

CITY OF BELLEVUE
BELLEVUE TRANSPORTATION COMMISSION
MINUTES

May 28, 2009
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Northey, Commissioners Glass, Jokinen, Kiel, Simas, Tanaka

COMMISSIONERS ABSENT: Commissioner Larrivee

STAFF PRESENT: Paul Krawczyk, Dave Cieri, Drew Redman, Chris Dreaney, Eric Miller, Department of Transportation

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chair Northey who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Tanaka, who arrived at 7:03 p.m., and Commissioner Larrivee, who was excused.

3. PUBLIC HEARINGS

A. 2010-2015 Transportation Improvement Program (TIP)

Associate Planner Drew Redman explained that the 2010-2015 Transportation Improvement Program (TIP) includes a list of project that fall into four categories: projects in the current CIP; projects included in the Transportation Facilities Plan (TFP); projects included in subarea plans and studies; and projects included in regional plans. He noted that the project lists are used by the state to prioritize funding. The annual TIP public hearing is mandated by state law.

Motion to open the public hearing was made by Commissioner Glass. Second was by Commissioner Simas and the motion carried unanimously.

There were no public comments.

Motion to close the public hearing was made by Commissioner Glass. Second was by Commissioner Simas and the motion carried unanimously.

B. Transportation Development Code Update BCC 14.60

Development Review Manager Chris Dreaney said the proposed code update was first introduced to the Commission in February. The update was then made public and a request for comments was sent to development professionals in the region. Edits to the code were made in response to comments received from the public and the Commission, and the revised code was presented to the Commission on May 14. Absent further comments, a public hearing was scheduled.

Ms. Dreaney said an environmental review has been undertaken relative to the entire chapter. A notice of Determination of Nonsignificance was issued on May 14, the public comment period for which ended at 5:00 p.m. May 28. No public comments were received.

Mr. Redman said the TMP portion saw extensive public involvement, with two workshops for developers and property managers. Several ideas that flowed from those workshops were vetted and worked into the staff preferred alternative which was approved by the Commission on January 22. That process has been packaged with the larger Transportation Development Code process.

Motion to open the public hearing was made by Commissioner Jokinen. Second was by Commissioner Kiel and the motion carried unanimously.

Mr. Steve Nolan spoke representing Wright Runstad. He noted that Wright Runstad has an interest in the TMP program in that it is seeking to develop a large area of the Bel-Red corridor that lies in the path of the expected East Link light rail project. It is hoped that there will ultimately be a light rail station on the Wright Runstad property. The developer previously asked the Commission to consider a modification to the TMP program to provide a credit in the Transportation Impact Fee program for trips reduced through TMP. The Commission considered the request but ultimately chose to support the staff-proposed code changes. At the same time, however, the Commission approved a motion directing staff to return with some incentives for developers for implementing effective TMPs. Wright Runstad is supportive of that approach and appreciates the interest of the Commission in providing incentives to developers who want to do things right.

Motion to close the public hearing was made by Commissioner Jokinen. Second was by Commissioner Glass and the motion carried unanimously.

4. STAFF REPORTS -- None

4. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS,

BOARDS AND COMMISSIONS – None

5. REPORTS FROM COMMISSIONERS -- None

6. PETITIONS AND COMMUNICATIONS – None

7. APPROVAL OF AGENDA

Motion to approve the agenda as printed was made by Commissioner Glass. Second was by Commissioner Kiel and the motion carried unanimously.

8. STUDY SESSION

A. 2010-2015 Transportation Improvement Program

Motion to approve the 2010-2015 Transportation Improvement Program as presented was made by Commissioner Glass. Second was by Commissioner Jokinen and the motion carried unanimously.

Capital Programming Division Manager Eric Miller asked for comments on the Commission's transmittal memo to the City Council regarding the TIP. He noted that the matter was scheduled for approval on the June 15 consent calendar. There were none.

B. Transportation Development Code Update BCC 14.60

Commissioner Glass asked for a response from staff regarding the comments offered by the representative for Wright Runstad. Mr. Redman noted that staff previously informed the Commission about the existing mechanisms to account for reducing impact fees. He said the January 16 memo to the Commission indicated the specific code language. The impact fee code, BCC 22.16.080, authorizes the transportation department to adjust the impact fees for any mixed development based on an analysis of any specific trip-generating characteristics of the development. It also states that the transportation department may consider any unusual circumstances for specific developments and adjust the standard impact fee in order to ensure that the fees are imposed fairly. Developers not satisfied with an assessment of the impact fee can appeal to the hearing examiner.

Mr. Miller noted that on May 4 the Council adopted revisions to the impact fee code, but the revisions left the intent of the code intact.

Commissioner Glass said it was his understanding that one goal of the new impact fee calculation was to make the system more proscriptive. He said it was also his understanding that the TMP was also to be more proscriptive. He said he was unsure whether the proposed language solved that problem. Mr. Redman said staff had no plans to return with additional

incentive language for the code.

Commissioner Glass said he would support having an incentive-based system under the TMP, which would be a more meaningful program. He said he would prefer to see the language more proscriptive and formula based rather than vague.

Ms. Dreaney said the recent adoption of the new impact fees and rates means the trip rates are set; they will go into effect January 1, 2010. The fees are very black and white in the way they are calculated. Given that there is little room for manipulating them, they are to a large degree proscriptive. She reiterated that the code offers opportunity for reducing the number of trips in recognition of the TMP efforts of specific developments.

