Bellevue Planning Commission

Wednesday, October 22, 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. Comprehensive Plan Update Continue review of draft sections of the Comprehensive Plan – Utilities Element *Paul Inghram, Comprehensive Planning Manager, Nicholas Matz, Senior Planner, Pam Maloney, Utilities Planning Manager*	Pg. 1
	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
Diane Tebelius
John deVadoss
Stephanie Walter

Jay Hamlin

John Stokes, Council Liaison

Staff contact:

Paul Inghram 452-4070
Michelle Luce 452-6931

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

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

City of Bellevue

Planning Commission Study Session

October 16, 2014

SUBJECT

Major Comprehensive Plan Update – Utilities Element and Other Reviews

STAFF CONTACT

Paul Inghram AICP, Comprehensive Planning Manager, 452-4070 pinghram@bellevuewa.gov
Nicholas Matz AICP, Senior Planner, 452-5371
nmatz@bellevuewa.gov
Planning and Community Development
Pam Maloney, Utilities Planning Manager, 452-4625 pmaloney@bellevuewa.gov
Utilities Department
Camron Parker, Senior Planner, 452-2032 CParker@bellevuewa.gov
Parks and Community Services

DIRECTION NEEDED FROM PLANNING COMMISSION

Action
X Discussion
Information

The October 22, 2014, study session is a continuation of the review of the Bellevue Comprehensive Plan with a focus on the Utilities chapter of the plan. The study session is also an opportunity to see the work of the Human Services Commission and Parks and Community Services Board and review the overall progress of the update.

No formal action is requested at this study session. The Commission is encouraged to review the enclosed draft Utility policy table. 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 in September and the Environment chapter at the last meeting. Land Use, Housing, Urban Design, Economic Development and the Eastgate/I-90 corridor polices were previously reviewed. Meanwhile, the Human Services, Transportation and Parks sections have been reviewed by their corresponding commissions.

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

PREVIOUS POLICY REVIEWS

As the Planning Commission reviews and comments on the draft policy changes the policy tables are being updated to reflect the Commissions' direction. Tables showing the anticipated changes for the Land Use, Housing, and Urban Design elements were distributed on September 24. Updated tables for Environment, Economic Development and Capital Facilities will be distributed soon.

One of the tasks with the update is to identify and resolve issues that cross multiple areas to ensure that they are captured in the best location and to cross-reference across the plan as appropriate. Some of the policies regarding Utilities to be discussed at this study session, as well as topics in other elements, related to the aesthetics of our built and natural environments, which connects to the Urban Design element. Staff anticipates providing potential additional update to Urban Design in the near future to show where and how additional design policies or cross-referencing may address issue that span other sections of the plan. Additionally, staff will provide the Commission with updates to figure UD.1, which is part of the Urban Design element. Similar reviews may be need of other elements as additional updates are identified.

WORK OF OTHER BOARDS AND COMMISSIONS

While the Planning Commission has a lead role for the overall Comprehensive Plan and for specific topics, such as Land Use, the work of the update has involved six boards and commissions, including Arts, Transportation, Parks & Community Services, Human Services, and Environmental Services. Work of the Arts Commission was integrated into a portion of the Urban Design element and the discussion below about Utilities includes recommendations from the Environmental Services Commission. The Transportation Commission has conducted a number of study sessions regarding the Transportation Element. Likewise, the Parks and Community Services Board has reviewed and recommends changes to the Parks, Recreation and Open Space policies and the Human Services Commission reviewed and recommends changes to the Human Services Element. A summary of their reviews and changes are attached (Attachments 1 and 2)

To complete the full draft plan on schedule, and provide the Planning Commission with sufficient time to complete their work on other elements, the Transportation, Human Services, and Parks, Recreation and Open Space element draft policies will be incorporated into the full draft per their respective commission's recommendations, unless a specific item or issue is flagged by the Planning Commission in one of those areas. If an issue or area is flagged, the upcoming review schedule will be adjusted to bring those items back for additional discussion.

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, 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. (A policy review table is included as Attachment 3)

<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 (National Pollution Discharge

Elimination System) analysis discussed by the Planning Commission at the October 8 meeting. The ESC's initial comments are included in Attachment 4.

