

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

July 24, 2013
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Tebelius, Commissioners Carlson, Ferris, Hamlin

COMMISSIONERS ABSENT: Commissioners Hilhorst, Laing

STAFF PRESENT: Paul Inghram, Department of Planning and Community Development; Catherine Drews, Carol Helland, Department of Development Services; Camron Parker, Parks and Community Services

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:42 p.m. by Chair Tebelius who presided.

2. ROLL CALL

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

3. PUBLIC COMMENT

Mr. Marty Nislek, 312 West Lake Sammamish Parkway, spoke representing Washington Sensible Shorelines Association. He said he addressed the City Council on July 22 to address several miscommunications. It had previously been reported by staff that the Department of Ecology had reviewed the Commission's draft of the Shoreline Master Program that was forwarded to the Council; in fact the Department of Ecology, without being solicited, reviewed a copy downloaded from the city's website that was a December version. The document was not, however, finalized until after the three subcommittee members worked over the holidays on perfecting key portions of the language. Back in May the statement was made that the staff had been surprised by the Department of Ecology's review, but a public records request turned up the fact that Bellevue staff was in communication with the Department of Ecology on the topic of the Shoreline Master Program prior to the May surprise. The impression left with the Council was that an unacceptable draft was reviewed by the state, and that the Commission was not able to produce a worthy draft. What is clear is that the Department of Ecology is not interested in a due and appropriate process. There has been discussion of meeting with the Department of Ecology, and if that occurs it should be done in an open meeting so people can listen to what transpires; at the very least the meeting should be recorded. He also pointed out that the restoration plan is missing from the list of outstanding items. The fact is the Commission deferred the item to the Council's discussions and deliberations and it should be on the list.

4. APPROVAL OF AGENDA

A motion to amend the agenda to move Item 5 to follow Item 8A was made by Commissioner Carlson. The motion was seconded by Commissioner Hamlin and it carried unanimously.

5. See Item 9B

6. COMMITTEE REPORTS

Commissioner Ferris said at the June 19 meeting of the Downtown Livability CAC the focus was on three of the six audit areas, with particular attention paid to what is working well and what is not. The three topics discussed were bulk and scale, the bonus amenity system, and the design guidelines. There was general discussion but following the meeting the co-chairs received quite a bit of feedback along the lines that more time is needed to discuss those important items.

Accordingly, at the July 17 meeting the group had a freeform discussion about the issue of bulk and scale, including the wedding cake approach and whether additional height should be allowed closer to I-405. Quite a few from the public regularly attend the meetings and have made it clear that the residents of the areas that border the downtown are very sensitive to allowing increases in height or density adjacent to residential neighborhoods.

Commissioner Ferris said the initial discussion regarding the bonus amenity system turned up the fact that the bonus used most often is for providing underground parking. When the amenity system was established 30 years ago the norm was surface parking, but because the land values have gone up so much underground parking is the norm and would be provided even without a bonus, so the thinking is it does not need to be incentivized. The next meeting in September will focus again on the amenity system and possibly get into the design guidelines.

Chair Tebelius reported that Kemper Freeman recently gave a presentation to the Rotary Club about his development plans. The presentation included the economics of the downtown, ~~and how to take cars off the streets.~~ She suggested the Commission would benefit from having him give the presentation to the Commission at a future meeting. There was agreement to invite Mr. Freeman to address the Commission.

7. STAFF REPORTS - None

8. PUBLIC HEARING

A. Medical Cannabis

Legal Planner Catherine Drews said the purpose of the public hearing was to introduce a draft Land Use Code amendment to allow medical cannabis collective gardens in four land use districts while prohibiting them in residential districts. She explained that the draft amendment was consistent with the Council-approved planning principles adopted in February. The topic was introduced to the Commission on May 8, and further discussion occurred on May 22. On July 15 the Council sought clarification from the Council regarding whether or not to proceed in light of the efforts of the Washington State Liquor Control Board to pass records on I-502; the Council did direct the Commission and the staff to move forward with the regulations for medical marijuana collective gardens.

The Commissioners were informed that staff took the proposed amendment to the East Bellevue Community Council on July 22. No public comments were made, though one of the Community

Councilmembers suggested the regulations are too complex to assist people in getting their medicine.

Ms. Drews said one public comment was submitted in writing regarding the location of public gardens and inquiring if they could be allowed in the Bel-Red residential land use district, but the Council has directed that no collective gardens be allowed in residential districts.

Ms. Drews explained that a new use has been added to the resources charts for non-residential districts called "Other Horticultural Specialties: Medical Cannabis Collective Gardens." Included with the entry is a footnote that points users to the applicable development performance standards and what will be the new general requirement 20.20.526. The section sets forth the submittal requirements, which include the fact that application can only be made by qualifying patients; requires a demonstration that the application satisfies the separation requirements; requires an administrative conditional use permit, a Process II permit that allows for public comment and an appeal process; imposes limitations on the number of patients, the number of plants and the processing of cannabis consistent with state law; limits ancillary uses to ten percent of the floor area devoted to cultivating medical cannabis; allows only one collective garden per tax lot; requires an operational security system; and requires the operator to execute a hold harmless agreement and release of liability agreement with the city.

