



Bellevue Planning Commission

Wednesday, December 11, 2013

6:30 to 10:00 p.m. ▪ Council Conference Room 1E-113

Bellevue City Hall ▪ 450 110th Ave. NE ▪ Bellevue, WA 98004

Agenda

6:30 p.m.

1. **Call to Order**
Chair Tebelius

2. **Roll Call**

3. **Speakers Event – Economic Growth & Development**

Pg. 1

A panel of invited speakers will share their thoughts on economic growth and development, including the BelRed area and the Puget Sound Region. This presentation is intended to help provide context as part of the update to the city's Comprehensive Plan. It follows previous speakers on Downtown and Eastgate areas.

Jon Talton, Seattle Times Economics Columnist

Greg Johnson, President, Wright Runstad Company

8:00 p.m.

*** Break ***

4. **Approval of Agenda**

8:10 p.m.

5. **Public Comment***

Limited to 5 minutes per person or 3 minutes if a public hearing has been held on your topic

6. **Communications from City Council, Community Council, Boards and Commissions**

7. **Committee Reports**

8. **Staff Reports**

Paul Inghram, Comprehensive Planning Manager

8:20 p.m.

9. **Public Hearing**

A. Shoreline Master Program Conformance Amendments

Hear public testimony

Carol Helland and Mike Bergstrom, DSD

- | | |
|------------|--|
| 8:45 p.m. | <p>10. Study Session</p> <p>A. Shoreline Master Program Conformance Amendments Pg. 3
 <i>Deliberate and make a recommendation</i>
 <i>Carol Helland and Mike Bergstrom, DSD</i></p> |
| 9:15 p.m. | <p>B. Comprehensive Plan Update – Housing and Human Services Pg. 59
 <i>Continue review of the update to the Comprehensive Plan, with discussion of housing and human services. Paul Inghram and Janet Lewine, PCD</i>
 <i>Camron Parker and Emily Leslie, Parks & Community Services</i>
 <i>Michael Yantis, Human Services Commission</i></p> <p>C. Comprehensive Plan Update – Urban Design Policy Pg. 77
 <i>Discussion of urban design issues</i>
 <i>Paul Inghram and Scott MacDonald, PCD</i></p> |
| 10:15 p.m. | <p>11. Other Business</p> <p>12. Public Comment* - <i>Limited to 3 minutes per person</i></p> <p>13. Minutes</p> <ul style="list-style-type: none"> a. Minutes for July 10, 2013 b. Minutes for July 24, 2013 c. Minutes for September 11, 2013 d. Minutes for September 25, 2013 e. Minutes for October 9, 2013 f. Minutes for October 23, 2013 g. Minutes for October 30, 2013 <p>14. Next Planning Commission Meeting – January 8 @ Crossroads Community Center</p> <ul style="list-style-type: none"> • Speakers on neighborhood centers and community gathering • Comprehensive Plan Update • Subarea Plan boundaries • Eastgate area plan |
| 10:30 p.m. | <p>15. Adjourn</p> |

Agenda times are approximate

Planning Commission members

Diane Tebelius, Chair	Jay Hamlin
Aaron Laing, Vice Chair	Michelle Hilhorst
Hal Ferris	John deVadoss
John Carlson	

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. Assistance for the hearing impaired: dial 711 (TR).



MEMORANDUM

DATE: December 5, 2013

TO: Chair Tebelius and Members of the Planning Commission

FROM: Paul Inghram, AICP, Comprehensive Planning Manager
Planning and Community Development
pingham@bellevuewa.gov, 425-452-4070

SUBJECT: Speakers Event – Economic Development and Future Growth

A panel of invited speakers will share their perspectives on economic growth and future development, looking at Bellevue's place in the region as well as specific development planned for the BelRed area. This presentation continues a series that is intended to help provide valuable context for the update of the city's Comprehensive Plan. Previous speaking panels address the history and future of Downtown and Eastgate. Upcoming speakers sessions are planned regarding neighborhood centers and community gathering; culture and diversity; and community health.

Tonight's speakers panel includes the Seattle Time's economic columnist, Jon Talton, and the president of the Wright Runstad Co., Greg Johnson. They will share their individual perspectives on economic development. As part of the Comprehensive Plan update, this event is intended to gain a better understanding of global and regional economic issues that affect Bellevue, to hear about past development projects in Bellevue, and to provide an opportunity to see plans that aim to dramatically transform a part of the BelRed corridor.

