.520.K of the Bellevue Land Use Code is hereby amended to add a new subsection 3, to read:

20.20.520.K Maintenance of Plant Materials.

3. Streetscape plant materials shall be maintained in a manner consistent with the Bellevue Parks & Community Services 2012 "Environmental Best Management Practices & Design Standards", Chapter 8 – Streetscape Management, now, or as hereafter amended.

Comment [CoB13]: Clarification of maintenance standards.

Section 12. Section 20.20.590.F.1 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.590.F Parking, circulation and walkway requirements.

F. Minimum/Maximum Parking Requirement by Use.

1. Specified Uses. Subject to LUC 20.20.590.G and 20.20.590.H, the property owner shall provide at least the minimum and may provide no more than the maximum number of parking stalls as indicated below:

Use	Minimum Number of Parking Spaces Required	Maximum Number of Parking Spaces Allowed
a. Auditorium/assembly room/exhibition hall/theater/commercial recreation (2~~4~~)	1:4 fixed seats or 10:1,000 nsf (if there are no fixed seats)	No max.
b. Boat moorage, public or semi-public	1:2 docking slips	No max.
c. Financial institution	4:1,000 nsf	5:1,000 nsf
d. Funeral home/mortuary	1:5 seats	No max.
e. High technology/industry ~~(1)~~	4:1,000 nsf	5:1,000 nsf
f. Home furnishing-retail and major appliances-retail	1.5:1,000 nsf	3:1,000 nsf

Comment [CoB14]: Numbering change resulting from elimination of notes 1 and 2.

Comment [CoB15]: Note eliminated. See below.

DRAFT

g. Hospital/in-patient treatment facility/outpatient surgical facility	1:patient bed	No max.
h. (Deleted by Ord. 5790)		
i. Manufacturing/assembly (other than high technology/light industry)	1.5:1,000 nsf	No max.
j. Office ~~(1)~~ business services/professional services/general office	4:1,000 nsf	5:1,000 nsf
k. Office ~~(2)~~ medical/dental/health-related services	4.5:1,000 nsf	5:1,000 nsf
l. Personal services:		
Without fixed stations	3:1,000 nsf	No max.
With fixed stations	1.5:station	No max.
m. Residential:		
Single-family detached	2:unit	No max.
Multiple unit structure:		
One-bedroom or studio unit	1.2:unit	No max.

Comment [CoB16]: Note eliminated. See below.

Comment [CoB17]: Note eliminated. See below.

DRAFT

	Two-bedroom unit	1.6:unit	No max.
	Three or more bedroom unit	1.8:unit	No max.
n.	Restaurant:		
	Sitdown only	14:1,000 nsf	No max.
	With takeout service	16:1,000 nsf	No max.
o.	Retail/mixed retail/shopping center uses (1~~3~~):		
	Less than 15,000 nsf	5:1,000 nsf	5.5:1,000 nsf
	15,000 – 400,000 nsf	4:1,000 nsf	4.5:1,000 nsf
	400,000 – 600,000 nsf	4:1,000 nsf	5:1,000 nsf
	More than 600,000 nsf	5:1,000 nsf	5:1,000 nsf
p.	Senior housing:		
	Nursing home	0.33:bed	1:bed
	Congregate care senior housing	0.5:unit	1.5:unit
	Senior citizen dwelling	0.8:unit	1.5:unit
q.	Rooming/boarding	1:rented room	No max.
r.	Wholesale, warehouse	1.5:1,000 nsf	No max.
s.	Vendor cart	1:cart	No max.

nsf = net square feet (See LUC 20.50.036).

Notes: Minimum/Maximum Parking by Use:

~~(1) A property owner proposing a high technology light industry use or an office use (excluding medical/dental/health related office) shall provide area for future parking so that 4.5 stalls per 1,000 net square feet can be provided, if the proposed initial installation is less than 4.5 stalls per 1,000 nsf. (See paragraph K.7 of this section for design requirements). If at any time the Director of the Development Services Department determines that adequate parking has not been provided through the initial installation ratio, the Director may require the installation of stalls designated as reserve parking up to the 4.5 per 1,000 nsf ratio to assure that parking availability satisfies parking demand. Reserved parking areas must be~~

Comment [CoB18]: Numbering change resulting from elimination on notes 1 and 2.

Comment [CoB19]: Provisions contained in Notes 1 and 2 have not been utilized and are unnecessary.

DRAFT

~~clearly designated on the approved site plan and a document describing such area and the obligation to convert such area to parking must be recorded with the King County Division of Records and Elections and the Bellevue City Clerk.~~

~~(2) A property owner proposing a medical/dental/health related office use shall provide area for future parking so that 5.0 stalls per 1,000 nsf can be provided, if the initial installation is less than 5.0 stalls per 1,000 nsf. (See paragraph K.7 of this section for design requirements.) If at any time the Director of the Development Services Department determines that adequate parking has not been provided through the initial installation ratio, the Director may require the installation of stalls designated as reserve parking up to the 5.0 per 1,000 nsf ratio to assure that parking availability satisfies parking demand. Reserved parking areas must be clearly designated on the approved site plan and a document describing such area and the obligation to convert such area to parking must be recorded with the King County Division of Records and Elections and the Bellevue City Clerk.~~

Comment [CoB20]: Provisions contained in Notes 1 and 2 have not been utilized and are unnecessary.

(1~~3~~) Office, restaurant and movie theater uses included within a retail/mixed retail/shopping center use (paragraph F.1.o of this section) must provide parking stalls as indicated below:

Comment [CoB21]: Numbering change resulting from elimination on notes 1 and 2.

a. Office Uses. If office uses comprise more than 10 percent of the total net square footage of a retail/mixed retail/shopping center use with 25,000 to 400,000 total nsf, the property owner shall provide parking for all office uses at a ratio of at least 4.0 parking stalls per 1,000 nsf for all office space. The office net square footage is not used to calculate the parking for other associated uses.

b. Restaurant Uses. If restaurant uses comprise more than five percent of the total net square footage of a retail/mixed retail/shopping center use, the property owner shall provide parking for all restaurant space at a ratio of at least 14 stalls per 1,000 nsf for sitdown restaurants or at least 16 stalls per 1,000 nsf for restaurants with take-out service. The restaurant net square footage is not used to calculate the parking for other uses.

c. Movie Theaters. Movie theaters in a retail/mixed retail/shopping center use shall provide additional parking as follows:

Size of Retail/Mixed Retail/ Shopping Center Development (nsf)	Parking required in addition to requirements of LUC 20.20.590.F.1
less than 100,000	3.0:100 total seats
100,000-199,999 and more than 450 seats	3.0:100 total seats
200,000 and more than 750 seats	3.0:100 total seats

Movie theater square footage is used to calculate the parking for LUC 20.20.590.F.1.

(2~~4~~) Room or seating capacity as specified in the International Building Code, as adopted and amended by the City of Bellevue, at the time of the application is used to establish the parking requirement.

Comment [CoB22]: Numbering change resulting from elimination on notes 1 and 2.

Section 13. Section 20.20.720.F of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.720.F Recreational vehicles, watercraft, and utility trailers. *

F. As to recreational vehicles only, the requirements of subsection A of this section shall not apply to a residence if one or more occupants thereof has a current windshield placard or special license plate issued to them by the State of Washington as a qualified disabled person in accordance with RCW ~~46.16.381~~46.19.010. Persons claiming this exemption shall apply to the Director for approval thereof. The Director shall establish procedures and standards for acting on exemption requests hereunder. Only one recreational vehicle per residence may be exempted under this provision.

Comment [CoB23]: Citation correction.

* Not effective within the jurisdiction of the East Bellevue Community Council.

Section 14. Section 20.20.890.E of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.890.E Trailers, boats, and large vehicles – Use as dwelling units. *

E. As to recreational vehicles only, the requirements of subsection D of this section shall not apply to a residence if one or more occupants thereof has a current windshield placard or special license plate issued to them by the State of Washington as a qualified disabled person in accordance with RCW ~~46.16.381~~46.19.010. Persons claiming this exemption shall apply to the Director for approval thereof. The Director shall establish procedures and standards for acting on exemption requests hereunder. Only one recreational vehicle per residence may be exempted under this provision.

Comment [CoB24]: Citation correction.

* Effective only within the jurisdiction of the East Bellevue Community Council.

Section 15. Section 20.20.900.E.1 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.900.E Tree retention and replacement.

E. Retention of Significant Trees in the R-1 Land Use District in the Bridle Trails Subarea for any Type of Land Alteration or Development.

1. Permit Required. As required by BCC ~~23.76.025.A.7~~23.76.035.A.8, a clearing and grading permit must be obtained from the City prior to the removal of any significant tree from any lot in the R-1 Land Use District in the Bridle Trails Subarea. The applicant may request a vegetation management plan to cover all proposed tree removal activities within a three-year period. In addition, for the removal of more than two significant trees within any three-year period, the requirements of subsections E.2 and E.3 below apply.

Comment [CoB25]: Citation correction.

Section 16. Section 20.25B.010 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25B.010 Purpose

The Transition Area Design District provides a buffer between residential uses in a residential land use district and a land use district which permits development of higher intensity. Where multifamily development is planned adjacent to single-family residential uses or commercial development is planned adjacent to residential uses, such development should incorporate

Comment [CoB26]: Purpose clarification

DRAFT

elements in the site design and building design to soften its impact and to result in a compatible transition.

Section 17. Section 20.25B.020 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25B.020 Applicability

A. General.

This chapter applies to any portion of property located in a district designated on the chart below as "Districts providing transition" which is located within 300 feet of property located in a district designated on the chart as "Single-family districts receiving transition" or within 150 feet of property located in a district designated on the chart as "Multifamily districts receiving transition."

B. Limitations.

1. Where a transition area abuts a portion of I-90, I-405, SR 520, Burlington Northern Railroad right-of-way, or power transmission line which is located in a single-family or multifamily district, the City shall include that portion as part of the required width of the transition area.

2. If the applicant establishes that a minimum 150-foot width of greenbelt or native growth protection easement is permanently dedicated for nonbuildable purposes and is located in a single-family or multifamily district, the City shall include that portion as part of the required width of the transition area.

3. Development within any Downtown Land Use District is not subject to Transition Area Design District requirements (refer to LUC 20.25A.090, Perimeter Design District).

4. Development within the F1 Land Use District is not subject to Transition Area Design District requirements.

5. Development within the OLB-OS Land Use District is not subject to Transition Area Design District requirements where that property receiving transition is developed in a nonresidential use.

6. Development of a wireless communications facility is not subject to Transition Area Design District requirements.

7. Development within the Medical Institution Land Use District is not subject to Transition Area Design District requirements.

8. Development within the Bel-Red Land Use Districts is not subject to the Transition Area Design District requirements unless specifically made applicable pursuant to Part 20.25D LUC.

9. Where a transition area abuts a single-family or multifamily district and all properties that would receive transition are developed with legally-permitted non-residential uses, the requirements of this Part 20.25B shall not apply.

Comment [CoB27]: Purpose clarification.

. . . .

Section 18. Section 20.25B.040.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.25B.040 Development Standards

A. Building Height.

1. Definition. ~~For purposes of this chapter~~In a Transition Area, building height shall be measured from average existing grade around the building to the highest point of a flat roof ~~or parapet~~ or to the mean height between the tallest eave~~s~~ and tallest ridge of a pitched roof. Mechanical equipment and satellite dish antennas are included in building height calculations, except that mechanical equipment may ~~extend into~~ be located within the upper one-half of a pitched roof form not to exceed 10 feet above maximum building height. This additional 10 feet is for equipment or screening purposes only and not to obtain additional habitable space. Specifically excluded from this definition are parapet walls designed solely, and only to the extent necessary, to screen mechanical and elevator equipment, and slender structural elements not intended for human habitation and not exceeding 10 feet above the maximum building height including chimneys, smoke ventilation stacks, omni-directional antennas, and flagpoles. This definition supersedes the building height definition in LUC 20.50.012 for purposes of this chapter only.

Comment [CoB28]: Various clarifications to definition of building height in a transition area.

Comment [CoB29]: Adds mechanical equipment screening as an element excluded from building height measurement, to ensure that screening can be of similar height to the equipment it is screening.

Section 19. Section 20.25D.070, Bel-Red Services Land Use Chart, of the Bellevue Land Use Code is hereby amended to remove note (4) from the Professional Services: Medical Clinics and Other Health Care Related Services use in the BR Residential Commercial Nodes districts (BR-RC-1, RC-2, and RC-3).

Comment [CoB30]: Removes errant footnote (note 4 relates to auto/motorcycle sales and leasing, not professional services).

Section 20. Section 20.25D.080.A – Dimensional Requirements Chart - of the Bellevue Land Use Code is hereby amended to read as follows:

20.25D.080 Dimensional Requirements.

A. General.

This subsection (Chart 20.25D.080.A, Dimensional Requirements in Bel-Red Districts) sets forth the dimensional requirements for each land use district in the Bel-Red Subarea. The Dimensional Requirements of Chart 20.20.010 do not apply in the Bel-Red land use districts. Each structure, development, or activity in a Bel-Red land use district shall comply with these requirements except as otherwise provided in this section. If a number appears in a box at the intersection of a column and a row, the dimensional requirement is subject to the special limitation indicated in the corresponding Note.

Chart 20.25D.080.A

Dimensional Requirement in Bel-Red Districts.

Bel-Red Land Use District (19)	Tower Type (1) (17)	Minimum Setbacks/Stepbacks (3) (5) (7) (8) (10)			Gross SF/Floor Above 40 ft. (gsf/f) (16) (20) (21)	Gross SF/Floor Above 80 ft. (gsf/f) (16) (20) (21)	Maximum Impervious Surface/ Lot Coverage (6)	Building Height (4)(22)		Floor Area Ratio (4) (9)	
		Front	Rear	Side				Base	Max.	Base	Max.
MO-1 OR-1 RC-1	Nonresidential Residential	0 (2)	0 (14)	0 (14)	28,000 28,000/12,000	28,000 9,000	75%	45	150	1.0	4.0
OR-2 RC-2	Nonresidential Residential	0 (2)	0 (14)	0 (14)	28,000 28,000/12,000	28,000 9,000	75%	45	125	1.0	4.0
RC-3 (15)	Nonresidential Residential	0 (2)	0	0	28,000 28,000	NA	75%	45 (13)	70 (13)	1.0	4.0
CR (15)	Nonresidential Residential	0 (2)	0	0	28,000 28,000	NA	75%	45 (13)	70 (13)	1.0	2.0
R	Nonresidential Residential	0 (2)	0	0	NA	NA	75%	30	45	1.0	2.0
MO OR	Nonresidential Residential	0 (2)	0	0	28,000 28,000	NA	75%	70	70	1.0	1.0
GC	Nonresidential Residential	0 (2)	0	0	NA	NA	75%	45	45	1.0	1.0
ORT	Nonresidential Residential	20	30	20	NA	NA	75%	45(~~12~~11)	45 (~~12~~11)	0.75	0.7
All	Parking (12) (18)				NA	NA	75%	30	30	0.5	0.5

Notes: Chart 20.25D.080.A Dimensional Requirement in Bel-Red Districts.
(1) - (10) *No change*
(11) Maximum building height in the BR-ORT land use district shall be measured from average existing grade. See LUC 20.25D.130.D.4.d for additional transition edge development requirements.
(12) The ground floor of a parking structure shall include Required Ground Floor Uses pursuant to LUC 20.25D.130.A.
(13) – (22) *No change*

Section 21. Section 20.25D.080.C.3 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25D.080.C Bel-Red Dimensional Requirements

C. Impervious Surface/Lot Coverage

3. Buildings constructed partially below grade and not higher than 30 inches above average finished grade are not structures for the purpose of calculating impervious surface; provided, that the rooftop of the building shall be landscaped consistent with the City of Bellevue's Utilities Department Engineering Standards, Chapter ~~D9~~D6, now or as hereafter amended, for the building roof area as approved by the Director.

Comment [CoB31]: Incorrect reference.

Comment [CoB32]: No change - Shown only to identify correct reference.

Comment [CoB33]: No change – Shown only to identify incorrect reference.

Comment [CoB34]: Citation correction.

Section 22. Section 20.25D.130.D.4.d of the Bellevue Land Use Code is hereby amended to read as follows:

4. Applicable Standards for Building Design.
   a. Building facades shall incorporate elements including but not limited to stepbacks, offsets, roof overhangs, and recesses with a minimum depth of 18 inches. Incorporated recess and offset elements should generally occur along the building facade at intervals no greater than 30 feet.
   b. A building facade visible from abutting residential properties shall not exceed 150 feet.
   c. A primary structure shall be a minimum of 20 feet from another primary structure, provided this dimension may be modified pursuant to LUC 20.25H.040 on sites in the Critical Areas Overlay District.
   d. The maximum building height of 45 feet above average ~~finished~~existing grade may be reached only when incorporating pitched or stepped roof forms.
   e. Communication dishes greater than one meter (3.28 feet) in diameter shall not be visible from adjacent residential districts.
   f. Natural materials and neutral colors shall be used.

Comment [CoB35]: Consistency with 20.25D.080.A, note (11).

Section 23. Section 20.30D.285 of the Bellevue Land Use Code is hereby amended to read as follows:

20.30D.285 Amendment of an approved Planned Unit Development

A. There are three ways to modify or add to an approved Planned Unit Development: process as a new decision, process as a Land Use Exemption, or process as an administrative amendment.

B. Except as provided in subsections C and D of this section, modification of a previously approved Planned Unit Development shall be treated as a new application.

C. Land Use Exemption for a Planned Unit Development.

The Director may determine that a modification to a previously approved Planned Unit Development is exempt from further review under the administrative amendment process or as a new application, provided the following criteria are met:

~~1. The change is necessary because of natural features of the subject property not foreseen by the applicant or the City prior to the approval of the Planned Unit Development; and~~

Comment [CoB36]: Impossible standard to meet.

1~~2~~. The change will not have the effect of significantly reducing any area of landscaping, open space, natural area or parking; and

2~~3~~. The change will not have the effect of increasing the density of the Planned Unit Development; and

3~~4~~. The change will not add square footage that is more than 20 percent of the existing gross square footage of the Planned Unit Development; and

4~~5~~. If an addition or expansion has been approved within the preceding 24-month period, the combined additions will not add square footage that exceeds 20 percent of existing gross square footage of the Planned Unit Development; and

5~~6~~. The change will not result in any structure, circulation or parking area being moved significantly in any direction; and

6~~7~~. The change will not reduce any approved setback by more than 10 percent; and

7~~8~~. The change will not result in a significant increase in the height of any structure; and

8~~9~~. The change does not result in any significant adverse impacts beyond the site.

. . . .

Section 24. Section 20.30N.140.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.30N.140 Decision Criteria

A. The Director of the Development Services Department may approve or modify and approve a Home Occupation Permit if the following decision criteria are met:
   1. *(no change)*
   2. *(no change)*
   3. *(no change)*
   4. There is no exterior display, exterior alteration of the property, including expansion of parking or the addition or expansion of exterior mechanical equipment, no exterior sign other than business signage on the applicant's vehicle, no exterior storage of materials or other exterior indication of the business; and
   5. *(no change)*
   6. *(no change)*
   7. *(no change)*
   8. *(no change)*
   9. *(no change)*
   10. *(no change)*
   11. *(no change)*
   12. *(no change)*

Comment [CoB37]: Clarification, reflects actual code application practice. Prevents home occupations from adding commercial kitchens that require mechanical equipment out of character with residential uses.

Section 25. Part 20.30T of the Bellevue Land Use Code is hereby amended to read as follows:

20.30T Reasonable Accommodation

Any person claiming to have a handicap or disability, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this Land Use Code under the Fair Housing Amendments Act of 1988, 42 USC 3604(f)(3)(b), or the Washington Law Against Discrimination, Chapter 49.60 RCW, must provide the Director of the Development Services Department with verifiable documentation of handicap or disability eligibility and need for accommodation. The Director shall act promptly on the request for accommodation. If handicap or disability eligibility and need for accommodation are demonstrated, the Director

Comment [CoB38]: Consistency with Federal and State law (Federal Fair Housing Amendments Act uses "handicap"; Washington Law Against Discrimination uses "disability").

shall approve an accommodation which may include granting an exception to the provisions of this Code. The Director shall not charge any fee for responding to such a request. The Director's decision shall constitute final action by the City on the request for accommodation, and review of that decision will be available only in court. An action seeking such review must be filed not more than 21 days after the Director's decision.

Section 26. Section 20.35.015.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.015.A Framework for decisions

A. Land use decisions are classified into ~~four~~five processes based on who makes the decision, the amount of discretion exercised by the decisionmaker, the level of impact associated with the decision, the amount and type of public input sought, and the type of appeal opportunity.

Comment [CoB39]: Correction; internal consistency.

Section 27. Section 20.35.015.C.12 of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.015.C Framework for decisions

C. Process II decisions are administrative land use decisions made by the Director. Threshold determinations under the State Environmental Policy Act (SEPA) made by the Environmental Coordinator and Sign Code variances are also Process II decisions. (See the Environmental Procedures Code, BCC 22.02.034, and Sign Code, BCC22B.10.180). The following types of applications require a Process II decision:

1. Administrative amendments;

. . . .

12. ~~Review under the State Environmental Policy Act (SEPA) when not consolidated with another permit.~~Land use approvals requiring a threshold determination under SEPA when not consolidated with another land use decision identified in this Section 20.35.015.

Comment [CoB40]: Consistency with State law.

Section 28. Section 20.35.015.G of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.015.G Framework for decisions

G. Other types of land use applications and decisions made by the Director, including those set forth below, are minor or ministerial administrative decisions, exempt from the above land use processes. Notice and an administrative appeal opportunity are not provided. LUC 20.35.020 through 20.35.070, however, apply to all land use applications.
   1. Boundary Line Adjustment;
   2. Final Plat (also requires Hearing Examiner approval prior to recording);
   3. Final Short Plat;
   4. Land Use Exemption;
   5. Temporary Use Permit;
   6. Vendor Cart Permit;
   7. Requests for Reasonable Accommodation as defined by Part 20.30T LUC.*

8. Applications and decisions for activities for which the Director of the Utilities Department has granted an exemption to the "Minimum requirements for new development and redevelopment" pursuant to BCC 24.06.065.C.

*Not effective within the jurisdiction of the East Bellevue Community Council.

Section 29. Section 20.35.210.A (Table 20.35.210.A) of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.210.A Notice of Application.

A. Notice of application for Process II land use decisions shall be provided within 14 days of issuance of a notice of completeness as follows:

Table 20.25.210.A

Application Type	Publish	Mail	Sign
Administrative Amendment	X	X	X
Administrative Conditional Use	X	X	X
Design Review	X	X	X
Home Occupation Permit	X	X	
Interpretation of Land Use Code	X		
Preliminary Short Plat	X	X	X
Shoreline Substantial Development Permit	X	X	
Variance, Shoreline Variance	X	X	
Critical Areas Land Use Permit	X	X	
Land Use approvals requiring SEPA Review (when not consolidated with another permit land use decision, as provided for in LUC 20.35.015.C.12)	X		
Master Development Plan	X	X	X

Section 30. Section 20.35.250.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.250 Appeal of Process II decisions.

A. Process II decisions, except for shoreline permits and SEPA Threshold Determinations on Process IV or Process V actions, may be appealed as follows:

. . . .

Section 31. Section 20.40.500.A.1 of the Bellevue Land Use Code is hereby amended to read as follows:

20.40.500.A Vesting and expiration of vested status of land use permits and approvals.

Comment [CoB41]: Clarifies relationship of Land Use Code and certain applications/decisions pursuant to Utilities Code.

Comment [CoB42]: Clarification and internal consistency.

Comment [CoB43]: Clarification, and consistency with Process II nature of MDPs (see LUC 20.35.015.C.10).

Comment [CoB44]: Internal consistency.

DRAFT

A. Vesting for Permits and Approvals

1. Permits and Approvals Other than Subdivisions and Short Subdivisions and Conditional Uses. Applications for all land use permits and approvals except subdivisions and short subdivisions and conditional uses shall be considered under the Land Use Code and other land use control ordinances in effect on the date that a fully complete Building Permit application, meeting the requirements of BCC ~~23.10.032~~23.05.090.E and F, is filed. If a complete Building Permit application is not filed, the land use permit or approval shall become vested to the provisions of the Land Use Code upon the date of the City's final decision on the land use permit or approval.

Section 32. Section 20.40.500.A.2 of the Bellevue Land Use Code is hereby amended to read as follows:

20.40.500.A Vesting and expiration of vested status of land use permits and approvals.

2. Subdivisions and Short Subdivisions and Conditional Uses. An application for approval of a subdivision or short subdivision of land, as defined in LUC 20.50.046, or for a conditional use, as defined in LUC 20.50.014, shall be considered under the Land Use Code and other land use control ordinances in effect when a fully completed application is submitted for such approval which satisfies the submittal requirements of the Director specified pursuant to LUC 20.35.030.

Section 33. Section 20.45A.140 of the Bellevue Land Use Code is hereby amended to read as follows:

20.45A.140 Preliminary plat – Time limitation.

A preliminary plat automatically expires and is void if the applicant fails to file for approval of the final plat within:

A. Seven years of the effective date of preliminary plat approval if preliminary plat approval is on or before December 31, 2014; or
B. ~~f~~Five years of the effective date of ~~the~~ preliminary plat approval if preliminary plat approval is on or after January 1, 2015; or
C. Ten years of the effective date of preliminary plat approval if the project is not subject to requirements adopted under Chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.

Provided, that, if~~unless~~ the plat is a phased development and the applicant has received an extension for the preliminary plat pursuant to LUC 20.45A.150, these time limitations may be increased by the length of the approved extension.

Section 34. Section 20.45A.180 of the Bellevue Land Use Code is hereby amended to read as follows:

20.45A.180 Final plat – General.

The applicant must submit the final plat within:

Comment [CoB45]: Consistency with state law.

Comment [CoB46]: Citation correction.

Comment [CoB47]: Consistency with state law.

Comment [CoB48]: Consistency with state law.

Comment [CoB49]: Changes below are for consistency with state law.

Comment [CoB50]: Changes below are for consistency with state law.

DRAFT

A. Seven years of the effective date of preliminary plat approval if preliminary plat approval is on or before December 31, 2014; or
B. ~~f~~Five years of the effective date of ~~the~~ preliminary plat approval is preliminary plat approval is on or after January 1, 2015; or
C. Ten years of the effective date of preliminary plat approval if the project is not subject to requirements adopted under Chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.

Provided, that, ~~or the extension date~~ if an extension was granted pursuant to LUC 20.45A.150, these time limitations may be increased by the length of the approved extension.

Section 35. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to revise the definition of "Building Height" to read as follows:

20.50.012 B definitions.

Building Height. The vertical distance measured from the average elevation of the finished grade around the building or building segment to the highest point of a flat roof, or to the mean height between the eaves and ridge of a pitched roof. Specifically excluded from this definition and from the regulation of maximum building height are structural elements not intended for habitation and not exceeding 15 feet above the maximum building height including penthouses for mechanical and elevator equipment, chimneys, wireless communication facility antenna arrays, smoke and ventilation stacks, flag poles, mechanical and elevator equipment, and parapet walls designed solely to screen mechanical and elevator equipment. This definition does not apply to projects located within a Transition Area Design District (refer to LUC 20.25B.040), the Shoreline Overlay District (refer to LUC 20.25E.017), Single-Family Land Use Districts (refer to the definition of Building Height – Single-Family Land Use Districts contained in this section; see also ~~LUC 20.10.440, Note (16)), and to~~ the F1 Land Use District (refer to LUC 20.25F1.040, Footnote (6)).

Comment [CoB51]: Internal consistency – footnote deleted.

Section 36. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to revise the definition of "Building Height – Single-Family Land Use Districts" to read as follows:

20.50.012 B definitions.

Building Height – Single-Family Uses in Single-Family Land Use Districts. The vertical distance measured from the average elevation of the existing grade around the building to the highest point of a flat roof, or to the ridge of a pitched roof, provided this measurement does not apply to chimneys, wireless communication facility antenna arrays, shortwave radio antennas, smoke and ventilation stacks, and flag poles. This definition applies only to single-family residential structures, and structures accessory thereto, located in a single-family land use district. For all other structures, regardless of land use district, see the definition of Building Height contained in this section.

Comment [CoB52]: Clarifies intent and application of this definition. Non-single-family structures would be subject to the definition of "Building Height", above.

Comment [CoB53]: User convenience.

Section 37. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to add the following new definitions:

20.50.012 B definitions.

Building Height – Shoreline Overlay Districts. See LUC 20.25E – Shoreline Overlay District definitions.

Comment [CoB54]: Internal consistency and clarification.

Building Height – Transition Area Design Districts. See LUC 20.25B.040.A.1 – Transition Area Design District Building Height definition.

Comment [CoB55]: Internal consistency and clarification.

Section 38. Section 20.50.020 of the Bellevue Land Use Code is hereby amended to revise the definition of "Floor Area Ratio (FAR)" to read as follows:

20.50.020 F definitions.

Floor Area Ratio (FAR). A measure of development intensity equal to the gross floor area, excluding parking and mechanical floors or areas, divided by net on-site land area (square feet). Net on-site land area includes the area of an easement but does not include public right-of-way except in the Downtown as provided for in LUC 20.25A.020.D. Refer to LUC 20.25H.045 for additional limitations on development intensity applicable to sites with critical areas or critical area buffers. This definition does not apply to single-family dwellings (refer to the definition of Floor Area Ratio (FAR) – Single-Family Dwellings contained in this section).

Comment [CoB56]: Internal consistency and user convenience.

Section 39. Section 20.50.020 of the Bellevue Land Use Code is hereby amended to add the following new definition:

20.50.020 F definitions.

Floor Area Ratio (FAR) – Single-Family Dwelling. A measure of development intensity equal to the gross floor area divided by net on-site land area (square feet). Included in the calculation of gross floor area is the floor area of the ground floor plus that of any additional stories of all buildings on the lot, including accessory structures. High-volume spaces – 16 feet or greater in height – are counted twice. Excluded in the calculation of gross floor area is the floor area or partially exposed lower levels that are less than five feet above finished grade, attic areas which are unfinished and non-habitable, and carports, porches, and decks that are open on at least two sides. See also LUC 20.20.010, Note (43).

Comment [CoB57]: Differentiates single-family FAR from other FAR, for clarification.

Section 40. Section 20.50.030 of the Bellevue Land Use Code is hereby amended to add the following new definition:

20.50.030 K definitions.

Kitchen. An identifiable area inside a building, including all appliances, fixtures, and features within that area together with high-voltage electrical wires and plumbing serving such appliances, fixtures, and features, that contains a combination of functionally related appliances including a stove, range, oven, microwave, or any combination thereof, a refrigerator or other food storage appliance, a sink, and a counter or cupboards, in proximity to each other.

Comment [CoB58]: Based on language used in the city's single family use agreement. Clarification of terms (important for determine what constitutes a "dwelling").

*****END*****

DRAFT

City of Bellevue

Planning Commission Study Session

October 8, 2014

SUBJECT

Major Comprehensive Plan Update – Utilities and Environmental Elements

STAFF CONTACT

Paul Inghram AICP, Comprehensive Planning Manager, 452-4070 pinghram@bellevuewa.gov
Paul Andersson, Environmental Stewardship Initiative Program Administrator, PCD 452-6129 pandersson@bellevuewa.gov

Nicholas Matz AICP, Senior Planner, 452-5371
nmatz@bellevuewa.gov
Pam Maloney, Utilities Planning Manager, 452-4625 pmaloney@bellevuewa.gov
Utilities Department

DIRECTION NEEDED FROM PLANNING COMMISSION

Action
X Discussion
Information

The September 24, 2014, study session is a continuation of the review of the Bellevue Comprehensive Plan with a focus on the Environmental and Utilities chapters of the plan.

No formal action is requested at this study session. The Commission is encouraged to review the enclosed draft policy tables. Comments on the draft policies at this stage will help staff prepare a draft Comprehensive Plan for the Commission's later review.

BACKGROUND

The Planning Commission and the city's other boards and commissions have been systematically reviewing individual policy areas and providing suggestions that will help guide the drafting of an updated plan. The Planning Commission reviewed the Citizen Participation and Capital Facilities sections of the plan at the last meeting and previously reviewed Land Use, Housing, Urban Design and Economic Development. Meanwhile, the Human Services, Transportation and Parks sections have been reviewed by other boards and commissions.

Continued review of draft policy sections, the Community Vision, subarea plans and boundaries are scheduled for upcoming meetings in October and November with the goal of developing a complete public review draft this fall. A public hearing may be scheduled for this winter.

ENVIRONMENTAL

Environmental policies touch on a broad range of issues that connect with development, transportation, utilities, urban character and the city's quality of life. (See Attachment 1) Recognizing this diversity, the update process of the Environmental Element has involved staff from multiple departments and included a Joint Boards & Commissions meeting on November 19, 2014 (see Attachment 3). That meeting discussed how the community's perspective of environmental issues has changed over the last ten years and outlined a handful of key topics. While the meeting did not look at specific policy language it did explore how communities are addressing these issues and the actions we might support with policy.

Based on this interdepartmental work and the feedback received from the Joint Boards & Commissions meeting, a number of policy updates to the Environmental Element are recommended that fall into 3 primary categories:

1. **Edits to existing policy language** (including some policy deletions) - some of the existing policies had redundancies, unclear language, or unclear intent. It is the goal of this update to streamline policies and use the clearest language possible.

2. **New policy additions** – much has changed in the realm of environmental stewardship over the past 10 years. Feedback from Bellevue residents and board and commission members guided staffs work to fill multiple gaps that were identified. Proposed policy additions reflect these changes and also ensure consistency with countywide planning policies, multi county planning policies, and other city codes and ordinances that have been adopted since the last Comprehensive Plan update. New policy additions primarily focus on the following topics:
   i. Tree canopy restoration
   ii. Public-private partnerships for stream habitat and other restoration projects
   iii. Life cycle materials management and life cycle cost approaches to the procurement and use of resources throughout city operations
   iv. Greener buildings and infrastructure
   v. Mitigation of greenhouse gas emissions

3. **Reorganization of policies and policy categories** – staff have attempted to streamline the organization of policies in the element – listing all policies related to a particular topic together, whereas previously they were largely scattered and in some cases redundant across multiple sub-chapters within the element. The following is a high-level overview of the changes between previous and proposed categories or sub-chapters:

Previous:	**Proposed:**
Environmental Stewardship	Environmental Stewardship
Water Resources	Critical Areas
Earth Resources and Geologic Hazards	Water Resources
Fish and Wildlife Habitat Conservation Areas	Earth Resources and Geologic Hazards
Air Quality	Fish and Wildlife Habitat

Noise	Materials Management
	Low Impact Development and Green Buildings
	Air Quality
	Noise

NPDES LOW IMPACT DEVELOPMENT PRINCIPLES

The update of the Comprehensive Plan is an opportunity to synchronize policy updates related to requirements of the Clean Water Act's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit. The Permit requires cities to protect water quality and reduce the discharge of pollutants.

One of the requirements of the new 2013-2018 NPDES Permit is that cities review and revise land use and development-related policies, codes, standards, and other enforceable documents to incorporate Low Impact Development (LID) Principles, defined as minimizing impervious surfaces, native vegetation loss and stormwater runoff, with the intent of making LID the preferred and commonly-used approach to site development.