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

Mr. John Worthington, 4500 SE 2nd Place, Renton, said he is currently involved in a lawsuit against the city of Kent on the principle of regulating collective gardens. He voiced concern over Bellevue thinking it has local control over medical cannabis. He said local control has not been given because too many jurisdictions simply want to disallow medical cannabis altogether. The approach Bellevue is taking is clearly against case law. State law generally trumps local laws. The notion of permitting collective gardens in industrial zones is good because the power is cheaper and security is better, but the use should not be disallowed in the Bel-Red corridor. Even if local jurisdictions move ahead with imposing regulations, there is the question of who will enforce them; the county has already said it will not do it. Medical marijuana is simply not as big an issue as it is being made out to be.

Mr. Arthur West, 120 State Street NE, #1497, Olympia, said he noted in reading through the materials that there has been some form of a SEPA document created, but publication was made through the weekly permit bulletin, which does not really qualify as a newspaper with regional distribution. The public hearing is intended to provide opportunity for the public to offer comment, but it does not seem like there is any real effective opportunity for the public to comment on the proposal. Clearly the type of regulations contained in the draft amendment will impact the quality of life of a number of people. The process is faulty. The DNS should be withdrawn in favor of actually publishing a notice so all interested parties can participate. The proper approach would be to go back to square one and start the SEPA process over again with proper notice to all interested parties.

Mr. Steve Sarich, 2735 1st Avenue South, Seattle, said he serves as the executive director of the Cannabis Action Coalition, the largest patient organization in the state. He said the organization has to date sued the cities of Renton and Bellingham. Apparently the cities are not getting the message that they are breaking the law. The cities want cannabis users to follow the law, but cannabis users would like the cities to follow the law as well. There appears to be no interest at

the state level of sitting down with patients and working out reasonable regulations. Attempts by local jurisdictions to preempt state law are illegal. Kent has spent hundreds of thousands of dollars fighting the lawsuit and is losing. If someone were to open a collective garden in Bellevue tomorrow, it is questionable how the use could be stopped; the injunction approach implemented by Kent was thrown out by the Supreme Court. Everyone should just sit down together and try to work out a solution that is legal.

Commissioner Carlson asked where the proposed amendment runs afoul of state law. Mr. Sarich said the fact is local jurisdictions do not have any right to control collective gardens. Clearly Bellevue wants to do the right thing, but it must be done at the state level. Regulations under I-502 are legal, but clearly I-502 will ultimately fail. The Cannabis Action Coalition is currently at work on a new medical cannabis law to be put forward in January. It will call for licensed dispensaries operating as regulated storefronts and licensed grow operations. Collective gardens was never the plan for the organization; it is not necessarily the best way to handle the issue.

Chair Tebelius pointed out that the proposed amendment is not a moratorium. Mr. Sarich agreed but said the city does not have the authority under state law to impose the regulations outlined in the amendment. Under state law, a homeowner in Bellevue can choose to grow marijuana in their home and call it a collective garden, and the city has no jurisdiction over the use.

Ms. Stephanie Viscovitch, 17520 88th Avenue NE, noted her association with the Cannabis Action Coalition and said she has assisted numerous patients under the collective garden model under RCW 69.51a. She said she has many patients who reside in Bellevue who need access to medical marijuana. She encouraged the Commission not to limit collective gardens to only four zones in the city, which could make it difficult for some patients to obtain what they need. With regard to the permits required for home collective garden grows, she said they are excessive and unnecessary. Most patients operating under RCW 69.51a are fairly well versed in the rules and regulations; they get the information from their doctors and it is printed on the recommendation they have at their home.

Mr. Kurt Boehl, 8420 Dayton Avenue North, Seattle, said he is an attorney representing a number of medical cannabis businesses. He said he has worked with the cities of Issaquah, Seattle and Shoreline, and is currently working with Snohomish County, in drafting regulations for medical cannabis. He said it is his position that cities and counties have the inherent authority to regulate commercial businesses within their jurisdictions. He said he did not, however, necessarily agree with the proposed regulations. His client Green Tree Medical has a location on Main Street in the Downtown-MU district and is currently working through the process with the city to become permitted. With I-502 coming, however, all of the efforts may be moot. The medical cannabis businesses and operations likely will ultimately be folded into I-502 operations. That will result in a highly regulated industry local jurisdictions will feel more comfortable with regulating and allowing. The Commission should turn its focus to what I-502 will look like with state-licensed and regulated stores. I-502 is restrictive with regard to prohibiting uses in certain zones. If a thousand foot buffer were to be imposed around the protected areas, there would be very few locations in the city of Bellevue that would allow for such businesses, and even fewer commercial property owners who would allow the use on their properties. One approach the city could take to avoid the proliferation of medical marijuana storefronts in the downtown would be to allow the use in the Downtown-MU district but to create a buffer zone that would essentially only allow one such use in the downtown. There are patients in the downtown who need medical cannabis. The steps being taken by the city are not superfluous and is preferable to simply imposing a rolling moratorium.