In addition to writing for the Seattle Times, Jon Talton also writes a regular blog for the Reynolds Center for Business Journalism at Arizona State University, is editor and publisher of the website Rogue Columnist (www.roguecolumnist.com), and is the author of ten novels.

For 30 years Jon has covered business and finance, specializing in banking, urban economies, energy, real estate and economics and public policy. Jon has been a columnist for the Arizona Republic, Charlotte Observer and Rocky Mountain News, and his columns have appeared in newspapers throughout North America on the New York Times News Service and other news services. Jon served as business editor for several newspapers, including the Dayton Daily News, Rocky Mountain News, Cincinnati Enquirer and Charlotte Observer. At Dayton, he was part of a team that was a finalist for the Pulitzer Prize in Public Service, for the nation's first computer-assisted report on worker safety. In Charlotte, the Society of American Business Editors and Writers honored the business section as one of the nation's best.

Among the stories he has covered are the landmark Texaco-Pennzoil trial; the troubles of General Motors and the American auto industry; the big bank mergers of the '90s, America's downtown renaissance, the collapse of Washington Mutual and the Great Recession. He was a Knight Western Fellow in Journalism at the University of Southern California and a community fellow at the Morrison Institute at Arizona State University.

Before journalism, he worked four years as an ambulance medic in the inner city of Phoenix. He also was an instructor in theater at Southeastern Oklahoma State University. He was educated at Arizona State University and Miami University of Ohio.

Greg Johnson is the President of Wright Runstad & Company. Based in Seattle, Washington, Wright Runstad & Company develops, acquires, manages and leases high-quality commercial office buildings and mixed-use properties throughout the Pacific Northwest.

Wright Runstad & Company has developed in excess of 16 million square feet of office space during its more than four-decade history and is a leader in sustainable development and operations, with over 4 million square feet that is LEED certified. The company developed several major Bellevue projects dating back to 1983, including One Bellevue Center, Symetra Financial Center, City Center Plaza and the Sunset Corporate Campus. In September it began construction of The Spring District in the BelRed area, which is planned to develop 3.7 million SF of commercial space and more than 1,000 apartments. Additionally, Wright Runstad & Company recently completed the redevelopment of the University of Washington's Husky Stadium. The company's current property management portfolio contains over 3.5 million square feet in eight properties.

Greg earned a Bachelor of Science in Civil Engineering from Bucknell University and a Master of Business Administration in Real Estate from the Wharton School at University of Pennsylvania. He serves as a Trustee of the Urban Land Institute. Greg also serves on the Boards of Forterra, the Downtown Seattle Association and the Bellevue Downtown Association and holds a City of Seattle appointment to its Central Waterfront Committee. Greg is also a member, and Past Chair, of the Advisory Board of the Runstad Center for Real Estate Studies at the University of Washington.

Following the presentations there will be time for questions and answers from the Commission and the audience. If a member of the audience has a question for the speakers, they will be asked to fill out a notecard and hand it to city staff. Questions will be addressed as time permits.



DATE: December 11, 2013

TO: Chair Tebelius and Members of the Planning Commission

FROM: Carol Helland, Land Use Director, 425-452-2724
Mike Bergstrom, Principal Planner, 425-452-2970
Development Services Department

SUBJECT: Public Hearing on Shoreline Master Program Land Use Code Conformance
Amendments, File No. 11-103228-AD

INTRODUCTION

On December 11, 2013 the Planning Commission will hold a public hearing on amendments to the Land Use Code that are intended to ensure consistency between the overall Land Use Code and the Planning Commission-recommended Shoreline Master Program (Draft SMP) (Part 20.25E LUC) (Attachment A). The amendments that are the subject of the public hearing do not include any proposed revisions to the Draft SMP itself, which was previously transmitted to the City Council for adoption.

Amendments to the Land Use Code are legislative non-project decisions made by the City Council under its authority to establish regulations regarding future private and public development. These legislative actions are defined as Process IV decisions in the Land Use Code (LUC 20.35.015.E). After holding the public hearing, the Planning Commission will be asked to make a recommendation on the amendments to Council. Council will take final action on the amendments. Since these amendments affect Land Use Code provisions that apply city-wide, they are subject to the disapproval jurisdiction of the East Bellevue Community Council.