Commissioner Simas noted that the Commission had previously asked what would happen if a building owner after a period of time exceeds what was determined to be the total number of trips. The answer given was that preference should be given to getting everything determined in the first place and to avoiding having to continually go back and revisit the process. He said it may not be a bad thing to allow a developer to come back a certain period of time later and show proof of having done better than expected and being allowed to seek a revision of the impact fees paid. Ms. Dreaney said that is not provided for under the current process, and suggested it would not be a practical approach. She said she was not aware of any other fees or charges associated with development that can be partially refunded at some later date.

Commissioner Simas said he realized the discussion was theoretical but noted that the fees are based on a number derived from a formula. If in fact down the road it can be shown the number was way off, the actual impact will be much less. Any refund of fees previously paid would only be deemed a correction of an inaccurate up-front estimate. Ms. Dreaney said it is very unlikely the trip generation figures will be very far off of the statistically gathered data for typical developments of the same type that have become the standard.

Commissioner Simas asked if the current standards take into account the changing landscape of how people actually get to and from work, and the fact that as light rail comes to Bellevue more commuters will elect to leave their cars at home. Ms. Dreaney said that situation was specifically addressed by the Council in their deliberations prior to adopting the impact fee schedule. The landscape in Bellevue will change as light rail comes online, but light rail is not yet here. The adopted impact fees will go into effect in phases with the first round implementation occurring in 2010. The second phase will kick in in 2013, and the third in 2016. The Council has reserved the right to revisit the fees as warranted.

Commissioner Simas asked if the Commission has the authority to review the TMP anytime it wants or only as directed by the Council. Mr. Krawczyk pointed out that the current focus was on a recommendation regarding a specific staff report, with the Commission free to recommend in whole or in part. If the recommendation were only in part, the Commission could add its own statement calling for further investigation.

Mr. Miller added that the Commission has the authority to speak to the Council or request information from staff at any time. The Commission could at any time seek from the Council permission to pursue a specific idea and develop a recommendation.

Commissioner Jokinen asked how often developers seek to reduce their impact fees through the current process. Ms. Dreaney said it has not been a common experience. Developers are generally satisfied with the impact fee program and the way trips are calculated. The TMP has not been as highlighted as it is coming to be, even though it has been in place for some time, so it has not been something developers have introduced as an option.

Councilmember Lee said the Council spent a great deal of time discussing the impact fee program given that the recommendation of staff was for a substantial increase. While the setting of the fees was the responsibility of the Council, the fees are in fact based on the TFP, which is developed by the Commission before being approved by the Council. If light rail and other actions reduce significantly the number of trips on the system, there will be fewer projects on the TFP, and that will serve to reduce the impact fees. The Council intends to reevaluate the impact fee system every couple of years until things stabilize.

Commissioner Glass said he could support approving the Transportation Development Code as presented and directing staff to bring back in the relatively near future a proposal to consider for more proscriptive incentives for the TMP. The TMP has teeth in it but few incentives for developers to exceed the minimum standards.

Chair Northey revealed her inclination to hold off approval of the Transportation Development Code to allow for a review of the minutes of the Commission meeting at which the issue of incentives was discussed. Mr. Redman noted that he had the minutes with him. There was agreement to take a short break to allow the minutes to be copied and reviewed by the Commissioners.

Following the break during which time the minutes were read by the Commissioners, Chair Northey observed that two motions had been made. The first motion was to approve the recommendation of the staff. The motion carried 5-1 with Commissioner Glass voting against. The second motion was to recommend the staff review the impact fee process in relation to the TMP and look into incentives; that motion carried unanimously.

Commissioner Simas said he did not have a clear solution set in mind and suggested that he would not be able to develop one in the short term. He allowed that he would like to see the Commission think more about it, do some additional research, and then bring the issue back to the table in the next six months to a year. The ultimate goal of reducing trips and making the city a better place is laudable, but in addition to penalties there should be incentives. He said he would be willing to go forward with the proposal and take up the issue again in the future.

Chair Northey pointed out that the motion passed at the January 22 Commission meeting gives direction to staff that the Commission wants to look at a philosophical shift relative to carrots and sticks for the TMP, specifically to include more carrots.

Mr. Miller pointed out that the changes being made to the TMP sections of the code are fairly significant and may need to be in place for a period of time to see how they will work.

Commissioner Simas suggested it would not be fair to ask staff to seek a better solution when they have done an excellent job of putting together the current proposal. The Commissioners should be the ones doing the research, and if there is to be additional discussion it should be scheduled when the research is completed. No artificial timetable should be established.

Chair Northey recommended putting the issue into a tickler file to be raised with the Commission again in about a year. She said she was not recommending that staff have a different recommendation at that time, only that the issue be brought back to the table for a determination of how it should be handled.

Motion to approve the Transportation Development Code Update BCC 14.60 as proposed was made by Commissioner Simas. Second was by Commissioner Glass and the motion carried unanimously.

Mr. Miller asked for comments on the transmittal memo. There was agreement that the Commission should verbally convey to the Council its concerns regarding balancing the regulations with incentives when the package is brought before the Council.

9. OLD BUSINESS – None
10. NEW BUSINESS – None
11. PETITIONS AND COMMUNICATIONS – None
12. APPROVAL OF MINUTES

A. April 23, 2009

Chair Northey called attention to the motion to adopt the TIP found on page 4 of the minutes and said it should be noted that she had voted against the motion.

Motion to approve the minutes as amended was made by Commissioner Glass. Second was by Commissioner Kiel and the motion carried without dissent; Commissioner Jokinen abstained from voting.

13. REVIEW CALENDAR

A. Commission Calendar and Agenda

The Commission reviewed the items scheduled for discussion at upcoming meetings.

B. Public Involvement Calendar

14. ADJOURNMENT

Chair Northey adjourned the meeting at 7:43 p.m.

Secretary to the Transportation Commission

Date

Chairperson of the Transportation Commission

Date