Mr. John Novak, 17426 44th Avenue NE, Lake Forest Park, noted that Lake Forest Park recently enacted a permanent ban on collective gardens. He said he was party to a court case in 2010 in Okanagan County during the time the legislature was working on new laws. The case involved three individual medical marijuana patients growing for themselves, and one additional person for whom the marijuana was being grown. Under the current law, the grow operation conducted by the three persons living in the home would constitute a collective garden but not a commercial storefront. Even if only two patients share resources in order to grow their own medication, the result is a collective garden. The approach proposed by Bellevue would mean patients will need to grow for themselves only or become a designated provider. If a second or third patient lives in the same home, there is some question as to whether or not their individual gardens would need to be separated. That needs to be taken into consideration in deciding whether or not medical cannabis can be grown in residential areas.

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

5. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCIL, BOARDS AND COMMITTEES – See Item 9B

9. STUDY SESSION

A. Medical Cannabis

Land Use Director Carol Helland said the issue of preemption of local zoning has been thoroughly vetted by the city's legal department. Interim regulations have been adopted and as such there is no preemption under either the medical cannabis law or the recreational marijuana law. The proposal does not prohibit medical marijuana or the use of recreational marijuana in the city; there is no such prohibition currently on the books, nor will there be one in line with direction given by the City Council.

On the issue that local jurisdictions have no right to impose zoning restrictions on the use of medical marijuana, Ms. Helland said it is clear that local jurisdictions do in fact have that authority where the use of marijuana is not being prohibited. The proposed action will implement local zoning regulations, which the city has the authority to do. Land use districts are identified by the draft regulations in which the range of uses are compatible, and performance standards are contemplated to clarify what can be done related to the various different uses of production, processing and retailing.

Commissioner Carlson asked Ms. Helland to comment on the claim of Mr. Sarich that state law trumps local law, and that there is less leeway in zoning, regulating and restricting collective gardens than would otherwise be the case. Ms. Helland said the claim made by Mr. Sarich is inaccurate and overly broad. Bellevue zones for a variety of uses within its boundaries, as all jurisdictions do. Such actions are always taken within the scope of the law, and they always involve a review by the city attorney's office to ensure no constitutional or preemptive bounds are crossed.

Ms. Helland reiterated that there is no moratorium in place in Bellevue. The action previously taken by the Council was to adopt interim regulations and to readopt them on a six-month basis.

The interim regulations do not prohibit medical cannabis; they simply limit the zones in which the operations can occur. The current code does not permit the siting of a medical cannabis collective garden at the location identified by Mr. Boehl in the Downtown-MU district; he has come forward with a request to consider the use compatible with that district.

Commissioner Hamlin asked what the Council's discussion entailed at the time the decision was made about which districts should permit the use. Deputy Mayor Robertson said the interim zoning regulations were put in place some 18 months ago. The confusion regarding whether or not a moratorium is in place stems from the fact that putting an interim ordinance in place uses the same process used to adopt a moratorium. The zones listed in the interim ordinance – Bel-Red/Medical Office, General Commercial and Light Industrial – were deemed by the Council to be the most appropriate, at least as a starting place. The Council expressed a desire not to see collective gardens allowed in residential areas because of the impacts they carry with them in the form of smell, security and power needs. The only public feedback received at the time was from Mr. Boehl who testified that the interim zones were a good place to start but that better sign regulations were needed.

Answering a question asked by Commissioner Carlson, Ms. Helland said the definition given in the Medical Cannabis Act describes collective gardens as meaning qualifying patients who are sharing the responsibility for growing medical cannabis. Individuals growing cannabis in their own homes for their own use is not regulated under the applicability sections of the proposed ordinance consistent with state law.

Deputy Mayor Robertson commented that a dispensary has an access point that serves several patients, though the number is supposed to be limited. What often happens is that people will buy a membership on their way in and resign their membership on the way out, thus the dispensary never has more than the permitted number of patients. Issaquah, Seattle and Shoreline all allow dispensaries. Collective gardens are allowed under state law, but Governor Gregoire specifically vetoed the dispensary provisions.

I-502 came to the ballot after the Council adopted the interim zoning regulations. The Council simply kept the interim regulations in place by renewing them every six months, which is allowed under the Growth Management Act, while waiting to see what would happen with I-502 which ultimately was approved by 59 percent of the voters in Bellevue and a majority of voters in the state. Subsequently the hope was that the state legislature would act to harmonize the Medical Marijuana Act with I-502, but to date they have not accomplished that. The Council will soon take up the issue of recreational marijuana which under I-502 includes growers, processors and retailers, all of which is far different from the medical marijuana issue. The Council wants the Commission to move forward with the draft Land Use Code amendment given that zoning regulations are appropriate and the city has the power to enact them. The Council has a study session scheduled for September 3 and intends to adopt interim zoning regulations on September 9 prior to the issuance of any licenses by the state.