BACKGROUND

The City began its Shoreline Master Program Update project, required by the State of Washington, in 2007. In January 2013 the Planning Commission approved its recommended amendments to the City's Shoreline policies and Shoreline Overlay District (Part 20.25E LUC), resulting in the "Draft SMP" referenced above. The recommendation on the Draft SMP was presented to Council via transmittal in May 2013. In July 2013, Council discussed its strategy for moving the results of the SMP Update project to the Washington State Department of Ecology for review and approval. As one outcome of that Council meeting, Council directed staff to engage the Planning Commission on conformance amendments to the Land Use Code, to ensure that adoption of the updated SMP would not create conflicts elsewhere in the Land Use Code.

Staff has been developing the conformance amendments in recent months and has met with the Planning Commission in three study sessions to review and discuss them – October 9, October 23, and November 13, 2013. At the conclusion of the November 13 study session, the Commission directed staff to schedule a December 11 public hearing on the proposed

amendments. In addition, the East Bellevue Community Council will hold a courtesy hearing on the proposed amendments on December 3 and feedback received from the Community Council will be forwarded to the Commission prior to its public hearing. Both hearings will focus on the conformance amendments only, and will not include any proposed amendments to either the current SMP (Part 20.25E LUC) or the Draft SMP.

CONFORMANCE AMENDMENTS

The purpose of this type of amendment is to ensure that the adoption of one piece of legislation (in this case a new Part 20.25E LUC) does not create conflicts or inconsistencies with other existing legislation (in this case the rest of the Land Use Code). The existing code provisions are amended to bring them into conformance with the new legislation in order to allow that legislation to operate as intended.

The draft amendments contained in Attachment A affect a wide range of Land Use Code provisions, including Use Charts (Chapter 20.10), General Development Requirements (Chapter 20.20), Special and Overlay Districts (Chapter 20.25), Permits and Decisions (Chapter 20.30), Review and Appeal Procedures (Chapter 20.35), Administration and Enforcement (Chapter 20.40), and Definitions (Chapter 20.50). By and large, the amendments reinforce the largely “free-standing” nature of the Planning Commission-proposed Part 20.25E (Shoreline Overlay District) by referring the user to that part of the LUC for shoreline-related regulations, by clarifying what other parts of the LUC are not applicable to the Shoreline Overlay District, by correcting internal references and citations, and proposing similar clarifying amendments.

STATE ENVIRONMENTAL POLICY ACT

On May 5, 2011 a Determination of Non-Significance (DNS) was issued, addressing (1) the Updated Shoreline Master Program, (2) Amendments to Part 20.25E LUC (Shoreline Overlay District), and (3) the currently-proposed conformance amendments. The DNS incorporated by reference the Draft and Final Critical Areas Update EIS issued June 2005 and May 2006 respectively.

PUBLIC NOTICE AND PARTICIPATION

A Notice of Application for the conformance amendments was published in the Weekly Permit Bulletin on October 17, 2013. A notice of the December 11 public hearing was published in the Weekly Permit Bulletin on November 21, 2013. Public testimony was received by the Planning Commission at each of the three October and November study sessions it held on the conformance amendments, and that testimony was considered by the Commission and reflected in direction given to staff for development of the amendments contained in Attachment A.

The conformance amendments are within the jurisdiction of the East Bellevue Community Council (EBCC). A courtesy hearing will be held before the EBCC at their regular meeting December 3, 2013. Notice of the courtesy hearing was published in the Weekly Permit Bulletin on November 21, 2013 and in the Seattle Times on November 26, 2013. Staff will return to the EBCC for a final hearing and action on the conformance amendments following Council action. Final action by the EBCC is anticipated within 60 days of any Council action. Affidavit of publication for the EBCC hearing is included in Attachment B.

APPLICABLE DECISION CRITERIA – LAND USE CODE PART 20.30J

The City Council may approve or approve with modifications an amendment to the text of the Land Use Code if:

A. The amendment is in accord with the Comprehensive Plan; and

The proposed amendments are consistent with the Comprehensive Plan, including the Land Use, Citizen Participation, Economic Development, and Environmental policies identified below:

LU-1. Support a diverse community in an open and natural setting comprised of strong residential communities composed of stable neighborhoods with a variety of housing types and densities; a vibrant, robust Downtown which serves as an urban center; other employment and commercial areas; and distinctive community and neighborhood values, the neighborhood's quality of life, the natural environment, and the economy.

LU-2. Support the state Growth Management Act by developing and implementing a land use vision that is consistent with the GMA goals, the regional Vision 2020, and the King County Countywide Planning Policies.