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) for the Energize Eastside project has been active working with Puget Sound Energy to identify route options for further analysis. Bellevue, Kirkland, Redmond and Renton are also working with Puget Sound Energy to conduct environmental analysis of the project. Puget Sound Energy provides maps and more information about Energize Eastside at:
http://www.energizeeastside.com/

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.

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 undergrounding 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.

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:

- Additional and existing policies that protect the city's aesthetic quality and avoid unnecessary facilities. (lines 68, 72, 73, 75, 77)
- Adding a new policy that would advocated for state legislation to address funding needed for 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

The update process will continue with review of the Community Vision, subarea boundaries and work of the Transportation Commissions. As individual components are completed, staff is working to prepare a new draft plan for review by the boards and commissions and the public.

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

The schedule below is approximate and it based on working to deliver a draft plan to the City Council ahead of the June 2015 deadline.

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. Parks, Recreation and Open Space Element Summary
2. Human Services Element Summary
3. Utilities Element draft policy table
4. Letter from the Environmental Services Commission dated January 6, 2014, with policy comment table

ATTACHMENT 1

PARKS, RECREATION AND OPEN SPACE ELEMENT

BACKGROUND

At the beginning of the Comprehensive Plan Update process, the following items were identified in the Council work program for updating the Parks, Opens Space and Recreation Element:

- Update consistent with 2010 Parks & Open Space System Plan
- Review long range goals to preserve, expand park system, including the need for parks serving developing areas, such as Downtown and BelRed
- Update Community Services policies

An overview of the Parks, Recreation and Open Space Element and the plan for its update was provided to the Planning Commission in July 2013. Parks and open space were also a theme in the Commission's discussion of gather spaces and third places in January 2014 and the joint board and commission events on environmental sustainability and diversity. In crafting edits to the policies, feedback from these events were paired with specific policy discussion held with the Parks & Community Services Board.

POLICY REVIEW

This year, the Parks & Community Services Board devoted time at three of their meetings to review potential policy updates to the Parks, Recreation and Open Space Element. They started by agreeing on a set of twelve findings that drove the recommended policy changes. The Board recommends a series of edits to existing policies to merge and clarify issues and topic areas. A key theme for the Board is linking future acquisition and development of parks to areas in Bellevue experiencing dense population growth.

A priority should be set for providing proximal, walkable access to parks and trails for all Bellevue residents and workers. Also, the Board reaffirms that parks have a significant role in sustaining and improving the environmental health of the city. Partnerships and collective impact strategies have grown in importance over time and will continue to instrumental in building and maintaining parks and recreation services in Bellevue. Finally, as Bellevue continues to diversify in areas of age, income, ethnicity and other factors, intercultural interactions are an essential element of creating community and instilling a sense of belonging among Bellevue residents.

POLICY CHANGES / KEY ISSUES

Park Access. New policy would support improved signage and wayfinding to existing parks to enhance community access. This will promote the public's use of Bellevue's parks and recreation facilities.

Culture and Heritage. New policy would support using parks to celebrate and preserve history, cultural arts and local heritage. This policy encourages the continuation of an existing practice to develop parks and recreation facilities as community gathering spaces that help to make Bellevue's neighborhoods vibrant and distinct.

Monitoring. New policy would support tracking the community's evolving recreation and community services needs in order to continue to provide highly relevant and effective services. This reflects the city's desire to understand the evolving customer base for its recreation and community services and to remain nimble in providing services to Bellevue's diverse and changing community.

The Parks & Community Services Board's policy findings and their recommended policies for the Parks, Recreation and Open Space Element are attached.