Commissioner Ferris noted that the medical marijuana issue did not come to the Commission until after I-502 passed. The Commission's initial response was to continue along under the interim ordinance and wait for I-502 to catch up, but the Council directed otherwise. However, the Commission's next meeting is not until September 11, which is after the Council intends to adopt interim regulations. Ms. Drews explained that the staff would be preparing an interim zoning ordinance for the Council to consider at its September 3 study session.

Ms. Helland said the Washington State Liquor Control Board has come out with draft rules that have a pending deadline beyond which the window of opportunity will be opened on September for individuals to obtain licenses. The intent of the Council is to have an interim ordinance in place, with controls tailored to the recreational use of marijuana context, prior to the opening of the window so people will be able to know where the uses will be allowed in Bellevue.

Chair Tebelius explained that under the state rules, anyone submitting an application to the state must indicate clearly where they the jurisdiction where they will be doing business. are going to operate, but they cannot know where they will However, such business will not be able to operate- open their business until such time as the city by-ordinance says. That is the reason the Council has directed the Commission and the staff to proceed expeditiously. By the Commission's September 11 meeting, interim controls will be in place, and the Commission will proceed with developing permanent regulations.

Commissioner Carlson asked if I-502 makes any part of the Medical Cannabis Act obsolete or null and void. Ms. Drews said it does not and explained that I-502 specifically does not address medical cannabis. Ms. Helland added that there is a practical difference between the two stemming from the tax structure imposed on the two sides. As a result, a conflict exists and people will likely try to be in the medical cannabis bucket to the extent they can because the taxing will be more favorable for them.

Addressing an issue raised during the public hearing, Ms. Helland noted that the proposed code amendment received the same notice all of the city's proposed code amendments receive. The weekly permit bulletin information is included in the notice section of the newspaper. She also said staff are also engaged in an exercise of mapping zones where it would be appropriate to locate growers, processors and retail establishments for recreational marijuana. The range of different types of uses will all have zones in which they will be compatible, and that is what the staff are working to map in order to assure the uses will not be functionally prohibited. The interim ordinance will tailor an approach that will attempt to slot the recreational marijuana use as closely as possible to other uses already in place in the code.

Commissioner Carlson said it was his understanding that the Council was clear about not supporting any kind of outdoor grow operations. Ms. Helland said that is indeed the position of the Council. In addition to defining where the use is permitted, the performance standards are specific with regard to saying grow operations must be housed indoors. A size limitation will likely also be imposed given the 100-plant limitation.

Commissioner Ferris called attention to paragraph 1 under the general requirements section on page 4 of the proposed amendment and asked if Light Industrial should be called out along with the General, Bel-Red and Medical Institution land use charts. Ms. Drews said there are charts in three places. The General land use charts, the Bel-Red charts, and a small chart in the Medical Institution district. The paragraph refers to those three charts in which Light Industrial is a component rather than a chart of its own. Commissioner Ferris commented that people looking at the document will be thinking about where the use is allowed and may not think specifically about which chart to look in. It would be clearer to indicate that the use is in fact allowed in four land use districts, and those districts should be spelled out up front.

Commissioner Ferris reiterated his position that the collective garden use should not be allowed in the Medical Institution. While it would seem on the face to be appropriate, the fact is there are very few areas for medical in the city and allowing the use could prove to be a competing interest

for the land. Ms. Helland pointed out that the city has a healthy medical retail which is a bit different from medical office. Often medical office structures are designed to be just that and would not translate well to other uses, but there are a lot of smaller spaces, especially in the Medical Institution to the north of NE 12th Street, where there are remainder properties that could potentially benefit in the interim from allowing collective gardens in them.

Chair Tebelius agreed the use should be kept out of the Medical Institution district for the reasons offered by Commissioner Ferris.

Answering a question asked by Commissioner Ferris, Ms. Drews said the Medical Cannabis Act Commissioner Ferris noted that under the proposal, grow operations would be limited to 45 plants, must be indoors, must provide security, and is limited to one operation per tax parcel. He said if a marijuana plant needs three square feet, 45 plants would require 135 square feet. If ten percent of the space can be used for distribution, that would amount to only 13.5 square feet. Given such a small amount of space and the limit of one per tax parcel, the result could be operations in very small structures scattered all over the place, making it very difficult to monitor them. He suggested that eliminating the restriction on the number of operations per tax parcel would make it possible for a number of collective gardens in a single warehouse, and that would be better from the standpoint of enforcement, security and power.

Chair Tebelius ~~argued that~~ wondered whether allowing several collective gardens in a single building could run afoul of the federal regulations. Ms. Helland said 100 plants seems to be the felony limit under the federal sentencing guidelines. In conducting research, staff asked a grower approximately how much space would be needed to grow 100 plants and the answer given was 10,000 square feet. Given that multiplier, 45 plans would require some 4500 square feet. It can be assumed that 10,000 square feet is about the maximum size building in which someone under the recreational marijuana rubric can break even with regard to a return on investment.