The city hired the consulting firm AHBL, Inc. to assist in addressing this permit requirement by first conducting an opportunity analysis of the Comprehensive Plan and then, of the citywide codes and standards. The focus of the opportunity analysis of the Comprehensive Plan is to review existing policies for alignment with LID Principles and suggest amendments or new policies to provide policy support for LID Principles. A memo from AHBL, Inc. summarizing the results of the opportunity analysis of the Comprehensive Plan and recommending a few policy amendments and new policies is included in Attachment 5.

The first phase of the NPDES LID Principles review, consideration of the city's policies, is being conducted now to allow the work to be integrated into the Comprehensive Plan update. The review of stormwater and water quality policy extends beyond the scope of the NPDES LID Principles review. AHBL's recommendations touch on policies in the Transportation, Urban Design and Environment elements. Each of these policy sections has additional review steps. Staff will consider the consultant's recommendations and work to integrate them with the suite of policy updates. Staff is not anticipating reviewing the NPDES LID Principles opportunity analysis table in detail, but please let us know if you have any comments or questions about the NPDES LID Principles review.

UTILITIES

The Utilities and Capital Facilities elements were introduced in study session on June 26, 2013, and the city-managed water, waste water and storm water systems were discussed in detail on September 25, 2013. Similar to the Capital Facilities element reviewed at the last meeting, the Utilities element is concerned with ensuring that the public and private services are available to respond to the city's growth and changing conditions. While the Capital Facilities Element focuses on financial planning of public infrastructure, the Utilities Element focuses on maintaining the level of service of public and private utilities.

The state Growth Management Act requires cities to include a utilities element that includes the general location, proposed location, and capacity of existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines. Bellevue's Utilities Element includes a mix of what are called "city managed" utilities, such as water and waste water lines that the city operates, and "non-city managed" utilities. Non-city managed utilities includes those services provided to the community by agencies other than the city, such as electricity and telephone services. The Utilities Element also addresses other telecommunication services, including cable and wireless services. (See Attachment 2)

<u>City-managed utilities</u>

- Solid and hazardous waste
- Waste water
- Storm and surface water
- Water

<u>Non- city-managed utilities</u>

- Electrical
- Natural gas
- Telecommunications (telephone, wireless, cable)

The element's policy direction reflects four general themes: *facilitating* the provision of utilities at appropriate service levels; *balancing* reliable service with community impacts; *processing* permits with predictability and fairness; and *encouraging* new technologies that enhance service, reduce costs or reduce impacts. While the element functions as a collection of descriptions of utility plans, it also includes policy to reflect the quality, reliability, safety, and regulation of the services provided.

City Managed Utilities

The city managed utilities section includes policy guidance for solid and hazardous waste and for water, waste water and storm water. At previous study sessions, the Commission received detailed information from Utilities Engineering staff about the city's utility systems and the standards to which the older water and sewer systems were constructed and affirming that utility systems are constructed to provide sufficient capacity for the underlying zoning. Utilities staff reviewed how the department is planning the necessary infrastructure to managing the aging systems, to respond to growth, and to adapt to changing consumer behavior.

As the city commission with oversight responsibility for city-managed services and consistent with the Council's direction on the update, the Environmental Services Commission reviewed the city managed utility policies and considered the NPDES LID opportunity analysis discussed below. The ESC's initial comments are included in Attachment 6.

Non-city Managed Utilities

As with city utilities, the Comprehensive Plan addresses non-city utilities, including electrical, natural gas and telecommunications (telephone, wireless, cable). Under state law, both the Washington Utilities and Transportation Commission (WUTC) and Bellevue have jurisdiction over the activities of electric, gas, and telephone utilities within Bellevue's city limits. The City

of Bellevue has the authority to regulate land use and, under the Growth Management Act, the requirement to consider the location of existing and proposed utilities and potential utility corridors in land use planning.

A number of changes and events have affected the community and non-city managed utilities since 2004. In 2006 the area suffered a major windstorm that set rainfall records and knocked out power for up to a week or more in much of the city, putting increased attention on maintaining a reliable power supply. Electrical system quality and reliability has also been discussed as an economic issue, noting its importance to the area's high tech businesses. At April and June 2013 Planning Commission study sessions the Bridle Trails community represented its concern for evolving policy to address the visual impacts and undergrounding of electrical facilities. Some have asked for undergrounding as a means to improve reliability, although Puget Sound Energy has provided information that undergrounding does not necessarily improve reliability and can result in longer times to restore outages. Additional comments from individuals that are part of a group called CENSE were made September 24 echoing these earlier concerns.

Puget Sound Energy has proposed a new transmission line in East Bellevue that would connect the Phantom Lake and Lake Hills substations. It is also considering an expansion of its high voltage transmission line that runs between Redmond and Renton through a project called Energize Eastside. As part of Energize Eastside, PSE is considering a number of alternative alignments, including the current alignment that runs north-south near 136th Avenue NE in north Bellevue and over the Somerset hill in south Bellevue. Other alignments include use of the BNSF rail right of way and various combinations of the two. A Citizen Advisory Group (CAG) meeting for the Energize Eastside project is also scheduled for October 8th at the time of the Commission's meeting; the Commission may wish to continue the discussion of those related policies on October 22nd to ensure that members of the community can be present.

The city established its Environmental Sustainability Initiative (ESI), which seeks to reduce excess energy consumption and promote alternative fuel and energy sources, such as solar panels.

During the outreach effort for the Comprehensive Plan, the city heard from a number of citizens about increasing internet service and access. Thirty-six participants in the Best Ideas campaign favored, and 8 opposed, working to install something like Google Fiber to make 1Gbit speeds a reality in Bellevue. Similar other ideas were also expressed for seeking wi-fi throughout Bellevue and for a "Tech for People" tech user fair. Today, companies like Google have targeted select cities for enhanced internet infrastructure. Some cities are being labeled as "Smart Cities," which is a term used to recognize communities with access to both high quality infrastructure and social capital that makes them economically competitive. The Bellevue City Council identified addressing access to high speed internet services a Council priority and reiterated that objective in the Economic Development Strategy.

Non-city managed utility topics

Supporting high speed internet access

Could the policy on undergrounding change to reflect an updated balance between encouraging access to high speed internet service and protecting neighborhood character? The current

Utilities Element includes policy UT-39 regarding the undergrounding of electrical and communication lines. It also encourages collocation in conduit and protecting the city's aesthetic quality. However, the policies lack a city position on access to high speed internet.

The current policy UT-39 is seen as a barrier to the new telecommunication services. UT-39, which is focused on undergrounding of electrical lines, applies the same standard for telecommunication lines, where they are to be undergrounded when new or when there is an intensification of use. However, it is typically impractical for the communication line to be placed underground until the time when electrical lines are undergrounded. For instance, it would not normally be feasible for a new cable company to underground the other telecommunication and electrical lines as part of their deployment. Undergrounding tends to occur in new development or when there is a major new street project and there in an opportunity for cost sharing between the city, Puget Sound Energy and the telecommunication companies.

Staff recommends considering a number of policy changes to recognize both positive support for internet access while continuing to protect neighborhood quality. These changes include: including:

- Better support for new technologies, competition and widespread access to high speed networks. (line 60)
- Assessing the coverage and quality of internet access in the city. (line 61)
- Ensuring a balanced permitting process of encouraging deployment of advanced high-speed telecommunications infrastructure and protecting neighborhood character. (line 62)
- Pulling telecommunications lines out of the UT-39 policy to recognize that the undergrounding of telecommunication lines is a separate decision from undergrounding power lines. (lines 67, 71)

Aesthetic impacts of electrical distribution lines

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." Current policy UT-39 requires the undergounding of new electrical and communication lines and existing lines when there is an 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. Staff recommend addressing telecommunication lines separately, allowing UT-39 to focus on electrical distribution lines, which helps to simplify the policy.

As noted above, Bridle Trails residents advocate for undergrounding the electrical distribution lines in their neighborhood as a means to address tree limb issues and to improve aesthetics. Undergrounding distribution lines in a neighborhood is possible, but raises the question of how to cover the costs, which can be substantial. Washington State's electrical utility regulatory framework addresses functionality and cost sharing for distribution system undergrounding through the Revised Code of Washington (RCW), the Washington Administrative Code (WAC) and in various tariff schedules (74, 73 and 80). The rules limit what costs the utility is allowed to distribute across its rate payers and is a barrier to shifting undergrounding costs for one area to all rate payers. Similarly, rules on city financing of capital projects limits the city to those projects that have a broad community benefit. There may be financing tools available that an individual neighborhood could use to pursue undergrounding of utility lines.

To address the aesthetic impacts and undergrounding of electrical distribution lines, staff recommends:

- Maintaining policies that protect the city's aesthetic quality and avoid unnecessary facilities. (lines 68, 69, 72, 75, 77)
- Adding a new policy that would advocated for state legislation that helps address funding issues associated with neighborhood mitigation (line 69)

Electrical transmission lines

Largely due to PSE's Energize Eastside project, there has been increased concern about the impact of electrical transmission lines. About six years ago the city went through a significant policy update process and established a "sensitive siting" process for new and expanded facilities located in proximity to residentially-zoned areas.

In addition to some of the general utility policies, the following policies address issues related to transmission lines:
UT-46 – support use of alternative energy
UT-48 – multi-jurisdiction coordination
UT-51 – solicit community input on the siting of proposed facilities
UT-53 – require facilities to be aesthetically compatible by the use of screening
UT-68 – encourage conservation of energy
UT-71 – require a balance between impacts and siting considerations of new facilities
UT-72 – work with PSE so that new and expanded facilities are compatible
UT-73 – require a siting analysis for new and expanded facilities when located at sensitive sites

The policies in the Utilities Element guide the city's review and support applying the appropriate process, conditions and mitigation to such facilities. A new policy would address oversight of cross-city lines operated by Seattle City Light and Olympic Pipeline (112).

Wireless communication facilities

While the city has not heard from the community about wireless communication facilities as part of the Comprehensive Plan update outreach process, permits for new facilities regularly result in community concerns. The current set of policies were written shortly after the adoption of the federal Telecommunications Act of 1996 and generally hold up well in seeking a balance between access to wireless services and protecting the community from impacts. Now, more than a decade after passage of the Act and permitting of many, many facilities, some of the policies are out of date. The table includes recommendations to remove some that are redundant and make some other modest changes, while retaining the policy intent of balancing service with impacts.

- New policy (line 101) is proposed to support updating regulations as technology and conditions change, recognizing that the wireless industry is continually evolving.

NEXT STEPS

Review of the Community Vision, subarea boundaries and work of other boards and commissions. Continue review of the Utilities Element.

Fall/winter	Release of full draft plan and hold public hearing on staff recommendation
Winter	Planning Commission review of staff recommendation

February	Present Planning Commission recommended draft update to Council
June	Council action (state deadline: June 30, 2015)

ATTACHMENTS

1. Environmental Element draft policy table
2. Utilities Element draft policy table
3. Environment Joint Boards & Commissions Meeting summary
4. Memo to the Environmental Services Commission dated September 18, 2014
5. Memo from Wayne Carlson, AICP, at AHBL, Inc, dated July 7, 2014, including an NPDES LID opportunity analysis table
6. Letter from the Environmental Services Commission dated January 6, 2014, with policy comment table

Line #	Policy # and Proposed Section	Existing Policy or New Topic	Analysis/Assessment	Proposed Change *(new text shown in italics)*	PC Review
1	**Environmental Stewardship**				
2	EN-1	Consider the immediate and long range environmental impacts of policy and regulatory decisions and evaluate those impacts in the context of the city's commitment to provide for public safety, infrastructure, economic development, and a compact Urban Center in a sustainable environment.	Strengthen and shorten for clarity	~~Consider~~ Evaluate the immediate and long range environmental impacts of policy and regulatory decisions ~~and evaluate those impacts~~ in the context of the city's other obligations ~~commitment to provide for public safety, infrastructure, economic development, and a compact Urban Center in a sustainable environment.~~	
3	EN-2	Conduct city operations in a manner that provides high quality municipal services to the community while ensuring resource conservation, promoting an environmentally safe workplace for its employees, and minimizing adverse environmental impacts	remove qualifiers, strenghten, shorten	Conduct city operations in a manner that *ensures the efficient use and conservation of natural resource*, promotes an environmentally safe workplace for employees, and minimizes adverse environmental impacts.	
4	EN-3	Minimize, and where practicable, eliminate the release of substances into the air, water, and soil that may degrade the quality of these resources or contribute to global atmospheric changes.	strengthen; shorten	Minimize *and seek to eliminate* the release of substances that p*ollute or have harmful impacts on people, wildlife, and the environment.*	
5	EN-4	Encourage the wise use of renewable natural resources and conserve nonrenewable natural resources.	Strengthen; clarify for energy	*Promote and invest in energy efficiency and renewable energy resources as an alternative to non-renewable resources.*	
6	EN-7	Promote growth management strategies that protect air, water, land, and energy resources consistent with Bellevue's role in the regional plan to contain an Urban Center.	clarify purpose	*Protect air, water, land, and energy resources consistent with Bellevue's role in the regional growth strategy.*	
7	NEW EN-XX	Topic: Greenhouse gas emission reductions	community feedback, Res. 7517, 8789 & CPP consistency, fill an existing gap; (CPP EN-17, MPP EN-20)	*Establish a citywide target and take positive actions to reduce greenhouse gas emissions such as increasing tree canopy, reducing energy consumption and vehicle emissions, and enhancing land use patterns to reduce vehicle dependency.*	

8	EN-8	Provide regional leadership on environmental issues that extend beyond Bellevue's boundaries and require regional cooperation.	No change		
9	EN-9	Promote and lead education and involvement programs to raise the public awareness about environmental issues, advocate respect for the environment, and demonstrate how individual actions and the cumulative effects of a community's actions can create significant improvements to the environment.	Shorten for clarity	~~Promote and lead education and involvement programs to raise~~ Educate the public ~~awareness~~ about environmental issues and demonstrate how individual actions can have a cumulative effect to benefit the environment.	
10	EN-28	Utilize best management practices and technology in city projects to demonstrate effective environmental stewardship and long-term fiscal responsibility.	Strengthen based on community feedback, life cycle materials management focus	Utilize *life cycle cost analysis and* best management practices ~~and technology~~ in city projects a*nd procurement to achieve* effective environmental stewardship and long-term fiscal responsibility.	
11	NEW- EN XX	Topic: Public-private partnerships	Public support for use of public funds in private stream corridors and other stewardship projects with public benefit	*Support partnerships between the city and private landowners to steward private lands, streams, habitat and other natural resources for public benefit.*	
12	NEW - ENXX	Topic: Tree canopy preservation	Community feedback	*Establish citywide tree canopy targets that reflect our "City in a Park" character and maintain an action plan for meeting targets across multiple land use types including right of way, public lands, and residential and commercial uses.*	
13	**Waste Resources / Materials Management**				
14	EN-5	Reduce waste, reuse and recycle materials, and dispose of all wastes in a safe and responsible manner.	strengthen	~~Reduce~~ Prevent waste, reuse and recycle materials, and dispose of all wastes in a safe and environmentally responsible manner.	
15	EN-6	Promote the use of products manufactured from recycled materials.	strengthen, clarify	Prioritize the use of products that are recyclable and made from recycled materials, *or have other environmental attributes throughout their lifecycle.*	

16	NEW - ENXX	Topic: Environmentally preferable purchasing practices	Community opinion, Board and Commission agreement	*Reduce or eliminate the purchase and use of materials and products where they are determined to have negative ecological impacts.*	
17	NEW - ENXX	Topic: Environmentally preferable purchasing practices	Community opinion, Board and Commission agreement	*Engage in Environmentally Preferable Purchasing practices and support product stewardship to reduce waste to landfill and carbon emissions.*	
18	NEW - ENXX	Topic: Increased waste reduction	Community opinion, Board and Commission agreement	*Work with residents, businesses, and waste haulers to continue to improve percentage of waste diverted from landfill*	
19	**Water Resources**				
20	EN-15	Integrate site-specific development standards with urban watershed-scale approaches to managing and protecting the functions of critical areas.	No change		
21	EN-32	Retain existing open surface water systems in a natural state and restore conditions that have become degraded.	No change		
22	EN-33	Maintain surface water quality, defined as meeting federal and state standards and restore surface water that has become degraded, to the maximum extent practicable.	No change		
23	EN-34	Monitor surface water quality and implement measures to identify and address the sources of contamination.	No change		
24	EN-35	Employ the best management practices and technology, education, and enforcement strategies to minimize non-point source pollution.	No change		
25	EN-36	Retrofit public storm drainage systems and prioritize investments where there is a significant potential for restoring surface water quality important to preserving or enhancing aquatic life.	Clarify	Retrofit public storm drainage systems and prioritize investments where there is a significant potential for restoring surface water quality important to preserving or enhancing aquatic *littoral and riparian* life.	
26	EN-37	Reduce runoff from streets, parking lots and other impervious surfaces and improve surface water quality by utilizing low impact development	No change		

		techniques in new development and redevelopment.			
27	EN-38	Restore and protect the biological health and diversity of the Lake Washington and Lake Sammamish watersheds in Bellevue's jurisdiction.	Clarify	Restore and protect the biological health and diversity of the Lake Washington and Lake Sammamish ~~watersheds~~ basins in Bellevue's jurisdiction.	
28	EN-39	Restrict the runoff rate, volume, and quality to predevelopment levels for all new development and redevelopment.	Reframe to capture policy direction for current regulations.	*Manage water runoff for new development and redevelopment to meet water quality objectives, consistent with state law.*	
29	EN-42	Conserve groundwater resources.	No change		
30	EN-43	Allow existing farming and agriculture in wetlands and in the 100-year floodplain so long as water quality and buffer functions are not substantially impacted.	No change		
31	**Earth Resources and Geologic Hazards**				
32	EN-44	Regulate land use and development to protect natural topographic, geologic, vegetational, and hydrological features.	No change		
33	EN-45	Protect geologically hazardous areas, especially forested steep slopes, recognizing that these areas provide multiple critical areas functions.	No change		
34	EN-46	Prepare geologic maps of the city, in conjunction with regional geologic mapping efforts.	Clarify	*Maintain updated* ~~Prepare~~ geologic maps of the city, in conjunction *with updates to* regional geologic mapping efforts a*nd other significant changes.*	

35	EN-47	Incorporate information from geotechnical reports and documented landslides and erosion problems into the city's Geographic Information System.	No change		
36	EN-48	Promote soil stability and the use of the natural drainage system by retaining critical areas of existing native vegetation.	No change		
37	EN-49	~~Preserve existing vegetation or provide or enhance vegetation that is compatible with the natural character of Bellevue.~~	Delete - redundant	delete	
38	EN-50	Prohibit development on unstable land and restrict development on potentially unstable land to ensure public safety and conformity with natural constraints.	No change		
39	EN-51	Require an analysis of soil liquefaction potential where appropriate, in the siting and design of structures and infrastructure.	No change		
40	EN-52	Utilize geotechnical information and an analysis of critical areas functions and values to evaluate the geologic and environmental risks of potential development on slopes between 15% and 40%, and implement appropriate controls on development.	No change		
41	EN-53	Require a structure setback from the top and the toe of a steep slope (40%+) to protect public safety.	No change		
42	EN-54	Utilize specific criteria in decisions to exempt specific small, isolated, or artificially created steep slopes from critical areas designation.	No change		
43	EN-55	Minimize and control soil erosion during and after development through the use of the best available technology and other development restrictions.	Clarify	Minimize and control soil erosion during and after development through the use of ~~the best available technology~~ best management practices and other development restrictions	
44	EN-56	Allow land alteration only for approved development proposals.	No change		
45	EN-57	Provide information to the public about potential geologic hazards, including site development and building techniques and disaster preparedness.	No change		

46	EN-58	Regulate development in coal mine hazard areas by requiring that a project proponent (with review, oversight, and approval by the city): · Conservatively evaluate risks, · Eliminate the potential for catastrophic effects and keep development out of catastrophic risk areas, · Mitigate any non-catastrophic impacts, · Protect ratepayers from costs associated with development in areas potentially impacted by mining, and · Provide disclosure mechanisms to inform property purchasers of past mining activities.			
47	**Green Infrastructure and Buildings**				
48	EN-17	Establish land use regulations that limit the amount of impervious surface area in new development and redevelopment city-wide.	No change		
49	EN-18	Implement land use incentives to minimize the amount of impervious surface area below that allowed through prescriptive standards, in new development, redevelopment, and existing development city-wide.	No change		
50	EN-27	Implement the citywide use of low impact development techniques and green building practices that provide benefits to critical areas functions.	Clarify, make consistent with NPDES reqs which apply citywide	Implement the citywide use of low impact development techniques and green building practices ~~that provide benefits to critical areas functions.~~	
51	NEW - ENXX	Topic: Low impact development	Consistent with NPDES	*Make low impact development the preferred and commonly-used approach to site development to minimize impervious surfaces, native vegetation loss and stormwater runoff.*	
52	NEW - ENXX	Topic: Greener municipal buildings	Community feedback; fill identified gap	*Construct and operate new city facilities to exceed required development standards in order to conserve energy, water, and environmental resources.*	

53	NEW - ENXX	Topic: Greener buildings and infrastructure	Community feedback; fill identified gap	*Support the use of emerging best practices in the area of green building and site design through the use of pilot programs and model ordinances.*	
54	NEW - ENXX	Topic: Greener buildings and infrastructure	community feedback; NPDES	*Provide education and incentives to support the implementation of low impact development practices, integrated site planning, and green building, with a focus on early consideration of these in the site development process.*	
55	**Air Quality**				
56	EN-78	Support federal, state, and regional policies intended to protect clean air in Bellevue and the Puget Sound Basin.	No change		
57	EN-79	Work with the private sector to reduce growth in vehicle trips as a key strategy for reducing automobile-related air pollution.	No change		
58	EN-80	Implement transportation projects that provide significant air quality improvements to areas with existing air quality problems, even where the project does not bring all locations up to adopted standards, provided that the project is the best feasible solution and it significantly improves the air quality at each substandard location.	No change		
59	EN-81	Provide transportation improvements for the purpose of relieving localized air quality problems by shifting traffic to less congested facilities nearby, provided this does not encourage cut-through traffic in neighborhoods.	No change		
60	EN-82	Support federal and state actions to reduce vehicle emissions through continued improvements in federal vehicle emission controls and state inspection and maintenance requirements, to include expansion to cover more vehicle classes and additional geographic area.	No change		
61	EN-83	Promote the use of alternative fuels such as electricity and compressed natural gas and investigate the use of such fuels for the city's	No change		

		vehicles.			
62	EN-84	~~Address transportation-related air quality developments in the annual "State of Mobility" report.~~	delete - no "State of the Mobility" report is published	delete - no "State of the Mobility" report is published	
63	EN-85	Reduce automobile dependency by ~~implementing growth management strategies that~~ fully integrating land use and transportation planning ~~and continue to develop downtown Bellevue as an Urban Center~~ in order to improve regional air quality.	Clarify	Reduce automobile dependency by ~~implementing growth management strategies that~~ fully integrating land use and transportation planning ~~and continue to develop downtown Bellevue as an Urban Center~~ in order to improve regional air quality.	
64	EN-86	Maintain the ban on outdoor burning within the urban area and encourage the composting of leaves and other yard debris and other actions as alternatives to burning.	No change		
65	EN-87	Reduce the amount of air-borne particulates through a street sweeping program, dust abatement on construction sites, and other methods to reduce the sources of dust.	No change		
66	**Fish and Wildlife Habitat**				
67	EN-19	Provide incentives to private property owners to achieve specific habitat improvement goals, including retention and enhancement of native vegetation.	No change		
68	EN-20	Encourage property owners to incorporate suitable indigenous plants in critical areas and buffers, consistent with the site's habitat type and successional stage.	No change		
69	EN-29	Recognize and support the broad benefits and educational value of public access to critical areas and appropriate low-impact uses such as trails.	No change		
70	EN-30	Identify, prioritize and implement public projects to improve habitat.	No change		
71	EN-31	Pursue grants to support habitat improvement projects.	No change		

72	EN-40	Preserve and maintain the 100-year floodplain in a natural and undeveloped state, and restore conditions that have become degraded.	No change		
73	EN-41	Preserve and maintain fish and wildlife habitat conservation areas and wetlands in a natural state and restore similar areas that have become degraded.	No change		
74	EN-59	Manage aquatic habitats, including shoreline and riparian (streamside) habitats, to preserve and enhance their natural functions of providing fish and wildlife habitat and protecting water quality.	No change		
75	EN-60	Stabilize stream banks and shorelines if necessary by using bioengineering techniques except where hydrology, excessive cost, or other factors make this approach infeasible.	No change		
76	EN-61	Give special consideration to conservation or protection measures necessary to preserve or enhance anadromous salmonids, recognizing that requirements will vary depending on the aquatic resources involved, including differing stream classification, and that additional efforts may be identified in the regional salmon recovery planning process.	No change		
77	EN-62	Prohibit creating new fish passage barriers and remove existing artificial fish passage barriers in accordance with applicable state law regarding water crossing structures.	Shorten, clarify	Prohibit creating new fish passage barriers and remove existing artificial fish passage barriers in accordance with applicable state law ~~regarding water crossing structures.~~	
78	EN-63	Require and provide incentives for the opening of piped stream segments during redevelopment where scientific analysis demonstrates that substantial habitat function can be restored, and where the cost of restoration is not disproportionate to the community and environmental benefit.	No change		
79	EN-64	Preserve and enhance native vegetation in the Protection Zone and integrate suitable native plants in urban landscape development.	Clarify	Preserve and enhance native vegetation in the ~~Protection Zone~~ buffer zone and integrate suitable native plants in urban landscape development.	

80	EN-65	Improve wildlife habitat especially in patches and linkages by enhancing vegetation composition and structure, and incorporating indigenous plant species compatible with the site.	No change		
81	EN-66	Minimize habitat fragmentation, especially along existing linkages and in patches of native habitat.	No change		
82	EN-67	Preserve a proportion of the significant trees throughout the city in order to sustain fish and wildlife habitat.	No change		
83	EN-68	Encourage residents and professional landscaping firms to utilize native plants in residential and commercial landscapes.	No change		
84	EN-69	Promote urban backyard wildlife habitat programs, and support "certification" of community and private backyard wildlife habitats.	No change		
85	EN-70	Develop and support additional habitat enhancement demonstration projects.	No change		
86	EN-71	Protect wildlife corridors in subdivisions, plats, and city projects.	Clarify to include purpose	Protect wildlife corridors in subdivisions, plats, and city projects *to minimize habitat fragmentation, especially along existing linkages and in patches of native habitat.*	
87	EN-72	Develop programs and regulations acknowledging that designated critical areas such as wetlands, shorelines, riparian corridors, floodplains, and steep slopes provide multiple functions including fish and wildlife habitat.	No change		
88	EN-73	Utilize studies and management recommendations to protect important wildlife habitat characteristics on land that is not a designated critical area.			
89	EN-74	~~Obtain, for protection and restoration, areas that are sensitive to urbanization, represent valuable natural and aesthetic resources to the community, or provide the functions of critical areas that benefit the community's environment.~~	Delete – redundant, combine with EN-23	Delete- redundant, combine into EN 23	
90	EN-75	Manage fish and wildlife habitat conservation areas to protect overall habitat functions and values (food, water, cover, space), except where a "special status species" requires targeted habitat management.	No change		

91	EN-76	Rely on federal, state, and county agencies to identify “special status” wildlife species, but allow for a process to identify species of local importance to Bellevue.	No change		
92	EN-77	Manage naturally occurring ponds to provide fish and wildlife habitat, promote good water quality, and control invasive aquatic plants.	No change		
93	**Critical Areas**				
94	EN-10	Utilize the best scientific information available in an adaptive management approach to preserve or enhance the functions and values of critical areas through regulations, programs, and incentives.	No change		
95	EN-11	Utilize prescriptive development regulations for critical areas based on the type of critical area, and the functions to be protected; and as an alternative to the prescriptive regulations, allow for a site specific or programmatic critical areas study to provide a science-based approach to development that will achieve an equal or better result for the critical area functions.	No change		
96	EN-12	Recognize critical area function in preparing programs and land use regulations to protect critical areas and to mitigate the lost function due to unavoidable impacts.	No change		
97	EN-13	Utilize science based mitigation for unavoidable adverse impacts to critical areas to protect overall critical areas function in the watershed.	No change		
98	EN-14	Implement monitoring and adaptive management plans for critical areas mitigation projects to ensure that the intended functions are maintained or enhanced over time.	No change		
99	EN-16	Facilitate the transfer of development potential away from critical areas and the clustering of development on the least sensitive portion of a site.	No change		
100	EN-21	Reduce or eliminate regulatory barriers to protecting and enhancing critical areas.	No change		

101	EN-22	Develop partnerships with land conservation organizations to acquire critical areas and buffers to protect and restore critical areas functions.	No change	Roll into EN-23	
102	EN-23	Explore opportunities for public acquisition and management of key critical areas of valuable natural and aesthetic resources, and fish and wildlife habitat sensitive to urbanization through a variety of land acquisition tools such as conservation easements and fee-simple purchase.	No change		
103	EN-24	Prioritize efforts to preserve or enhance fish and wildlife habitat through regulations and public investments in critical areas with largely intact functions and in degraded areas where there is a significant potential for restoring functions.	No change		
104	EN-25	Provide for limited building footprint expansion options for existing single family structures in the Protection Zone only in a manner that does not degrade critical area functions.	Clarify	Provide for limited building footprint expansion options for existing single family structures in ~~the Protection Zone~~ *critical areas, protective buffers, and setbacks* only in a manner that does not degrade critical area functions.	
105	EN-26	Require mitigation proportional to any adverse environmental impacts from development or redevelopment in the Protection Zone.	No change		
106	**Noise**				
107	EN-88	Ensure that excessive noise does not impair the permitted land use activities in residential, commercial, and industrial land use districts.	No change		
108	EN-89	Protect residential neighborhoods from noise levels that interfere with sleep and repose through development standards and code enforcement.	No change		
109	EN-90	Require a noise analysis for arterial improvements in residential areas if existing or projected noise levels exceed city-adopted standards, and implement reasonable and effective noise mitigation measures when appropriate.	No change		
110	EN-91	Work with the state to mitigate freeway noise,	No change		

		while addressing aesthetic concerns.			
111	EN-92	Require new residential development to include traffic noise abatement design and materials where necessary to minimize noise impacts from arterials and freeways.	No change		
112	EN-93	Evaluate the benefit of measures designed to mitigate arterial noise, particularly noise walls, along with impacts on the pedestrian environment and neighborhood character.	No change		
113	EN-94	Consider noise impacts when evaluating measures designed to keep traffic volumes and speeds within reasonable limits on collector arterials.	No change		

Comprehensive Plan Policy Development – Utilities Element 9/24/2014

	Element Goals and Policies		If action proposed, why?	Proposed Change
	Chapter Goals	**1. To promote and encourage the development and maintenance of all utilities at the appropriate levels of service to accommodate the City of Bellevue's projected growth.** **2. To promote and encourage the provision of reliable utility service in a way that balances the public's concerns about safety and health impacts of utility infrastructures, consumers' interest in paying no more than a fair and reasonable price for the utility's product, Bellevue's natural environment and the impacts that utility infrastructures may have on it, and the community's desire that utility projects be aesthetically compatible with surrounding land uses.** **3. To process permits and approvals for utility facilities in a fair and timely manner and in accord with development regulations which encourage predictability.** **4. To encourage new technology that improves utility services and reliability while balancing health and safety, economic, aesthetics, and environmental factors.**		
1.	Section	**City-Managed Utilities - General Utility System**		
2.	UT-2	Manage utility systems effectively in order to provide reliable, quality service.	The Utility uses metrics including *reliable* and *quality* to measure service. Adding *sustainable* to the list reflects the Utilities' broader, evolving mission captured in its system plans.	Manage utility systems effectively in order to provide reliable, sustainable, quality service.
3.	UT-1	Utilize design and construction standards which are environmentally sensitive, safe, cost-effective, and appropriate.		No change
4.		NEW	Introduces a concept for the city's fiber optic network, encouraging public/private partnerships and establishing key facilities for co-location to minimize disruption and facilitate service delivery and competition.	Encourage public-private partnerships to take advantage of the city's fiber optic network to facilitate service delivery and competition for broadband deployment throughout the city.