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

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

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

ED-8. Recognize and consider the economic and environmental impacts of proposed legislative actions prior to adoption.

EN-1. Consider the immediate and long range environmental impacts of policy and regulatory decisions and evaluate those impacts in the context of the city's commitment to provide for public safety, infrastructure, economic development, and a compact Urban Center in a sustainable environment.

EN-7. Promote growth management strategies that protect air, water, land, and energy resources consistent with Bellevue's role in the regional plan to contain an Urban Center.

EN-12. Recognize critical area function in preparing programs and land use regulations to protect critical areas and to mitigate the lost function due to unavoidable impacts.

EN-21. Reduce or eliminate regulatory barriers to protecting and enhancing critical areas.

EN-29. Recognize and support the broad benefits and educational value of public access to critical areas and appropriate low-impact uses such as trails.

EN-38. Restore and protect the biological health and diversity of the Lake Washington and Lake Sammamish watersheds in Bellevue's jurisdiction.

- B. The amendment bears a substantial relationship to the public health, safety or welfare; and**

The proposed amendment serves the public welfare by ensuring consistency, clarity, and equity in its land use regulations.

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

The proposed amendment is in the best interest of Bellevue citizens and property owners, as it will ensure consistency, clarity, and equity in its land use regulations, by resolving conflicts that would otherwise occur internal to the Land Use Code, and by minimizing the confusion and potential interpretation or litigation that can accompany such conflicts. Understandable and consistent land use regulations are in the best interest of the citizens and property owners alike.

STAFF RECOMMENDATIONS

- A. Conduct the public hearing on the proposed conformance amendments.
- B. Move to recommend that Council approve the amendments as presented in Attachment A; or
- C. Identify desired revisions to the amendments in Attachment A and move to recommend Council approval of the amendments as revised; or
- D. Provide alternative direction to staff.

ATTACHMENTS

- A. Draft Consistency Amendments, dated December 11, 2013
- B. Affidavit of Publication – EBCC Courtesy Hearing (when available)

Attachment A
Draft SMP Land Use Code Conformance Amendments
December 11, 2013 Planning Commission Public Hearing Draft

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE amending the Bellevue Land Use Code for consistency with the new Shoreline Master Program and Shoreline Overlay District (Part 20.25E LUC); amending Sections 20.10.060 (Interpretation of map boundaries); 20.10.400 (Use chart described – interpretation); 20.10.420 (Interpretation of land use charts by Director); 20.10.440 (Land Use Charts – Services, Recreation, Resources); 20.20.010 (Dimensional Requirements Charts); 20.20.018 (Variation in minimum requirements – Area, width, depth); 20.20.020 (Land Use Charts); 20.20.025 (Intrusions into required setbacks); 20.20.128 (Affordable Housing); 20.20.255 (Electrical utility facilities); 20.20.560 (Nonconforming structures, uses and sites); 20.20.460 (Impervious surface); 20.20.840 (Subordinate Uses); Chapter 20.25 (Special and Overlay Districts, Table of Sections); 20.25H.025 (Designation of critical areas); 20.25H.035 (Critical area buffers and structure setbacks); 20.25H.050 (Uses and development in the Critical Areas Overlay District); 20.25H.055 (Uses and development allowed within critical areas – Performance standards); 20.25H.065 (Uses and development within critical area buffer or critical area structure setback not allowed pursuant to LUC 20.25H.055); 20.25H.075 (Designation of critical area and buffers); 20.25H.115 (Designation of critical area and buffers); 20.25H.118 (Mitigation and monitoring – Additional provisions); 20.25H.119 (Critical areas report – Additional provisions); 20.25H.150 (Designation of critical area); 20.25H.155 (Uses in habitat for species of local importance); 20.25H.210 (Applicability); 20.25H.220 (Mitigation and restoration plan requirements); 20.25H.230 (Critical areas report – Purpose); 20.25H.240 (Critical areas report – Limitation on modifications); 20.25M.010 (Light Rail Overlay District – General); 20.25M.030 (Light Rail Overlay District – Required Permits); Chapter 20.30 (Permits and Decisions – Shoreline Conditional Use Permit, Variance to the Shoreline Master Program, Shoreline Substantial Development Permit); Chapter 20.35 (Review and Appeal Procedures: 20.35.015 - Framework for decisions; 20.35.020 – Pre-application conferences; 20.35.070 – Appeal of City land use decisions to Superior Court; 20.35.150 – Appeal of Hearing Examiner decision; 20.35.200 – Process II: Administrative decisions; 20.35.210 – Notice of application; 20.35.250 – Appeal of Process II decisions); 20.40.500 (Vesting and expiration of vested status of land use permits and approvals); 20.50.010 (A Definitions); 20.50.012 (B definitions); 20.50.014 (C Definitions); 20.50.016 (D Definitions); 20.50.020 (F Definitions) and 20.50.046 (S Definitions); providing for severability; and establishing an effective date.