Comprehensive Plan Update
Parks, Recreation and Open Space Element

Bellevue Parks & Community Services Board

October 8, 2013 and February 11, 2014

The Commission recommends the following to update the Comprehensive Plan:

1. Acquisition and development of the parks and open space system must take into account the location of population growth in Bellevue. A priority should be set for providing proximal, walkable access to parks and trails for all Bellevue residents and workers.
2. Developing parks within an urban environment (Downtown, BelRed, Eastgate) is imperative to maintaining the City in a Park vision and meeting people's recreation needs where they live. Urban parks have unique challenges including the high cost of land acquisition and designing for intensive use. To be successful in this goal, private developers and property owners must be partners. The City should promote policies that support various tools including regulatory incentives to facilitate public park investments in urban areas.
3. The priority that Bellevue has placed on creating physical connectivity between and among the park and trail system must be maintained into the future. This demands close alignment between policies relating to parks and trails and policies relating to active transportation systems (pedestrian and bicycles).
4. To promote and facilitate increased public enjoyment of the park and trail system, the City must implement signage and wayfinding techniques to direct individuals to public access points from nearby streets and trails.
5. The City in a Park vision can be implemented in areas outside of parks and trails. Policies that support aesthetic and functional improvements to the city's street network should be maintained and strengthened. These improvements can include street tree planter strips, planted medians and safe and comfortable sidewalks and bike facilities.
6. Policies related to mass transit planning should include a factor to consider improved transit access to the city's park and trail system.
7. The practice of proactively acquiring key properties throughout the city for open space preservation or future park development (particularly on the city's waterfront) must continue to be strongly supported in policy.
8. Decisions related to park development and redevelopment should be strongly tied to the demographics of the city and neighborhood in which the park exists. Programs and facilities must match the user's needs and interests based on age, culture, ability, incomes, etc.
9. The Parks & Community Services mission, "to build a healthy community" must take into account physical and mental health as well as environmental health of the city and the economic health of its residents, businesses and institutions.
10. As Bellevue continues to diversify in areas of age, income, ethnicity and other factors, intercultural interactions are an essential element of creating community and instilling a sense of belonging among Bellevue residents. Maintaining public trust in Bellevue's public institutions (city, schools, etc.) is also critical to building community.

11. Parks, Recreation and Opens Space policies should emphasize services for Bellevue's youth. This includes providing youth and teens with opportunities for leadership and self-directed programming.
12. Policies should identify Parks & Community Services role in sustaining and improving the environmental health of the city, including the provision of environmental education and stewardship opportunities for Bellevue residents.

Parks, Recreation and Open Space Element Policies

PA-1	Establish a coordinated and connected system of open space and greenways throughout the city that provide multiple benefits including preserving natural systems, protecting wildlife habitat and corridors, and providing land for recreation.
PA-2	Connect Bellevue's parks and trails to the regional system of nearby state, King County and neighboring city parks, greenways, trails and facilities.
PA-3	Obtain land throughout the community to meet present and future parks and open space needs.
PA-4	Equitably distribute a variety of parks, community centers and other indoor and outdoor recreation facilities throughout the city.
PA-5	Maximize use of public lands by collaborating with other City projects and programs to incorporate utility, storm drainage, underutilized right-of-way and other public lands into the parks and open space system.
PA-6	Obtain, for preservation, natural areas that are sensitive to urbanization or represent a valuable natural and aesthetic resource to the community.
PA-7	Acquire and develop waterfront property to increase public access to Bellevue's lakes.
PA-8	Pursue private dedication of land and funds for park related purposes through a variety of methods such as purchase, donation, easement, and land use code incentives.
PA-9	Actively seek funding from a variety of sources to help implement a park acquisition and development program.
PA-10	Develop pedestrian and bicycle linkages between neighborhoods and major natural areas, recreation facilities, schools and commercial centers.
PA-11	Develop partnerships with other public agencies and the private sector to provide parks, recreation, open space, and cultural facilities in the city.
PA-12	Develop partnerships with not-for-profit organizations in planning, developing, and utilizing facilities.
PA-13	Develop partnerships with the public school districts to utilize school sites to provide active recreation and cultural facilities.