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
5.		NEW	To add policy in support of new and emerging technologies that would benefit city-managed utility service delivery.	Support new and emerging information and telecommunications technologies that would benefit city-managed utility service as well as innovative water use and energy management delivery by being sustainable, appropriate and viable.
6.	UT-3	Ensure that the location, type, and size of all public facilities is determined and/or approved by the city.		No change
7.	UT-4	Base the extension and sizing of system components on the land use plan of the area. System capacity will not determine land use.		No change
8.	UT-5	Design, construct, and maintain facilities to minimize their impact on surrounding neighborhoods.		No change
9.	UT-6	Encourage the joint use of public facilities. *Discussion: The development of a storm and surface water detention area as passive recreation in a public park is an example of such joint use.*	Updating the terminology reflects current practice.	Encourage the joint use of public facilities such as the development of a storm and surface water ~~detention area~~management facility as passive recreation.
10.		NEW	There are currently no policies about asset management in the Comp Plan.	Build and manage city-owned utility infrastructure assets to reduce the likelihood of risks to

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
			Proposed language recognizes the risk management element of utility infrastructure asset management.	public safety, property and environment, and business/social disruption due to asset failure.
11.		NEW	There are currently no policies about using an asset management approach for utility infrastructure in the Comp Plan. Proposal would add general language about support for comprehensive asset management approach as a best practice to efficiently and equitably serve utility customers.	Emphasize cost effective management of city utility systems over their lifetime, including planning for their renewal and replacement, balancing risk, and maintaining desired service levels. Forecast future capital and maintenance costs and manage rates so that customer rate revenue funds the cost of ownership equitably across generations.
12.		NEW	Education links to conservation efforts with existing technology so it should link to emerging policy too.	Educate utility providers, consumers and the community about the benefits of emerging technologies.
13.		NEW	This would provide policy support that long range planning is appropriate and necessary. Alerts plan audience that system plans contain policies and level of service information specific to each utility, in addition to those broad policies stated in the plan. Makes reference to Bellevue Solid	Develop and periodically update functional utility system plans that forecast system capacity and needs for at least a 20 year planning horizon. These functional system plans for water, wastewater, storm water, and solid waste should contain system management and operational policies, levels of service, and policies anticipating far-reaching

	Element Goals and Policies		If action proposed, why?	Proposed Change
			Waste planning, since it is appropriate to plan for a future beyond King Co Solid Waste transfer and disposal system.	impacts in the Puget Sound region, including changes to water quality and supply, increased flood risks, and more variability in weather patterns.
14.		NEW	Recommended by the Environmental Services Commission to ensure that LID techniques are considered in infrastructure projects.	Consider Low Impact Development principles to minimize impervious surfaces and native vegetation loss on all infrastructure improvement projects.
15.	AN-3	Merge into the Utilities Element from defunct Annexation Element.	Continues to provide support to Utility service areas—it is not common knowledge that the stormwater service area moves with city limits.	Make the city's ~~public service and~~ utility service areas coincide with the Potential Annexation Area for unincorporated service areas~~, wherever mutually agreeable~~.
16.	AN-6	Merge into the Utilities Element from defunct Annexation Element.	This aligns with AN-2 and AN-3 for service delivery efficiencies.	Extend the service area boundaries only if landowners requesting service have begun the annexation process or have made prior agreements with city.
17.	AN-8	Merge into the Utilities Element from defunct Annexation Element.	This aligns with AN-2 and AN-3 for service delivery efficiencies.	Utilize pre-annexation agreements only if immediate annexation cannot be required or is not reasonable.
18.	Section	**Intergovernmental Relations and Coordination**		
19.	UT-7	Extend water and sewer utility service to unserved areas of the utility service area, including extensions into potential annexation	By their definition, service areas are consistent with local plans.	Extend water and wastewater utility service to unserved areas of the utility service area, including extensions into potential

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
		areas, if the city's costs are reimbursed and provided that service will be extended only upon annexation to the city, or if extensions are consistent with local and regional land use and utility comprehensive plans.		annexation areas, if the city's costs are reimbursed and provided that service will be extended only upon annexation to the city.~~, and if extensions are consistent with local and regional land use and utility comprehensive plans~~
20.	UT-8	Recover all costs, including overhead costs, related to the extension of services, as well as the costs to maintain and operate these systems.	Codified and no longer needed.	Delete
21.	UT-9	Coordinate with other jurisdictions and governmental entities in the planning and implementation of multi-jurisdictional utility facility additions and improvements.		
22.	UT-10	Coordinate with the appropriate jurisdictions to ensure that utility facilities that are to be constructed in potential annexation areas are designed and built in accord with City of Bellevue standards.		
23.		NEW	Plan is currently silent on inter-agency coordination for emergency preparedness. Response is critical to utility service delivery following an event.	Coordinate emergency preparedness and response with local and regional utility partners.
24.	Section	**Hazardous Waste**		
25.	UT-11	Cooperate with other private and		

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
		public agencies in the region to manage and control hazardous waste and moderate risk waste, including hazardous household substances.		
26.	UT-12	Educate the public in the proper handling and disposal of hazardous household waste and on the use of alternative products or practices which result in reducing the use and storage of hazardous materials in homes and businesses. *Discussion: Hazardous wastes should be properly disposed of according to procedures and standards set by federal, state, or regional agencies, such as those set forth in the King County-Seattle Local Hazardous Waste Management Plan.*		
27.	UT-13	Provide for the safe and convenient disposal of hazardous household waste through a permanent and conveniently located collection facility for Bellevue residents.		
28.	Section	**Solid Waste**		
29.	UT-14	Promote the recycling of solid waste materials by providing opportunities for convenient recycling and by developing educational materials on		

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
		recycling, composting, and other waste reduction methods. *Discussion: Waste reduction and source separation are the city's preferred strategies for managing solid waste. Materials remaining after effective waste reduction and source separation should be handled in accordance with the King County Solid Waste Plan.*		
30.	UT-15	Encourage and actively seek an effective regional approach to solid waste management.		
31.	UT-16	Utilize the public review process in the selection and approval of sites for any disposal facility. *Discussion: In this review, sensitivity to aesthetics, health effects, and environmental conditions should be studied and fully considered.*	Rewrite for clarity.	~~Utilize~~ Use ~~the~~ a public review process in the selection and approval of sites for any disposal facility, to study and consider ~~.~~ ~~Discussion: In this review,~~ sensitivity to aesthetics, health effects~~,~~ and environmental conditions ~~should be studied and fully considered~~.
32.				
33.	UT-17	Maintain a cost-effective and responsive solid waste collection system. *Discussion: In selecting the elements of a solid waste collection system, all the costs and*	Add a broad policy statement that fully captures the Solid Waste Utility mission. Adding reference to these components and updating the discussion text makes them measurable.	Maintain a safe, cost-effective and responsive solid waste collection system that provides convenient, efficient, environmentally-friendly and unobtrusive components and services. Provide support for

	Element Goals and Policies		If action proposed, why?	Proposed Change
		long term factors such as disposal options, should be considered.		contract renewals to examine these components and services with regard to cost and long-term factors such as disposal options.
34.	UT-18	Manage solid waste collection to minimize litter and neighborhood disruption		
35.	UT-19	Provide uniform collection service to areas annexed to city as soon as practicable.	Annexation statutes already provide for this.	Delete
36.	Section	**Wastewater Utility**		
37.		NEW	An umbrella policy to direct the city to implement a wastewater system is consistent with implementing the Wastewater Utility Mission for ensuring public health and safety, and protecting the environment.	Provide a reliable wastewater disposal system that ensures public health and safety, and protects the environment.
38.	UT-20	Require sewer connections for all new development, including single family plats, unless otherwise allowed by state or county regulations.	Updates terms.	Require ~~sewer~~ wastewater connections for all new development, including single family plats, unless otherwise allowed by state or county regulations.
39.	UT-21	Allow existing single family homes with septic systems to continue to utilize septic systems, providing there are no health or environmental problems. *Discussion: Homeowners are*	Seattle-King County Public Health determines requirements for connection, so clarity is needed around this responsibility. The city enables such connections according to its requirements.	Allow existing single family homes with septic systems to continue to utilize septic systems, provided they remain in compliance with Seattle-King County Public Health requirements. Homeowners are encouraged to connect to

	Element Goals and Policies		If action proposed, why?	Proposed Change
		encouraged to connect to sewer systems where available. If existing septic systems pose health or environmental problems, homeowners should be required to connect to the sewer system if practicable.		wastewater systems where available. If existing septic systems ~~pose health or environmental problems~~fail to maintain compliance with Seattle-King County Public Health standards and cannot be brought into compliance, homeowners should be required to connect to the ~~sewer~~wastewater system ~~if practicable~~.
40.	Section	**Storm and Surface Water Utility**		
41.	UT-23	Manage the storm and surface water system in Bellevue to maintain a hydrologic balance in order to prevent property damage, protect water quality, provide for the safety and enjoyment of citizens, and preserve and enhance habitat and sensitive areas.	The ESC recommends edits that improved clarity, are consistent with the storm and surface water utility mission, and supports the goals of LID and of watershed-scale stormwater planning.	Provide a storm and surface water system that controls damage from storms, protects surface water quality, supports fish and wildlife habitat, and protects the environment.
42.	UT-22	Participate in regional watershed based efforts with the goals of achieving local watershed health and addressing Endangered Species Act issues, and strive to manage the city's storm and surface water system within a system wide, watershed based context.	ESC recommended edits that separate the participatory and management parts of this policy: Changing 'watershed' to "drainage basin" provides consistency with NPDES permit terminology and avoids confusion. Dropping the word 'city's' would better convey that the storm system is	Participate in regional watershed based efforts with the goals of achieving local drainage basin health and addressing Endangered Species Act issues. Manage the storm and surface water system within a system wide, watershed based context.

	Element Goals and Policies		If action proposed, why?	Proposed Change
			comprised of both public and private elements. The changed words avoid confusion and potential conflicts with the language of the NPDES permit. Watershed-scale stormwater planning supports the goals of LID and Ecology's interest in watershed based analysis	
43.		NEW	Policy language in the Utilities Element should acknowledge that the City has a number of neighborhood plans that reflect unique existing conditions and visions of future development and redevelopment.	Design context appropriate stormwater management facilities that reflect the unique character of the neighborhood in which the site is situated.
44.	UT-24	Enforce surface water controls to protect surface water quality. *Discussion: Where septic system or underground storage tank removal/replacements pose a risk to surface water quality, include controls and programs to prevent contamination of surface water.*	The ESC noted that this policy was originally written for surface water protection from leaking underground storage tanks. Surface water quality is now broadly protected by local, state and federal regulations.	Delete
45.	UT-25	Educate the public on water quality issues.	The ESC noted to update policy language to recognize need for water quality education specifically about low impact development, pollution prevention, aquatic habitat, and public engagement. Encourage coordination with schools as one option to further	Educate the public about water quality and specifically about low impact development, pollution prevention, aquatic habitat, and public engagement. Encourage coordination with schools as one option to further water quality

	Element Goals and Policies		If action proposed, why?	Proposed Change
			water quality education.	education.
46.		NEW	Also consider policy that connects the use of LID with how we manage stormwater.	Encourage the use of low impact development and stormwater best management practices to manage stormwater runoff, which may result in smaller facilities constructed on- and off-site for flow control, conveyance, and water quality.
47.	Section	**Water Utility**		
48.	UT-26	Ensure a cost-effective water supply that meets the needs of the City of Bellevue. *Discussion: To accomplish this, the city participates in the Cascade Water Alliance, facilitating the development of a regional water supply system that effectively balances regional water resources and regional East King County water supply needs and provides equitable participation in ownership and management.*	Revise this umbrella policy to fully capture water utility mission.	Provide a reliable, cost-effective supply of safe, secure, high quality drinking water that meets the community's water needs in an environmentally responsible manner. *Keep Discussion text but place in narrative*
49.	UT-27	Provide a water supply that meets all federal drinking water quality standards.	Recognizes that there are federal AND state drinking water quality standards.	Provide a water supply that meets all federal and state drinking water quality standards.
50.	UT-28	Provide reliable water service for domestic use, fire flow protection, and emergencies.		

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
51.	UT-29	Promote conservation and the wise and efficient use of the public water supply and discourage the waste of this valuable resource. *Discussion: Bellevue will promote the efficient use of the public water supply to customers through education, technical assistance and incentive programs. Programs will be made available to customers locally or through the Cascade Water Alliance when programs are implemented by the Cascade partners throughout the Cascade Water Alliance.*	Clarity and reference.	Promote conservation and the wise and efficient use of the public water supply and discourage the waste of this valuable resource. *Keep Discussion text but place in narrative* *~~Discussion:~~ Bellevue will promote the efficient use of the public water supply to customers through education, technical assistance and incentive programs. Programs will be made available to customers locally or through the Cascade Water Alliance. ~~when(when programs are implemented by the Cascade partners throughout the Cascade Water Alliance.)~~*
52.	UT-30	Improve the quality and quantity of the water supply of well water users by allowing access to the city water system as contained in the Water Comprehensive functional Plan, and provided that at least the fair share costs are paid by the benefiting parties.	Clarifies updated text reference to functional plan.	Improve the quality and quantity of the water supply of well water users by allowing access to the city water system as contained in the Water System Functional Plan, and provided that ~~at least~~ the fair share costs are paid by the benefiting parties.
53.	UT-31	Serve as a role model for the community in the efficient use of		

	Element Goals and Policies		If action proposed, why?	Proposed Change
		water.		
54.	Section	**General Non City-Managed Utilities**		
55.		NEW		Coordinate with non-city utility providers to ensure planning for system growth consistent with the city's Comprehensive Plan and growth forecasts.
56.		NEW	Acknowledging support for emerging technologies in specific impact areas reinforces Utility intent to lessen demand on the utility grids.	Support new and emerging information and telecommunications technologies that would benefit utility service delivery by being sustainable, appropriate and viable.
57.	UT-32	Defer to the serving utility the implementation sequence of utility plan components.		
58.	UT-33	Coordinate with the appropriate jurisdictions and governmental entities in the planning and implementation of multi-jurisdictional utility facility additions and improvements.		
59.	UT-34	Require effective and timely coordination of all public and private utility trenching activities.	ESC recommend expanding this policy to require coordination beyond just trenching, such as for culvert replacements, and utility facility conflict resolution.	Require effective and timely coordination of all public and private utility activities such as trenching and culvert replacements.
60.		NEW	Advance city's objective of increasing internet access.	Encourage widespread, affordable, high-speed internet

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
				access, including access to competing telecommunications services and new forms of technology to provide the community with choice and to facilitate innovation.
61.		NEW	Cross reference this as appropriate in the Economic Development Element	Assess the coverage and quality of residential and business access to internet and telecommunication services and explore opportunities to enhance service to areas of need.
62.		NEW	Provide guidance to the permitting process of being supportive of deploying new technology while protecting neighborhood character.	Ensure a permitting process that achieves a balance between encouraging deployment of advanced high-speed telecommunications infrastructure and protecting neighborhood character.
63.	UT-35	For infrastructure projects within street public rights-of-way, assist in the coordination between telecommunications providers to ensure that all interested parties are given the opportunity to install facilities in common trenches.	Helps with policy intent to coordinate undergrounding.	Facilitate coordination between telecommunications providers as a key consideration in city street right of way infrastructure projects to ensure opportunities to install facilities in common trenches.
64.	UT-36	Limit the amount of disturbance to city infrastructure by encouraging co-location of telecommunications conduit in the public right-of-way.		

	Element Goals and Policies		If action proposed, why?	Proposed Change
65.	UT-37	Routinely inform telecommunications companies authorized to provide services within Bellevue about the schedules for projects within the city's Capital Investment Program which offer an opportunity to install telecommunications infrastructure during the construction of the city's projects.		Inform telecommunications companies authorized to provide services within Bellevue about Capital Investment Program project opportunities to install telecommunications infrastructure.
66.	UT-38	Require notification to the city prior to a utility's maintenance or removal of vegetation in city right-of-way.		
67.	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	Evolving discussion between city utility element and connectivity teams support separating telecommunication facilities from electrical distribution.	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

	Element Goals and Policies		If action proposed, why?	Proposed Change
		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.		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.~~
68.		NEW	Provide additional direction on underground coordination at the time of street projects.	Determine, when implementing street projects, whether the relocation of distribution facilities underground is required and if so, the manner of payment: tariff schedule, capital improvement program, or the formation of a local improvement district.
69.		NEW	Provide policy support for seeking state legislation.	Advocate for state legislation that provides for funding opportunities that help mitigate the neighborhood impacts of deploying electrical and telecommunications infrastructure.
70.			The Urban Design Element contains a number of policies that address design and visual impacts that can be cross-referenced here.	*[cross reference with Urban Design Element policies that address visual impacts]*
71.		NEW	Communication lines (telephone and cable) are often located on electrical line poles. However, the electrical line	Allow new aerial telecommunication lines on existing systems provided that

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
			is the determinant for when the lines are undergrounded. Therefore the policy on undergrounding communication lines is proposed to be addressed separate from UT-39. This will support deployment of high-speed internet services and maintain the city's priority for undergrounding all lines at the time of new development.	they are designed to address visual impacts and required to be placed underground at the time of undergrounding electrical distribution lines.
72.	UT-40	Require the reasonable screening and/or architecturally compatible integration of all new above ground utility facilities.		Require the reasonable screening and/or architecturally compatible integration of all new ~~above ground~~ utility and telecommunication facilities.
73.	UT-41	Protect Bellevue's aesthetic quality and infrastructure investment from unnecessary degradation caused by the construction of telecommunication infrastructure.		
74.	UT-42	Encourage directional pruning of trees and phased replacement of improperly located vegetation planted in the right-of-way. Perform pruning and trimming of trees in an environmentally sensitive and aesthetically acceptable manner and according to professional arboricultural specs and standards.	Minor change	Encourage directional pruning of trees and phased replacement of improperly located vegetation ~~planted~~ in the right-of-way. Perform pruning and trimming of trees in an environmentally sensitive and aesthetically acceptable manner and according to professional arboricultural specs and standards.
75.	UT-43	Encourage consolidation on existing		

	Element Goals and Policies		If action proposed, why?	Proposed Change
		facilities where reasonably feasible and where such consolidation leads to fewer impacts than would construction of separate facilities. *Discussion: Examples of facilities which could be shared are towers, electrical, telephone and light poles, antenna, substation sites, trenches, and easements.*		
76.	UT-44	Encourage the use of utility corridors as non-motorized trails. *Discussion: The city and utility company should coordinate the acquisition, use, and enhancement of utility corridors for pedestrian, bicycle and equestrian trails and for wildlife corridors and habitat.*		
77.	UT-45	Avoid, when reasonably possible, locating overhead lines in greenbelt and open spaces as identified in the Parks, Recreation, and Open Space Plan.		
78.	UT-46	Facilitate the conversion to cost-effective and environmentally sensitive alternative technologies and energy sources.		
79.	UT-47	Facilitate and encourage conservation of resources. *Discussion: Items the city should*		Move discussion to narrative.

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
		consider in implementing this policy include conserving the use of electric energy in its own facilities, and adopting practical and cost-effective energy building codes.		
80.	UT-48	Encourage cooperation with other jurisdictions in the planning and implementation of multi-jurisdictional utility facility additions and improvements. Decisions made regarding utility facilities shall be made in a manner consistent with, and complementary to, regional demand and resources, and shall reinforce an interconnected regional distribution network.		
81.	UT-49	Encourage communication among the city, the WUTC, and utilities regulated by the WUTC about the distribution of costs for existing and proposed utility facilities; especially requirements for the undergrounding of transmission, distribution, and communication lines exceeding statewide norms.		
82.	UT-50	Encourage system practices intended to minimize the number and duration of interruptions to customer service.		
83.	UT-51	Prior to seeking city approval for		

	Element Goals and Policies		If action proposed, why?	Proposed Change
		facilities, encourage utilities service providers to solicit community input on the siting of proposed facilities which may have a significant adverse impact on the surrounding community.		
84.	UT-52	Encourage utility providers to erect limited on-site signage on all sites purchased for future major utility facilities to indicate the utility's intended use of the site.		
85.	UT-53	Require all utility equipment support facilities to be aesthetically compatible with the area in which they are placed by using landscape screening and/ or architecturally compatible details and integration		
86.	UT-54	Support federal or state actions that would preserve local government authority to regulate time, manner and place of construction in the right-of-way.		
87.	Section	**Non City-Managed Utilities - Wireless Communication Facilities**		
88.	UT-55	Require the placement of personal wireless communication facilities in a manner that minimizes the adverse impacts on adjacent land uses.	Minor change to address design and to be consistent with the code definition of wireless communication facility.	Require the placement and design of ~~personal~~ wireless communication facilities in a manner that minimizes the adverse impacts on adjacent land uses.
89.	UT-56	Encourage permit applicants to	Make it clear that this is required in	~~Encourage~~ require permit

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
		submit an area wide plan that demonstrates the lowest land use impacts consistent with telecommunication customer needs.	the code.	applicants to submit an area wide plan that demonstrates the lowest land use impacts consistent with telecommunication customer needs.
90.	UT-57	Allow exchanges ("swaps") between providers of permitted wireless communication facilities sites, to encourage industry cooperation and coordination.		
91.	UT-58	Require wireless equipment constructed in the public rights of way in residential areas to be under 30 inches high.		
92.	UT-59	Recognize that personal wireless communication facilities will be deployed in all areas of the city to provide coverage and capacity consistent with the changing use of wireless technology. Minimize the attendant impacts, particularly the visual impacts of, personal wireless communication facility towers, lattice towers and structures by utilizing criteria for the design and location of such facilities that appropriately balance the need for wireless services and the impacts of the necessary facilities. *Discussion: Remaining policies*	Shorten the policy while maintaining its intent, due to overlap with UT-55 and 60.	Recognize that ~~personal~~ wireless communication facilities will be deployed in all areas of the city to provide coverage and capacity consistent with the changing use of wireless technology. ~~Minimize the attendant impacts, particularly the visual impacts of, personal wireless communication facility towers, lattice towers and structures by utilizing criteria for the design and location of such facilities that appropriately balance the need for wireless services and the impacts of the necessary facilities.~~

	Element Goals and Policies		If action proposed, why?	Proposed Change
		illustrate the techniques appropriate to balancing the need for wireless services and the impacts of the necessary facilities.		
93.	UT-60	Minimize visual impacts of personal wireless communication facilities by encouraging deployment in land use districts in the following preferred and descending order when possible, considering the provider's coverage needs: 1) Nonresidential land use districts, except Transition Areas; 2) Transition Areas; 3) Multifamily (R-20 and R-30) districts; and 4) and Park sites and Residential districts.	Change to be consistent with the code definition of wireless communication facility.	Minimize visual impacts of ~~personal~~ wireless communication facilities by encouraging deployment in land use districts in the following preferred and descending order when possible, considering the provider's coverage needs: 1) Nonresidential land use districts, except Transition Areas; 2) Transition Areas; 3) Multifamily (R-20 and R-30) districts; and 4) and Park sites and Residential districts.
94.	UT-61	Minimize visual impacts of personal wireless communication facilities by encouraging system designs in the following preferred and descending order: 1) attached to public facility structures, building mounted, or integrated with utility poles, light standards, and signal supports; 2) co-located on utility poles, light standards, signal supports; and 3) free standing towers.	Change to be consistent with the code definition of wireless communication facility.	Minimize visual impacts of ~~personal~~ wireless communication facilities by encouraging system designs in the following preferred and descending order: 1) attached to public facility structures, building mounted, or integrated with utility poles, or light standards; 2) collocated on utility poles, light standards; and 3) free standing towers.
95.	UT-62	Upgrade wireless communication facilities as improvements in	Simplify language.	Require removal of abandoned facilities that are visually intrusive

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
		telecommunications technology create smaller and less visually intrusive facilities by requiring removal of abandoned facilities.		whenever facilities are replaced or upgraded.
96.	UT-63	New freestanding facility towers and structures should only be considered when no feasible alternative exists or when visual intrusion is less than associated with placing the facility on an existing structure or building.	Duplicative of UT-61	Delete
97.	UT-64	Encourage the use of utility poles and towers on public rights of way to install wireless equipment compatible with other utility functions.	Duplicative of UT-61	Delete
98.	UT-65	Encourage the use of sites developed with utility facilities to install wireless equipment compatible with other utility functions.	Clarify policy language	Encourage ~~the use of sites developed with utility facilities to install~~ wireless equipment to be installed in a manner compatible with other utility functions.
99.	UT-66	For infrastructure opportunities on city property, other than street rights-of-way, encourage the use of appropriate city owned properties for lease to install wireless communications equipment that is compatible with existing city uses of the sites and consistent with land use requirements.		
100.	UT-67	Encourage the co-location of		

	Element Goals and Policies		If action proposed, why?	Proposed Change
		telecommunications equipment on city sites which reduce total impact of antennas on the community.		
101.		NEW	Recognize that this industry is constantly evolving and regulations may need to be updated.	Periodically review and update regulations to respond to changes in technology and community conditions to balance impacts with the need for service.
102.	Section	**Non City-Managed Utilities - Additional Electrical Facilities Policies**		
103.	UT-68	Encourage the public to conserve electrical energy through public education.		
104.	UT-69	Encourage city and utility involvement with regional or statewide agencies when and if they are developing policies regarding exposure to electric and magnetic fields (EMF) or other utility issues.		
105.	UT-70	Review periodically, the state of scientific research on EMF and make changes to policies if the situation warrants.	Broaden policy to ensure that it remains relevant even as terminology and health related issues evolve beyond EMF.	Review periodically, the state of scientific research of potential health impacts associated with electrical facilities and make changes to policies if the situation warrants.
106.	UT-71	Require in the planning, siting, and construction of all electrical facilities, systems, lines, and substations that the electrical utility strike a reasonable balance between potential health effects		

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
		and the cost and impacts of mitigating those effects by taking reasonable cost-effective steps.		
107.	UT-72	Work with Puget Sound Energy to implement the electrical service system serving Bellevue in such a manner that new and expanded transmission and substation facilities are compatible and consistent with the land use pattern established in the Comprehensive Plan. *Discussion: Where feasible, electrical facilities should be sited within the area requiring additional service. Electrical facilities primarily serving commercial and mixed use areas should be located in commercial and mixed use areas, and not in areas that are primarily residential. Further, the siting and design of these facilities should incorporate measures to mitigate the visual impact on nearby residential areas. These considerations must be balanced with the community's need to have an adequate and reliable power supply.*		

	Element Goals and Policies		If action proposed, why?	Proposed Change
108.	UT-73	Require siting analysis through the development review process for new facilities, and expanded facilities at sensitive sites, including a consideration of alternative sites. *Discussion: Sensitive facility sites are those new facilities and existing facilities proposed to be expanded where located in or in close proximity to residentially-zoned districts such that there is potential for visual impacts absent appropriate siting and mitigation. The city will update Figure UT.5a to the extent needed to stay current with changes in PSE's system planning.*		
109.	UT-74	Avoid, minimize and mitigate the impacts of new or expanded electrical facilities through the use of land use regulations and performance standards that address siting considerations, architectural design, site screening, landscaping, maintenance, available technologies, and other appropriate measures.		
110.	UT-75	Work with and encourage Puget Sound Energy to plan, site, build and maintain an electrical system that		

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
		meets the needs of existing and future development, and provides highly reliable service for Bellevue customers. *Discussion: Providing highly reliable service is a critical expectation for the service provider, given the importance of reliable and uninterrupted electrical service for public safety and health, as well as convenience. Highly reliable service means there are few and infrequent outages, and when an unavoidable outage occurs it is of short duration and customers are frequently updated as to when power is likely to be restored. A highly reliable system will be designed, operated and maintained to keep pace with the expectations and needs of residents and businesses as well as evolving technologies and operating standards as they advance over time.*		
111.		NEW	Water and Wastewater utility facilities such as pump stations and reservoirs provide lifeline support to residents and businesses and prevent property and environmental damages should	<u>Encourage the prioritization of restoring electrical service to water and wastewater utility facilities following power outages.</u>

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
			take precedence over other less critical user needs.	
112.		NEW	Clarifies city role in regional utility systems for SCL line and Olympic pipeline with reference to maintenance and franchise authority.	Provide oversight of Seattle City Light and Olympic Pipeline infrastructure located in Bellevue by implementing applicable electrical facility regulatory and franchise agreement authority.

FORMING our FUTURE
COMPREHENSIVE PLAN UPDATE

THE JOINT BOARDS AND COMMISSIONS FORUM ON ENVIRONMENTAL STEWARDSHIP

NOVEMBER 19, 2013

CITY OF BELLEVUE
Planning and Community Development

FORMING our FUTURE
COMPREHENSIVE PLAN UPDATE

THE JOINT BOARDS AND COMMISSIONS FORUM ON ENVIRONMENTAL STEWARDSHIP

NOVEMBER 19, 2013

Contents

Background 3

Discussion Topics 5

BACKGROUND

On October 22, 2012 the Bellevue City Council initiated the 2014 Comprehensive Plan Update. This update is a major, ten-year review of the community's plan for the next twenty years. It is the time to think and plan for future generations in Bellevue.

The Comprehensive Plan is Bellevue's vision for the future. Through the Comprehensive Plan, the city plans for people, places to live and recreate, ways to get around, jobs and a strong local economy, schools and colleges, and a healthy environment. It sets policy that directs city actions and decisions, and guides capital investments. The plan anticipates future population and job growth and plans for how to meet those demands.

At a joint boards and commissions forum in January, 2013 to kick-start the Comprehensive Plan Update project scoping efforts, Participants cited incentivizing green construction, increasing transportation options, enhancing the tree canopy to improve air quality and the resiliency of ecosystems, and, continuing efforts to improve water quality and fish habitat by restoring streams and natural habitat as means to reinforce the "city in a park" vision .

City staff spent several months gathering more input on a range of issues from Bellevue citizens. Using public meetings, an online "Best Ideas Campaign," and other public input techniques, a variety of environmental themes continued to emerge that were of high importance to the community.

THE JOINT BOARDS AND COMMISSIONS FORUM ON ENVIRONMENTAL STEWARDSHIP

Discussion Topics

The environmental stewardship topics discussed by the commissioners and board members included:

Natural Environment – Tree Canopy & Stream Habitat
Waste Reduction
Healthy Mobility Infrastructure
Greener Buildings
Greenhouse Gas Emissions

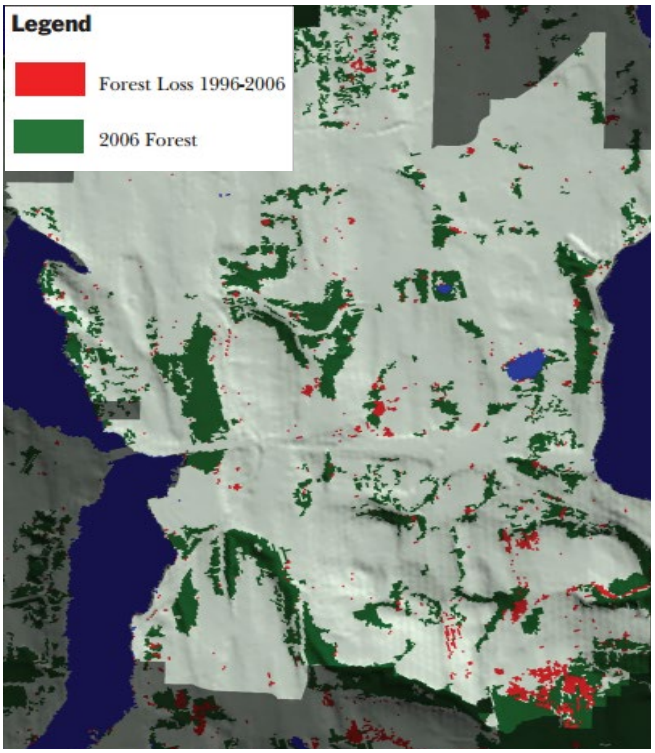
The objective of the evening was to receive input from board and commission members to help guide next steps in developing Comprehensive Plan policy updates relative to these topics.

Planning Director Dan Stroh began the event by capturing the inherent value that our natural environment lends to the many facets of our community, including economic development, public health, and outstanding neighborhoods.

Environmental Stewardship Program Administrator Paul Andersson introduced the evening's topics, agenda, and format for the discussions. Each topic included a brief staff presentation describing:

- What is Bellevue currently doing (through the Comprehensive Plan and other programs)?
- How well is it working?
- What are other cities or agencies doing in this regard?

After hearing more about the 'lay of the land' related to each topic in Bellevue, attendees were asked to respond to a high level survey question using individual hand-held audience response clickers. The results of the survey were displayed on the screen and attendees were then asked to document their thoughts on paper and discuss with the other individuals within table groups. All survey and discussion feedback was anonymous.



Natural Environment – Tree Canopy & Stream Habitat

Tree Canopy

City of Bellevue's tree canopy has been reduced by 20% in the last 20 years. These losses diminish neighborhood aesthetics, wildlife habitat, storm water retention, air pollution and carbon sequestration, energy conservation, and more; generating both qualitative and quantitative impacts. While Comprehensive Plan policies encourage tree retention, they provide no goals or guidelines for doing so. Compared to surrounding jurisdictions, and as a "City in a Park," Bellevue's tree retention policies are considered lagging.

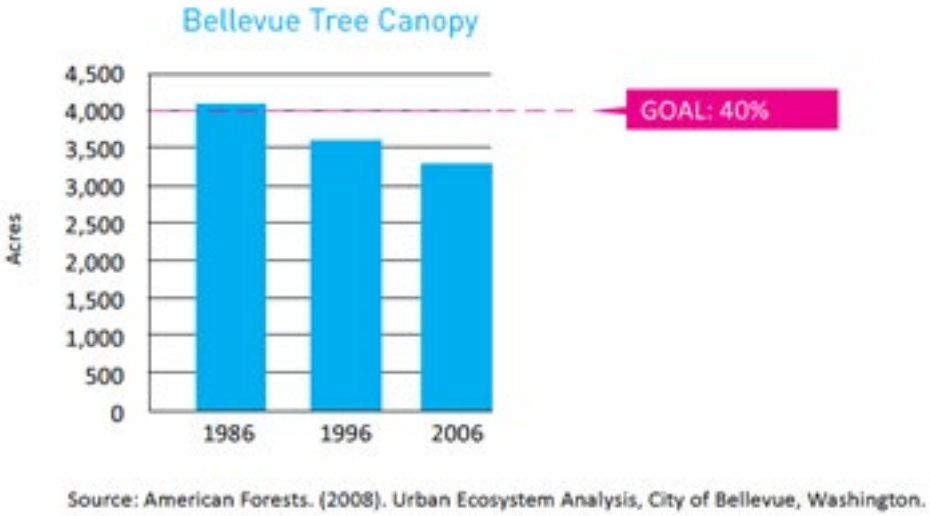
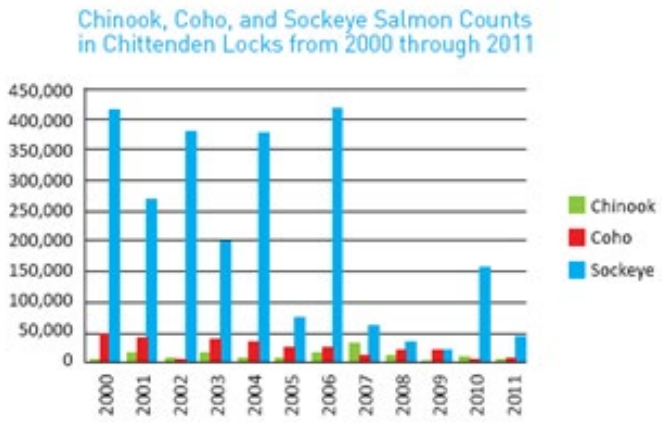


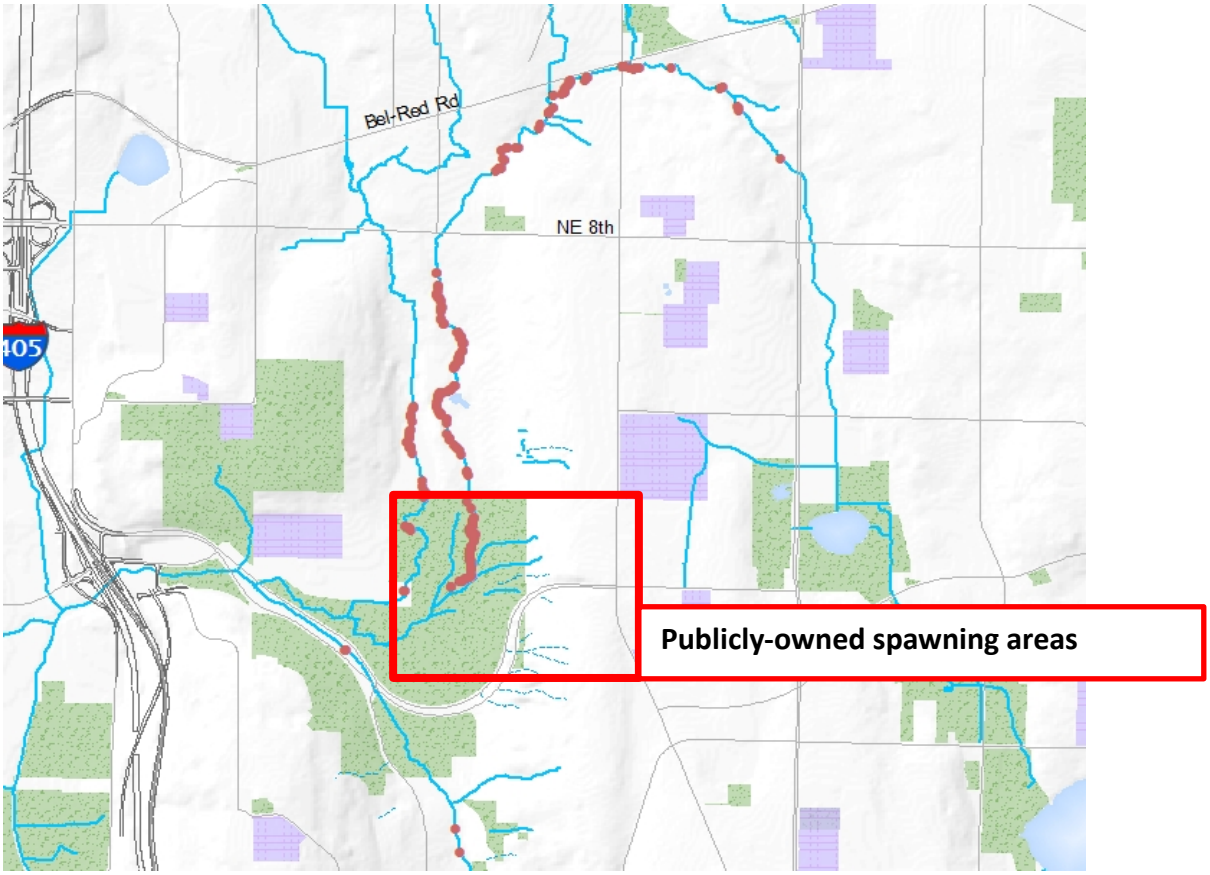
Chart of Bellevue tree canopy declines, 1986-2006.