Attachment A
Draft SMP Land Use Code Conformance Amendments
December 11, 2013 Planning Commission Public Hearing Draft

WHEREAS, the Bellevue City Council has by separate Ordinance created a new Part 20.25E in the Bellevue Land Use Code providing for the use and development of properties located within the Shoreline Overlay District; and

WHEREAS, amendments to other sections of the Land Use Code are necessary to provide appropriate cross-referencing and avoid conflicts; and

WHEREAS, the Planning Commission held a public hearing on December 11, 2013 after providing the legally required notice, with regard to the Land Use Code amendment proposed herein; and

WHEREAS, the City Council finds that the proposed conformance and consistency amendments meet the decision criteria of LUC 20.30J.135 and are consistent with the Comprehensive Plan, enhance the public health, safety, and welfare, and are not contrary to the best interest of the citizens and property owners of the City of Bellevue, as more completely analyzed in the Staff Report for the amendment dated _____; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, BCC 22.02; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 20.10.060 of the Bellevue Land Use Code is hereby amended by the addition of a note below each chart to read as follows:

20.10.060 Interpretation of map boundaries.

When uncertainty exists as to the boundaries of any use district established on the City's land use map(s), the following rules of construction shall apply:

- A. Where district boundaries are indicated as approximately following the centerline of streets, alleys or highways, the actual centerline shall be construed to be the boundary.
- B. Where district boundaries are indicated as running approximately parallel to the centerline of a street, the boundary line shall be construed to be parallel to the centerline of the street.
- C. Where district boundaries are indicated as approximately following lot or tract lines, the actual lot or tract lines shall be construed to be the boundary lines of such use district.
- D. Unmapped shorelands shall automatically be assigned an Urban Conservancy environment designation. considered to be within the same land use district as the adjacent upland as shown on the use district map(s).

Comment [CoB1]: Change reflects consistency with Ecology direction. It is not expected that Bellevue has or will have unmapped shorelands.

Attachment A
Draft SMP Land Use Code Conformance Amendments
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- E. Where a public street or alley is officially vacated or abandoned, the regulations applicable to the abutting property to which the vacated portion shall revert, shall apply to such vacated or abandoned street or alley.
- F. In case uncertainty exists which cannot be determined by application of the foregoing rules, the Planning Commission shall recommend, and the City Council shall determine, the location of such use district boundaries.
- G. Shoreline Overlay (S-O) District boundaries are as described in LUC ~~20.25E.010~~20.25E.010.C.1, and with the exception of paragraph D above, are not subject to these rules of construction.

Comment [CoB2]: Internal consistency.

Comment [CoB3]: Internal consistency.

Section 2. Section 20.10.400 of the Bellevue Land Use Code is hereby amended to read as follows:

20.10.400 Use chart described – Interpretation

(Note: LUC 20.10.400 is not applicable in the Shoreline Overlay District).

Comment [CoB4]: Consistency with 20.25E.010.C.1.c

In chart 20.10.440, land use classifications and standard Land Use Code reference numbers are listed on the vertical axis. City of Bellevue land use districts are shown on the horizontal axis.

....

Section 3. Section 20.10.420 of the Bellevue Land Use Code is hereby amended to read as follows:

20.10.420 Interpretation of land use charts by Director.

(Note: LUC 20.10.420 is not applicable in the Shoreline Overlay District).

Comment [CoB5]: Consistency with 20.25E.010.C.1.c

A. Director's Authority. In the case of a question as to the inclusion or exclusion of a particular proposed use in a particular use category, the Director shall have the authority to make the final determination. The Director shall make the determination according to the characteristics of the operation of the proposed use and based upon the Director's interpretation of the Standard Land Use Coding Manual, the Standard Industrial Classification Manual and the North American Industry Classification System.

....

Section 4. Section 20.10.440 (Land Use Charts) of the Bellevue Land Use Code is hereby amended by the addition of a note below each chart to read as follows:

Permitted uses in the Shoreline Overlay District are listed in LUC 20.25E.020.