With regard to enforcement, Ms. Helland pointed out that all of the city's Land Use Code provisions are enforced by code compliance officers. To the extent people are breaking the law with respect to growing plants, the code compliance officers would be engaged in ensuring that the conditions on the required Administrative Conditional Use are met. If a code compliance officer were to find an operation growing more than 45 plants, it would become a law enforcement issue under state law.

Commissioner Hamlin said the limit of one collective garden per tax parcel make sense from an enforcement standpoint. Ms. Drews said the requirement is in line with the direction from Council not to allow commercial enterprises, which aggregating gardens in a single facility would do.

Commissioner Hamlin voiced his support for allowing collective gardens in the Medical Institution district. The market will ultimately determine the best use for buildings in the district, and the medical profession will not have any problem with having a small collective garden in the zone. Ms. Drews confirmed that as proposed medical cannabis collective gardens would be allowed in the Light Industrial, General Commercial, Bel-Red/General Commercial, and Medical Institution land use zones.

Commissioner Ferris pointed out that there are two districts within the Medical Institution zone: Medical Institution/Hospital Center and Medical Institution/Medical Office. As drafted,

collective gardens would be allowed in both districts. Ms. Helland confirmed that both districts are included in the general reference to the Medical Institution zone. She also commented that for the sake of consistency the use should be included in the Bel-Red/Medical Office district.

Answering a question asked by Commissioner Carlson, Ms. Helland said the Bel-Red/General Commercial district roughly follows NE 20th Street from 124th Avenue NE east, though there is also some Bellevue/General Commercial on the south side of Lake Bellevue.

Commissioner Ferris said if he were to make a motion it would be to recommend adoption of the draft medical cannabis collective garden Land Use Code amendments as presented in Attachment A, except that the Medical Institution zone should not be included, and that each of the individual land use areas be specifically identified as the allowed land use areas.

Commissioner Carlson asked why collective gardens should be permitted to locate in the Bel-Red corridor. Ms. Helland said there are general Land Use Code charts that apply citywide, but some areas, including Bel-Red, have had very specific overlays adopted. As a result, the Bel-Red/General Commercial is no different from citywide General Commercial, it is just in a different land use chart.

Chair Tebelius asked if collective gardens could be allowed in General Commercial without being allowed in Bel-Red/General Commercial. Ms. Helland said the result would be somewhat odd. The uses allowed in the Bel-Red/General Commercial are almost identical to the citywide General Commercial and it would be somewhat strange to conclude it is compatible in one location and not in another just because two land use charts apply.

Ms. Helland allowed that the land zoned Medical Institution is utilized primarily by the hospitals. She said it might make sense to allow collective gardens in the Bel-Red/Medical Office zone. Commissioner Hamlin said he would be open to that option.

Chair Tebelius asked if allowing collective gardens only in the Light Industrial and the citywide General Commercial zones would be sufficient. Ms. Helland reiterated that the approach would run up against a differentiation problem in trying to explain why the use would be allowed in General Commercial citywide but not in General Commercial in Bel-Red when the two zones are intended to be the same. Additionally, including Bel-Red/General Commercial would increase the amount of available land substantially, and because of the conditions of the buildings in the Bel-Red corridor they would be more likely to be converted to the use as an interim zoning use.

A motion to recommend to the Bellevue City Council adoption of the draft medical cannabis collective garden Land Use Code amendments as presented in Attachment A, except that the Medical Institution zone should not be included, and that each of the individual land use areas be specifically identified as the allowed land use areas, was made by Commissioner Ferris. The motion was seconded by Commissioner Hamlin.

Ms. Helland explained that the effect of the proposal introduced by Commissioner Ferris would be to effectively delete the proposed amendments to 20.25J.

Commissioner Hamlin said his personal view was that the Medical Institution should be included, but said it was not enough land area to be concerned about. He supported including the Bel-Red/General Commercial zone along with the citywide General Commercial.

Commissioner Carlson agreed that the tight concentration of land in the Medical Institution district is a good reason not to include the district.

Chair Tebelius said she remains very concerned about the collective gardens use, but she said because the state has directed the use to be allowed she would support the motion.

The motion carried unanimously.

Ms. Drews said the next step for the medical cannabis issue would be the drafting of a transmittal memo for review by the Chair. She noted that will be on a different timeline from the interim ordinance that must be adopted by November 7.

With regard to the recreational marijuana issue, Ms. Helland said the proposal of staff was to batch the uses consistent with how agriculture, agricultural processing and retailing are addressed.

Commissioner Hamlin said he was fully supportive of taking that approach and the other Commissioners concurred.

B. Shoreline Master Program

Deputy Mayor Robertson said almost simultaneous to the Commission's delivery of the recommended Shoreline Master Program, the Council received from the Department of Ecology an unsolicited analysis. At the time it was submitted the Council was unaware that the review had been conducted on the wrong plan; that fact that pointed out by Mr. Nislek on July 22. The Council concluded, however, that things should be moved forward on the fastest track, which means the Commission should get started on the consistency amendments and the staff should get started on the cumulative impact analysis. One Councilmember voiced concern about the fact that there is no light rail provision in the Shoreline Master Program.