Stream Habitat

Bellevue is one of few cities in the nation with the privilege of having wild fish populations, including salmon, utilizing our backyards streams. The Comprehensive Plan calls for the city to "preserve and enhance" aquatic habitats and "protect wildlife corridors." It calls for incentives to be provided during redevelopment projects for the opening of piped stream segments, but does not indicate that action should be taken on private land unless redevelopment is occurring.



Source: Anchor QEA, LLC for Bellevue Utilities Staff (April 2012) "2011 Salmon Spawner Surveys Kelsey Creek, West Tributary, Richards Creek, and Coal Creek: Bellevue Salman Spawners Surveys," pg 28



Map of fish spawning areas in Bellevue streams (red dots). Boxed in are those which the City can directly invest in improvements for. Outside the box are privately held streams for which there are no policies supporting proactive restoration or stream habitat improvement.

Survey questions

1. Bellevue should adopt more protective and restorative comp plan policies for tree canopy.

	% of responders
Strongly Agree	47%
Agree	40%
Netural	7%
Disagree	7%
Strongly Disagree	0%

2. Bellevue should strengthen comp plan policies focused on restoring stream habitat on private land.

	% of responders
Strongly Agree	38%
Agree	8%
Netural	38%
Disagree	8%
Strongly Disagree	8%

Written questions

1. Does the public have an interest in protecting and restoring tree canopy and salmon stream habitat?

Yes: 12 No: 0

If yes, how strong is that interest on a scale of 1-10, with 10 being the strongest?

Average Score: 8.07

2. What kinds of government actions will best advance the public's interest?

	% of responders
City government leads by example	73%
Provide information/education to public	100%
Work in public/private partnership	80%
Set goals and targets	67%
Develop an action plan	60%
Provide grants or incentives	80%
Regulatory approach	60%
Other(please describe)	47%

Quotes

"[The] City should be more proactive regarding meeting appropriate goals for both these issues."

"One tree gone, at least one tree planted; partner w/private owners to work on streams; target acquisitions."

Outcomes and Next Steps

Forum attendees largely supported new comprehensive plan policies to curb tree canopy losses and to enhance stream habitat corridors on private lands. Twelve out of twelve responders stated that there was a strong public interest in expanding these efforts. Attendees suggested policies that would replace each tree being removed in Bellevue with at least one new tree. It was suggested that creating options instead of prescriptive regulations for tree canopy maintenance would be preferred. Using incentives and partnerships with private owners to enhance stream corridors, and having the city make targeted acquisitions of priority stream habitats were other suggestions. Providing information to the public, working in public/private partnership, and providing grants or incentives were the three highest ranking actions, as voted by attendees.

Staff will move forward with drafting concept policies that reflect these values.

Waste Reduction

Bellevue has long been considered a state-wide leader in diverting waste from single family residential homes through curbside recycling and composting efforts. Every ton of materials that has to be transported to a landfill costs more than if it were to be recycled, composted, or "reduced" in the first place. Many cities have identified the economic and health benefits of achieving ever higher waste diversion rates. Developments in the field of waste reduction suggest taking a broader "lifecycle" approach to managing materials from origin to end use. Bellevue's Comprehensive Plan policies encourage recycling and use of recycled goods, but may not be sufficient to meet the demands of residents or capture the full economic potential of waste diversion efforts across the city.

Survey questions

1. Bellevue should adopt comp plan policies that establish a 'materials management' approach to procurement, waste reduction and recycling.

	% of responders
Strongly Agree	46%
Agree	38%
Netural	8%
Disagree	8%
Strongly Disagree	0%

Written questions

1. Does the public have an interest in moving beyond traditional waste reduction practices?

Yes: 12 No: 0

If yes, how strong is that interest on a scale of 1-10, with 10 being the strongest?

Average Score: 8.38

2. What kinds of government actions will best advance the public's interest?

	% of responders
City government leads by example	85%
Provide information/education to public	92%
Work in public/private partnership	62%
Set goals and targets	85%
Develop an action plan	85%
Provide grants or incentives	62%
Regulatory approach	54%
Other	38%

Quotes

"The City should promote policies that encourage environmentally conscious waste reduction practices and should include policies that prevent the creation of waste products in the first place."

"Businesses should be recycling food. City should provide a larger compost for those that request it.

Outcomes and Next Steps

Forum attendees largely supported new comprehensive plan policies to enhance waste reduction strategies. Twelve out of twelve responders stated that there was a strong public interest in expanding these efforts. Comments from attendees show an inclination to embrace a broader "lifecycle" approach to managing materials, suggesting a need for policies that "prevent the creation of waste products in the first place." Other suggestions included expansion of composting services to include all city businesses. The highest ranking actions, as voted by attendees, included educating the public, government leading by example, creating an action plan, and establishing goals and targets.

Staff will move forward with drafting concept policies that reflect these values.

Healthy Mobility Infrastructure

Light rail, Rapid Ride, bike lanes, sidewalks, and cars – Bellevue has a history of providing mobility options to meet every resident's need. While current Comprehensive Plan policies encourage and specify uses related to many of these mobility types, a growing number of residents have voiced their opinion recently that Bellevue is not bikeable or walkable enough. By providing convenient access to neighborhood amenities such as parks, schools and shopping, as well as safe corridors for commuting across town, many cities are tackling mobility not just through the lens of transportation, but land use, public health, equity and community livability.

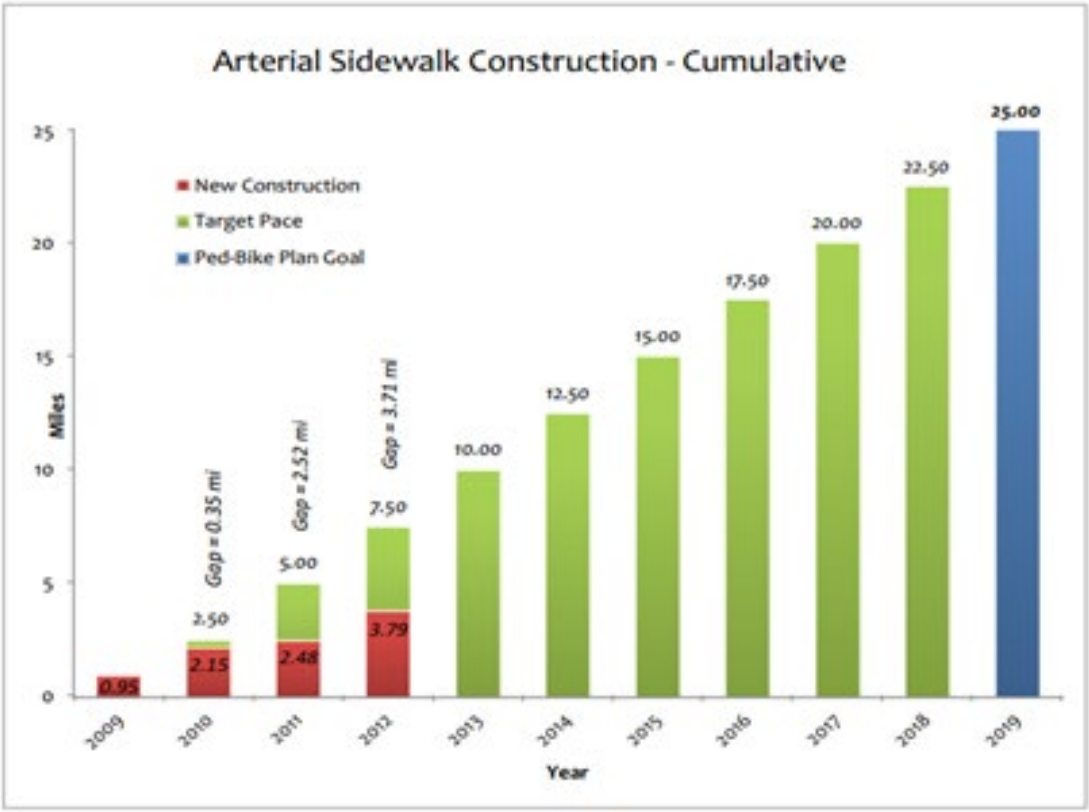


Figure 4: Arterial Sidewalk Construction - Cumulative

Chart indicating rate at which the City is falling behind in pedestrian infrastructure installations, as determined by the Ped-Bike Plan.

Maps indicating existing gaps in areas prioritized for bicycle infrastructure, as determined by the Ped-Bike Plan.

Survey questions

1. The comprehensive plan should do more to prioritize the building of healthy mobility infrastructure.

	% of responders
Strongly Agree	46%
Agree	31%
Netural	15%
Disagree	8%
Strongly Disagree	0%

Written questions

1. Does the public have an interest in moving beyond trational waste reduction practices?

Yes: 12 No: 0

If yes, how strong is that interest on a scale of 1-10, with 10 being the strongest?

Average Score: 7.83

2. What kinds of government actions will best advance the public's interest?

	% of responders
City government leads by example	54%
Provide information/education to public	77%
Work in public/private partnership	85%
Set goals and targets	69%
Develop an action plan	69%
Provide grants or incentives	31%
Regulatory approach	38%
Other(please describe)	31%

Quotes

"Finish the bike paths; user friendly ped paths; bike rentals."

"Traffic "leveling off" does not translate into a lack of congestion, especially in certain areas like downtown during rush hours. Don't sacrifice traffic mobility in the downtown area for the sake of bike/ped mobility. Zip bikes - bicycle rental distributed throughout strategic areas. More busses on existing routes."

"Need neighborhoods to have services and resources close to residences, hubs. Connections between hubs need to be reliable and easy - connect corridors. SAFE - for young people and olders. Dirt in bike lane- like separated trails much more than bike lanes. Balance all user groups - tough to decide one over others. More focus on walkers and runners off arterials, healthier, safer."

“Integrate land use and transportation; mix people and services in close proximity; provide connections; better connections to bus - easy and safe; better connections between hubs on transit off-street bike facilities generally safer and preferred greenway concept.”

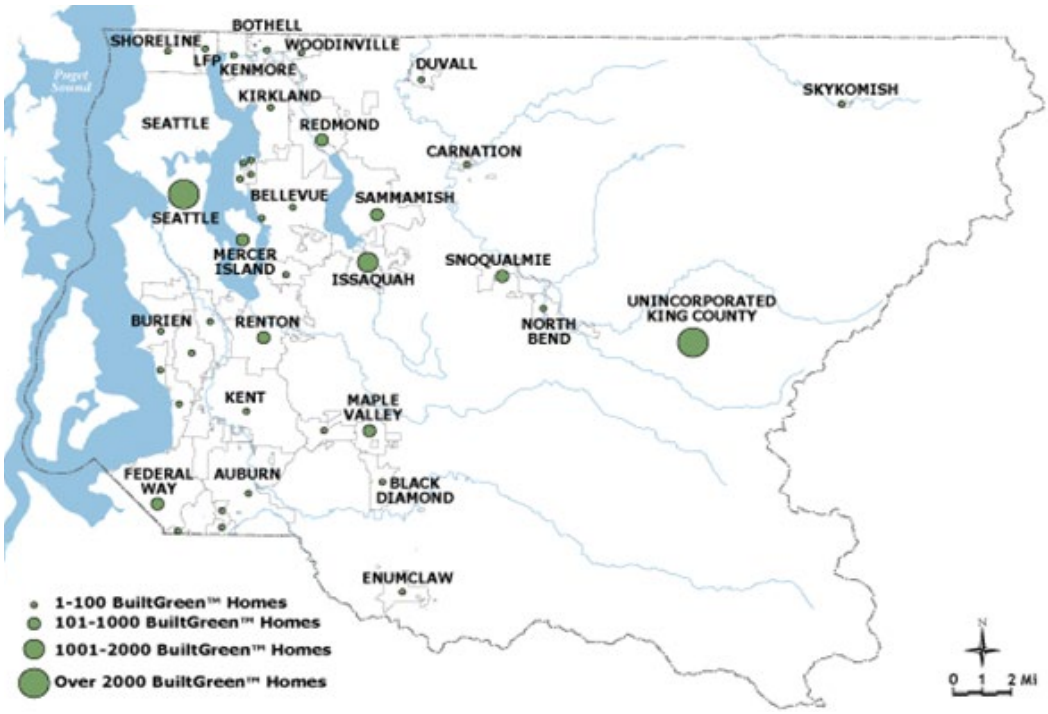
Outcomes and Next Steps

Forum attendees largely supported a new comprehensive plan focus on tackling healthier mobility options throughout Bellevue. Twelve out of twelve responders stated that there was a strong public interest in supporting these efforts. Attendees suggested more integration between land uses and transportation infrastructures, providing residents with safe, localized access to amenities and services. Finishing bike paths, connecting key bike-ped corridors, and establishing pathways for bikers and walkers that are separated from roadways were ideas expressed by attendees.

Staff will move forward with drafting concept policies that reflect these values.

Greener Buildings

Greener buildings improve the aesthetic of cities while saving resources and often providing a healthier place to live and work. Green building has progressed in leaps and bounds throughout the Pacific Northwest over the last decade. What was cutting edge has quickly become status quo. Therefore, how do we look at the cutting edge building technologies of today and establish policies that allow them to become commonplace over the next several years. The current Comprehensive Plan provides limited specific guidance for pursuing green building techniques despite evidence that doing so would support our goals across many other areas including energy, urban design, natural environments, and more.



A regional map showing concentrations of "Built Green" residential projects, one type of designation for green building projects. For its population, Bellevue has significantly lower concentration of this building type as compared to neighboring cities.

Survey questions

1. Bellevue should adopt comp plan policies that encourage greener buildings throughout the city.

	% of responders
Strongly Agree	46%
Agree	15%
Netural	31%
Disagree	8%
Strongly Disagree	0%

Written questions

1. Does the public have an interest in moving beyond trational waste reduction practices?

Yes: 12 No: 0

If yes, how strong is that interest on a scale of 1-10, with 10 being the strongest?

Average Score: 7.25

2. What kinds of government actions will best advance the public's interest?

	% of responders
City government leads by example	85%
Provide information/education to public	69%
Work in public/private partnership	69%
Set goals and targets	62%
Develop an action plan	69%
Provide grants or incentives	69%
Regulatory approach	77%
Other(please describe)	31%

Quotes

"Encourage grants/incentives for simpler changes; example of those done: LED light bulbs, water saving machines."

"What is the rate of return on cost saving investments? Rainmaker harvesting to use for domestic purposes; look at codes that are unnecessary barriers; community benefit; work with/encourage new development to incorporate 'green' incentives; allow for innovation; don't give 'too much' private benefit at the expense of the public."

"Add stronger green building focus; add solar, efficient lighting."

"Find ways (incentives) to make green buildings easier/more feasible; evaluate codes/regs/policies for those that are interested in pursuing."

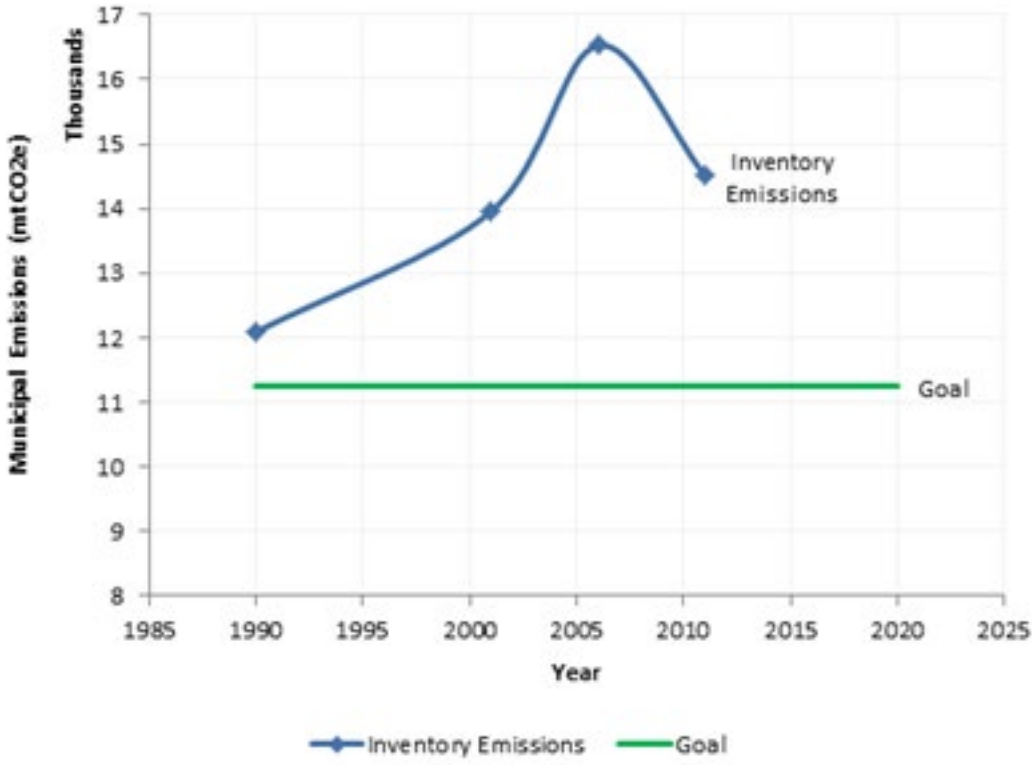
Outcomes and Next Steps

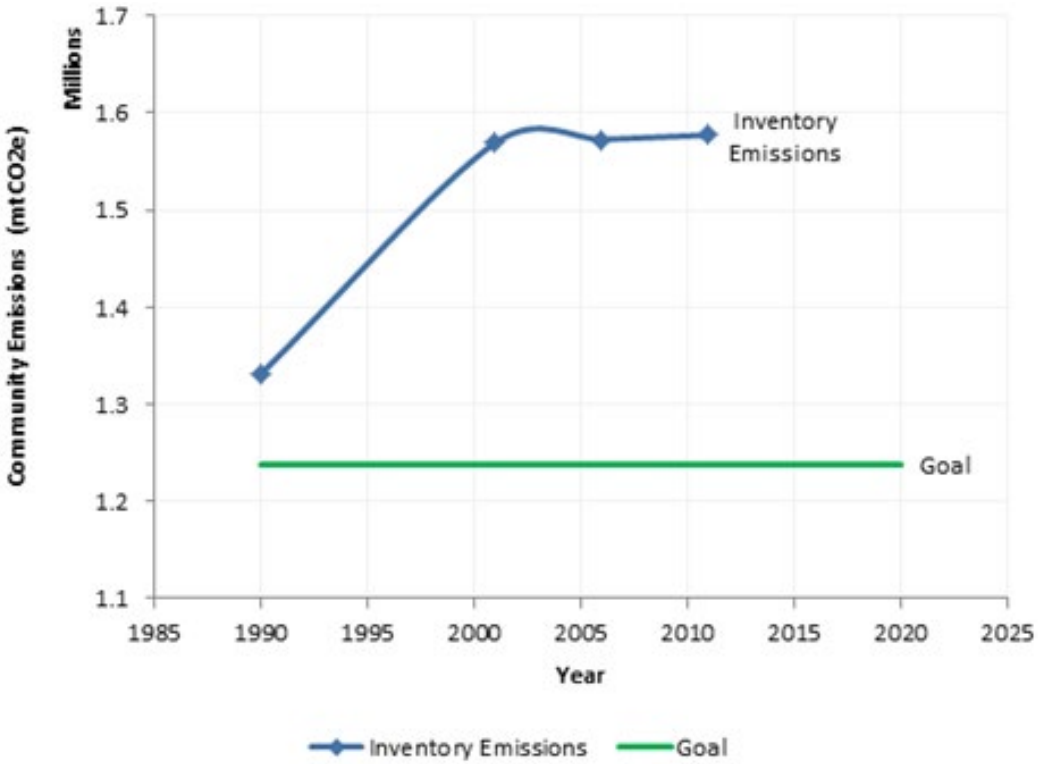
Forum attendees largely supported new comprehensive plan policies to support greener buildings. Twelve out of twelve responders stated that there was a strong public interest in supporting these efforts. Many attendees suggested incentivizing the use of greener building techniques including renewable energy. Other suggestions included removing any code or policy barriers that might currently exist, and developing new codes that would allow greener buildings to be built more easily. Having government lead by example and taking a regulatory approach were the most popular actions to be taken as voted by attendees.

Staff will move forward with drafting concept policies that reflect these values.

Greenhouse Gas Emissions

Bellevue committed to the Mayors' Climate Protection Agreement in 2007 (Resolution 7517), establishing a target for reduced greenhouse gas emissions by 2012. Progress has been made in reducing emissions associated with municipal operations through behavior change and implementation of more efficient technologies across facilities, fleet, and other operations. While these reductions have been significant, they are not adequate for reaching the city's goals. On a community-wide scales, emissions remain high and no reductions have been made, except when considering a per-capita basis. State, county, and neighboring municipalities are moving greenhouse gas emission policies and programs front and center in their planning efforts. New Countywide Planning Policies and Multi County Planning policies suggest or require comprehensive plan policies that target further greenhouse gas emission reductions.





Survey question

1. "Bellevue should strengthen comp plan policies that address greenhouse gas emissions and climate change:"

	% of responders
Strongly Agree	31%
Agree	23%
Netural	31%
Disagree	15%
Strongly Disagree	0%

Written questions

1. Does the public have an interest in moving beyond traditional waste reduction practices?"

Yes: 12 No: 0

If yes, how strong is that interest on a scale of 1-10, with 10 being the strongest?

Average Score: 7.27

2. What kinds of government actions will best advance the public's interest?

	% of responders
City government leads by example	85%
Provide information/education to public	92%
Work in public/private partnership	62%
Set goals and targets	77%
Develop an action plan	85%
Provide grants or incentives	38%
Regulatory approach	38%
Other	15%

Quotes

"City should help set regional examples of policies and procedures to reduce greenhouse gasses."

"Education is important - sharing with community. Bellevue residents not getting information, like showerheads, etc. We are a leader on Eastside - not getting to Mayor's point - rely on new types of cars and limited on capability. Need other (healthy mobility) elements before this can work."

"Articulate what is being achieved or trying to be achieved. Public information, what can I do? Integrate transportation and land use to reduce VMT, healthy mobility options! 'All of the above.'"

"Community may not know; higher level of public info may be needed."

Outcomes and Next Steps

Forum attendees largely supported new comprehensive plan policies to further greenhouse gas reduction efforts. Twelve out of twelve responders stated that there was a strong public interest in supporting these efforts. Attendees stressed the importance of articulating what the city is trying to achieve in this regard, and educating the community accordingly. Attendees also encouraged the city to take a leadership role across the Eastside on these issues, and noted that contributions to these efforts will complement efforts to reduce traffic congestion, improve air quality etc. Educating the community, leading by example, developing an action plan, and setting goals and targets were the most popular actions to be taken as voted by attendees.

Staff will move forward with drafting concept policies that reflect these values.

Attachment 4

City of Bellevue

MEMORANDUM

_____	**Action**
X	**Information**
X	**Discussion**

DATE: September 18, 2014

TO: Environmental Services Commission

FROM: Phyllis Varner, NPDES Municipal Stormwater Permit Manager, Utilities
Paul A. Bucich, P.E., Assistant Director Engineering, Utilities

SUBJECT: Comprehensive Plan Update on the NPDES Low Impact Development Principles Opportunity Analysis

Action Required at this Time

No action is requested from the Commission. This is an informational briefing only.

NPDES Low Impact Development Principles Opportunity Analysis

The consultant, AHBL, Inc., has completed its analysis of Bellevue's Comprehensive Plan policies for opportunities to incorporate low impact development principles (attached). This analysis is required under the new NPDES[1] Western Washington Phase II Municipal Stormwater Permit. The consultant's analysis will be part of the Comprehensive Plan Update presentation to the Planning Commission on September 24.

Generally, the consultant found that the city's existing and proposed Comprehensive Plan policies are well aligned with the new NPDES Permit requirement for LID principles and will provide solid support for development regulations and standards. The consultant does recommend consideration of six new policies and amendments to four existing policies. These recommendations are addressed in the attached memorandum. The LID Principles Project Team Leads[2] are also recommending the addition of a new umbrella LID Principles policy to the Environmental Element of the Comprehensive Plan because it captures the intent of the permit requirement in a single policy:

> "Make low impact development the preferred and commonly-used approach to site development to minimize impervious surfaces, native vegetation loss and stormwater runoff."

Next Steps

The Comprehensive Plan Update recommendations will go to City Council after the Planning Commission's review. The LID Principles Project Team has initiated the opportunity analysis for the City's development related codes and engineering standards. The codes and standards opportunity analysis will be provided to the Commission at a future meeting.

---

1 NPDES means National Pollutant Discharge Elimination System. The NPDES Permit is a federal Clean Water Act requirement; with administration delegated to the state Department of Ecology by the federal Environmental Protection Agency. The NPDES permit also implements relevant provisions of Washington State's Water Pollution Control Law.

2 Team leads are Catherine Drews, Project Manager, DSD; Paul Inghram, PCD; Phyllis Varner & Paul Bucich, Utilities.

PROJECT MEMO

To: Catherine Drews, Project Manager (City of Bellevue)

From: Wayne Carlson (AHBL, Inc.)

Date: July 17, 2014

Project: Low Impact Development (LID) Principles Project

AHBL No.: 2130786.30

Subject: Phase II Stormwater Permit-Required LID Principles: Opportunity Analysis for the City of Bellevue Comprehensive Plan.

Introduction

This memorandum recommends consideration of six new policies and amendments to four existing policies in several elements of the city's Comprehensive Plan to address the NPDES LID Principles requirement. Between February and June 2014, AHBL reviewed the city's existing and draft Comprehensive Plan policies in accordance with the requirements of Special Condition S5.C.4.f of the 2013-2018 NPDES Western Washington Phase II Municipal Stormwater Permit (NPDES Permit). The NPDES Permit is a requirement of the federal Clean Water Act and permit conditions are intended to protect water quality and reduce the discharge of pollutants from municipal storm drainage systems.

Generally, we found that the city's existing and proposed Comprehensive Plan policies are well aligned with the new NPDES Permit requirements and will provide solid policy support for development regulations and standards. The city's existing vegetation retention policies, found in the Environment Element, are particularly well aligned with the goals of the NPDES Permit language. Most of the existing policies that are directly related to stormwater management already support the requirements of Special Condition S5.C.4.f.

Background

AHBL is assisting Bellevue staff with Phase 1 of its Low Impact Development (LID) Principles Project, which is intended to address the requirements of Special Condition S5.C.4.f of the 2013-2018 NPDES Permit. For consistency, definitions from the NPDES Permit are used in this memorandum and are included as Attachment A. The focus of the Phase 1 work is not on LID Best Management Practices (BMPs)[1], such as rain gardens and permeable pavements. Instead, the Phase 1 work is focused on LID Principles: Minimizing impervious surfaces, minimizing native vegetation loss and minimizing stormwater runoff, and how implementing these principles may affect the city's development policies, codes, plans, and standards, some of which have not traditionally been considered part of the state's regulation of stormwater. Special Condition S5.C.4.f, as summarized below, states:

f. Low impact development code-related requirements.

i. No later than December 31, 2016, Permittees shall review, revise and make effective their local development-related codes, rules, standards, or other enforceable documents to

---

[1] A different NPDES Permit condition requires municipalities to adopt and implement new development, redevelopment and construction site stormwater runoff management standards which require the use of LID BMPs where feasible. The new standards are to be in place no later than December 31, 2016.

incorporate and require LID principles and LID BMPs. [...] The intent of the revisions shall be to make LID the preferred and commonly-used approach to site development. The revisions shall be designed to minimize impervious surfaces, native vegetation loss, and stormwater runoff in all types of development situations. Permittees shall conduct a similar review and revision process, and consider the range of issues, outlined in the following document: Integrating LID into Local Codes: A Guidebook for Local Governments (Puget Sound Partnership, 2012).

ii. [...] each Permittee shall submit a summary of the results of the review and revision process in (i) above with the annual report due no later than March 31, 2017. [...] This summary shall include, at a minimum, a list of the participants (job title, brief job description, and department represented), the codes, rules, standards, and other enforceable documents reviewed, and the revisions made to those documents which incorporate and require LID principles and LID BMPs. The summary shall include existing requirements for LID principles and LID BMPs in development related codes. The summary shall be organized as follows:

a) Measures to minimize impervious surfaces;
b) Measures to minimize loss of native vegetation; and
c) Other measures to minimize stormwater runoff.

Because the city is currently in the process of updating its Comprehensive Plan, the first deliverable for Phase 1 involved performing an opportunity analysis of the city's existing Comprehensive Plan policies and amendments currently proposed by staff and the Environmental Services Commission (ESC).

The opportunity analysis for the policy amendments serves as the basis for recommendations to the Planning Commission for review and recommended approval. This memorandum explains the opportunity analysis process and provides a tabular summary of proposed amendments and new policies, resulting from the opportunity analysis process. The proposed amendments and new policies improve the city's implementation of the NPDES Permit LID intention "to make low impact development the preferred and commonly-used approach to site development." A copy of the entire opportunity analysis is available upon request.

Methodology

The opportunity analysis table identifies Comprehensive Plan policies that could be revised and new policies to improve the city's implementation of the LID intention of the NPDES Permit. The opportunity analysis table contains the following items:

- **Number** – Comment number
- **Policy Reference** – The Comprehensive Plan policy reviewed
- **Existing Policy Language or Draft Proposed Amendments** – Current Comprehensive Plan policy language or draft proposed amendments by other staff or the Environmental Services Committee for reference and comparison
- **NPDES Permit LID Principles** – Reference to the nonstructural LID land use principles identified in the NPDES Permit (Special Condition S5.C.4.f.) above. The principles include minimizing impervious surface cover, minimizing native vegetation loss, and minimizing stormwater runoff in all types of new development and redevelopment.
- **Opportunity Analysis/Rationale** – Addressing the question of whether the existing policy language is sufficient, sufficient with minor changes, or amendments could be appropriate to satisfy Special Condition S5.C.4.f.
- **Recommended LID-Related Changes** – Suggested changes or amendments to the Comprehensive Plan policies to support implementation of the NPDES Permit LID principles.

The following sources were examined:

- 2013-2018 NPDES Western Washington Phase II Municipal Stormwater Permit
- Bellevue Comprehensive Plan policies found in the following Elements in Volume 1:
    - Land Use
    - Utilities
    - Transportation
    - Environment
    - Parks, Open Space and Recreation
    - Urban Design
    - Housing
    - Economic Development

- Bellevue Comprehensive Plan policies found in the following Subarea Plans in Volume 2:
    - Bel-Red
    - Downtown Bellevue
    - Newcastle

Where appropriate, policies were culled from the subarea plans for inclusion in the Comprehensive Plan. Other housekeeping suggestions to the subarea plans are included on the long-form opportunity analysis, but are not relevant to the ongoing work required under the NPDES Permit. Recommendations for the subarea plans may be considered at the time the individual subarea plans are updated.

Analysis Findings & Recommendations

As noted above, we found that the existing Comprehensive Plan policies provided the necessary policy support for the new NPDES Permit requirements. Some minor changes are suggested to eliminate potential barriers to meeting the requirement. Amended or new policy language for 10 policies in the Comprehensive Plan is recommended. Included in our recommendations are that concepts from two Bel-Red Subarea Plan policies (S-BR-12 and S-BR-52) be applied citywide in the Urban Design and Transportation Elements, respectively. Most of the existing policies related to stormwater management already support the requirements of Special Condition S5.C.4.f.

It is worth noting that the city's existing vegetation retention policies found in the Environment Element are particularly well aligned with the goals of the NPDES Permit language.

Attachment A

DEFINITIONS AND ACRONYMS

Below are select definitions and acronyms from the 2013-2018 NPDES Western Washington Phase II Municipal Stormwater Permit for terms used in Special Condition S5.C.4.f. of the Permit.

Low Impact Development means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning and distributed stormwater management practices that are integrated into a project design.

LID means Low Impact Development.

Low Impact Development Principles means land use management strategies that emphasize conservation, use of on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.

Low Impact Development Best Management Practices means distributed stomwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention/rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, vegetated roofs, minimum excavation foundations, and water re-use.

> Note: In Bellevue's policies, codes and standards, the term "**natural drainage practices**" is equivalent to Ecology's **Low Impact Development Best Management Practices (LID BMPs)** permit term.

Best Management Practices are the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by Ecology that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

BMP means Best Management Practice.

SWMMWW means Stormwater Management Manual for Western Washington (2012).

Number	Policy Reference	Existing Comp Plan Policy or Draft Proposed Amendments Supporting Other City Policy Updates or Housekeeping Opportunities[1]	NPDES Permit LID Principle	Opportunity Analysis/Rationale	Proposed Changes to Support NPDES Permit
Bellevue Comprehensive Plan – Transportation Element					
1	TR-New	N/A	Make LID the preferred and commonly-used approach to site development	Existing policy language in the Transportation Element does not address stormwater impacts of transportation facilities or Special Condition S5.C.4.f. The intent is to have a policy that addresses larger environmental protection (including stormwater management) while providing the basis for "balancing" statewide mandates that sometimes conflict by different areas of the City. Recent subarea plans, such as the Bel-Red Subarea Plan, do a good job of addressing these issues in the subarea, but a citywide policy would be good.	Develop the City's transportation system in a manner that minimizes environmental and neighborhood impacts, while addressing the City's long-term transportation and land use objectives.
2	TR-New	N/A	Make LID the preferred and commonly-used approach to site development	LID has policy basis in the direction to incorporate natural drainage practices into transportation projects. This policy was borrowed and adapted from the Bel-Red Subarea Plan.	Incorporate natural drainage practices and other opportunities to enhance the natural environment into transportation projects including complete streets where appropriate, effective and feasible.
City of Bellevue Comprehensive Plan – Environment Element					
3	EN-New	N/A	Make LID the preferred and commonly-used approach to site development	Encourage the use of low impact development through education and incentives.	Provide education and incentives to support the implementation of low impact development and holistic site planning.

[1] If an entirely new policy is proposed, then "new" will be entered in the Policy Reference column, "N/A" in the Existing Policy column, and the remaining columns will be completed for the proposed new policy.