PA-14	Collaborate with school districts and private and non-profit providers to deliver a coordinated array of recreation, athletic instruction, arts, gathering spaces and community services.
PA-15	Develop parks and facilities in a quality manner to assure attractiveness, full utilization, and long term efficiency.
PA-16	Encourage privately funded recreational and cultural facilities throughout the city, especially in major employment centers.
PA-17	Collaborate with King County, Sound Transit and neighboring jurisdictions in the planning and development of the regional Eastside Rail Corridor trail system.
PA-18	Encourage the linkage and access of private facilities with those in the public system.
PA-19	Encourage the development of facilities for special purpose recreation.
PA-20	Require a public review process for the conversion to non-recreational use of park lands and facilities.
PA-21	Designate active and passive recreation uses and cultural use of parkland through the master plan approval process.
PA-22	Establish a funding plan for long term maintenance and operation before constructing park-related facilities.
PA-23	Evaluate existing parks and facilities, and renovate, where appropriate, to maximize efficient maintenance and operating practices, improve safety and accessibility for all users, and to reduce, where feasible, the impacts on adjacent properties.
PA-24	Design, construct, operate, and maintain parklands and facilities to preserve the ecology of natural systems on parklands.
PA-25	Protect and retain, in a natural state, significant trees and vegetation in publicly and privately-dedicated greenbelt areas.
PA-26	Conserve energy, water, and other natural resources, and practice efficient and environmentally responsible maintenance and operation procedures.
PA-27	Manage Bellevue's forest resources, including street trees, formal plantings, and self-sustaining natural stands, to ensure their long term vitality.
PA-28	Provide a variety of services and programs accessible to all throughout the city with special emphasis on serving those with limited opportunities including low-income households, youth, individuals with disabilities and older adults.

PA-29	Promote partnerships with public and private service providers to meet cultural, recreational, and social needs of the community.
PA-30	Provide opportunities for individuals to develop a sense of community through services and programs including programs that encourage intercultural interaction.
PA-31	Actively solicit community input in the planning and delivery of services and programs to ensure that they are convenient and beneficial.
PA-32	Welcome social services at recreation facilities and community centers when they complement the site's recreational and cultural programming.
PA-33	Offer programs that utilize the unique resources and variety of indoor and outdoor facilities within the park system.
PA-34	Provide environmental stewardship and nature education programs to increase the community's awareness, understanding, and appreciation of Bellevue's natural environment.
New-1	Provide signage and wayfinding tools to direct individuals to park facilities from nearby streets and trails in order to promote and facilitate public use of parks.
New-2	Use parks to celebrate, promote and preserve Bellevue's history, cultural arts and local heritage when consistent with the park's design and programming.
New-3	Monitor and respond to the community's evolving recreation and community service needs to ensure a diverse mix of relevant and effective facilities and programs.

ATTACHMENT 2

HUMAN SERVICES ELEMENT

BACKGROUND

The Human Services Commission and Planning Commission held a joint meeting in March 2013 to kick off the review of the Human Services Element. The Planning Commission then received an update on the Human Services Element at its meeting on January 22, 2014. The Chair of the Human Services Commission and a member of the Network on Aging Board were in attendance and participated in the presentation and discussion. At that stage, the Human Services Commission and Network on Aging had developed recommendations for policy direction.

REVIEW

The Human Services Commission has now completed its review of the Human Services Element. The overall goals of the Element remain unchanged. The Element promotes all community members having:

- Food to eat and a roof overhead
- Supportive relationships within families neighborhood and community
- A safe haven from all forms of violence and abuse
- Health care to be as physically and mentally fit as possible
- Education and job skills to lead an independent life

The recommended policies are attached with key issues summarized below.

POLICY CHANGES / KEY ISSUES

Demographic Changes. Consistent with the Council work program, new or edited policies are proposed to reflect the changes in city demographics, including needs related to seniors, public health and homelessness.

Service Access Network. A new policy supports creating a network of human service access points, geographically distributed within the city. This policy is recommended in light of the recent loss of several human service providers in the Downtown subarea. It supports finding ways to keep service providers in transit-rich areas such as Downtown and other parts of Bellevue with access to transit.

Homelessness. A proposed new policy encourages a coordinated local response to homelessness through the provision of housing and supportive services. The Human Services Commission sees homelessness as a focus of their future work and this policy supports their efforts to coordinate with others in the community. This policy should align with policies in the Housing

Element that support production of affordable housing in Bellevue and production of housing specifically serving homeless individuals and families.

Community health and human services. A proposed new policy encourages the City to use its role to advance civil rights protection, community health, and other human service objectives. This new policy builds off an existing policy that encourages the city to consider human services impacts in regulatory and legislative decision making.