Answering a question asked by Chair Tebelius, Deputy Mayor Robertson said the Council did not give direction to include light rail in the package but did agree regulations will need to be in place ahead of Sound Transit coming for permits for the light rail line.

Deputy Mayor Robertson said the Council directed staff to sit down with the Department of Ecology, not to negotiate, but to walk through the draft together to better understand the

concerns of the state and to explain the draft to the state. Staff was further directed to keep both the Commission and the Council informed about the discussion.

Commissioner Carlson asked if it would help to have someone from the Department of Ecology address the Commission and outline their concerns and then allow the Commission to respond to their concerns. Ms. Helland said she could ask the Department of Ecology for a response to that request. Deputy Mayor Robertson said the conversation might be useful. However, it would probably be better to wait until all the pieces are together, including the cumulative impacts analysis and the consistency amendments.

Chair Tebelius said she would be willing to wait but did not want the Department of Ecology to make decisions on ~~be set against~~ the Shoreline Master Program before all the pieces are ~~brought~~ put together.

Commissioner Ferris said he read through the entire list from the Department of Ecology and suggested that 75 percent of the concerns are format or technical in nature. It may require reformatting the document to match what the state wants to see, but that will not affect the content. Of the remaining 25 percent, there are some non-residential exceptions the state has taken around which the Commission likely will have fewer concerns. He noted that in working through the residential issues the Commission paid careful attention to what other cities proposed, and particularly to the plans that had been adopted. The Commission deviated from what had been approved for other jurisdictions only for three or four items. Native vegetation versus green area is one example. The Department of Ecology is on record as opposing any deviations that cannot be proved with solid science, and possibly some city resources should be put into showing how the deviations that are in the draft will not result in a net loss of ecological function.

Chair Tebelius commented that the Commission's draft pegs the ordinary high water mark to a specific elevation. That approach was approved by the state for Sammamish, Mercer Island, and other jurisdictions. The state should therefore have no reason to object to the same approach in Bellevue, though the issue is raised in the letter from the Department of Ecology.

Commissioner Ferris observed that the Bellevue draft also allows for the full replacement of currently existing bulkheads, whereas the state would prefer to see such structures replaced over time with structures that are more laid back, so they have taken exception to that element as well. Chair Tebelius stated that allowing full replacement will not result in a net loss of ecological function given that the threshold for measuring such loss is from now on.

Ms. Helland said it is not the intent of staff to negotiate with the Department of Ecology, rather the focus will be on narrowing the range of issues on the list. City staff will also need to take time to educate state staff regarding the format and orientation of the document. Schedules have been revised to free up some time for staff to work just on the policy changes and code amendments, all of which must be accomplished before the cumulative impacts work can be

done. Staff is hoping to have the meeting with the Department of Ecology before the end of August. Chair Tebelius suggested that if necessary the Commission could start meeting three times per month. Ms. Helland said the Council wants to see the Commission's work program for the rest of the year.

Deputy Mayor Robertson said the Council also recommended bringing on a specialist, probably a shoreline attorney, to provide advice on moving forward. Because the city does so many programmatic things, it is almost inconceivable that the cumulative impact analysis will fail to show no net loss. Chair Tebelius agreed and said the water in the lakes is cleaner now than it was in the 1960s because of the city's proactive stance.

Commissioner Ferris asked if the work The Watershed Company, the group hired to conduct the cumulative impact analysis, has left to do is empirical as opposed to subjective. He added that at one time The Watershed Company advertised to lakefront property owners help with the permitting process, but in testimony some have seen it as a bit disingenuous that they would advise the city on the creation of regulations and then turn around and ask property owners to hire them to help weave through the web of those very regulations. At the very least there was the perception of a conflict. Ms. Helland commented that The Watershed Company attended the Commission meetings early in the process to assist in the science briefings that served as the foundational information. In 2008 and 2009 they were under contract with the city to gather scientific data. In 2010 when the Commission's work kicked in, The Watershed Company presented information about their work and the topic of no net loss as part of the science panel. The company did not participate in the work to draft the code language; that work was done by the Commission and the staff. The cumulative impact analysis they will ultimately conduct will be on a package they did not help draft. Anyone who opts to have The Watershed Company assist them in obtaining permits will do so because of their track record, not because they wrote the codes that dictate the permitting process.

Mr. Inghram said the Commission's work schedule could be discussed in full at the annual retreat. He said the September dates originally considered have conflicts and suggested October 2 or October 9. Chair Tebelius proposed scheduling the retreat for October 2 and then holding the regular meetings on October 9 and October 23. Her suggestion was accepted by the Commissioners. Mr. Inghram said only the two regular meeting dates will be needed in September. He added that the Council will have the Shoreline Master Program on its September 9 agenda, and their comments will fuel the Commission's discussion on October 2.

There was agreement to move Item 9D ahead of Item 9C on the agenda to accommodate staff.