Number	Policy Reference	Existing Comp Plan Policy or Draft Proposed Amendments Supporting Other City Policy Updates or Housekeeping Opportunities[1]	NPDES Permit LID Principle	Opportunity Analysis/Rationale	Proposed Changes to Support NPDES Permit
Bellevue Comprehensive Plan – Urban Design Element					
4	UD-9	Use site design, landscaping, and appropriate lighting to reduce the visual impact of parking lots to public areas.	Make LID the preferred and commonly-used approach to site development	Add language that encourages LID practices within parking lots in support of the site and building design policy for reducing the environmental impact of parking lots.	The existing policy language is nearly sufficient to satisfy Special Condition S5.C.4.f. A minor change is suggested. Use site design, water efficient landscaping, stormwater management practices and appropriate lighting to reduce the visual and environmental impact of parking lots to public areas.
5	UD-20	Preserve and encourage open space as a dominant element of the community's character.	Minimize impervious surfaces	Encourage minimizing impervious surfaces within open spaces through the use of pervious pavements or limiting the amount of pavement.	The existing policy language is nearly sufficient to satisfy Special Condition S5.C.4.f. A minor change is suggested. Preserve and encourage open space as a dominant element of the community's character. Minimize paved surfaces within open spaces and utilize permeable surfaces where appropriate.
6	UD-38	Ensure continuous and ample sidewalks along principal, minor, and collector arterials which are integrated with abutting land uses.	Minimize impervious surfaces	Encourage the use of pervious pavements for sidewalk construction.	The existing policy language is nearly sufficient to satisfy Special Condition S5.C.4.f. A minor change is suggested. Ensure continuous and ample sidewalks along principal, minor, and collector arterials which are integrated with abutting land uses. Consider alternative street and sidewalk designs that minimize environmental impacts and use permeable surfaces where appropriate.
7	UD-75	Use urban design features to soften the public right-of-way and sidewalk environment as appropriate. These features include, but are not limited to, street trees, landscaping, water features, raised planter boxes, potted plantings, pedestrian-scaled lighting, street furniture, paving treatments, medians, and the separation of pedestrians from traffic.	Make LID the preferred and commonly-used approach to site development	Encourage the use of stormwater management facilities within the right-of-way and sidewalk.	The existing policy language is nearly sufficient to satisfy Special Condition S5.C.4.f. A minor change is suggested. Use urban design features to soften the public right-of-way and sidewalk environment as appropriate. These features include, but are not limited to, street trees, landscaping, water features, raised planter boxes, potted plantings, natural drainage practices, pedestrian-scaled lighting, street furniture, paving treatments, medians, and the separation of pedestrians from traffic.

Number	Policy Reference	Existing Comp Plan Policy or Draft Proposed Amendments Supporting Other City Policy Updates or Housekeeping Opportunities[1]	NPDES Permit LID Principle	Opportunity Analysis/Rationale	Proposed Changes to Support NPDES Permit
8	UD-New	N/A	Make LID the preferred and commonly-used approach to site development Minimize impervious surfaces Minimize native vegetation loss Competing needs criteria (SWMMWW 5.3.1, 2012)	Existing policy language in the Urban Design Element should reflect the neighborhood's unique conditions and visions for future development and redevelopment.	Design context appropriate stormwater management facilities that reflect the unique character and design elements of the neighborhood in which the site is situated.
9	UD-New	N/A	Make LID the preferred and commonly-used approach to site development	Low impact development techniques can often best be applied when evaluated early and in conjunction with site design and development decisions.	Use low impact development principles early in the site design and development process.
10	UD-New	N/A	Make LID the preferred and commonly-used approach to site development Minimize native vegetation loss Minimize stormwater runoff	LID is addressed through the use of sustainable design practices employing natural drainage practices. This policy was borrowed from the Bel-Red Subarea Plan for city-wide applicability.	Develop and implement landscaping standards that minimize native vegetation loss, promote environmental sustainability and use natural drainage practices where appropriate and feasible

City of Bellevue
Post Office Box 90012 • Bellevue, Washington • 98009 9012

January 6, 2014

Planning Commission
c/o Paul Inghram, Comprehensive Planning Manager
Planning and Community Development Department
PO Box 90012
Bellevue, WA 98009-9012

Dear Chair Tebelius:

Thank you for inviting comments from the Environmental Services Commission (ESC) regarding the City's Comprehensive Plan Update (CPU). The ESC devoted time at several meetings in 2013 for review of those elements of the Comprehensive Plan which most directly affect Utilities policies and outcomes: Utilities, Capital Facilities, and Environmental Elements.

As the commission charged with reviewing city utility policies, budgets and rates, the ESC appreciates the opportunity to help shape Bellevue's progress, including capital investments and a strong local economy and healthy environment for the people who will live and work here in the coming decades.

The ESC understands the Planning Commission has requested input from a number of stakeholder groups and has also invited input from the public. As requested, ESC has summarized proposed policy changes but has not suggested specific new policy language at this time. We anticipate working with staff and the Planning Commission to develop language as the proposed policy changes move forward.

The attached table contains proposed changes to existing policies and indicates areas where we believe new policy language is needed, along with the reason(s) for each proposed change. Most proposed changes fall into the following categories:

- A holistic approach to water, wastewater, surface water, and solid waste utility management;
- Compliance with Bellevue's Municipal Stormwater Permit, particularly for low impact development technologies and philosophy;
- Emerging technologies that would improve delivery of city-managed utility services;
- Clarify policy intent and update outdated terminology; and
- Reference appropriate utility system plans for utility-specific level-of-service targets.

The CPU sets the vision and policies that affect Bellevue's future. Well managed utilities are essential for successful implementation of the CPU leading to a strong economy, a safe community, and a healthy environment. Clear policies that support continued quality municipal utility services help ensure Bellevue's CPU vision for the future.

The ESC looks forward to working with staff to review draft policy language for these CPU Elements, anticipated in early 2014. As ever, please feel free to contact me to discuss any matter of interest to you.

Sincerely,

Brad Helland, PE
Chair, Environmental Services Commission

2013 Comprehensive Plan Update
ESC / Utilities Recommended Policy Changes
As Presented for Approval by ESC on October 17, 2013 and with minor amendments by the ESC Chair 12/9/13

Utilities Element

Policy #	*Existing Policy* or New Topic	Proposed Change	Why?
General Utility System Policies UT-1 to UT-6			
NEW	Asset Management – general	Add policy language in support of asset management of utility infrastructure assets. Emphasize cost effective management of systems over their lifetime, including planning for renewal and replacement, balancing risk, and maintaining levels of service. For city-managed assets and services, add guidance to forecast future capital and operations/maintenance costs, so that customer rates can be established to fully fund ownership costs in an equitable manner across generations.	There are currently no policies about using an asset management approach for utility infrastructure in the Comp Plan. Proposal would add general language about support for comprehensive asset management approach as a best practice to efficiently and equitably serve utility customers.
NEW	Asset Management – risk	Add a policy requiring management of city-managed utility infrastructure assets in a manner to reduce the likelihood of public safety impacts, property and environmental damage, and business/social disruption due to asset failure.	There are currently no policies about asset management in the Comp Plan. Proposed language recognizes the risk management element of utility infrastructure asset management.
NEW	Support for Emerging Technology	Add policy language recognizing and supporting technologies which support sustainability that are appropriate and viable. (Examples: smart buildings using water recycling, wastewater treatment techniques such as membrane treatment technologies), and stormwater management (Low Impact Development) techniques that allow them to lessen their demand to	There is virtually no mention of emerging technologies in the Comp Plan now. Policy would affirm city should be supportive of credible proposals to manage water and wastewater use efficiently, and mitigate stormwater innovatively, on site.

		the utility grid. Add policy support for providing education about the benefits of these technologies, in particular Low Impact Development.	NPDES Compliance
NEW	Utility System Plan Updates	Add policy direction for development and periodic updating of functional utility plans (aka Utility System Plans) that forecast system capacity and deficiency for at least a 20 year planning horizon.	Would provide policy support that long range planning is appropriate and necessary.
NEW	Utility System Plan Content	Add policy direction that functional system plans for water, wastewater, storm water, and solid waste should contain system management and operational policies, levels of service, and consider the impact of changing weather patterns.	Clarity. Alerts CP audience that system plans contain policies and level of service information specific to each utility, in addition to those broad policies stated in the CP. New: Makes reference to Bellevue Solid Waste planning, since appropriate to plan for future beyond King Co Solid Waste transfer and disposal system.
NEW	Low Impact Development	Add policy support for "Considering LID principles to minimize impervious surfaces and native vegetation loss on all infrastructure improvement projects."	NPDES Compliance
Intergovernmental Relations and Coordination UT-7 to UT-10			
UT 7	*Extend water and sewer utility service to unserved areas of the utility service area, including extensions into potential annexation areas, if the city's costs are reimbursed and provided that service will be extended only upon annexation to the city, or if extensions are consistent with local and regional land use and utility comprehensive plans.*	Add language to clarify that sub-area policy may modify utility extension requirements for specific geographic areas. (e.g. Bridle Trails BT-33 and Newcastle NC-61)	Clarity. Alerts reader that subarea policy may impact broad policy for specific geographic areas.
UT 8	*Recover all costs, including overhead costs, related to the extension of services, as well as the costs to maintain and operate these systems.*	Move this policy about cost recovery of extensions to the "General Utility System" section	Relocating policy to more logical place; No substantive change proposed.

NEW	Emergency Preparedness -- Coordination	Add policy endorsing coordinated emergency preparedness and response with local and regional utility partners. (Example: Washington Water and Wastewater Response Network {WAWARN})	Inter-agency coordination for emergency preparedness and response is critical to utility service delivery following an event, but Comp Plan is currently silent on this topic.
Solid Waste Policies UT-14 to UT-21			
NEW	Solid Waste Mission	Add a broad policy statement that fully captures the Solid Waste Utility mission to provide a convenient, efficient, environmentally-friendly and unobtrusive solid waste collection system.	There is currently no umbrella policy directing the City to implement a solid waste program.
Sewer Utility Policies UT-20 to UT-21			
NEW	Wastewater Utility Mission	Add a broad policy statement that captures the utility's wastewater mission: "Provide a reliable wastewater disposal system that ensures a public health and safety, and protects the environment."	There is currently no umbrella policy directing the city to implement a wastewater system.
Storm and Surface Water Policies UT-22 to UT-25			
UT 22	*Participate in regional watershed based efforts with the goals of achieving local watershed health and addressing Endangered Species Act issues, and strive to manage the city's storm and surface water system within a system wide, watershed based context.*	Separate this into two policies. 1) The first part of the sentence is a complete policy, with a period after "Endangered Species Act". Change second "watershed" term to "drainage basin". 2) Revise the second part of the sentence to read something like "Strive to manage the storm and surface water drainage system with a comprehensive and holistic approach."	Clarity: The two ideas are somewhat independent, so two policies would add clarity. Clarity: Change from 'Watershed" to "drainage basin" provides consistency with NPDES permit terminology, to avoid confusion. Clarity. Dropping the word 'city's' would better convey that the storm system is comprised of both public and private elements. The changed words avoid confusion and conflict with the language of the NPDES permit.
UT 23	*Manage the storm and surface water system in*	Update this umbrella policy to capture stormwater	Clarity. Update language to be consistent with the storm and

	Bellevue to maintain a hydrologic balance in order to prevent property damage, protect water quality, provide for the safety and enjoyment of citizens, and preserve and enhance habitat and sensitive areas.	utility's mission of "Provide a storm and surface water system that controls damage from storms, protects surface water quality, supports fish and wildlife habitat, and protects the environment."	surface water utility mission.
UT 24	*Enforce surface water controls to protect surface water quality.*	Delete Policy	Policy was originally written for surface water protection from leaking underground storage tanks. Surface water quality is now broadly protected by local, state and federal regulations.
UT 25	*Educate the public on water quality issues.*	Update policy language to recognize need for water quality education specifically about low impact development, pollution prevention, aquatic habitat, and public engagement. Encourage coordination with schools as one option to further water quality education.	Brings policy up to date by adding specificity about which issues that affect WQ should be the focus of public education efforts.
Water Utility Policies UT-26 to UT-31			
UT 26	*Ensure a cost-effective water supply that meets the needs of the City of Bellevue*	Expand this policy to fully capture the water utility mission to "Provide a reliable supply of safe, secure, high quality drinking water that meets all the community's water needs in an environmentally responsible manner."	Revised umbrella policy would better align with water utility mission.
UT 27	*Provide a water supply that meets all federal drinking water quality standards.*	Revise policy to compel meeting all federal *and state* drinking water quality standards.	Recognizes that there are federal AND state drinking water quality standards.
Non City Managed Utilities			
NEW	Support for Emerging Technologies by non-city-managed utilities	Gap: Add policy language to support technology that could enhance the provision of municipal utility services, such as high capacity wireless internet that would support automated meter reading.	To add policy in support of new technologies that would benefit city-managed utility service delivery.
NEW	Priority to recovering power for the water/wastewater system	Gap: Add policy requiring that electrical utilities give priority to restoring power to utility lifeline services	Supports restoration of utility lifelines following power outages, over other users.

		(water and sewer facilities), during power outages.	
UT 34	*Require effective and timely coordination of all public and private utility trenching activities.*	Expand this policy to require coordination beyond just trenching, such as for culvert replacements, and utility facility conflict resolution.	Policy support to leverage continued or enhanced coordination

Capital Facilities Element

Policy	Existing Policy or New Topic	Proposed Change	Why?
CF 1	*Ensure that necessary capital facilities are provided within a reasonable time of the occurrence of impacts resulting there from.*	Currently written awkwardly. For Utilities capital facilities (and possibly others), revise to indicate that Utility facilities should be in place, or have provision for providing extension (public and/or developer funding) to accommodate planned growth.	Clarity
CF 5	*Use adopted LOS, operating criteria, or performance standards to evaluate capital facility needs.*	Add language that points to Utility System Plans (functional plans) for Levels of Service(LOS) specific to each system	Alerts CP audience that system plans contain policies specific to each utility in addition to those shown in the CP.

Environment Element

Policy	Existing Policy or New Topic	Proposed Change	Why?
Environmental Stewardship Policies EN-1 to EN-31			
EN 5	*Reduce waste, reuse and recycle materials, and dispose of all wastes in a safe and responsible manner*	Rewrite to target increased waste prevention, reuse, recycling, and the use of recycled-content materials and products. Promote the use of products and materials that require less resource to create and use and that are recyclable at the end of their useful lives. Keep the part about disposing of all wastes in a safe and responsible manner.	To make the policy more comprehensive by adding prevention and specifying support for recycled-content materials and products.
EN 27	*Implement the citywide use of low impact development techniques and green building practices that provide benefits to critical areas functions.*	Drop the last clause "that provide benefits to critical areas functions".	The phrase inappropriately limits the application of LID techniques, inconsistent with NPDES permit.
NEW	Aquatic Habitat	Add a new policy directing that the City should be the steward of information relative to aquatic habitat on public *and* private property, and should develop a plan leading to overall habitat improvements throughout the City.	Adds needed flexibility to prioritize and implement projects wherever they will provide the most benefit, without obliging or mandating any defined level of public investment. Do not write in such a way that could compel private property owners to resolve such aquatic habitat problems, although education about voluntary resolution would be appropriate.
NEW	Space for Recyclables	Add a policy that requires developers to plan for adequate space for recycling materials (containers for recyclables and organic materials)	Resolve an ongoing problem that has not been addressed through code modification.
NEW	Tree Canopy Preservation and Restoration	Add a policy that recognizes the value of trees to surface water, energy consumption and aesthetics and that therefore encourages the preservation and restoration of tree canopy throughout the city, including in rights of way.	Healthy tree canopy aligns with Bellevue's "City in a Park" motto, providing both aesthetic and more tangible benefits. Trees provide cooling shade on stormwater runoff, reducing surface water temperatures, and on buildings, reducing heat transfer. They also lessen the total volume of storm water that runs off, aligned with low impact development principles. Undeveloped property should preserve trees wherever

			possible; redeveloping property and city rights of way should add trees where possible.
Water Resources Policies EN 32 to EN 43			
GOALS	*Open surface water's beneficial uses are, in order of priority:* *a. Natural resources preservation;* *b. Fish and wildlife habitat and water quality;* *c. Storm water conveyance;* *d. Recreation, culture and education; and* e. *Aesthetics.*	Recommend removing prioritization.	Adds flexibility
EN 33	*Maintain surface water quality, defined as meeting federal and state standards and restore surface water that has become degraded, to the maximum extent practicable.*	Revise to acknowledge the non-point nature of pollution in surface water runoff, and to encourage the establishment of realistic goals consistent with state and federal requirements.	NPDES clarity. As written this policy implies that the city can maintain surface water quality that meets federal and state standards.
EN 36	*Retrofit public storm drainage systems and prioritize investments where there is a significant potential for restoring surface water quality important to preserving or enhancing aquatic life.*	Add "littoral and riparian" after "aquatic".	To more fully capture the in-water and land-living fish and wildlife dependent on healthy surface water quality of lakes and streams.
EN 38	*Restore and protect the biological health and diversity of the Lake Washington and Lake Sammamish watersheds in Bellevue's jurisdiction.*	Change "watersheds" to "basins."	Consistency: Current regional terminology now uses "watershed" to designate WRIAs, rather than referring to lake drainages as this policy did.
EN 39	*Restrict the runoff rate, volume, and quality to predevelopment levels for all new development and redevelopment.*	Delete this policy.	Redundant. Stormwater runoff control is completely regulated by local and state prescriptive requirements, captured in Storm Code, Utility Engineering Standards, and other city development regulations.
Earth Resources and Geologic Hazards Policies EN 44 to EN 58			

EN 46	*Prepare geologic maps of the city, in conjunction with regional geologic mapping efforts.*	Replace “prepare” with “maintain”	Clarity. Would more accurately reflect ongoing need to keep current the geologic maps the city already has.
Fish and Wildlife Habitat Conservation Areas Policies EN 59 to EN 77			
EN 62	*Prohibit creating new fish passage barriers and remove existing artificial fish passage barriers in accordance with applicable state law regarding water crossing structures.*	Strike the last few words “regarding water crossing structures”.	Clarity. The term “water crossing structures” is confusing. The policy is complete without it.

Planning Commission Schedule

October 8, 2014

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 425-452-6868. 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
Oct 22	• Comprehensive Plan Update ○ Complete review of initial drafts
Nov 12	• Annual Comprehensive Plan amendments (Montvue Place) – potential public hearing • Comprehensive Plan Update ○ Complete review of initial drafts
tbd	• Potential joint meeting on Comprehensive Plan update
Dec 10	• Comprehensive Plan Update – potential public hearing date

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

June 25, 2014 | Bellevue City Hall
6:30 p.m. | City Council Conference Room 1E-113

COMMISSIONERS PRESENT:	Chair Tebelius, Commissioners Carlson, Hamlin, Hilhorst, Laing, deVadoss, Walter
COMMISSIONERS ABSENT:	None
COUNCIL LIAISON:	Councilmember Stokes
STAFF PRESENT:	Paul Inghram, Erika Conkling, Department of Planning and Community Development; Catherine Drews, Department of Development Services, Jim Montgomery, Police Department
GUEST SPEAKERS:	None
RECORDING SECRETARY:	Gerry Lindsay

1. CALL TO ORDER

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

2. ROLL CALL

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

New Commissioner Stephanie Walter was introduced. Commissioner Walter said she resides in the Spiritwood neighborhood and works in the field of healthcare finance.

3. PUBLIC COMMENT

Mr. Blaise Bouchand, 1950 130th Avenue NE, owner of Maison de France, spoke regarding the recreational marijuana business set to open at 1817 130th Avenue NE. He indicated he was speaking on behalf of Blue Sky church, 1720 130th Avenue NE, and Gaude Construction as well as himself. The letter he read into the record from the church stated that it is hard to believe the issue of allowing a recreational marijuana dealer to so close to the church is even being entertained. The church has a large number of children and youth, but also nearby is the Little Gym and Girl Scouts, uses that serve children. It is clearly not healthful to the community. People from the medical marijuana establishment have already been selling their product right behind the church building, right outside the youth room doors, to buyers who do not attend the church. The issue has been reported to the police as a recurring problem. Selling marijuana and increasing drug use will only cause problems and deteriorate the wonderful plans Bellevue has made. The letter he read into the record from Gaude Construction stated that the company was not aware of the existence of a recreational marijuana retailer on 130th Avenue NE. The construction company office houses many items, such as computers and power tools, that can

easily be sold for quick cash to support drug users. The office and vehicles have been hit in the past. All businesses in the area will in fact be targets for drug users who need a quick $50 to get their high. Speaking for himself, he said several business owners on 130th Avenue NE are concerned and opposed to the opening of a recreational marijuana drug dealer on that street. There are public health and safety issues at stake. The Commission should makes its recommendations accordingly and wisely to the City Council.

Chair Tebelius asked Mr. Bouchand what he would like to see done with the interim ordinance that is in place and which will remain so until October. Mr. Bouchand said the city could forbid recreational marijuana uses from locating within 1000 feet of uses that involve children. He said his preference would be to simply ban the use in Bellevue like 50 other cities in the state have done. That would reduce the city's liability risks and would mean less work for the police department.

Answering a question asked by Commissioner Carlson, Mr. Bouchand said the list of uses that cater to children in the immediate area of the proposed recreational marijuana retailer include the Little Gym, Girl Scouts, and the Blue Sky church. There is also a park and viewpoint nearby.

Ms. Teri Olson with Unique Art Glass, 1830 130th Avenue NE, said her business is located directly across from the proposed marijuana retail outlet. She noted her opposition to allowing the marijuana business to locate there. In Colorado lawmakers are looking at banning certain types of edible marijuana to protect children who cannot tell the difference between cookies and brownies that have and do not have marijuana. It is just a bad idea all around to allow a marijuana retail store so close to businesses that cater to children, and it is not a good fit with the other businesses along 1309th Avenue NE.

Mr. Fred Charb, 1840 130th Avenue NE, Suite 7, objected to the proposed recreational marijuana shop slated to be located across the street from his chiropractic office, about 400 feet away. He said the Washington State Liquor Control Board recommended that all recreational marijuana shops be located in former liquor store locations, which the 130th Avenue NE location is not. The city ordinance in place requires recreational marijuana shops to be located a minimum of 1000 feet from certain facilities that cater to children; the front door of the Little Gym is located in a direct line of sight from the proposed retail use and about 300 feet away, the GungFu martial arts studio across the parking lot from his business has students as young as four, and the Blue Sky church is located down the street and approximately 600 feet from the proposed marijuana retail shop. Colorado law is similar to the law in Washington, and in Colorado there recently have been numerous robberies and burglaries involving medical marijuana stores in the Denver area. The proposed 130th Avenue NE retailer will also be a target and will put the entire neighborhood at risk. The Commission was asked to not allow a recreational marijuana shop to be located as proposed; it should be located in a former state liquor store.

Ms. Ann Lampman, 3806 130th Avenue NE, said she has worked as a commercial real estate broker on the Eastside for almost 20 years. She said during the last year she has received numerous calls from entrepreneurs wanting to locate a recreational marijuana shop in commercial areas on the Eastside. In every single case, her landlord clients have refused to entertain the notion of allowing such a business in their buildings or complexes. In three cases clients surveyed their other tenants about allowing the use and each time all of the tenants opposed allowing the use in their building or business park. Several tenants indicated they would not renew their leases should such a use be allowed. Recreational marijuana shops could

be a threat to occupancy rates. She said her home is just up the street from the recreational marijuana business proposed to locate on 130th Avenue NE. The arterial is heavily used by children during the school year all the way down to NE 24th Street. Many eyes are on Bellevue right now. The city has the chance to get it right or to get it wrong. One way to get it right would be to allow businesses to have a say in where marijuana retailers are allowed to locate by establishing drug free zones.

Commissioner Carlson said it is possible that when Initiative 502 was on the ballot, many of the tenants that were surveyed may have voted in favor. The City Council has taken the position that because the majority of people in Bellevue voted to make it legal for people to possess and use marijuana recreationally in the privacy of their homes, the city should feel obligated to allow for the retail distribution of the product. The curious thing is that when it comes down to it, those would be affected by the use are generally opposed to it. He suggested it is entirely compatible and intellectually consistent to support the legal right of the people to possess and use marijuana while saying the product should not be allowed to be sold in Bellevue. Ms. Lampman allowed that while the majority of those voting supported the initiative, it was a minority of voters who showed up to vote. To fully understand where the majority stands, it would be necessary to survey all registered voters in the city. She stated that while the Commission has no say over what people do in the privacy of their own homes, it certainly has a voice in saying where uses and businesses are allowed to locate.

Mr. Chris McAboy, 1817 130th Avenue NE, spoke representing The Novel Tree, the retail marijuana business under discussion. He noted that previous speakers had referred to his business as a drug dealer, which by common definition is an unlicensed person selling illegal drugs. He clarified that the business is in the process of being licensed by the state, all plans have been submitted to the city of Bellevue, a lease has been signed, and all systems are go pending the proposed Land Use Code amendment addressing recreational marijuana. He noted his support for the regulations based on the recommendations of staff. There are arguments in play at the federal level about the legality of marijuana. The US Attorney General has issued a statement that essentially says that so long as the states abide by set terms the federal government cares about, they will not interfere. Currently marijuana is completely illegal in only 21 states. The Novel Tree will be a heavily taxed business. Marijuana users are not junkies and allowing the use will not turn Bellevue into a city of junkies. Surveys indicate that while 40 percent have tried marijuana, only ten percent actually use it. He noted that the issue of edible marijuana products was addressed earlier in the day by the Liquor Control Board and a rule change has been put into place that states the packaging for all edibles must be approved by the Board. The Board wants to make sure no packaging will resemble kids candies or treats, and that all such products will be sized as individual servings. Heavy security measures will be put in place at The Novel Tree to ensure no on-site consumption and to prevent crime. The truth is that pot shops in Denver are not being robbed or burglarized and the crime rates there dropped by nearly five percent. The direct neighbors to The Novel Tree, while initially opposed, are now on board and supportive. The most dangerous thing about cannabis is prohibitions against it which only fuel the black market. The location on 130th Avenue NE is about as far away from parks and schools as one can get in Bellevue, and nearly every corridor in every city is used by kids. Based on the state regulations, recreation centers are defined as supervised centers that provide a broad range of activities or events intended primarily for use by persons under 21 years of age, owned and/or managed by a charitable non-profit organization, city, county, state or federal government. The site on 130th Avenue NE is primarily industrial with such things as wholesale distribution centers, a brewing company and auto uses.

4. APPROVAL OF AGENDA

A motion to amend the agenda by eliminating item 7C, and to approve the agenda as amended, was made by Commissioner Laing. The motion was seconded by Commissioner Carlson and it carried unanimously.

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

6. STAFF REPORTS

Comprehensive Planning Manager Paul Inghram took a moment to welcome Commissioner Walter. He also urged the Commissioners to review the Item 7C materials and Comprehensive Plan update schedule. He noted that the Council was recently provided with an update and will receive a more detailed check-in with the Council in September while the Commission's process will still be under way. The Council will take the opportunity to identify any specific concerns for the Commission to address ahead of formulating its final recommendation.

Mr. Inghram reported that the Council also recently addressed the fact that members from the Horizon View plat have asked for a rezone from R-3.5 to R-2.5. The Council agreed to move forward with that rezone process so it has been added to the Commission's schedule.

7. STUDY SESSION

A. Land Use Code Amendments to Address Recreational Marijuana

Legal Planner Catherine Drews provided the Commissioners with copies of the emergency rule adopted earlier in the day by the Liquor Control Board addressing the edible marijuana issues.

Police Chief Jim Montgomery explained that over the years the term "zero tolerance" has been used in association with enforcing drug laws. He said the term would seem to imply that no one will be able to get away with anything, but of course that will never be the case. The department has been in contact with colleagues in Colorado, particularly in Denver, Lakewood, Colorado Springs and Boulder, given the notion that they hit the ground first and were further along. That, however, has not turned out to be the case. Most of those cities imposed and have continued with a moratorium, though Denver and Boulder are somewhat ahead of Bellevue. Denver has taken hands-off approach and as a result have experienced a significant increase in certain types of crimes in the neighborhoods where marijuana sales are occurring. That has not been the case in Boulder where the police department says there has not been an increase in crimes; they contribute that result largely to the fact that they put together a fairly aggressive campaign, something Bellevue is likely to emulate.

Continuing, Chief Montgomery said for the short term, Bellevue intends to dedicate a portion of a police staff person's time to get out into the business and residential neighborhoods to make sure everyone has a point of contact. The owners of marijuana retail sales businesses will also be contacted to make sure they understand the rules and all expectations. The police will also be collaborating with the Liquor Control Board which largely has the say-so with regard to governing the retail sales establishments. As a result of the position taken by the federal government with respect to banking, the retail stores will be expected to operate largely on cash only. How that will play out relative to making the stores targets for robberies and the like is not

known but will need to be considered; certainly the retailers will need to take special precautions. Chief Montgomery said he does not anticipate a significant problem with people buying product and openly using it in the parking lot, but a significant police presence will be assigned to discourage such activities. Where such activities are observed, the individuals involved will be cited and prosecuted.

Several cities in Colorado, even some that have moratoriums in place, have dedicate a full-time equivalent police person to spearhead their efforts. The same approach likely will be taken in Bellevue. If it becomes apparent, however, that the approach represents a significant drain on resources, the anticipation is that a conversation with the City Manager will be required to discuss the best use of staff.

Chief Montgomery stressed the need to have everyone on the same page relative to what the voters have actually approved. He showed the Commissioners how much a single ounce of marijuana is. He then said the big issue is marijuana-infused products, including liquid products, and showed the Commissioners brownies that included 16 ounces of marijuana, the amount that can be legally possessed. The liquid product can be infused into virtually anything that is edible and the THC level in up to ten times more potent as the leaves. In addition to legally being able to possess 16 ounces of solid product, it is also legal to possess up to 72 ounces of liquid marijuana-infused product. With marijuana-infused products, there will be no way for consumers to know the potency rate. The liquid product can also be added to leaf marijuana and smoked, significantly elevating the potency.

Commissioner Carlson asked if marijuana-related problems would be less likely, more likely or as likely to occur if Bellevue were to have no retail sales outlets at all. Chief Montgomery said it would be speculatory to say. As mobile as the society is, it is likely people would drive to where they could buy products. Proximity certainly makes it more convenient for people to obtain the products. The concerns about locating retail outlets close to schools are absolutely legitimate. Having distance requirements will help but will not completely solve the problems of kids obtaining products.

Commissioner Laing noted that according to the new rule from the Liquor Control Board marijuana-infused products that are designed to be especially appealing to children are prohibited. The list of things that are especially appealing to children includes cookies, brownies and rice crispy treats. Chief Montgomery said it was his understanding that such products will not be allowed to be sold off the shelf at retail establishments. Of particular concern to the police and fire departments is what is the improper use of those products. In fairness, retailers have no control over how their products are used.

Commissioner Laing said the Commission heard during public comment from a potential marijuana retail outlet operator who discussed security measures, most of which are required by the state. The question is why so many security measures will be needed at all if the retail establishments will not impose public health, safety or welfare threats different from any retail establishment selling liquor. Chief Montgomery said only time will tell if the required extra security will be enough. Banks have security measures in place in part to reduce the likelihood of nefarious activities. Banks are not immune from such crimes, and retail marijuana sales establishments will not be either. Both certainly may be attractive targets both when open and closed, so it makes sense extra measures are required. The police department is certainly glad to see the security requirements.

Commissioner deVadoss asked Chief Montgomery what counsel he would give the Commission given the limit of the Commission's mandate and the concerns expressed by the public. Chief Montgomery said the same question asked a few months or a year down the road would be more easily answered. Bellevue hoped to be able to garner some advice from the experience of cities in Colorado, but most of them are not that much farther ahead. Experience certainly was gained from having state liquor stores and the Liquor Control Board certainly has covered all the bases to the best of their knowledge. It is too early to know whether or not 1000 feet of separation from uses such as churches, schools and daycare centers is sufficient or needed at all. A group comprised of representatives from police, fire, code enforcement, parks, the city attorney's office and the Liquor Control Board has been put together and charged with working collaboratively in sharing information and in reaching out to other jurisdictions. As possible tweaks to existing codes are identified, they will be pushed forward through the proper channels.

Commissioner deVadoss asked if plans have been made to conduct outreach to the youth in Bellevue. Chief Montgomery said Bellevue is blessed by having school resource officers in most of the schools. They will have reaching out to students and their parents high on their list of things to do.

Commissioner Laing said one of the issues the Commission is wrestling with is drawing a distinction between parks or other uses that are privately owned and parks and uses that are publicly owned. He asked if there should be a difference between the way the city regulates the dispersion criteria relative to public or private facilities that are for all intents and purposes the same. Chief Montgomery answered that he did not believe from a law enforcement perspective that the distance requirements will make much of a difference, particularly in such instances. The Commission and the Council will need to sort through that issue. The police will act in all cases of folks misbehaving whether the behavior occurs on public or private land that is open to the public.

Commissioner Hilhorst asked what zoning districts allow recreational marijuana retail outlets in Colorado. Chief Montgomery said he did not have that information but could get it.

Chair Tebelius asked how many cities in the state will be allowing retail recreational marijuana stores. Chief Montgomery said his department has not surveyed that.

Answering a question asked by Commissioner Carlson, Chief Montgomery said he had not met with the Council as a whole to discuss the issues or to provide input. He said his aim is to remain as neutral as possible about the issue.

Chair Tebelius recognized city attorney Lori Riordin. Ms. Riordin allowed that her office will be responsible for enforcement.

Chief Montgomery was thanked for his insights and observations.

Ms. Drews said the Council has not given the Commission direction to consider a ban. The Council has looked at that issue and has decided not to move forward with a moratorium. She sought from the Commission direction to prepare a draft ordinance for consideration and to schedule a public hearing, preferably for July 30. That would allow for getting the permanent regulations in place before the interim regulations expire on October 21.

With regard to the comment made during petitions and communications about the preference for

locating recreational marijuana retail outlets in previous state liquor store facilities, Ms. Drews said the Liquor Control Board held that approach up as a model. Jurisdictions are being very careful with that notion, however, because alcohol stores are allowed in the Neighborhood Business zone and the Council has made a conscious decision not to allow any marijuana operations in residential areas.

Commissioner Walter noted from the staff memo that churches are not necessarily called out because they are primarily located in residential areas. Ms. Drews said the majority of churches in Bellevue are located in single family zones and therefore are without the scope of the marijuana uses. There are, however, churches in Bel-Red, Factoria and the downtown. If separation requirements were to drafted to include churches, retail marijuana uses could be barred from all areas in the city in direct opposition to the direction given by the Council to balance the protection of neighborhoods without creating an all-out ban.

With regard to hours of operation, Chair Tebelius noted that the state allows the retail sale of recreational marijuana to occur between the hours of 8:00 a.m. and 12:00 a.m., and said the staff proposal was for the city to be consistent with state law.

Commissioner Carlson reiterated his preference to ban completely the sale of recreational marijuana in the city of Bellevue.

The consensus was that the hours of operation in Bellevue should match those allowed under state law.