Comprehensive Plan Update
Human Services Element

Bellevue Human Services Commission

September 5, 2013

The Commission recommends the following actions to update the Comprehensive Plan:

1. **The human services system is a regional system in which Bellevue plays a part.** Policies should more effectively promote the City's partnerships with other public agencies and governments in this regional work. This enhances policy support for work that is already being done.
2. **Include more proactive policies around engaging under-served population groups**. Given our rapidly evolving and diverse community, simple "we will not discriminate" policies are no longer sufficient. Goals for social justice, equity, anti-racism and cultural competence are needed to direct how the City will approach this issue moving forward.
3. **Make a clear statement in the Human Services Element of the priority to support populations** that are disproportionately affected by poverty, discrimination and victimization.
4. **Complement policies aimed at removing barriers** to accessing human services with policies aimed at empowering communities to overcome those barriers. Use of both approaches can lead to better outcomes.
5. **Policies specific to homelessness and homeless housing for families, youth and single adults are needed in the Human Services and Housing Elements.** Homelessness has become a more prevalent issue as Bellevue continues to grow into an urban center. Approximately 25% of the City's Human Services Fund is directed to homeless service agencies. To best align policies, it is proposed that homeless housing policies be included in the Housing Element while policies regarding supportive services be included in the Human Services Element.
6. **Expand existing policies that support partnerships** among non-profit agencies and with school districts to include other public and private institutions, including Bellevue College. The policies should direct that partnership be rooted in a collaborative approach with shared goals and outcomes.
7. **Continue to support efforts of non-profit human service agencies to have facilities and services physically located in Bellevue**, including, but not limited to, co-location through policies in the Human Services Element and in other elements as appropriate.
8. The Commission finds that it may be appropriate to **set policy direction for the City's role in the area of healthcare** in the updated Comprehensive Plan. The high degree of change taking place currently in this field makes setting a policy difficult at this time. As the Comprehensive Plan Update continues, the Commission will continue to track changes in the field and may suggest policy language at a later date.

HS-1	Build public awareness and engage the community in an informed and collective response by assessing and planning for human services needs.
HS-2	Encourage services to efficiently use public and private resources and develop a broad base of community support.
HS-3	Identify opportunities and develop strategies that are preventive in their approach to human services needs.
HS-4	Allocate funds and other resources across the continuum of human service needs by soliciting proposals from nonprofit agencies for services benefiting low- and moderate-income residents.
HS-5	Maintain the city's role as a human services planner and facilitator for the community by continually engaging service providers and community organizations in dialogue regarding the functioning of the present service systems, the emerging needs of the community and the building of a complete system of services.
HS-6	Facilitate the community response to human service needs. Involve the city in direct delivery of human service needs when delivery is consistent with a department's mission or as a last resort when: The city is the most equitable and effective provider, or There are no other qualified providers.
HS-7	Consider the human services impacts of proposed legislation prior to formal adoption.
HS-8	Make Bellevue a welcoming, safe and just community marked by fairness and equity provided to those disproportionately affected by poverty, discrimination and victimization.
HS-9	Improve access to services throughout the community by removing physical and systemic barriers and empowering individuals to overcome other barriers that may exist.
HS-10 NEW	Use City regulatory powers to protect individuals' rights and advance community health and human service objectives.
HS-11	Encourage culturally competent service delivery that respects the dignity of individuals and families, and fosters self-determination and self-sufficiency.
HS-12	Support and actively coordinate with local, regional, and national efforts that address local human services needs and ensure that local programs complement programs provided at the county, state and federal level.

HS-13	Encourage partnerships among public and private institutions, schools, human services providers, and others to collectively address needs of children and families using schools as a focal point for the community.
HS-14	Support agencies locating human services facilities in Bellevue and, where appropriate, encourage efficiencies through agency collocation and collaboration.
HS-15 NEW	Support a network of service points that are easily accessible by Bellevue residents and workers, geographically distributed within the city and proximate to public transit.
HS-16	Provide leadership and work in partnership with community agencies to encourage and promote the development and expansion of the supply of affordable, accessible, and quality child care which meets the diverse needs of the community and is encouraged in all areas of the city.
HS-17	Encourage services that support employees in maintaining or advancing their employment opportunities.
HS-18 NEW	Support an intentional local community response to homelessness with housing and supportive services provided to families, youth and single adults.