D. Comprehensive Plan Update

Senior Planner Camron Parker said there are three main drivers the parks department works with in dealing with policies for parks, open space and recreation. The first is the Growth Management Act and incorporating citywide policies into the overall Comprehensive Plan.

Second, the Department of Parks and Community Services is accredited by a national agency and they have a series of standards that must be met in order to retain accreditation. Third, the Recreation Conservation Office, a Washington state granting agency, includes in its guidelines a comprehensive planning element. All of the elements of the Comprehensive Plan are made up of both goals and policies. The goals for parks, open space and recreation have consistently proven to be of high value for Bellevue residents for several decades. There are some 2500 acres in the Bellevue park system, of which 70 percent is undeveloped open space and the balance is developed as park space and sports fields.

Parks and Community Services as a department offers a broad range of services. In addition to recreational facilities, the department is in charge of cultural resources within the parks, historical properties, and community services programming.

Mr. Parker said there are a set of policies under each goal in the Parks Element divided into three groups: parks and open space acquisition; park development, redevelopment and renovation; and community services and programs. As the park system ages over time and as Bellevue continues to develop, things like redevelopment and renovation become more important. The city's acquisition strategies have changed over time given that the days of finding large tracts of land are over; the focus has changed to smaller neighborhood-scale parkland. There are also policies sprinkled throughout other elements of the Comprehensive Plan that relate to either parks or community services.

The Parks and Open Space System Plan is updated about every seven years and was last updated in 2010. The Recreation Program Plan is updated about every five years. The bedrock policies upon which those plans rest, however, have not changed in a long time and still provide overall direction for the department's programs and services. As the functional plans are updated, the information is fed into the Comprehensive Plan update.

An in-depth statistical reliable survey of Bellevue residents is conducted about every six years with a focus on how the respondents use the park system. Included in the survey are questions about priorities for the future of the park system. The most recent survey was conducted in 2009 and the respondents must be at least 18 years old. According to the survey, the types of facilities that get the highest use are trails, open areas for unstructured play, beach and waterfront parks, and playgrounds. The survey included a question about users under the age of 18, and while the same facilities rose to the top, the frequency of use was much higher, a good indication that Bellevue's parks are well used by its youth. The answers given to questions about what parks facilities people would like to see in the future highlighted facilities that people most frequently use.

Mr. Parker said the respondents were asked if in the next ten years city investment should be focused more on acquiring new parkland and natural areas or on developing and improving current parks. Their answers were almost exactly split between the two options.

Mr. Inghram said it is interesting in a city that is close to being fully built out people would say they want the city to acquire more parkland. Commissioner Hamlin said the responses can be interpreted to mean people do not think there are park facilities close enough to where they live. Mr. Parker said proximity to park facilities is an area the department is moving toward in developing levels of service for the park system. Traditionally the focus has been on acres of parkland per resident, but that does not address the proximity issue at all. The current level of service methodology was implemented in 2010 and calculates the number of park and trail entrances within a half-mile walking distance of every house in the city.

Mr. Parker said the Comprehensive Plan has a series of maps with long-range project recommendations, and those maps will be updated as part of the Comprehensive Plan work. One part of the work will focus on the Bel-Red area where, aside from the Highland Community Center, there are few park facilities. The subarea plan adopted for the corridor has a park and trail system included in it, and those various projects will be captured in the update. The large segment of the Burlington Northern/Sante Fe rail corridor that passes through Bellevue is the focus of current planning work, and the Comprehensive Plan will need to indicate where things are headed for that corridor.

Areas recently annexed by the city are being reviewed to determine the level of infrastructure in terms of parks and trails. The new Bellevue residents generally do not have the same access to park facilities other Bellevue residents have and steps will need to be taken to bring their areas up to par.

Capacity is being added to the Hidden Valley sports park in partnership with the Bellevue Boys and Girls Club, and in partnership with the Botanical Garden Society buildings are being added to the Botanical Garden. The Inspiration Playground in Downtown Park is being developed in partnership with the Bellevue Rotary Club. All of the work being carried out through partnerships will need to be reflected in the update.

Mr. Parker said the next step will continue with conducting additional stakeholder reviews to get feedback and opinions regarding the details in the element itself.

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

C. Bellevue's Best Ideas

Mr. Inghram said the Bellevue's Best Ideas campaign was both fun and interesting to process. It was a new thing for the city to use social media in an attempt to meet outreach objectives. The approach is not intended to replace the more traditional outreach efforts the city undertakes but rather an additional method for reaching out to a wider audience.

Mr. Inghram shared with the Commissioners photos of staff conducting outreach efforts in various locations in the community, including in Downtown Park and at the Microsoft store in Bellevue Square. He said in all 126 ideas were submitted, along with 164 comments on ideas and 1770 votes from 346 different users. Most of the interest was registered in the mobility, economic development and quality neighborhoods categories. Strong support was shown for a performance arts center; it showed up both in the arts and culture and the economic development categories. Interestingly, the need for a downtown children's museum and a history museum/heritage center was highlighted. International festivals, space for a town hall speakers forum, hosting Shakespeare in Downtown Park, moving the farmers market to the downtown core and conducting outdoor concerts were all mentioned.