With regard to the separation requirements, Chair Tebelius pointed out that the Liquor Control Board rules require no less than 1000 feet from certain uses. Ms. Drews clarified that the Liquor Control Board has no separation requirement for liquor sales, though there is a notification requirement to all schools, churches and the like within 500 feet. She said the recommendation of staff was to have the city's separation requirement match that required by the state for recreational marijuana sales. She said the Commission could also consider recommending that retail marijuana operations be monitored to determine if adjustments to the separation distances are warranted. The attention of the Commissioners was called to two maps, one showing the quarter-mile and half-mile radii around every high school in the city, and one showing the quarter-mile radii around every grade and middle school in the city.

Chair Tebelius asked how many applications for recreational marijuana sales have been submitted and approved for Bellevue. Ms. Drews said to date the Liquor Control Board has issued a letter of approval to a single producer, otherwise there have been no applications approved by the Liquor Control Board for operations in Bellevue. The state will allow four retail stores in Bellevue, and the city will permit the siting of them only in accord with the Land Use Code regulations, which includes a 1000-foot separation distance between them to avoid clustering and the de facto creation of a marijuana district.

Commissioner Laing said two things characterize Bellevue: that it is a city in a park, and that it has a great school system. While there is insufficient information to say 1000 feet is better or worse than some other distance, the default position should be to increase the separation to a quarter mile for the two things that best characterize what the community is all about until such time as there is sufficient operating experience to make a more informed decision. A 1320-foot requirement would not impact the Novel Tree site. In fact the only site it would impact would be the Par 4 Investments site to the south of Main Street.

Commissioner Hamlin pointed that including parks in the larger separation could potentially eliminate all potential sites.

A motion to increase the separation requirement for schools, both public and private, to one-quarter mile was made by Commissioner Laing.

Mr. Inghram cautioned against making decisions based on motions for items that have not yet been subjected to a public hearing. Commissioner Carlson suggested that nothing gives direction better than a motion.

The motion was seconded by Commissioner Carlson. The motion carried 5-2, with Commissioners Hamlin and deVadoss voting no.

A motion to increase the park separation to 1320 feet was made by Commissioner Laing.

Ms. Drews commented that for ease of administration and enforcement purposes the separation requirements should be the same.

Commissioner Laing withdrew the motion.

Chair Tebelius said she would not object to increasing the separation distance so long as all of the specific uses called out in the staff memo were included and treated the same.

A motion to increase to a quarter mile the separation distance for playgrounds, recreation centers, childcare centers, public parks, public transit, libraries and game arcades was made by Chair Tebelius. The motion was seconded by Commissioner Hilhorst.

Commissioner Hilhorst said it would be helpful to have staff map the areas that would still allow locating a recreational marijuana retail establishment. Councilmember Stokes concurred and suggested there should also be a logical rationale determined.

The motion carried 5-2, with Commissioners Hamlin and deVadoss voting no.

Chair Tebelius stressed that the Commission has been given clear direction from the Council not to establish rules that will effectively ban all retail marijuana sales in the city. If the mapping exercise shows the effect of the motion will be just that, the Commission will need to reconsider.

On the question of whether or not additional uses should be recommended for separation, Chair Tebelius suggested that schools and parks whether private or public should be treated the same.

Commissioner Laing said he felt strongly that the separation requirement should apply to churches and private parks. He agreed parks and schools, whether private or public, should be treated the same. If there is a valid police power reason for regulating the proximity of retail marijuana establishments to a public park, the same reason exists for a private park. The default position should be to require separation from the uses. If going forward the evidence shows the separation is not needed, the separation requirement can be either reduced or eliminated.

Chair Tebelius pointed out the statement of staff that if a separation of 1000 feet is required for all religious facilities, the result will be an effective ban on all marijuana uses from nearly all

areas of the city. Commissioner Laing said he would like to see all religious facilities mapped as well.

Commissioner Carlson suggested that if the public makes no distinction between public and private parks, the city should not either in requiring separation.

Ms. Drews said the public/private park discussion arose in relation to Vasa Park, which is a privately-owned park. With regard to the Bel-Red area, an incentive system is in place that will allow developers to add floor area to their projects by providing park space. All park space thus created will be dedicated to the city and become public parks. Developers choosing to include park space without using the incentive system are free to choose if they want the park dedicated to the city or retained as private.

Commissioner Walter agreed that where there is no distinction made between the use of a private and public park, they should be treated the same. She questioned, however, whether the city actually has a full listing of all private parks in the city, and that could make enforcement of the separation requirement difficult if not impossible. Exactly what constitutes a park is also not spelled out.

Commissioner Laing said it has been his experience that jurisdictions like to require open space and pocket parks, but they also like the idea of not having to pay to maintain them. Developers are often required to create what amounts to private parks and to record easements making them open to the public, while the homeowners association is required to provide all maintenance and upkeep. It would be disingenuous to draw a distinction between those parks and public parks from a police power perspective.

A motion to treat the same all parks open to the public by simply referring to parks in the separation requirement was made by Commissioner Laing. The motion was seconded Commissioner Hilhorst and it carried 6-1, with Commissioner Hamlin voting no.

Chair Tebelius said she had not heard any motion regarding religious facilities and facilities for children and would move forward unless a motion was made.

Chair Tebelius asked for comment on the notion of recommending elimination of the downtown perimeter design district for recreational marijuana retail uses. Ms. Drews said the proposal initially was made by Commissioner Laing. She explained that the purpose of the district is to provide transition between the more intense downtown uses and the residential uses in the areas that border the downtown. The only place where recreational marijuana would be allowed would be on the south end of the district. As a design district, development in it requires a higher level of review focused on design, but not on uses.

Commissioner Laing said he had two reasons for proposing the elimination of the perimeter districts. First, the districts provide a transition function between the higher intensity downtown and the lower intensity single family neighborhoods surrounding the downtown. Second, during the Downtown Livability Initiative CAC meetings, the Committee heard from the Bellevue School District and community citizens that in time it is likely there will be a school located in the downtown.

Commissioner Hamlin pointed out that there is potential for residential and school uses in all areas, including Bel-Red, so the same argument could be applied. He said he did not buy the

argument in the first place.

Commissioner Carlson asked if the Bellevue Downtown Association or the Chamber of Commerce has weighed in on the issue. Ms. Drews allowed that in three public hearings before the Council on the marijuana interim regulations neither organization has offered any comment.

Commissioner deVadoss said the Council has been very clear about what it wants the Commission to do. The Commission can move the pieces around all it wants, but the Council has already made a decision. He agreed the argument for disallowing recreational marijuana uses in the perimeter districts could be made of other land use districts.

Commissioner Carlson noted that recreational marijuana retailers will be the only businesses selling a product that is illegal under federal law. Ms. Drews agreed that new territory is being charted. Councilmember Stokes said the Council considered that fact but concluded it was not a basis on which to made decisions.

Commissioner Hilhorst asked what would happen if the perimeter districts do allow recreational marijuana sale, a retailer chooses to locate there, and then a school gets built in the downtown within the required separation distance. Ms. Drews said the retailer would be grandfathered in.

A motion to exclude the Downtown Perimeter A design district from the table of downtown districts that allow recreational marijuana sales was made by Commissioner Laing. The motion was seconded by Commissioner Carlson and the motion carried 4-3, with Commissioners Hamlin, Carlson and Walter voting no.

Commissioner Tebelius noted that staff has recommended that administrative condition use permits for recreational marijuana uses should not be required.

Commissioner deVadoss commented that because recreational marijuana sales is a gray area and involved unchartered territories, and because the state has acknowledged that there may be special issues associated with the businesses, it makes sense to utilize the conditional use permit process. The conditional use permit exists to allow for placing conditions on uses to mitigate the impacts of the use. It may very well be that compliance with all state regulations will be sufficient to mitigate the impacts, but if a process is not put in place up front that looks at potentially adding mitigation above and beyond strict compliance with state law, the city will lose the opportunity. Churches, parks and a variety of other uses are required to obtain a conditional use permit.

Answering a question asked by Commissioner Hamlin, Ms. Drews said the city uses the conditional use permit process where impacts and compatibility issues are not fully known. The conditional use process is the highest level of review the city does and the decision is appealable to the Council. Between the rigorous state law, the interim city regulations, and what is known about how retail uses operate, the staff believes the conditional use approach is not warranted. Mr. Inghram added that the type of things typically addressed through the conditional use process include traffic, parking and landscaping. Churches are required to obtain a conditional use permit because they are often located in single family neighborhoods. Under the interim regulations, recreational marijuana outletsare allowed outright, although a building permit must be obtained for all tenant improvements. It is a change of use so the building permit undergoes land use review where conditions can be imposed. Mr. Inghram clarified that from a land use perspective recreational marijuana retail outlets are just another retail operation, and other retail

uses are not required to obtain a conditional use permit.

Commissioner Walter pointed out that there are some key difference between most retail uses and the recreational marijuana use. The recreational marijuana uses are cash only, require a much higher level of security, and are limited in total number, which may trigger increased traffic for each of the outlets.

Commissioner Hamlin asked if in fact the recreational marijuana uses will be cash only. From the audience, Mr. McAboy explained that his business has a banking account and will be able to accept debit and credit cards.

Mr. Inghram noted that banks house lots of cash and extra security but as a use they are not required to obtain a conditional use permit for that reason alone.

Commissioner Laing commented that there may be things in the state regulations that are incompatible with the land use district requirements. Recreational marijuana uses will, for instance, be required to have a certain amount of transparency and window glazing that will not necessarily constitute pedestrian-oriented frontage. Ms. Drews allowed that anyone seeking to establish the use in the downtown will have to meet all the requirements of the Land Use Code in the same way all other retail uses there must. Commissioner Laing pointed out that one of the requirements of the city's code relative to the perimeter design districts is that retail uses cannot have tinted windows that prevent pedestrians from looking in. The Council has raised questions as well that could be addressed through the administrative conditional use process.

A motion to require recreational marijuana uses to obtain an administrative conditional use permit was made by Commissioner Laing. The motion was seconded by Commissioner Hilhorst and the motion carried 6-1, with Commissioner Hamlin voting no.

Councilmember Stokes said the Council has consistently said the city has an obligation to allow for recreational marijuana sales while protecting the community. To that end it would be helpful to know what Boulder has done differently from Denver. He voiced concern over applying special rules to a private business entrepreneurs that are not applied to others. The extra hoops the entrepreneurs must jump through will create barriers for those who are only seeking to do what is legal to do.

Chair Tebelius asked whether the Planning Commission is ready to hold a public hearing on the topic. Mr. Inghram encouraged the Commission to hold the public hearing as scheduled. The city can update the interim ordinance with the proposed changes. The Commission is under no obligation to reach a final decision immediately following the public hearing, and if a follow-up study session is needed one could be scheduled.

There was agreement to conduct the public hearing on July 30.

BREAK

A motion to amend the agenda to move item 9, Other Business, election of chair and vice-chair, to follow item 7A was made by Commissioner Hilhorst. The motion was seconded by Commissioner deVadoss and it carried unanimously.

9. OTHER BUSINESS

A. Election of Chair and Vice-Chair

Commissioner Carlson nominated Commissioner Laing to serve as chair.

There were no other nominations.

The nomination of Commissioner Laing to serve as chair carried unanimously.

Chair Tebelius handed the gavel to Commissioner Laing.

Commissioner Tebelius nominated Commissioner Hilhorst to serve as Vice-Chair.

There were no other nominations.

The nomination of Commissioner Hilhorst to serve as Vice-Chair carried unanimously.

7. STUDY SESSION (Continued)

B. Eastgate/I-90 Related Subarea Plan Amendments

Answering a question asked by Chair Tebelius, Senior Planner Erika Conkling explained that the Eastgate/I-90 CAC did not specify changes to the Eastgate subarea plan. The Eastgate subarea plan has not been changed for 20 years or so and there certainly are some things in it that no longer apply. In particular, the recommended approach toward land use in the subarea plan is inconsistent with the vision of the CAC. The staff memo outlines minimum number of changes necessary to effect the CAC's plan; none of the proposed changes are unnecessary.

Ms. Conkling asked the Commissioners to consider during the discussion whether or not the proposed changes capture the recommendations and implement the vision of the CAC. She noted that at the previous meeting the focus was on policies specific to the three subareas but pointed out that some policies cross subarea lines, including those relating to the Mountains To Sound Greenway. Policies are therefore included in both the Eastgate and Factoria subareas focused on developing the trail with pleasant, safe and non-motorized facilities that provide local and regional connections.

Chair Laing asked Commissioner Hamlin and Councilmember Stokes, both of whom served on the Eastgate/I-90 CAC, if anything in the memo was inconsistent with the recommendation of the CAC. Commissioner Hamlin said the only thing that stood out to him was the additional work related to the Factoria subarea. He allowed that while the proposal fits with the spirit of what the CAC intended, it goes beyond the CAC's actual recommendation. Councilmember Stokes agreed with Commissioner Hamlin and said nothing in the packet substantially changes the recommendation of the CAC.

Commissioner Tebelius called attention to Policy S-EG-LU1 and suggested the word "compact" is not necessary and should not be used, and proposed leaving out the reference to greater height and intensity. The policy should call for focusing Eastgate growth into a mixed use center adjacent to the Eastgate transit center.

Councilmember Stokes said the CAC purposely discussed increasing heights in the area near the

transit center. Developers and others addressed the CAC and supported the notion. Commissioner Hamlin added that the CAC held the view that the area is the right choice for greater height and intensity given its proximity to good transit and Bellevue College. He pointed out that the 15-member CAC, comprised of local community members, was in agreement with the final plan.

Commissioner Tebelius called attention to Policy S-EG-LU2 and said she did not support using the term "main street," and pointed out that the specific mixed use center mentioned is not identified. Ms. Conkling said the reference is to the mixed use center adjacent to the transit center. She agreed to include a modifier to make it clearer.

Commissioner Hamlin added that the CAC had not used the term "main street" but did talk about pedestrian access.

There was agreement to have the policy refer to a pedestrian-oriented street.

Commissioner Tebelius asked if Policy S-EG-1 also refers to the area near the transit center. Ms. Conkling said the policy is existing but is proposed to be modified. The policy speaks to the location of Eastgate as having good transportation access, but in the existing plan the reference is only to freeway access. The language revision is intended to link land use to more forms of transportation.

Chair Laing noted that he had previously suggested using throughout the document the phrase multimodal mobility instead of referring specifically to freeway access, transit service and non-motorized transportation alternatives, except where the reference is to a single form of transportation.

Councilmember Stokes suggested that somewhere in the document it should be spelled out clearly exactly what multimodal means.

Mr. Inghram allowed that generally using the word "multimodal" makes sense. However, the original intent of Policy S-EG-1 was to recognize the inherent advantage the subarea has by virtue having access to the I-90 freeway. He suggested making sure the policy language is less generic by specifically referencing freeway access, the park and ride, and the Mountains To Sound Greenway trail. The Commissioners concurred.

Commissioner Tebelius asked why Lake Sammamish was not listed in Policy S-EG-4. Ms. Conkling said the existing policy calls for protecting Phantom Lake and the intent of the proposed change is to make the language stronger and clearer.

Commissioner Hamlin said the Phantom Lake folks closely tracked the work of the CAC and provided a great deal of testimony. Lake Sammamish is outside the study area, though that does not mean it is unaffected. Commissioner Tebelius said there is runoff from the area into Lake Sammamish. Commissioner Hamlin said he did not recall that issue coming up but would not oppose adding a reference to Lake Sammamish and Lake Washington. There was agreement to include those lakes in the policy.

Answering a question asked by Commissioner Tebelius regarding Policy S-EG-ND-1, Ms. Conkling said the specific recommendation is to consider the transfer of development rights (TDRs). She said it was her understanding that the notion came from the Mountains To Sound

Greenway Trust as a way of preserving resource lands outside of urban areas. Staff are currently undertaking an economic analysis on TDRs so "consider" and "if feasible" are used to couch the issue as broadly as possible. Commissioner Tebelius suggested eliminating the policy altogether. If the Council decides it wants to move ahead with TDRs, the specific policy language will not be necessary to make it happen.

Commissioner Hamlin said the CAC did discuss the TDR issue. He agreed, however, that the policy could be deleted. Councilmember Stokes confirmed that the Council is discussing the issue of TDRs separate from the Eastgate/I-90 recommendation.

There was agreement to remove the policy.

Commissioner Tebelius called attention to the staff comment regarding the proposed deletion of policies S-EG-5 and S-EG-6 and asked who determined that the segregation of uses supported by the policies had led to the current auto-oriented development that is no longer an attractive environment for employees. Ms. Conkling said the major change comes from the vision as a whole. Policy S-EG-5 calls for consolidating retail and commercial development into the Community Business and General Commercial boundaries, which is directly opposed to the CAC's vision for the subarea, which calls for commercial and retail uses mixed in with the office areas.

Mr. Inghram said the proposal is to create a new set of land use designations. The currently policy language would be inconsistent with putting commercial and retail uses in any new district that gets created.

With regard to Policy S-EG-10, Commissioner Tebelius allowed that while housing may be appropriate, the word "encourage" is not.

Councilmember Stokes pointed out that the discussion on that point was large at the CAC level. Commissioner Hamlin agreed and noted that the sentiment of the CAC was to encourage multifamily housing.

Chair Laing proposed striking "as a primary means of travel" from Policy S-EG-9.

Commissioner Tebelius asked what the idea is behind Policy S-EG-12. Ms. Conkling said if a project at the development review stage can make the case for having reduced parking by virtue of the fact that parking can be accommodated on-site or by leveraging transit, consideration should be given to reducing the parking requirements.

Chair Laing said his preference was to strike Policy S-EG-12 altogether given that it addresses a zoning level or design review level regulation. Project-related demand can always be accommodated on-site and in fact every developer is required to do just that. The policy is not appropriate at the subarea plan level.

Councilmember Stokes suggested using the far more general language of the second sentence of staff comment CoB14 for the policy instead. Chair Laing said that would make sense.

Chair Laing said Policy S-EG-14 is another policy in which use of the term "multimodal mobility" should be used in place of calling out a variety of transportation modes.

Answering a question asked by Commissioner Tebelius regarding Policy S-EG-T-1, Commissioner Hamlin said the CAC was very specific about the issue. Traffic in the area is horrendous and part of the answer is addressing the state-controlled entrances to the freeway. The policy language as proposed does a good job of capturing the view held by the CAC that reliving the congestion created by vehicles entering and existing I-90 is critical. The city cannot tell the state what to do so the word "collaborate" is used.

There was agreement not to change the language of the policy.

With regard to Policy S-EG-15, Commissioner Tebelius asked why the policy is needed at all. Commissioner Hamlin said the policy is aimed at getting people to think about alternatives to cars for getting around. There was agreement to retain the policy.

Turning to Policy S-EG-18, Commissioner Tebelius said she has never warmed to use of the term "sense of place." Commissioner Hamlin agreed that the policy as drafted is not clear. What the CAC wanted was policy language aimed at leveraging the Mountains To Sound Greenway. Councilmember Stokes added that the CAC was focused on wanting to see Eastgate turned into a true gateway into the city.

Mr. Inghram proposed simply deleting the “sense of place” phrase from the draft policy. There was agreement to go in that direction.

Answering a question asked by Commissioner Tebelius, Commissioner Hamlin said it was his understanding that Policy S-EG-CD-1 is focused on the transit-oriented development area of the subarea. Ms. Conkling said in fact the policy is not limited just to that area, though it could be. The idea is that design review should be used for every new building that goes in. The type of in-fill development likely to happen in the corridor will involve the land currently used for surface parking; there likely will be much less surface parking along with some structured parking. Design review is very helpful in those situations.

Mr. Inghram said in order to support a code a requirement for design review, it will be necessary to include policy language in the Comprehensive Plan highlighting the need for design review.

Commissioner Hamlin said comment CoB23 captures what the CAC talked about relative to an incentive system. He said the issue of incentives came up several times.

Chair Laing said he continues to have a concern regarding for form-based codes and incentive systems in that they can be used as tools for mischief. Form-based codes are highly prescriptive. The Council should not tie its hands relative to how it chooses to implement the Comprehensive Plan. It is not necessary to specifically mention form-based codes or design review for the city to choose to adopt either, or even an incentive system. However, if the policy language is included in the Comprehensive Plan, it becomes the way the Council must act. There are a variety of tools cities can use to get to the same place. He recommended against including policy language specifically directing the city to apply design review. He suggested the policy should be redrafted to allow for or consider design review.

Mr. Inghram allowed that the policy language could be written in accord with the suggestion of Chair Laing. He noted that the run-on of items is intended to capture what the CAC talked about, which was that when design review is done, the design features spelled out in the draft policy should be looked for.

Councilmember Stokes said the Council will be looking for any redevelopment in Eastgate to involve more than just boxes. The policy is intended to serve as a heads-up for developers about what the city would like to see.

A motion to extend the meeting by 15 minutes was made by Commissioner Tebelius. The motion was seconded by Commissioner Hamlin and it carried unanimously.

Commissioner Tebelius observed that Policy S-EG-22 is very specific as drafted. Ms. Conkling said the language of the policy comes from the section of the vision that talks about design and fitting into the city's larger idea of a city in a park. Specifically, the Mountains To Sound Greenway is more than just a trail, it is a theme around which to organize. The specific examples spelled out in the policy are examples of ideas that come from the greenway. The existing policy simply encourages the preservation of sufficient natural vegetation to assure amenable views.

Commissioner Hamlin agreed that the policy could be written to be less prescriptive.

Councilmember Stokes suggested, and the Commissioners agreed, that the policy should be rewritten using the more descriptive language used in comment CoB26.

Chair Laing proposed striking "by applying design guidelines" from Policy S-EG-26 to avoid being prescriptive. There was agreement to do that.

Commissioner Tebelius questioned the need to include support for public art in Policy S-EG-28. Ms. Conkling said the list of items in the policy, including public art, includes things that could be included as part of the incentive system. Mr. Inghram added that the policy focus is on art that is part of a development. Art is an element that helps to create a sense of place.

Commissioner Tebelius said she did not understand use of the term "place-making" as used in Policy S-EG-CD-2. Staff agreed to take another look at the language in an effort to simplify it.

Commissioner Tebelius said she also did not understand the intent of Policy S-EG-CD-3. Ms. Conkling said the policy essentially encourages auto dealers to embrace the greening of the corridor. Absent a development permit requiring a land use review, any measures auto dealers take to follow the policy will be discretionary.

Chair Laing questioned the need to include the policy at all.

Commissioner Hamlin said the policy involves a bit of a stretch. What the CAC wanted to do was support the auto dealers that are in Eastgate.

Councilmember Stokes added that there are those in the community who do not want the existing auto dealers to expand. The request by an auto dealer to be allowed to locate on 148th Avenue SE encountered a lot of pushback and the preferred approach was to avoid having rows of autos facing the street by having the dealer utilize a garage.

Chair Laing said at the Planning Commission level the use table was amended requiring auto dealers to go through design review.

Ms. Conkling allowed that auto dealers will be subject to the umbrella policy calling for a general greening of the corridor, obviating the need for Policy S-EG-CD-3.

With regard to Policy S-EG-CI-1, Chair Laing proposed replacing "development partnerships" with "coordinate." He also suggested replacing "regional transit agencies" with "regional agencies" to increase the scope of the policy.

Answering a question asked by Commissioner Tebelius regarding Policy S-EG-35, Mr. Inghram explained that there are three single family zoning classifications, Single Family-Low, Single Family-Medium and Single Family-High. The Single Family-High referenced in the policy would be R-4 or R-5. He noted that the policy already exists and there is no call to change it, even though using policy language to indicate what color to paint the land use map is not the normal approach. Ms. Conkling added that the site in question is in fact outside of the Eastgate/I-90 study area.

Commissioner Tebelius referred back to Policy S-EG-P-1 and voiced concern about including issues relating to health. She suggested the city should not be in the business of telling its citizens they need to be healthy.

Commissioner Hamlin suggested the policy could leave off everything after the word "subarea." The Commissioners concurred.

Answering a question asked by Commissioner Tebelius, Ms. Conkling noted that Policy S-EG-D2-4 is also in the Factoria subarea. The policy is intended to support the potential for an incentive system. She said staff took direction from the Commission's previous study to redraft the policy to be less specific and to use the word "consider" in place of "develop."

Councilmember Stokes said the language of comment CoB49 could work very well as the policy.

Commissioner Hilhorst asked if Policy S-EG-D2-2 is really needed given that the same sentiment is expressed in other policies. Ms. Conkling agreed the policy language is very similar to other policy language.

Councilmember Stokes said the intent of the CAC was to indicate its desire to see a mixed use area between Bellevue College and I-90.

Chair Laing pointed out that the city will not in fact be the developer so the word "encourage" should be used in place of "develop."

Chair Laing said his preference for Policy S-EG-D2-3 would be to have it read "Retain neighborhood-serving commercial uses through flexible zoning." Councilmember Stokes agreed the draft policy is somewhat prescriptive and limiting.

8. COMMITTEE REPORTS - None

10. PUBLIC COMMENT - None

11. DRAFT MINUTES REVIEW

A. May 14, 2014

B. May 28, 2014

Action to approve the minutes was not taken.

12. NEXT PLANNING COMMISSION MEETING

A. July 9, 2014

13. ADOURN

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

Chair Laing adjourned the meeting at 10:20 p.m.

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

July 9, 2014 | Bellevue City Hall
6:30 p.m. | City Council Conference Room 1E-113

COMMISSIONERS PRESENT:	Chair Laing, Commissioners Hamlin, Tebelius, Walters
COMMISSIONERS ABSENT:	Commissioners Carlson, Hilhorst, DeVadoss
COUNCIL LIAISON:	Councilmember Stokes
STAFF PRESENT:	Paul Inghram, Scott MacDonald, 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 6:33 p.m. by Chair Laing who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioners Carlson, Hilhorst and DeVadoss, all of whom were excused.

3. PUBLIC COMMENT

Ms. Irene Fernandz, 1705 146th Avenue SE, thanked the city's code compliance staff along with Principal Planner Mike Bergstrom and Land Use Director Carol Helland for the new draft of permanent regulations for controlling single-room rentals in single family neighborhoods. She said she and her neighbors had read the draft and were pleased with the new definition of rooming houses and the statement that rooming houses will not be allowed in single family neighborhoods but will be allowed in multifamily and mixed use land use districts.

Mr. David Payter, 1614 144th Avenue SE, supported the comments made by Ms. Fernandz and praised the draft language, especially the restrictions on rooming houses to multifamily and mixed use. Clearly city staff have heard the testimony from the public regarding the impacts single-room rentals have on single family neighborhoods.

Mr. Steve Kasner, 1015 145th Place SE, welcomed Commissioner Walter to the Planning Commission. He noted that he had worked with her as a neighborhood activist. He said the Comprehensive Plan should be the controlling document and neighborhoods should be what they are intended to be. He thanked the Commissioners for their hard work.

Mr. Ron Merck, 14824 SE 18th Place, highlighted the comment made that the administrative conditional use must be consistent with the Comprehensive Plan. He noted that after suggesting

to staff that the application for a single family home that eventually will turn into an assisted living was not consistent with the Comprehensive, he was told by staff that they do not pay any attention to the Comprehensive Plan. He said he found that quite disturbing. An awful lot of time is spent talking about the Comprehensive Plan and the staff comment was out of sync. He referred to the provision for amortization of certain legally established uses and leases that do not conform to the permanent regulations and said he would like to know who controls the amortizations and how. He said he would like to know what constitutes proof of familial relationships. He said he also would like clarification of what is meant by allowing the rental of an entire dwelling to a self-identified group, all unrelated, or some combination of related/unrelated persons.

Comprehensive Planning Manager Paul Inghram explained that where a state law requires the city to do something, which is the case with adult family homes, Comprehensive Plan policy direction can be overruled. Chair Laing added that generally speaking, permitting activity involves compliance with the underlying zoning and design guidelines; to the extent there is a conflict between the zoning or the design guidelines and the Comprehensive Plan, which there should not be, the zoning or the design guidelines trump the Comprehensive Plan.

Ms. Kathleen Bell, 1409 159th Avenue SE, voiced concern over how the single-room rental ordinance would apply to someone with a large house choosing to have a non-romantic roommate who might from time to time invite someone over. She said she does not want to live in fear that her neighbors will start monitoring all activities at her home and report her. Home ownership should afford some rights, privileges and freedoms.

Ms. Meredith Robinson, 3070 124th Avenue NE, said she had just earlier in the day heard about the single-room rental issue. She said she is the owner of a six-bedroom house and recently took on a couple of tenants to help make ends meet. She said she registered with the city and will be paying the business and occupation tax to the city on the tenant income. She said she is a single mother with a special needs child whose access to special education services is predicated on her Bellevue address. There are probably other women in similar circumstances in the city who face the economic reality of rising rents. Employers are bringing in people from out of the area to fill the available jobs and those people will need to find housing. It is reasonable to expect the city impose reasonable regulations and to tax the income generated from single-room rentals, and it is reasonable for the city to direct the property owner to accommodate tenant parking. The city should not, however, put limits on the number of persons who can occupy a house without first knowing how many rooms and bathrooms the house has.

Commissioner Tebelius asked Ms. Robinson if her intent is to rent out each of her six bedrooms. Ms. Robinson replied that she would like to have three tenants. She said in addition to six bedrooms her house has four bathrooms. Two of the bedrooms are in basic mother-in-law apartments.

4. APPROVAL OF AGENDA

A motion to approve the agenda was made by Commissioner Tebelius. 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

Mr. Inghram reported that at its meeting on July 7 the City Council adopted the Transit Master Plan. They recognized the Planning Commission for its work on the plan.

7. STUDY SESSION

A. Single Family Rental Housing Code Amendments

Mr. Bergstrom said the comments made by the public make it clear that there are all manner of different living situations with different combinations of people occurring in the city. He reminded the Commissioners that the proposed code amendments deal only with the issue of individual-room rentals where the property owner is not present. Property owners who want to rent out a couple of rooms in their houses are free to do so provided they live in the room; the practice is called a boarding house and up to two rooms can be rented out, parking must be made available, and a home occupation permit is required.

Mr. Bergstrom noted that the Council will be conducting a public hearing on August 4 to extend the interim regulations for a six-month period. Once the permanent regulations go into effect, the interim regulations will be repealed. The interim regulations limits the number of unrelated persons from six to four within the definition of family. The interim regulations allow more than four unrelated persons to share a house provided they operate as a functionally equivalent family. The draft ordinance that was before the Commission on May 28 retained the limit of four unrelated persons but dropped the functionally equivalent concept and proposed adding high-occupancy dwelling allowing five or more unrelated persons through an administrative conditional use permit.

Continuing, Mr. Bergstrom commented that based on feedback from the Commission and the community the determination was made to take a step back and determine what the permanent regulations are intended to accomplish relative to single-room rentals, which the new draft refers to as rooming houses. A definition of family is included in the new draft ordinance that allows a maximum of six persons unless all of them are related; the current code defines family as any number of related persons plus up to X of unrelated persons, and the family is counted as one toward the maximum. The problem with that is that any one of the unrelated persons could have people who are related to them and they would only be counted as one, resulting in a large accumulation of persons that in theory would only count as four or so. Under the proposal, a family of eight could not add in another unrelated person because the limit of six has been exceeded. The proposal places no restrictions on traditional families renting homes. Self-defined groups of unrelated individuals are limited in the proposal to a maximum of six persons operating under a single lease and living together as a single housekeeping unit. The draft also includes a definition for single housekeeping unit.

Under the current regulations, property owners are permitted to rent out one or two rooms as a bed and breakfast or boarding house, provided the property owner occupies the house. No changes are proposed to those standards or to the process for allowing them, which is a home occupation permit, which by definition is a business operated in a home. The draft defines a rooming house as a non owner-occupied dwelling that is rented to individuals on an individual room basis. The standards applied to the use are similar to those applied to the high-occupancy dwelling that was outlined in the previous draft, including not allowing them in multifamily and mixed use districts only, except that the downtown area is excluded given that the use must also

be located in freestanding single family dwellings, of which there are very few in the downtown. Rooming houses as defined are subject to a maximum number of rooms and/or people. The draft allows the use through an administrative conditional use permit, and revises the definitions for bed and breakfast and boarding house to reflect owner occupancy, and rooming house is excluded from those terms. The draft also revises the definition of family to mean six persons total unless all are related; discards the functional equivalent concept; creates a new definition for single housekeeping unit; and provides for amortization of legally established uses that do not conform to the proposed regulations.

Mr. Bergstrom noted that allowing the rooming house use only in single family dwellings in multifamily or mixed use districts will drastically reduce the number of opportunities. The draft sets a limit on the number of rooms that can be rented out and the number of persons rooms can be rented to, and dictates that all rooms rented must be legally established bedrooms. A local owner, landlord or registered agent must be identified. Legal on-site parking must be provided equal to the number of bedrooms rented. The draft includes provisions for exterior property maintenance and refuse collection.

Commissioner Hamlin asked why the draft should require a local owner when neither the landlord or registered agent would need to be. Mr. Bergstrom said the underlying notion is that there needs to be a responsible party that is readily findable. The name of the owner, landlord or registered agent will be attached to the administrative conditional use permit and will become the responsible party in the event of a land use violation. He clarified that the intent is for the responsible party to be local whether it be the property owner, the landlord or a registered agent. Commissioner Hamlin suggested rewording that section to make that point clearer.

Mr. Bergstrom said as part of the administrative conditional use review the city can impose conditions to address impacts on the residential character of the neighborhood or the cumulative impacts in relation to other city approved rooming houses.

Chair Laing asked how the requirements for a local owner, landlord or registered agent differ from the requirements for an apartment complex. Mr. Bergstrom said there is no such requirement for apartment developments.

Answering a question asked by Commissioner Tebelius, Mr. Bergstrom said the key to the new draft ordinance is that the rooming house use would no longer be allowed in single family districts. However, because even in multifamily and mixed use districts the use can have impacts, the associated restrictions and requirements are necessary.

Commissioner Walter noted that she has been active in the Spiritwood neighborhood on the single-room rental issue. She said while she came to the Commission with a particular view regarding the issue, she can be completely impartial with regard to the overall issue. Chair Laing thanked Commissioner Walter for disclosing that fact.

Commissioner Hamlin commented that the new draft regulations generally are on the right track. He said they are somewhat simpler. He said he was not completely clear as to how the current violations in the single family areas will be addressed. He said his preference would be to set the limits at four rooms and five persons to allow for the possibility of a couple renting a single room. He agreed there should be a registration and permitting process.

Commissioner Walter agreed that the proposed regulations generally take the right approach.

She called attention to section 20.20.700.B in Attachment A and suggested the word "may" should be replaced with "shall" or "will." The other Commissioners concurred.

Commissioner Walter asked if staff had any concerns about testing family relationships. Mr. Bergstrom said the term related as used in the draft refers to marriage, adoption or blood. In the case of an enforcement action, the city would need to ask for proof. Mr. Inghram said the filing of a complaint by a member of the public would trigger some level of investigation aimed at determining if there is some level of reasonable cause to proceed with enforcement.

Answering a question asked by Commissioner Walter, Mr. Bergstrom said remodeling work requires permits, and that is the stage the city checks to make sure all proposed work will meet current codes. Under the code, all bedrooms must have windows of a certain size, must have closets, and must have their own access.

Commissioner Walter said if including a requirement for an administrative conditional use permit, which takes up to six months to process, means people will just find ways to operate until getting caught, the requirement should be left out. She said something like the home occupancy permit, which is far less onerous, would be better.