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.

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
10.		NEW	There are currently no policies about asset management in the Comp Plan. Proposed language recognizes the risk management element of utility infrastructure asset management.	Build and manage city-owned utility infrastructure assets to reduce the likelihood of risks to 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.

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
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 Waste planning, since it is appropriate to plan for a future beyond King Co Solid Waste transfer and disposal system.	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 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~~.

	Element Goals and Policies		If action proposed, why?	Proposed Change
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 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.	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 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

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
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 public agencies in the region to manage and control hazardous waste and moderate risk waste, including hazardous household substances.		

	Element Goals and Policies		If action proposed, why?	Proposed Change
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**		

	Element Goals and Policies		If action proposed, why?	Proposed Change
29.	UT-14	Promote the recycling of solid waste materials by providing opportunities for convenient recycling and by developing educational materials on 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.				

	Element Goals and Policies		If action proposed, why?	Proposed Change
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 long term factors such as disposal options, should be considered.*	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 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.

	Element Goals and Policies		If action proposed, why?	Proposed Change
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 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.*	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 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.

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
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 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	Participate in regional watershed based efforts with the goals of achieving local drainage basin health and addressing Endangered Species Act issues. <u>Manage the storm and surface water system within a system wide, watershed based context.</u>
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.	<u>Design context appropriate stormwater management facilities that reflect the unique character of the neighborhood in which the site is situated.</u>

	Element Goals and Policies		If action proposed, why?	Proposed Change
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 water quality education.	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 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**		

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
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 <u>and state</u> 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.

	Element Goals and Policies		If action proposed, why?	Proposed Change
53.	UT-31	Serve as a role model for the community in the efficient use of 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.

	Element Goals and Policies		If action proposed, why?	Proposed Change
60.		NEW	Advance city's objective of increasing internet access.	Encourage widespread, affordable, high-speed internet 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.

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
64.	UT-36	Limit the amount of disturbance to city infrastructure by encouraging co-location of telecommunications conduit in the public right-of-way.		
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.		

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
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 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.	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 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.~~

	Element Goals and Policies		If action proposed, why?	Proposed Change
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]*

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
71.		NEW	Communication lines (telephone and cable) are often located on electrical line poles. However, the electrical line 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.	Allow new aerial telecommunication lines on existing systems provided that they are designed to address visual impacts and required to be placed underground at the time of undergrounding electrical distribution lines.
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.		

	Element Goals and Policies		If action proposed, why?	Proposed Change
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 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.*		

	Element Goals and Policies		If action proposed, why?	Proposed Change
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 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.		

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
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 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.		

	Element Goals and Policies		If action proposed, why?	Proposed Change
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 submit an area wide plan that demonstrates the lowest land use impacts consistent with telecommunication customer needs.	Make it clear that this is required in the code.	~~Encourage~~ Require permit 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.		

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
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 illustrate the techniques appropriate to balancing the need for wireless services and the impacts of the necessary facilities.*	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
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 telecommunications technology create smaller and less visually intrusive facilities by requiring removal of abandoned facilities.	Simplify language.	Require removal of abandoned facilities that are visually intrusive whenever facilities are replaced or upgraded.

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
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 telecommunications equipment on city sites which reduce total impact of antennas on the community.		

	Element Goals and Policies		**If action proposed, why?**	**Proposed Change**
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 and the cost and impacts of mitigating those effects by taking reasonable cost-effective steps.		

	Element Goals and Policies		If action proposed, why?	Proposed Change
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.		

	Element Goals and Policies		If action proposed, why?	Proposed Change
110.	UT-75	Work with and encourage Puget Sound Energy to plan, site, build and maintain an electrical system that 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.*		

	Element Goals and Policies		If action proposed, why?	Proposed Change
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 take precedence over other less critical user needs.	Encourage the prioritization of restoring electrical service to water and wastewater utility facilities following power outages.
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.

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 22, 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
Nov 12	• Annual Comprehensive Plan amendments (Montvue Place) – potential public hearing • Comprehensive Plan Update • Review of initial drafts
Dec 10	• Comprehensive Plan Update

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, Walter
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, Walter
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 Walter 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.