Community health was one of the categories, and the ideas submitted that fit into it included ensuring crucial early intervention for children; a project to increase gratitude and happiness; and not allowing public smoking anywhere in the city.

Under the diverse community category, the topics highlighted included bringing the Seattle International Film Festival to Bellevue theaters; more indoor shopping centers; adding themes to pocket parks; and conducting an annual City Hall 5k/10k race to raise funds for things like new bike lanes, raising awareness of health and fitness, and a new dog park near the Meydenbauer area.

Several ideas were proposed relating to high-speed internet access under the economic development category. Other ideas in the category included the fact that the arts make good business; focusing on and encouraging small businesses; revitalizing the Newport Hills Shopping Center; and allowing food truck stands.

The ideas submitted under the environmental stewardship category included promoting water conservation and rain collection systems; offering environmental classes; banning plastic bags; starting a seed library bank; and focusing on tree habitat.

In the housing category some support was given to Newport Hills senior housing; the need for a balance of housing types and affordability; and equal opportunity housing.

The improved mobility category generated a lot of different ideas. At the top of the list was alternative transportation options, followed closely by the notion of preserving cars as the primary transportation method for most people. The need to accommodate different types of bike riders was also brought to light, along with improving pedestrian access, adding benches and places to sit, and building a lid over I-405.

One of the top ideas under the parks and recreation category was improving the Burlington Northern/Sante Fe trail for recreational use. The concept of making Bellevue parks smoke free was submitted, as was the need for a senior center in the downtown, an off-leash dog park, a year-round ice rink, a soap box derby, and a soccer tournament.

The ideas in the partnerships and collaboration category included limiting gates and fences in neighborhoods to encourage people to walk more; the need for making intergenerational connections; and more public parking.

Mr. Inghram shared with the Commissioners that on the last day of the campaign two boys aged 11 years who live in Enatai submitted the idea that bike lanes are needed on 108th Avenue SE leading up to the library and the downtown. Their submittal was very artistic.

E. Light Rail Station Naming

Mr. Inghram alerted the Commission to the fact that Sound Transit has been doing some outreach on station naming. Names like 130th and East Main Street are not overly descriptive, and in Sound Transit's outreach efforts they provided some possible names for people to vote on, and also provided the opportunity to write in suggestions. The following names were offered by Sound Transit and by local residents for each station:

South Bellevue: *South Bellevue, Enatai, Mercer Slough Natural Park, Bellevue Gateway, Blueberry Farm, Mercer Slough, Winters House*

East Main: *Surrey Downs, East Main, 112th Avenue SE and Main, 112th Avenue SE, Main Street*

Bellevue Transit Center: *Downtown Bellevue, Bellevue Transit Center, Bellevue Civic Center, NE 6th Street, Bellevue Pedestrian Corridor*

Hospital: *Lake Bellevue, Midlakes, NE 8th Street, Sturtevant Creek, Wilburton, Hospital*

120th: *Kelsey Creek, 120th Avenue, Spring District, Bel-Red, Japanese Vegetable Farm, Spring Station, 120th/Spring District, Clancy, Overlake*

130th: *130th, Goff Creek, Goff Creek/130th, Creek District, 130th Avenue, Bridle Trails, Dempsey, Wilburton*

Chair Tebelius said she heard from Commissioner Laing that there was the strong support for naming opinion that the South Bellevue station should be named as South Bellevue Station.

Commissioner Hamlin voiced support for using the neighborhood names for the stations, which would be *South Bellevue, Surrey Downs, Downtown Bellevue, Wilburton, 120th/Bel-Red, and 130th/Bel-Red*. He said he could support *Midlakes* as the name for the hospital station but would prefer *Wilburton*.

Commissioner Carlson said he would recommend against utilizing historic names in favor of a combination of street and neighborhood or destination, such as *120th/Bel-Red* and *NE 8th/hospital*.

Mr. Inghram said the Sound Transit board will ultimately pick the names. The City Council likely will submit an official recommendation to the board. There was agreement to forward to the Council a memo from the Commission indicating the Commission's naming preferences.

10. OTHER BUSINESS

A. Retreat Planning and Fall Schedule

11. PUBLIC COMMENT - None

12. APPROVAL OF MINUTES

A. May 22, 2013

B. June 12, 2013

C. June 26, 2013

There was consensus to defer approving the minutes until the next Commission meeting.

13. NEXT PLANNING COMMISSION MEETING

A. September 11

14. ADJOURN

A motion to adjourn was made by Commissioner Hamlin and was seconded by Commissioner Carlson. Chair Tebelius adjourned the meeting at 10:20 p.m.



Paul Inghram
Staff to the Planning Commission

1/22/2014
Date



Diane Tebelius
Chair of the Planning Commission

1/22/2014
Date

* Approved and corrected December 11, 2013