Commissioner Tebelius said the proposed regulations are getting very close to where they need to be. She noted especially her support of limiting rooming houses to multifamily and mixed use districts. The maximum number of rooms and unrelated occupants should be four. She asked if there is a permitting process other than administrative conditional use that would allow the city to gather all the needed information from the applicant but in a shorter period of time. Mr. Bergstrom said there is no such permitting process in place; one would have to be created. The home occupation permit would not work in instances where the home is not owner occupied, and the criteria for home occupation uses are much different.

Councilmember Stokes asked if staff had any information about the number of homeowners in the city who currently rent out a room or two. Mr. Bergstrom said the city does not have any reliable information in that regard. Technically, those who choose to take in a student for a quarter should register as a boarding house and obtain a home occupation permit, but enforcement would be by complaint only and there has never been such a complaint filed. Councilmember Stokes asked what the cost of obtaining an administrative conditional use is for the applicant. Mr. Bergstrom said the applicant must put down deposits that add up to about $3000; staff time is billed against the deposit and the amounts not used are refunded.

Chair Laing praised the staff for the exceptional materials and presentation. He agreed the draft is moving in the right direction and said he was particularly impressed with the definition of rooming house and the notion of not allowing them in single family districts. In order to avoid some of the gaming, however, the rooming house definition should include a reference to a non owner-occupied dwelling unit that is subject to multiple leases. With regard to the maximum number of occupants, he said he liked the notion of limiting it to the number of bedrooms plus one given that it would not be inconceivable that a couple might want to rent a single room. Referring to section 20.20.700 A he suggested all references to "will" and "may" should be changed to "should," and paragraphs one through three should simply be part of the definition or footnotes describing the use.

He suggested that in place of requiring the onerous administrative conditional use process it would be better to incorporate the various restrictions and allow the use outright.

Commissioner Tebelius asked how that approach would address the need to collect contact person information. Chair Laing suggested it should be possible to obtain that information outside of the administrative conditional use process. Conditional use is more of a process than anything else; the city could simply elect to allow the uses outright provided a list of specific criteria are met and the results would be the same. At the end of the day, an ordinance is not needed for those who are technically breaking the letter of the law but who are not causing any problems. There is a lack of accountability. The complaints that have been registered have not been predicated on having six unrelated persons sharing a home but rather because of what those people have done.

Commissioner Tebelius suggested the same argument could be made about those who are cooking meth: their actions do not matter to anyone until they blow up the house.

Mr. Inghram agreed that many of the criteria listed in the draft could be written as standards applicable to a permitted use, or they could be written to be conditions to be fulfilled through the administrative conditional use.

Commissioner Hamlin said his preference would be for a less onerous process provided all identified issues can be addressed. The other Commissioners concurred.

There also was consensus around the notion of limiting the number of rooms to four and the total number of occupants to one.

Chair Laing asked if there is a need to be careful in drafting the rooming house definition to certain the use will not be confused with group homes. Mr. Bergstrom said the bed and breakfast and boarding house definitions are clear in that they do not include rooming houses. Where the protected classes come into play is in the definition of family, which has been defined. As such it is not necessary to say a rooming house is also not a boarding house, a fraternity or an adult family home.

There was consensus to schedule the issue for public hearing on September 10.

B. Comprehensive Plan Update

Mr. Inghram briefly reviewed the work to date done to update the Comprehensive Plan.

Assistant Planner Scott MacDonald noted that the Commission had previously directed staff to review the policies in the Urban Design Element with a focus on extracting their general intent and redrafting them to be simpler and broader. He sought feedback on the draft policy language and identification of those areas in need a more effort.

Mr. MacDonald said the Urban Design Element is intended to define the citywide character and to guide the design of both public and private development. It also supports the arts and arts programs in the city as well as historic preservation. The element should respond to the evolution of the city as it grows from being a bedroom community to having a top-notch downtown to having a full city landscape with growing mixed use areas with a new emphasis on the pedestrian experience. There is a desire to elevate the arts policies and house them in a separate section. There has also been discussion regarding changing the name of the element to something like Community Character to better reflect its intent.

Mr. Inghram pointed out that one of Bellevue's longstanding vision points has been being the arts and culture center of the Eastside. The Urban Design Element is the part of the Comprehensive Plan that speaks to that notion, but it tends to get lost in the name of the element and the element's primary function of serving as the design review guide. Creating a new and separate chapter for arts and culture would certainly allow those policies to stand on their own. Urban design and the arts certainly work together and should possibly be housed together in the Comprehensive Plan as they are currently, but there should be recognition that the Urban Design Element is about more than just building design.

Commissioner Hamlin said he liked the idea of changing the name of the element to community character. It is less of a planning title.

Commissioner Walter suggested that community character as a title could be taken to mean just about anything. She said something like community design would be more appropriate.

Commissioner Tebelius said she knows what urban design means but not what community character means at first blush. She said her preference would be to retain the current title for the element.

Chair Laing voiced his preference for community design over urban design. The word urban connotes the downtown more than the city as a whole. The vast majority of the city would not fall under the definition of urban.

Mr. MacDonald referred to the table in the packet and pointed out that it included a number of new policies, including policies that address solar panels and their role in the design and construction of buildings; various environmental policies that address things such as green roofs and green walls; blank walls from the perspective of the pedestrian experience; and arts and arts programs.

Mr. Inghram explained that blank walls are permitted in areas where buildings can be constructed immediately adjacent to each other. However, some policy direction is needed relative to the design of blank walls to assure they will have some design character.

The Commissioners worked their way through the policy matrix line by line. With regard to line 2, Policy UD-19, Commissioner Tebelius argued against using the word "enhance," and for retaining the language of the current policy.

Commissioner Hamlin noted his support for the proposed language that includes the word "enhance."

Mr. Inghram asked if it would be better to include language clarifying that it is the city working to enhance the tree canopy. Commissioner Tebelius said she could accept that approach in that the onus would be on the city rather than individual property owners.

Commissioner Walter questioned why the language was changed from referencing preserving trees to preserving the tree canopy. Mr. Inghram explained that over the last few years the focus has changed from focusing on individual trees to preserving the cumulative effect of the tree canopy. Commissioner Walter commented that trees planted down a boulevard do not constitute a tree canopy. The tree canopy is only one facet of preserving trees.

Chair Laing voiced support for the suggestion of Mr. Inghram to make it clear enhancement efforts will be done by the city.

There was agreement to retain the current policy language.

With regard to line 3, Policy UD-20, Commissioner Walter noted that since the policy is intended to replace line 4, Policy UD-22, the word "encourage" should be changed to "foster and value." There was consensus to make that change.

Commenting on line 6, Policy UD-24, Commissioner Tebelius suggested the city has already taken aggressive steps to protect waterfronts and make them more accessible to the public through the Shoreline Master Program and the critical areas ordinance. She proposed deleting the policy.

Commissioner Hamlin agreed the language is a bit strong and agreed it could be eliminated. Chair Laing and Commissioner Walter concurred as well.

Commissioner Tebelius reiterated that "sense of place" is not an easily understood term. She asked if it refers to meeting places and the like. Mr. MacDonald said it refers more to general identity and unique attributes. Mr. Inghram said the original policy language was focused on entry designs, such as gateways to neighborhoods. Over the last decade or so, however, the focus has changed to elements other than entry signs and the proposed language seeks to broaden the intent to promoting a sense of identity for neighborhoods.

Commissioner Hamlin suggested the proposed policy language is broadened to the point of losing the original focus.

Commissioner Tebelius noted that the current language calls out signs and landscaping in keeping with the character of the neighborhoods. Mr. MacDonald suggested the current policy limits the applications neighborhoods and designers can come up with to just those two elements, whereas the broader language proposed could include public art, light standards and other elements.

Commissioner Hamlin commented that the updated language should retain a tie to residential identity. As drafted the language can be interpreted to be much broader.

Mr. Inghram said the revised language primarily seeks to get rid of the "such as" statement. The current language is really about incorporating entry designs for residential neighborhoods. The proposed draft language seeks to broaden the policy to make it clear that it is all about neighborhood identity. He allowed that staff could take another stab at blending the old and the new together in a way that retains the original intent. The Commissioners agreed to direct staff to do that.

Chair Laing argued in favor of including the word "enhance" in line 9, Policy UD-63. The cities corridors have been largely denuded of vegetation and some enhancement is needed. There was agreement to make the change and to also substitute the word "landscape" for "vegetation."

With regard to line 11, Policy UD-66, Commissioner Walter suggested the proposed language is too vague. She agreed with the need to delete "especially those that are older" but held that the

proposed language is not specific enough.

Mr. MacDonald suggested the phrase "in need" allows for flexibility and for being more site specific. Chair Laing argued against use of "in need" to avoid the negative connotation of identifying neighborhoods as being in need. He suggested going with the proposed language absent "in need."

Commissioners Tebelius and Walter proposed retaining the current policy without the phrase "especially those that are older." Mr. Inghram asked if their recommendation included retaining the "such as" statement to provide clarity. Commissioner Walter said that would be her preference because it might benefit those reading the policy.

Chair Laing commented that examples were included in the packet showing how the policies will ultimately be formatted. He said he found the information to be very helpful, particularly the example of who images will be incorporated with the text. He suggested the format argues in favor of shorter policy statements. Commissioner Tebelius pointed out, however, that from a legal standpoint it is all about the words and any images that get incorporated will not really matter.

There was agreement to adopt the suggestion made by Commissioners Tebelius and Walter.

Focusing on line 13, Policy UD-69, Chair Laing suggested that as worded one could conclude it references the impacts of views, building scale and land use. Mr. MacDonald said that was the intent and proposed clarifying that by having the last part of the policy read "considering the through-traffic, view, building scale and land use impacts."

Commissioner Walter asked if the policy should be broadened to include all of the city's commercial and mixed use centers rather than just the downtown. Mr. MacDonald pointed out that the downtown is unique in that it faces circumstances the other commercial and mixed use areas do not. As such it is not always necessary to fold in references to all commercial and mixed use areas wherever the downtown is mentioned. Commissioner Walter argued that in fact the plans for the city include some robust commercial and mixed use areas that should have the same harmonious flow with adjacent neighborhoods as the downtown has. There was agreement to revise the policy to read "develop a functional and attractive Downtown and other mixed use centers…."

Chair Laing proposed adding the word "safe" to line 14, Policy UD-73 to have it read "enhance and support a safe, active, connected and functional…." There was agreement to make the change.

Turning to item line 15, New-1, Commissioner Tebelius questioned whether the city should be involved in encouraging art and arts programs that create understanding and respect among the city's diverse population.

Commissioner Hamlin commented that diversity is both good and healthy and the policy language honors that fact. Encouraging art and arts programs that create respect is certainly a legitimate thing for the city to be involved in.

Mr. Inghram noted the Commission had previously had discussions about diversity and its increasing social relevance in the community. The discussions have centered on how to

encourage and support diversity in a healthy way and not in a way that mandates or sets quotas. The policy does not dictate that the city will fund all art programs but rather calls for encouraging them as a way of addressing diversity.

Commissioner Walter suggested that line 16, Policy UD-36, is very similar to New-1, but would be differentiated if the word "culture" were added to New-1.

Commissioner Tebelius observed that none of the policies are aimed at encouraging art and arts programs that celebrate the American culture. Commissioner Walter commented that art certainly is a good way to bring cultures together. The city's diversity is changing and participating in arts and culture activities brings people together and helps them understand one another, and that certainly is a role the city should play.

Chair Laing suggested "support" and "encourage" are two different concepts. He said for the city to encourage art and arts programming would be different from saying the city should support them. He agreed with Commissioner Walter that the city should be encouraging art and arts programs but said he would avoid using "support" like in New-2 in that it could imply funding on the part of the city.

Commissioner Hamlin indicated his support for policies New-1 and Policy UD-36 as proposed.

There was agreement to revise the language of proposed New-1 to read "…the city's culturally diverse population."

Chair Laing called for replacing "support" with "encourage" in line 17, New-2 and line 18, New-3.

Commissioner Tebelius said she did not understand what New-3 even means. Mr. MacDonald said it is intended to broaden support for arts programs beyond just the entry level to include all skill levels. Mr. Inghram added that the target of the policy is arts education, which is different from the purchase and installation of public art. Giving people the opportunity to engage in arts education is common in the city in the school districts, in the Bellevue Youth Theatre, and in the community centers. Commissioner Tebelius said in her opinion the city should not be in the business of providing art education.

There was consensus to change "support" to "encourage."

Commissioner Tebelius commented that the line 19, Policy UD-35, line 20, Policy UD-37, and line 21, New-4, all seem repetitive. She said her desire not to see the city involved in arts programming or education extended to the three policies. With regard to New-4 specifically, she argued against singling out one group of people to support, namely artists and arts groups. There are people in all manner of work categories, including lawyers and accountants, that are struggling but there are no policies aimed at supporting them. Mr. Inghram allowed that the general notion of supporting art and arts programming is a competitive theme running through the policies in the arts and culture section. Each specific policy, however, is intended to cover the facets of the city's art program that is addressed by the Bellevue Arts Commission. The Arts Commission actively and on an annual basis supports artists and arts groups in the city.

Commissioner Tebelius argued against using the word "expand" in line Policy UD-37, and against supporting a variety of artwork in public places as outlined in Policy UD-35. She noted

that nothing is said about what the art is, who will pay for it, and where it should be sited.

Commissioner Hamlin said the word "support" does not automatically translate into "mandate." He voiced his support for Policy UD-35, Policy UD-37 and New-4 as proposed. Commissioner Walter agreed and added that "support" does not always mean financial support.

Mr. Inghram pointed out that the policies are focused on the arts program that is in place. The program is endorsed by the City Council and has been for many years, and the Council has shown no inclination toward doing away with the program. The Commission can make its own recommendation, but it should be remembered that the City Council supports and funds the program that supports public art, supports buying art to expand the public art collection, and supports artists and arts groups.

Chair Laing indicated his support for the proposed language of Policy UD-37. He said his preference with regard to Policy UD-35 would be to strike out "to build community and transform the character of a place from the ordinary to the special" as unnecessary.

Commissioner Tebelius asked staff to explain line 24, New-5. Mr. MacDonald said the creation of iconic visual reference points is tantamount to creating places that are easily recognizable. The pond in Downtown Park and Compass Plaza are both iconic visual reference points.

Chair Laing said it was his belief that the iconic visual reference points will sometimes be created by the city and sometimes by private development. He proposed revising the policy to read "Encourage the creation of iconic visual reference points…."

Commissioner Walter suggested the notion of building design avoiding stark spaces should be utilized in one of the policies. Mr. MacDonald commented that it could be easily incorporated into line 22, Policy UD-1. There was agreement to do that.

Answering a question asked by Commissioners Tebelius and Walter about why the reference to water had been deleted from line 28, Policy UD-13, Mr. MacDonald said the intent was to broaden the tools available to designers and to avoid just focusing on water.

With regard to line 29, Policy UD-21, Commissioner Walter suggested replacing "promote" with "invite," "encourage," "welcome," "beckon" or "allow."

Chair Laing proposed rewording the policy to read "Integrate high-quality inviting public and semi-public open spaces into major development." Mr. MacDonald suggested the term "major development" is relatively vague and difficult to accurately define. Chair Laing commented that projects of a sufficient scale can absorb including publicly accessible open spaces; not all development can do that. One way to address the issue would be to replace "integrate" with "encourage."

There was consensus to word Policy UD-21 to read "Encourage the integration of high-quality and semi-public open spaces into major development that invite people to use them."

Chair Laing proposed having line 32, Policy UD-8, read "Integrate rooftop mechanical equipment screening with building architecture." The Commissioners agreed.

With regard to line 33, New-6, Commissioner Walter noted that because solar panels are a new

technology the word "foster" should be used in places of "encourage." She said fostering can be achieved through training, education and promotional materials. Mr. Inghram added that the city is set to launch a solarize Bellevue campaign that is aimed at fostering the use of solar.

Chair Laing questioned what "other environmental technologies" as used in New-6 means. Mr. Inghram said solar panels and green roofs were not issues ten years ago. It is likely that in the future there will be new techniques come along that the city will want to encourage people to do, but those techniques cannot be spelled out because no one knows yet what they are. Chair Laing proposed referring to them as "other renewable energy technologies." Commissioner Tebelius said she would prefer to use "energy efficient technologies" and the Commissioners accepted her suggestion.

With regard to line 34, New-7, Commissioner Walter expressed concern about the aesthetics of green roofs with concrete and glass. They need to be well designed. She said she would prefer to see the policy deleted. At the very least the policy should encourage aesthetically pleasing green roofs in keeping with the character of the building.

Chair Laing said it has been his experience that green roofs are massively expensive and do not reduce heating and cooling costs. They can be successful in slowing the rate of runoff from buildings. He said he would be happy to see the policy deleted.

Commissioner Hamlin indicated his support for the policy.

Mr. MacDonald observed that beyond the technology and the costs and their ability to reduce runoff, green roofs offer benefits for building tenants and improves the view for tenants of nearby buildings. A green wall adds a great deal of interest to the pedestrian experience.

Chair Laing said he could accept having the policy read "Encourage green roofs and green walls where they may enhance the character of Bellevue as a city in a park." There was consensus to accept the suggestion.

Chair Laing suggested the word "provide" should be replaced with "encourage," and the word "viewable" should be replaced with "visible" in line 35, New-8. He said there are instances where it would make no sense at all to gussy it up because the building next door will also have a blank wall.

Chair Laing commented that the draft language in line 37, Policy UD-11, is going in the wrong direction in terms of keeping things at the policy level. He also suggested the term "rain cover" would be broader as "weather protection."

Commissioner Hamlin said he would be okay with "encourage" but said he saw no need to change "rain cover." He pointed out that such changes would take the policy back very nearly to where it is currently.

Chair Laing proposed having the policy read "Encourage both weather protection and access to sunlight in pedestrian areas using architectural elements." The Commissioners concurred.

Commissioner Walter suggested changing the first part of line 38, Policy UD-39, to read "Include clearly visible and accessible walkways…." The Commissioners agreed to make the change.

With regard to line 39, Policy UD-9, Commissioner Hamlin highlighted the issue of service docks that can be seen from public areas. He said they are often ugly and should be added to the policy as something for which the visual impact should be reduced. There was agreement the policy should read "Reduce the visual impact of parking lots, parking structures and loading docks to public areas…."

Commenting on line 40, Policy UD-12, Commissioner Walter suggested that excessive glare from building glass should also be minimized. Mr. Inghram agreed to raise the issue with some of the architects on staff if the notion could be added to the policy without effectively banning glass buildings.

With regard to line 46, Policy UD-70, Commissioner Tebelius asked what the reason was for the change in language given that in essence the proposed policy language is the same as the existing policy language. Mr. MacDonald said policies are supposed to lead with an action word. Additionally, he said the policy has been broadened to include urban design elements. Mr. Inghram said any time a single family neighborhood is adjacent to a commercial area, the commercial area must provide a 20-foot landscape buffer. The same is true in the downtown in the perimeter districts. The requirements are an outgrowth of the policy. Commissioner Tebelius accepted the proposed language change.

Chair Laing pointed out that "through connections" should read "through-block connections" in line 47, Policy UD-72. There was agreement to make the change.

Commissioner Tebelius asked what impact line 48, Policy UD-74, has had. Mr. Inghram said as a matter of policy the city does not allow signs on the upper parts of buildings, though there have been specific exceptions allowed. He said the intent of the proposed policy language is to clean up the wording more than to change the policy direction. He allowed, however, that a change in focus aimed at limiting signs and ensuring design compatibility rather than discouraging them would be in order.

Commissioner Hamlin agreed the focus should be on limiting rather than discouraging in the policy language.

Commissioner Walter suggested the use of bright colors in signs would hurt the skyline and should not be allowed. Chair Laing noted that the design guidelines require signs to be below the top of buildings. Mr. Inghram added that there are also lighting limitations on signs.

There was agreement that the policy should in fact be housed in the signs and wayfinding section.

Commissioner Tebelius asked if the focus of line 59, New-10, is on all buildings and homes. Mr. Inghram said it probably is. The city provides educational materials to homeowners and builders. He allowed that "encourage" could be used in place of "promote" and the Commissioners concurred.

With regard to line 66, Policy UD-33, Commissioner Hamlin commented that in many public spaces there is a bad wind effect. It is really bad at the transit center. He suggested that as public spaces are created consideration should be given to wind effect. Mr. Inghram allowed that there may be a way to include the issue in Policy UD-33.

Chair Laing agreed and suggested the problem is such that it would warrant a standalone policy addressing it.

Addressing line 70, Policy UD-38, Commissioner Tebelius commented that nothing is worse than running on cement. She asked if asphalt sidewalks could be considered instead of concrete. Along SE 26th Street everything from the pine trees falls on the cement sidewalk and gets blown into the street from where it washes into the gutters and flows out into the lake. Porous asphalt or some way to capture the runoff debris would improve things greatly. Mr. MacDonald added that the roots of street trees often conflict concrete sidewalks by pushing them up in a search for water. He said the city has given notice to proceed with a study aimed at developing a toolkit of options to address and solve those issues.

Mr. Inghram suggested the issue of porous asphalt or other approaches would better serve as a policy separate from Policy UD-38. He said he would take the issue back to staff for suggestions of how to address it.

There was agreement to use the word "walkways" in place of "circulation" in line 76, Policy UD-43.

A motion to extend the meeting by 15 minutes was made by Commissioner Hamlin. The motion was seconded by Commissioner Tebelius and it carried unanimously.

With regard to line 82, Policy UD-49, Chair Laing said he would like to see non-motorized trails added to the list. The Commissioners agreed.

Chair Laing said he also would like to see a policy included that addresses operation and maintenance facilities. Mr. Inghram made note of the suggestion and proposed holding the issue in the wings for a few days to see how things play out.

BREAK

Mediation program manager Andrew Kidde said in the course of working to update the Citizen Engagement Element he reviewed the programs in place in other cities, but found that none of them have their participation elements front and center. He noted the name change from Citizen Participation Element to indicate more active involvement. The current element is very focused on planning and land use; while an important area for citizens to be engaged in, it is not the only one by any means. The desire is to have citizens engaged in everything the city does so the first section of the draft element maps out policies that are about the city as a whole.

Mr. Kidde said over the years he has found that many citizens do not know exactly what functions Bellevue plays. New Policy CE-1 is aimed at emphasizing the importance of informing Bellevue residents about the city's operations, budget allocations, services and policies. On the flip side, Policy CE-2 is focused on learning from residents through surveys and outreach about their perceptions of the city, its performance, budget priorities, taxation, and how the information is used to improve services to the community.

Continuing, Mr. Kidde explained that polices CE-3 through CE-6 all have an element of dealing with diversity. Citizen involvement is always complicated where there are wide diversities involved. Some of the issues have to do with access and the provision of translation and

interpretation services. The work to translate all city documents and to provide interpretation services at every city meeting in each of the myriads of languages spoken by Bellevue residents would clearly be cost prohibitive. There are, however, there are large groups of people speaking languages such as Korean, Chinese, Russian and Spanish and resources could be and often is focused on those groups.

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

Commissioner Hamlin said he had only a few suggested wording change to the policies and would provide them in writing to staff.

With regard to Policy CE-3, Commissioner Walter suggested changing "populations with limited English language ability" to "populations with limited language ability" in order to include sign language. She also proposed adding to Policy CE-5 all the school districts in Bellevue and Bellevue College. Chair Laing suggested a broad reference to educational organizations.

Commissioner Tebelius expressed the view that the current Citizen Participation Element is fine. She said she could see no reason to include the proposed new policies given that the focus of each is already encompassed in the existing policies. She indicated, however, that if the desire of the Commission is to include the new policies, she would want to take the time to focus on each one and seek an explanation of why each is needed.

Chair Laing suggested that several of the policies could be significantly shortened.

Mr. Kidde reiterated that the existing policies are primarily focused on planning and land use. There are in fact many other functions the city undertakes and as a result there are many other opportunities for citizen involvement. The city as a whole will benefit from policies that will guide behavior in terms of engaging the population. Mr. Inghram added that each of the new policies addresses a facet that is not addressed in the current policies.

Commissioner Tebelius asked if the staff would do any of what is outlined in the new policies if the new policies were not included in the element. Mr. Inghram said the city would still regulate development and build roads if there were no Comprehensive Plan policies in place. The argument can be made, however, that those actions can be carried out better and more efficiently because there are policies providing guidance.

8. OTHER BUSINESS - None

9. PUBLIC COMMENT - None

10. DRAFT MINUTES REVIEW

A. May 14, 2014

Commissioner Tebelius called attention to page 15 of the minutes and noted that the motion relative to the Bellevue Technology Center Comprehensive Plan amendment failed on a 2-2 vote without indicating which Commissioners voted for and which voted against. She said it was her recollection that she and Commissioner DeVadoss voted for the motion, and Commissioners Hamlin and Laing voted against the motion.

A motion to approve the minutes as amended was made by Commissioner Tebelius. The motion was seconded by Commissioner Hamlin and it carried without dissent; Commissioner Walter abstained from voting.

B. May 28, 2014

Commissioner Tebelius submitted to staff the comments she had made about retiring Commissioner Hal Ferris and asked to have them included in the minutes on page 5.

A motion to approve the minutes as amended was made by Commissioner Tebelius. The motion was seconded by Commissioner Hamlin and it carried without dissent; Commissioner Walter abstained from voting.

C. June 11, 2014

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

11. NEXT PLANNING COMMISSION MEETING

A. July 23, 2014

12. ADJOURNMENT

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

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

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

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

COMMISSIONERS PRESENT:	Chair Laing, Commissioners Carlson, Hamlin, Hilhorst, Tebelius, deVadoss, Walters
COMMISSIONERS ABSENT:	None
COUNCIL LIAISON:	Councilmember Stokes
STAFF PRESENT:	Paul Inghram, Nicholas Matz, Carol Helland, Department of Planning and Community Development; Catherine Drews, Department of Development Services
GUEST SPEAKERS:	None
RECORDING SECRETARY:	Gerry Lindsay

A. OPMA AND PRA TRAINING

The Commissioners Laing, Hamlin, Hilhorst, Tebelius, deVadoss, and Walters receiving training regarding the Open Public Meetings Act and the Public Records Act from 5:30 p.m. to 6:25 p.m.

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. Steve Kasner, 1015 145th Place SE, noted that at a previous Commission meeting the comment was made that there is no need to enhance the tree canopy. He stressed that every decision the Commission makes, especially decisions about the tree canopy, will affect the city for years to come. There should be no attempt to seek out and implement the lowest common denominator or the easiest way out. The Commission should listen carefully to the staff and seek to fully understand the issues.

Mr. Ian Morison, an attorney with McCullough Hill Leary, 701 5th Avenue, Seattle, spoke on behalf of the applicant for the Bellevue Technology Center Comprehensive Plan amendment. He said the site is generally known as the Unigard site, the 46-acre campus at 156th Avenue NE and NE 24th Street. The applicant is bringing forward a Comprehensive Plan amendment that in essence seeks to start a conversation. The current development was created in the early 1970s as

the headquarters campus for Unigard under a planned unit development (PUD). The last phase of the development was completed in the 1990s. In essence the site has zoning that has been static for over 40 years. The policy in the Crossroads subarea section of the Comprehensive Plan that allows office as a conditional use has been in place for more than 25 years. A conversation about the future of the Crossroads subarea, particularly where it abuts the Bel-Red subarea, is needed. When the site was developed the SR-520 extension did not even exist, and numerous other changes have occurred in the intervening years. The site has a .16 FAR, while just across 156th Avenue NE FARs as high as 5.0 are allowed. The property owner has reached out to stakeholders in the local community and by certified letter they politely but firmly indicated they have no interest in having that conversation. While respecting their position, the time is right to initiate a conversation about the long-range vision for the site. If the proposed amendment is docketed, a more detailed conversation will ensue.

Commissioner Carlson asked Mr. Morison what his client would like to see on the Bellevue Technology Center site. Mr. Morson stressed that there is no proposed design and no new proposed uses on the table. The desire is simply to start a conversation to talk about potential future uses that would be neighborhood and context sensitive.

Mr. Edward McDonald, 15936 NE 27th Place, said he has lived in the Sherwood Forest community for 30 years, raised his family there and retired there. He said he had participated in all of the land use planning regarding the Unigard property during those 30 years. The PUD for the site was developed with the community, the developer and the city working together. The document remains contemporary, not a relic of the past. It represents an agreement that defines the full use of the property. The community made concessions and agreed to the PUD with the understanding that it was a permanent agreement. The old farm would have been residential homes if it were not for Unigard and the PUD. A deal is a deal and it would be wrong to vacate the PUD. Every new owner of the Unigard property has wanted to push development and vacate the PUD. The Commission should respect and honor the agreement that was meant to be a contract. The current strategic plan should be retained given that it is not broken. Development within the strategic Bel-Red plan should be encouraged. The decision should be made that 156th Avenue NE is a clear red line protecting the residential community from highrise developers and ad hoc requests for expansion.

Chair Laing noted for the record a large number of hands raised in support of the comments made.

Mr. Ken Clark, 14860 SE 51st Street, said the Horizon View A neighborhood in which he lives was annexed into the city in 2012 along with Hilltop and Horizon View C. The zoning changes negotiated in Hilltop and Horizon View C came to the attention of the Horizon View A residents after a short plat application was filed in the neighborhood, which primarily has large lots. The short plat sought to divide a lot that is only 130 feet wide. The result will be the introduction of houses to the neighborhood that are completely out of character and out of scope. A meeting was called at which the prospective developer presented his plan. There was a huge turnout and of the 59 responses made to date, none have been in favor. The neighborhood is united in wanting to see its zoning downgraded to R-2.5. Horizon View A when platted instituted CC&Rs that required renewal every few years, but through what appears to be an oversight the restrictions lapsed some 30 years ago. Initially the maximum height was 22 feet and setbacks of 15 feet on each side were required. The houses in the short plat that is working toward approval will have only five-foot setbacks and will put two houses on a lot that is only 130 feet wide. That will be completely out of character with the neighborhood. The Commission was asked to

see the equitableness of allowing the downzone. The neighborhood has engaged Thorpe and Associates to represent it.

Chair Laing noted for the record a large number of hands raised in support of the comments made.

Dr. Russ Paravecchio, 2495 158th Place NE, said he obtained from the city a summary of the land use actions concerning the Unigard site that represented a 28-year tug-o-war between office development capacity and the retention of natural features on the site and the surrounding neighborhoods. The document summarizes the actions chronologically from 1972 to 2000. It should be recognized as a striking fact that the community has had to defend itself from a variety of actions designed to change the ability of the Unigard site to development beyond what the community agreed to. The community's focus has always been on preserving and protecting safety, property values, and in no small or exaggerated way their constitutional right to pursue happiness. Changes of an impacting nature should only be entertained in the community wants it, not just because they are being nagged to death. Only the community's wish to change the status quo matters. The fact is that the community does not want change that will result in further transgression past the buffer zone into the neighborhood and all the negatives that would bring with it, including decreased property values, the loss of open space and trees, and increased traffic.

Chair Laing noted for the record a large number of hands raised in support of the comments made.

Ms. Gail Toney, 1910 160th Avenue NE, said she is a member of the Bellwood East community directly east of the Bellevue Technology Center site. The community remains concerned about potential traffic congestion, environmental and safety issues as highlighted at the May 14 Commission meeting. At that meeting Jack McCullough representing the Bellevue Technology Center property owner indicated that they had reached out to the neighborhoods with an invitation to sit down and talk about a vision for the site. The only neighborhood that was contacted, however, was Sherwood Forest. More communities than just Sherwood Forest would be impacted by any changes to the site. Mr. McCullough also stated that the policy governing the site is a relic and that a 21st Century conversation is needed about what should be allowed on the site. It can only be assumed that in the 21st Century all open areas will be developed; air quality will be diminished due to a lack of trees filtering the air; and family time will be eroded due to sitting in cars on congested streets trying to get home. The fact is there have already been numerous conversations as the property has changed hands. A firm PUD is in place and it should be honored. The current property owner, KBS Realty Advisors, is headquartered in Newport Beach, California. Their website does not give the impression of a company with a desire to be a long-term community partner and to keep the best interests of the community in mind. If further development is allowed, the long-term citizens of the community will be left behind to deal with the aftermath. Bellevue is a French word meaning beautiful view, but sadly the city's beautiful views are being eroded and destroyed bit by bit and plot by plot. The once beautiful views of downtown Seattle, sunsets and the Olympic Mountains have been obliterated by the enormous buildings going up on the former Angelo's Nursery site. Once development occurs there is no going back. The Commission should keep in mind the citizens who have lived in and supported the community for many years; they are the ones with a real interest in the community. The Bellevue Technology Center proposal should be rejected.

Chair Laing noted for the record a large number of hands raised in support of the comments

made.

Ms. Michelle Neithaumer, 15897 Northup Way, spoke as president of the Foxborough Homeowners Association. She explained that Foxborough is a community of 60-plus townhomes. The Association has very strict covenants in place, including a rule against renting. Every purchaser is informed about the rules, and if they do not like them they do not buy in the community. The same thing should be said for the Unigard property. The property owner knew what the rules were when the site was purchased but is now seeking to change them. The issue is not about having a conversation, it is about making a profit. There are over 400 commercial properties for rent in the greater Bellevue area; there are vacant buildings that are being vandalized. The Angelo's property sat vacant for quite some time and it saw vandalism. Top Food and Drugs has been vacant for more than a year. A look at a map reveals that 156th Avenue NE is a line drawn between residential and commercial properties. It should be kept that way.

Chair Laing noted for the record a large number of hands raised in support of the comments made.

Mr. Bruce Whitaker, 1924 160th Avenue NE, agreed with the comments made by Ms. Toney. He provided the Commission with copies of a map showing that the east property line of the Bellevue Technology Center is his west property line. He also shared with the Commission a photo of what he sees out his back window looking toward the Bellevue Technology Center site; he pointed out that nothing of the development can be seen because of the buffer of trees. He said his concerns relative to the tree buffer are with the south, east and the north areas of the site. He said 20 years ago when he purchased his property he looked very carefully at the PUD documents and talked to the then-owner of Unigard and was convinced the PUD was ironclad. The agreement in place should not be changed.

Chair Laing noted for the record a large number of hands raised in support of the comments made.

Mr. John Harrow, 2431 161st Avenue NE, said he has lived in the Sherwood Forest community for 28 years and currently serves as vice president of the Sherwood Forest Community Club. He concurred with the statements made by Dr. Parvecchio and Mr. McDonald. He thanked the community members who have taken the time to follow the issue and attend the meetings. The intent of the PUD as a transition area when initially adopted in 1972 by the City Council is as valid currently as it was then, possibly even more so considering the increases in traffic and noise to the west of 156th Avenue NE. The Commission was urged to follow the recommendation of the staff not to include the proposal in the annual Comprehensive Plan amendment work program.

Chair Laing noted for the record a large number of hands raised in support of the comments made.

Mr. Manuel Solis, 2447 161st Avenue NE, said the new owner of the Unigard site are arguing that it has been 20 years since an agreement was reached not to develop the property and to retain the buffer zone between it and the residential areas. That argument is a perfect example of why the threshold needs to be kept in place. Even though many years have passed, things are working exactly as designed. It would be ludicrous to make the same argument about portions of Central Park in New York, that it has been many years since the park was built and that a

conversation should be had about making changes that will result in more development. The Commissioners were urged to follow the recommendation of the staff to not include the proposed amendment in the annual Comprehensive Plan amendment work program.

Chair Laing noted for the record a large number of hands raised in support of the comments made.

Mr. John Emmel, 15849 Northup Way, said he lives directly across the street from the Unigard property. He allowed that while his knowledge of urban planning is limited, he is an expert when it comes to living in Crossroads. Anyone who passes through the Crossroads area during the noon hour or during the morning and evening commutes is aware of the horrible congestion. A plan has been developed for the Bel-Red subarea that will result in many new residences and businesses. The Madison House on 156th Avenue NE is under construction and it will add 109 housing units to the mix. The Bel-Red Apartments redevelopment is under way with about 250 housing units. Further congestion should not be triggered by allowing development of the Unigard property.

Chair Laing noted for the record a large number of hands raised in support of the comments made.

Mr. Greg Rosalini, 15011 SE 51st Street, said his home is in the Horizon View A development. He said he serves as president of the Horizon View Citizens Association. He agreed with the comments made by Mr. Clark and said no one has opposed the proposed rezone.

Chair Laing noted for the record a large number of hands raised in support of the comments made.

4. APPROVAL OF AGENDA

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

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

Councilmember Stokes commended the public for the crispness and depth of the comments made. He said he hoped the Commission would be able to work through the issues expeditiously while giving them due consideration.

6. STAFF REPORTS - None

7. STUDY SESSION

A. Horizon View Areawide Rezone Proposal

There was consensus on the part of the Commissioners in support of scheduling a public hearing on September 10.

B. Annual Comprehensive Plan Amendments - Bellevue Technology Center

Comprehensive Planning Manager Paul Inghram reminded the Commissioners that a public hearing on the topic was held on May 15. A vote was taken by the Commission at that meeting but the 2-2 tie vote means that there was no decision or recommendation by the Commission. He sought from the Commission a specific recommendation either for or against the proposal.

Commissioner Tebelius noted that the motion made by Commissioner DeVadoss to recommend no further consideration of the Bellevue Technology Center Comprehensive Plan amendment application failed because of the tie vote. She observed, however, that the same motion could be made again.

Chair Laing said according to Roberts Rules of Order, anyone can make a motion to renew a motion previously made. He added that absent having a motion on the floor there would be no further discussion of the issue.

A motion to accept the recommendation of staff not to include the Bellevue Technology Center proposal in the 2014 Comprehensive Plan amendments work program was made by Commissioner Tebelius. The motion was seconded by Commissioner Hilhorst.

Commissioner Walter voiced support for the recommendation of staff. She said she carefully read over all of the materials and could find no compelling argument for moving the proposal forward.

Commissioner Carlson commented that any time actions are taken to deviate from the Comprehensive Plan, there should be a compelling and justifiable reason for doing so. In the case of the Bellevue Technology Center there are no changed circumstances that warrant revising the Comprehensive Plan. The argument made by Mr. McDonald that a deal is a deal and that there are many commercial properties, both in Bellevue and in the area where the Bellevue Technology Center is located, was right on point. An argument simply cannot be made that commercial development should be allowed in an area where it is clearly not wanted, especially given that other commercial properties are in want of lessees. He voiced his support for the staff recommendation.

Commissioner Hilhorst agreed with Commissioners Walter and Carlson. The owners of the residential properties surrounding the Bellevue Technology Center site purchased their homes with an understanding of the agreement that is in place, and the new owner of the Bellevue Technology Center clearly understand the limitations that are in place. If approved and the property is allowed to redevelop, there will be no opportunity to turn the clock back. A natural barrier has been retained because of the agreement and it should be preserved at all costs.

Commissioner DeVadoss noted that he lives near the Bellevue Technology Center property. He said he could see no compelling reason to change the deal that is in place.

Commissioner Hamlin commented that while he was sympathetic with those who have addressed the Commission, the fact remains that none of the discussion has focused on the threshold review. What it really comes down to is whether or not there have been significantly changed circumstances sufficient to meet the threshold. There have indeed been changed conditions in the surrounding areas, though the rate and timing of the growth that has taken place was anticipated by the city. However, previous to the Bel-Red rezone, the property across the street on the west side of 156th Avenue NE was zoned Community Business; it has since been rezoned to BR-RCS and BR-CR with building heights of up to 70 feet. It can easily be argued that that is

a significantly changed condition which the developer of the property across the street is taking advantage of. The significantly changed condition meets the threshold review criteria and the Comprehensive Plan amendment should be carried forward to the 2014 Comprehensive Plan amendment package.

Commissioner Tebelius agreed with the statement made by staff at the May 14 meeting that the development activity occurring on the old Angelo's site was contemplated at the time of the Bel-Red planning effort. The decision of the city at the time was to make sure not to include the area to the east of 156th Avenue NE. Nothing has changed that would suggest reconsideration that position. She said she would vote in favor of the motion.

The motion carried 5-1, with Commissioner Hamlin voting against. Chair Laing abstained.

Chair Laing pointed out that the Chair may vote in the case of a tie. He indicated, however, that in previous discussions he had agreed with the position taken by Commissioner Hamlin. At the threshold review stage, the merits of a particular proposal are not at issue; the question at the threshold review stage is whether or not the criteria are met. He concurred with Commissioner Hamlin that in fact the criteria had been met. For the benefit of the audience, however, he stressed that the Commission's action represents only a recommendation to the City Council which ultimately will make the decision of whether or not to include the amendment in the work plan.

Mr. Inghram said the issue could be before the Council the first week of September.

8. PUBLIC HEARING

A. Land Use Code Amendment to Address Recreational Marijuana

Chair Laing asked if any reason existed why the Commission could not make changes to either Option A or Option B and make a recommendation based on those changes. Legal Planner Catherine Drews allowed the Commission could do that under the broad notice that was published.

Mr. Inghram reminded the Commissioners that under state law retail recreational marijuana stores are not permitted to locate within a 1000 feet of various uses. He shared with the Commission maps highlighting the land use districts where retail marijuana stores and production and processing operations could be located under the interim regulations adopted by the Council; the impact of increasing the state separation requirement from 1,000 feet to 1320 feet; and the impact of including private parks and religious institutions to the mix of uses requiring separation from recreational marijuana uses.

Ms. Drews commented that two retailers applied to locate in the downtown, but with the establishment of the first near 106th Avenue NE and Main Street, the second was ruled out because of the 1,000 separation requirement between marijuana retail outlets.

Chair Laing noted that four possible retail locations and three possible production and processing sites were shown on the maps and asked if any of the sites were eliminated by the direction given by the Commission on June 25. Ms. Drews said two of the three production and processing sites east of Richards Road and both north and south of SE 30th Street would be ruled out by increasing the separation requirement to 1,320 feet.

Commissioner Carlson asked what production and processing uses entail and how large they can be. Ms. Drews said they are limited by the state relative to canopy production. There are three different tiers, with the smallest being 1000 square feet of canopy. A producer actually grows the plants while a processor takes the final product and readies it for sale, which can include making extracts. Every time marijuana is handled there is a 25 percent excise tax. The state allows entities to act as both producer and processor and to pay only a single excise fee. The Light Industrial zone is the only zone in the city where agricultural processing is allowed.

Commissioner Carlson asked why the city would even allow for the growing and processing of an agricultural product that is illegal under federal law. Ms. Drews said the Council made a policy decision to allow the use. Chair Laing said the question is well taken but is beyond the scope of what the Commission has been tasked with addressing.

Chair Laing noted that the state has set a limit of four on the number of recreational marijuana retailers in Bellevue and asked if the state has also set a limit on the number of production and processing facilities that can locate in the city. Ms. Drews allowed that the state has chosen not to limit production and processing facilities in the same way it has set limits on retail operations. However, the number of available Light Industrial parcels in the city is limited and that fact will serve as a limiting factor. The three production and processing facilities in the Richards Road area are licensed and two of them are operating. If made nonconforming under the permanent ordinance, the use would be grandfathered and allowed to continue even if sold to another state-licensed producer/processor.

Commissioner Carlson asked if the City Council intended for the city to become a major wholesale processing center for marijuana. Councilmember Stokes said the use is allowed under the interim ordinance. When the interim ordinance was adopted, the Council was aware that the opportunities to locate producers in the city would be limited. The Council was also aware that the number of recreational marijuana retailers would be limited.

Answering a question asked by Commissioner Tebelius, Ms. Drews noted that of the four retail licensees, two have submitted building permit applications to the city for processing; one is on Main Street between Bellevue Way and 110th Avenue NE, and one is on 130th Avenue NE to the south of Northup Way. One retailer is looking for a new location and the fourth has not been heard from.

Commissioner Carlson asked how many recreational marijuana retailers were currently operating in the city. Ms. Drews allowed that there were none but indicated that within 90 days there could be as many as two. To date only one retailer has the permits required by both the state and the city.

Commissioner Carlson asked if the Commission would be within its scope to declare support for a moratorium on any additional retail or production and processing facilities in the city. Chair Laing suggested the Council would not have placed the issue on the Commission's plate seeking a recommendation if it was simply asking for a rubber stamp of what the Council has already done. Implicit in the Council's asking the Commission to provide a recommendation is the idea that the interim regulations are not what the final regulations will be. The Council has, however, provided parameters and orienting principles for the Commission to operate under, and among them is the clear principle that an outright moratorium or ban is not acceptable. The Commission has been asked to look at a Bellevue-specific approach, but it would be inconsistent

with the direction handed down by the Council to come up with a de facto or otherwise effective moratorium.

Councilmember Stokes said the Council did not send the matter to the Commission seeking a wholesale revision of the interim ordinance. The Council addressed the matter twice and each time entertained a 5-2 vote in favor; that is not going to change. The Council has been clear about wanting to implement the will of the voters in a way that is consistent with state law and in the best way possible from a public safety standpoint. To develop rules that will effectively ban retail recreational marijuana sales would be going against the Council direction. The information received from the police chief was very helpful. If there are issues about signage or how the stores should operate, the Commission should address them in a Bellevue-specific way.

Commissioner Carlson commented that what the people of Bellevue voted for was that residents in the privacy of their own homes should be allowed to use marijuana. Similarly the residents of Bellevue would probably agree that people have the right to view hardcore pornography in the privacy of their own homes, but they might feel very differently about an X-rated bookstore down the block. He said it was his guess that those who voted to allow for the use of marijuana behind closed doors might think differently about having a marijuana store down the block.

Chair Laing urged the Commissioners to save their questions and discussion until after the public hearing.

Answering a question asked by Commissioner Tebelius, Ms. Drews said the Commission asked staff to take a look at increasing the separation distance from 1000 feet to 1320 feet, or one-quarter mile; that was done and the increased distance is indicated on the maps. The Commission also asked staff to include parks, particularly private parks, in the distance separation calculations; that was done using data available in the city's GIS system and is reflected on the maps. The staff was also asked to look at prohibiting recreational marijuana stores from subdistrict A of the perimeter design district in the downtown; that also was done and is reflected on the maps. The staff was directed to look at using the administrative conditional use permit process, which also was done. The Commission also asked the staff to map religious institutions as uses for which there should be a distance separation requirement; that was done and the results included on a separate map.

Ms. Drews said given the June 25 direction from the Commission, the staff identified a clustering of potential retail locations in the Wilburton and Bel-Red areas. The increased distance separation and the inclusion of private parks means there is no ability for the city to locate stores in the northeast and southeast portions of the city.

Chair Laing observed that while the sites along 156th Avenue NE were lost, there still would be a dispersion of the uses under the Commission's June 25 direction, though there would be fewer total parcels.

Commissioner Tebelius asked if under state law the city could limit the total number of retail stores. Ms. Drews said local jurisdictions are not preempted under the state statute from doing so.

Commissioner Hamlin asked if including parks and grandfathering the producer/processors would be acceptable to the City Council. Ms. Drews said she could not speak to what the City Council might agree to but allowed that grandfathering uses is consistent with how the city

treats current uses under the code that become nonconforming. Commissioner Hamlin asked if ruling out the possibility of adding new uses to that area should be perceived as an issue. Mr. Inghram answered that the options available to the Commission were to allow new producer/processors within the allowed spaces; seek to somehow freeze the status quo; and to seek disallowing the uses altogether. In the end it comes down to a question of policy.

Councilmember Stokes said generally the policy position of the Council is not to be more restrictive than state law. To act in a more restrictive manner would need to be predicated on a strong rationale, particularly where the result would be a narrowing of opportunities or potential.

Commissioner deVadoss asked if the separation requirement applies to recreational marijuana retail stores as well as to retail alcohol sales stores. Ms. Drews said it does not and that retail marijuana and alcohol stores could be located proximate to each other.

Commissioner deVadoss asked if modeling could be done to determine the expected number of retail marijuana stores required to prevent an influx of consumers coming in from elsewhere. Mr. Inghram said that is essentially what the state has tried to do. The limits set by the state on retail licenses are based on a population distribution model. That model concluded that four stores would be appropriate for Bellevue. Ms. Drews said the I-502 webpage on the Liquor Control Board site includes a white paper outlining how the conclusions were reached.

Commissioner deVadoss said he favored requiring a separation between marijuana retail stores and stores that sell alcohol. Councilmember Stokes said that requirement could effectively rule out all locations for siting a recreational marijuana retail store in Bellevue.

Answering a question asked by Commissioner Tebelius, Ms. Drews said the separation requirement does not apply to producer/processor uses. There are limited Light Industrial zoned parcels in Bellevue and that alone will serve as a limiting factor. Councilmember Stokes added that the Council did not include in the interim ordinance the separation requirement for producers and processors but did limit the use to the Light Industrial zone, which was seen as the most appropriate place for the use.

Commissioner Carlson suggested that any zoning changes that might be recommended by the Commission will be essentially fruitless unless accompanied by a recommendation on a maximum number of retail outlets to be allowed in the city.

Chair Laing called attention to paragraph E in Option A and asked why staff was proposing to strike it. Ms. Drews said the paragraph was proposed to be removed because it was included in paragraph D. The requirement for all producers, processors and retailers to comply with all applicable state ordinances, standards and codes is in the interim ordinance and serves as the starting point for the permanent ordinance.

Chair Laing asked if anyone from the city has talked to the Bellevue School District about the proposal to locate a recreational marijuana retailer four blocks north of Bellevue High School. Councilmember Stokes said the school district is aware of it. Ms. Drews reported that police department representatives will be traveling with city staff to Denver and Boulder in about a week to meet with law enforcement agencies and to visit retail facilities to get a better idea of what some of the impacts are.

A motion to open the public hearing was made by Commissioner Tebelius. The motion was

seconded by Commissioner Hilhorst and it carried unanimously.

Dr. Fred Charb, 14150 NE 20th Street, Suite 7, said his office is located approximately 300 feet from the front door of where The Novel Tree recreational marijuana retail store intends to locate. He asked if the business is already approved to be operational; Ms. Drews allowed that the use is still under consideration by the state but has submitted a building permit to the city. Dr. Charb noted that a notice posted to the door of the building in which the use intends to locate indicates the business will be opening soon. He added that the sign makes it clear the use will be selling cannabis products. Ms. Drews said the use has open permits and if there is an issue with signage it will be dealt with before a temporary certificate of occupancy will be issued. Dr. Charb said he addressed the Commission on June 25 regarding the issue of safety relative to businesses that deal largely on a cash and carry basis. Local merchants are concerned about armed robberies and thefts occurring at the use. As proposed, the use will be located 300 feet away from a martial arts studio the Little Gym, 600 feet from the Blue Sky church, and just under 300 feet from a Girl Scouts administrative center, all of which are frequented by children. Chief Montgomery's presentation on June 25 about the impact of product being sold was very good. Most people have the conception that people will go to recreational marijuana retail stores to purchase leaf marijuana to be rolled into a cigarette and smoked, but the fact is the stores will also handle the extracted product. Just two weeks before his presentation the Bellevue fire department had to respond to six persons in need of resuscitation after using marijuana extract products. In Denver there was an issue where a person having consumed one and a half marijuana cookies walked off the top of a tall building. A moratorium should be placed on the non-leaf products until further studies can be done by the state.

Ms. Teri Olsen, 1830 130th Avenue NE, said she and her husband operate the small business Unique Art Glass, directly across the street from the proposed pot store. A retail marijuana store will not be a good fit for the business neighborhood. Most of the local business focus on home improvement, though there is also a gas station and a couple of restaurants. None of the businesses are open late into the evening. She said her residence is in Cherry Crest near the pocket park that is only about three blocks from the proposed pot store on 130th Avenue NE. The park includes a basketball court and a tennis court and there are kids there all the time, including teens on bicycles.

Ms. Terra Martin, 18707 SE Newport Way, Issaquah, spoke representing Green Theory, the dba for Par 4 Investments. She said she is one of the store managers and also the founder of a local non-profit for breast cancer. She said she had breast cancer at the age of 28 and that got her involved with medicinal marijuana. If a child can tell that a store is a recreational marijuana retail establishment, then the store is not in compliance with the city's ordinance. Green Theory understands the importance of safety and following the laws, and believes children should be educated as to the use of marijuana. The product should be kept out of the reach of children. Bellevue High School recently held an assembly focused on the sale of marijuana in the city of Bellevue; information about side effects was shared along with what will happen to minors who choose to go into a retail marijuana business. The store owner will automatically be in violation of state and local laws should a minor walk into their store. Green Theory will be developing outreach programs aimed at educating and providing safety for children, and will work with the police department on risk management programs. Cannabis commerce is a business opportunity and a community responsibility. The community can be assured that Green Theory will adhere to all relevant laws and regulations, will restrict access to minors, and will run a safe, secure and discreet operation. The business will contribute to the local economy and will set aside a portion of its revenues for local philanthropies. Green Theory is dedicated to setting the highest

standards in Washington cannabis retail.

Ms. Kim Lillian, 1813 130th Avenue NE, said she owns Restaurant Design and Sales, directly in between the proposed Novel Tree and the currently operating Hemp and Cannabis Foundation. She said her business will certainly not benefit from having two cannabis operations as neighbors and would prefer not to see cannabis legalized. City code limits signs for cannabis businesses to no larger than 11 square feet, but the sign for the Novel Tree is larger than that and an enforcement action may be necessary. There are also going to be parking issues given the projected amount of volume the store is expected to see, and lighting issues during the evening hours, all of which is going to have to be addressed by the city. The way things are shaping up it appears the city is creating a sort of red light district for cannabis uses that centers on the 130th Avenue NE area.

Mr. Mike Griffith, 13419 NE 37th Place, said he has lived in Bellevue his entire life and is a principal at Par 4 Investments. He noted that the business has worked very hard over the last few months to obtain a license from the state Liquor Control Board, and has been working with the city to obtain the necessary permits. Par 4 Investments is one of the few entrants that met all of the requirements for Bellevue. It owns the site, intends to provide adequate capital to run the business in a compliant manner, and has no criminal history. The desire is to run the business in a professional manner and to observe all applicable rules of the state and the city of Bellevue. John and Debbie Bacon, also principals of Par 4 Investments, have operated the Bacon Family Foundation for two decades and partners with United Way and supports four organizations on the Eastside that focus on children: Hopelink, Bellevue Boys and Girls Club, Jubilee Reach, and the Bellevue Schools Foundation. The Bacons raised their children in Bellevue and just as their kids did their grandkids are attending Bellevue schools. They are very concerned about kids and the need to educate them with regard to prevention. The vision for the store is to have a safe and secure environment that complies with all the rules. Every step will be taken to avoid conflicts.

Answering a question asked by Commissioner Carlson, Mr. Griffith said under the state rules no person under the age of 21 is allowed to even enter the premises. Accordingly, people must be screened before they enter the store.

Mr. Matthias Reeba, 1830 130th Avenue NE, spoke as co-owner of the Salt Mine Arium. He said the business was opened two years ago and at that time experienced how difficult it is to open a business. He said the business also serves children and having The Novel Tree located nearby is not a good idea for the reasons cited by other speakers who have businesses along 130th Avenue NE. The cannabis store will not be a good fit with the plans Bellevue has for the Bel-Red area.

Ms. Annette Reeba, 1830 130th Avenue NE, agreed with her husband.

Chair Laing noted for the record that a number of persons had raised their hands in support of the comments made by the owners of businesses along 130th Avenue NE.

Mr. Blaise Bouchand, 1950 130th Avenue NE, spoke as owner of Maison de France. He said the recreational marijuana store at 1817 130th Avenue NE does not meet the I-502 code. The proposed location is within 1000 feet of the Girl Scouts of America office that includes a recreational center; a martial arts academy that caters to children and young teens; The Little Gym, a training center for children aged two to ten; a science preschool for children aged three to five; Blue Sky Church, which operates children and youth programs; and the Hemp and

Cannabis Foundation, an existing medical marijuana business. The question is why a recreational marijuana reseller would be allowed to locate there. Bellevue is facing a legacy issue, and the Commission is responsible for not trashing the health of the city.

Answering a question asked by Chair Laing, Mr. Inghram said it was his understanding that the Hemp and Cannabis Foundation located on 130th Avenue NE provides consulting and prescriptions but does not sell or dispense marijuana.

An attempt was made to contact Ms. Sandy Dryling by telephone to allow her to provide testimony. The attempt was unsuccessful but Chair Laing asked to have the record reflect Ms. Dryling's opposition to allowing the recreational marijuana retail store on 130th Avenue NE.

Mr. Bouchand read into the record a statement from Greg Katz, vice president of administration, facilities and risk management for BECU, in which he noted that BECU has two ATMs located in the 130th Avenue NE area accessible 24 hours per day by the general public. BECU is very concerned about the safety of its members and the general public relative to the opening of a recreational marijuana retail store in the area, something which could lead to an increase in crime.

Chair Laing noted for the record that several hands were raised in support of Mr. Bouchand's testimony.

Commissioner Carlson asked if the 1000-foot rules includes medical marijuana dispensaries. Chair Laing explained that it does not under the interim ordinance as adopted, though it does include collective gardens. Ms. Drews clarified that medical marijuana dispensaries are not allowed in the city. Collective gardens are allowed in certain areas only and the separation rule applies to them.

Ms. Aching Wood, 12422 NE 7th Place, voiced concern about allowing the drug store to locate on 130th Avenue NE so close to residential neighborhoods. She said her daughter attended The Little Gym when young and also took dance classes in the area. The notion that the drug store owners will be teaching children in the schools about marijuana will be misleading. Kids are being told that they cannot use the product when they are young and that they will be able to use it when they are older, but they are not being told how it will hurt their bodies. Those looking to open retail stores to sell marijuana want to make money, and they will be making money from drug users. The sale of marijuana in Bellevue will not be good for the community.

Chair Laing noted that several hands were raised in support of the comments made.

Ms. Brenda Jones, co-owner of the Academy of Kempo Martial Arts, 1950 130th Avenue NE, said while personally against allowing the sale of marijuana in the city, it is a moot point. In deciding where the use should be allowed the Commission has looked parks and churches, but it should also look at businesses that cater to children. Kempo Martial Arts has been in operation for ten years and The Little Gym has been going for a very long time as well, and there are a number of children in and out of those businesses every day. Allowing a recreational marijuana retailer to locate there is inappropriate.

Mr. Chris McAboy, owner and founder of The Novel Tree, 1817 130th Avenue NE, noted that in 1999 there was a general scare that as the year 2000 rolled in all computers would cease functioning and there would be a general shutdown. None of that came about, however. Now

there are voices raised against the legal sale of recreational marijuana and they are saying all manner of bad things will happen. None of the claims, however, will come true. The arguments raised by the businesses located along 130th Avenue NE that cater to children are arbitrary and capricious because they do not fit the state definitions. The picture of the basketball hoop at the Girl Scouts facility that was submitted to the Commission is actually located in a striped parking lot. The Novel Tree has received its permits from the city, and the sign was approved by the city, but if in fact it does not meet the requirements it will be removed. The Novel Tree has complied with all state and local regulations to date and fully intends to continue doing so. The projections show the business will generate between $100,000 and $300,000 in tax revenues for the city. The fear mongering being carried out by the 130th Avenue NE business owners amounts to discrimination against a single business; they are not calling for an outright ban on the sale of marijuana in Bellevue, they are only arguing against allowing a single store to be located near their businesses. Ten to fifteen percent of the population will anonymously admit to using marijuana. Up to 50 percent of the population has actually tried it and have not become junkies as a result; those who do not like it cease using it. Marijuana is not an addictive product. All applicable laws will be followed, including those requiring a high degree of security measures to be taken.

Mr. Chuck Right, a member representative of the Blue Sky Church, 1720 130th Avenue NE, noted that the church is within 300 feet of the proposed location for The Novel Tree. He expressed the objection of the church to allowing a recreational marijuana retailer on the 130th Avenue NE corridor. The church has been in its current location for ten years and recently purchased its building. There are 500-plus members who are currently meeting at Lincoln Cinema while renovations are carried out to expand the facility. The anticipation is that in the coming years the church will be serving a thousand members. The demographics of the church are geared largely toward young families and college students. There have been abuses reported to the police department about apparent sales transactions and persons smoking marijuana around the church facility. The use could contribute to an erosion of the corridor. While the use is permitted by the city, it is inappropriate for 130th Avenue NE given all the youth activities that occur there. The church has chosen to commit to the community and the hope is that the Commission will make a similar commitment to the 130th Avenue NE community. With regard to the proposed separation requirement of 1320 feet, it was noted that the new 130th light rail station will be within that buffer sphere; that alone should represent a compelling argument against allowing the use on 130th Avenue NE.

Chair Laing noted for the record that about a dozen hands were raised in support of Mr. Right's comments.

Answering a question asked by Chair Laing, Ms. Drews explained that the light rail station is some 860 feet from the location of The Novel Tree. Land Use Director Carol Helland noted that Sound Transit is in for design and mitigation permits for the station but not yet for building permits and thus currently has no vested rights.

Ms. Deborah Tudor, address not given, said she has lived in Bellevue for ten years and has three children who will be in Bellevue schools in the fall. She said she has been greatly concerned over the news that the Green Theory store being located within walking distance of Bellevue High School. When the school lets out in the afternoon or during open lunches there is always a large number of students in downtown Bellevue. When they see signs advertising buds, edibles and more, marijuana will look very enticing to them. There is already a huge drug problem at Bellevue High School; at one time the stink of marijuana was so bad in one classroom the

teachers could not tell which student was high. No one really knows what the impact of having a recreational marijuana retailer located so close to the high school. Because edible marijuana products are allowed, they may very well show up in the schools. Many kids have fake IDs they use to buy alcohol, and the same thing can be expected to happen in order to buy marijuana. The city may do a great job talking about education, but that will not prevent upper classmen who look older from being able to buy drugs and sell them to younger kids.

Chair Laing observed another dozen hands or so were raised in support of the comments made.

Mrs. Bishop Lampman, 3806 130th Avenue NE, said she has for the past 20 years served as a commercial real estate broker and has an MBA in finance. She said she is very familiar with nonconforming uses and what the city leaders have done is effectively create a mini-monopoly for two stores in Bellevue. While the city may not have meant to do that, it is the result. Since addressing the Commission on June 25, several calls have been received from property owners and represented tenants. The tenants operating in the vicinity of recreational marijuana stores have been asking about their rights and whether or not their leases can be broken, and they have been advised that they cannot but can seek to move at the end of their lease terms. The risk is that once businesses vacate an area to avoid being located near or next to a marijuana distributor, the vacancies will be difficult to fill on the perception of having a recreational marijuana store nearby will increase costs and security needs. The risk to the city is the possibility of lower property values as rents drop. The Commission should not be afraid to recommend the maximum buffer.

Ms. Helen Foehr, 224 107th Place SE, said she lives on the hill above where Green Theory is set to open. She said the City Council and the Commission needs to look at the fact that the hill is home to residences that have been there for many years. Many who live there raised their children there and now have grandchildren. She said she supports the legalization of marijuana, but retail stores handling the product should not be allowed to locate only two blocks away from single family homes. It feels as though homeowners and residents have been overlooked. When Bellevue High School lets out for lunch the kids leave the campus and frequent places like the burger joint that is directly across the street from Green Theory. The 1000-foot buffer is too small and should be increased.

Chair Laing indicated a number of hands were raised in support of the testimony.

A motion to extend the meeting by 30 minutes was made by Commissioner Hamlin. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

Ms. Annie Liu, 200 107th Place SE, said she is Ms. Foehr's neighbor. The location of the Green Theory store on Main Street is too close to the residential area. She voiced concern about rising crime rates resulting from having the store there. The store owner has articulated that they will be performing security checks, and while that is good there will be some who drive in to purchase pot, some of whom may be under the influence. That could have safety implications for the school children in the area.

Chair Laing indicated a number of hands were raised in support of Ms. Liu's testimony.

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

7. STUDY SESSION

A. Land Use Code Amendments to Address Recreational Marijuana Deliberate and Make a Recommendation to the Council

Commissioner Hamlin voiced his support for Option B, which would extend the interim regulations.

Commissioner Walter added her support for Option B but said she would add administrative conditional use permitting. The businesses are new and there are a number of unknowns, and having them subjected to increased scrutiny would be good. The major concern is having the producer/processor functions all together in one area and the fact that that may result in an odor. If the result is an odor, those living nearby will need to be afforded some recourse.

Commissioner DeVadoss echoed Commissioner Hamlin's support for Option B as outlined.

Commissioner Carlson commented that he read recently an article talking about the explosion of homeless young adults in Colorado. Many of them have been drawn to the state by the prospect of easily being able to obtain recreational weed. He said marijuana is being viewed and treated as just another legal product the city needs to accommodate, but it appears the real impacts are being missed. The statement of the owner of The Novel Tree saying marijuana is not addictive is like a tobacco executive saying cigarettes do not cause cancer. He said he would support putting a small number cap on the number of retail outlets. Not to do so will be to simply waste the Commission's time.

Chair Laing asked Commissioner Carlson if he proposed a cap of less than what the state has determined to be appropriate for Bellevue, which is four. Commissioner Carlson said his preference would be to allow only one recreational marijuana retailer in the city.

Asked by Commissioner Carlson his preference for either Option A or Option B, Commissioner Carlson said he was not fully in support of either one.

Commissioner Tebelius asked if it would be overly difficult to include both public and private parks as buffered uses. Ms. Drews said it would not be difficult to reference both. Commissioner Tebelius reiterated her support for not allowing recreational marijuana retail in the downtown area, including subdistrict A of the Perimeter Design District. She said she was not concerned about making a distinction between a buffer of 1000 feet and a buffer of 1320 feet.

Commissioner Hilhorst said she also was not enamored with either Option A or Option B. She supported putting steps in place to monitor the recreational marijuana retail use over time and to keep open the possibility of making changes should unintended consequences arise. Because the majority of cities around Bellevue will not be participating in the experiment, Bellevue could easily become a hub drawing people in from a wide area, some of whom could potentially consume the products in Bellevue and drive on the roads on their way back home. She said she could be persuaded to agree to Option B given that it includes the conditional use permit process.

A motion to approve Option B, modified to not allow recreational marijuana retail sales in subdistrict A of the Perimeter Design District, and to require the administrative conditional use permit process, was made by Commissioner Tebelius.

Chair Laing clarified that the motion would continue with the existing regulations, including the separation distance of 1000 feet, but would require the administrative conditional use permit process, would remove subdistrict A of the Perimeter Design District as an area where recreational marijuana retail sales are permitted, and would reference all parks, not just public parks.

Ms. Drews clarified that under the motion the Green Theory use would still be allowed to locate on Main Street.

The motion failed for lack of a second.

Answering a question asked by Commissioner Walter, Chair Laing explained that he had previously proposed excluding the Perimeter A district. The stated purpose of the district has always been and continues to be to provide a buffer between the commercial uses in the downtown and the residential uses abutting the downtown. Given the uncertainties with how the use will play out in practice, the city should err on the side of caution by preserving the transition area. During the Downtown Livability Initiative process there was discussion of opening a school in the downtown and not having an open and vested recreational marijuana retail establishment could obviate concerns down the road.

Ms. Helland clarified for the Commissioners the borders of subdistrict A. She further explained that the Perimeter Design District is what it is called, a design district. In the context of the Land Use Code, it is used to identify massing, bulk, size and scale differentiations. There is no construct in the Land Use Code to use the Perimeter Design District to regulate uses. To do so would require footnoting a footnote. In practice, nearly all of subdistrict A is eliminated already, except for the location where Green Theory is already a vested use. It is true that actions that result in the creation of nonconforming uses do result in the creation of monopolies and conditions that often result in uses staying where they are for a very long time.

Commissioner deVadoss commented that the voters have spoken and said it is up to the city to determine how to deal with the issue.

Commissioner Carlson said he would love to see the issue of retail marijuana on the ballot in Bellevue. He suggested that the sentiment expressed would be very different from the statewide vote that legalized the use.

A motion to approve Option B as outlined was made by Commissioner Hamlin. The motion was seconded by Commissioner DeVadoss.

Answering a question asked by Commissioner Hilhorst, Ms. Helland said the act of siting and permitting uses involves looking at the existing uses nearby. While a recreational marijuana use would not be allowed to be sited within 1000 feet of an existing light rail station, there is nothing that precludes a light rail station from being sited within 1000 feet of an existing recreational marijuana retailer. Once the light rail station is vested, no restricted uses will be allowed to locate around it, and The Novel Tree will become a nonconforming use.

The motion failed 2-4, with Commissioners Hamlin and DeVadoss voting yes, and Commissioners Tebelius, Hilhorst, Carlson and Walter voting no. Chair Laing did not vote.

A motion to extend the meeting for 30 minutes was made by Commissioner Hamlin. The motion

was seconded by Commissioner Hilhorst and it carried unanimously.

Chair Laing pointed out that the primary differences between the motion made by Commissioner Tebelius and the motion made by Commissioner Hamlin were the conditional use permit process, which he noted had the support of the majority; including publicly owned parks only or both public and private parks, which he noted also had a support of the majority; and the issue of including the Perimeter Design District subdistrict A, which he noted did not have a clear majority one way or another.

Commissioner Carlson said he would extend the parks issue to include public, private and wetlands as areas that could be used or abused by recreational marijuana users.

Commissioner Hamlin said he would vote to include private parks and requiring conditional use in the spirit of moving things forward, though he clarified he did not personally agree with doing so.

A motion to recommend adoption of Option B, with the addition of parks mapped in the city's GIS system and requiring administrative conditional use, was made by Commissioner Tebelius. The motion was seconded by Commissioner Walter.

Ms. Helland explained that under the interim ordinance the conditional use process is not required. Recreational marijuana retail uses are allowed subject to meeting a laundry list of performance criteria. The additional steps that the conditional use process requires, including notice and the potential for appeal to the hearing examiner, are not currently required. If approved, the motion will add a layer of process.

The motion carried 5-1, with Commissioner Hamlin voting no. Chair Laing did not vote.

Chair Laing said the most important element of the conditional use process is that it includes public notice.

10. OTHER BUSINESS - None

11. PUBLIC COMMENT - None

12. DRAFT MINUTES REVIEW

    A. June 25, 2014

Action to approve the minutes was not taken.

13. NEXT PLANNING COMMISSION MEETING

    A. September 10, 2014

14 ADJOURN

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

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