Comment [CoB6]: Permitted uses in the SAO are now contained in 20.25E.

Section 5. Section 20.10.440 (Land Use Charts – Services) of the Bellevue Land Use Code is hereby amended to revise Note 14 to read as follows:

Attachment A
Draft SMP Land Use Code Conformance Amendments
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- (14) These uses are permitted only in Bellevue School District schools, whether under control of the School District or the City.
- (a) In the review of the proposed use or uses under the Administrative Conditional Use Permit application, Part 20.30E LUC, the following criteria shall be considered:
- (i) Consistency of the proposal with the goals and policies of the Comprehensive Plan.
 - (ii) Extent to which the physical environment will be modified by the proposal.
 - (iii) Ability to provide on-site parking facilities to accommodate intended uses under the proposal.
 - (iv) Extent of additional demand on public utilities and public services resulting from the proposal.
 - (v) Noise impacts of the proposal.
 - (vi) Traffic volumes and street classifications in the area of the proposal.
 - (vii) Compatibility of the proposal with surrounding land uses.
 - (viii) Impact of the proposal on the visual and aesthetic character of the neighborhood.

In addition, the proposed use or uses shall not be more intensive than if the school were being used as a school.

- (b) A master Conditional Use Permit listing a range of permissible uses from those permitted in the land use district as listed in LUC 20.10.440 can be obtained for the entire school by using the conditional use process, Part 20.30B or ~~Part 20.30C~~ LUC ~~20.25E.150 and .180~~. Uses listed in the permit shall be permitted outright and uses not listed but permitted as conditional uses shall obtain a Conditional Use Permit.

Comment [CoB7]: Shoreline CUPs are now addressed in 20.25E.150 and .180.

Section 6. Section 20.10.440 (Land Use Charts – Recreation) is hereby amended to revise the following use listing in all land use charts (Residential Districts, Nonresidential Districts, and Downtown Districts):

744 ~~Marinas~~, Yacht Clubs

Comment [CoB8]: Marinas will be regulated by 20.25E. Yacht clubs could be located either in shorelines or outside of them, so should remain as a use in the 20.10.440 use charts.

Section 7. Section 20.10.440 (Land Use Charts – Recreation) is hereby amended to revise Note 10 to read as follows:

- * (10) City parks are generally permitted in all zones. However, the following types of uses or facilities in City parks in single-family or R-10 zones require conditional use approval: lighted sports and play fields, sports and play fields with amplified sound, and community recreation centers, motorized boat ramps, ~~and~~ beach parks, marinas, yacht clubs, and community clubs, on Lake Washington, Lake Sammamish, Phantom Lake and Larson Lake. Nonrecreation uses in City parks in all zones outside the Downtown require conditional use approval, except that the permit requirements for wireless communication facilities shall be as set forth in LUC 20.20.195. For purposes of this

Comment [CoB9]: Consistency with 20.25E.

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requirement, “nonrecreation use” means a commercial, social service or residential use located on park property but not functionally related to City park programs and activities.

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

Section 8. Section 20.10.440 (Land Use Charts – Resources) is hereby amended to delete the following use listing from all land use charts (Residential Districts, Nonresidential Districts, and Downtown Districts):

8421 **Fish Hatcheries**

Comment [CoB10]: Listing not needed outside of shoreline areas. Addressed (as aquaculture) in 20.25E.

Section 9. Section 20.20.010 (Residential Dimensional Requirements Chart) of the Bellevue Land Use Code is hereby amended by the addition of a Note (46), attached to the “Minimum Greenscape Percentage of Front Yard Setback” dimensional requirement in the Residential chart, to read as follows:

(46) Not applicable to properties located in Shoreline Overlay Districts and which have shoreline frontage. For Greenscape requirements applicable to such properties, see LUC 20.25E.065.F.

Comment [CoB11]: Greenscape requirements for certain shoreline properties are now contained in 20.25E.

Section 10. Section 20.20.010 (Dimensional Requirements Charts) of the Bellevue Land Use Code is hereby amended by the addition of a note below each chart to read as follows:

Additional Dimensional Requirements for Shoreline Overlay Districts are found in Part 20.25E LUC.

Comment [CoB12]: Some dimensional requirements are now contained in 20.25E.050.A and .065.C.

Section 11. Section 20.20.018 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.018 Variation in minimum requirements – Area, width and depth.

Except as set forth in LUC 20.20.017 above, in no case may the Director or any other hearing body vary the minimum requirements for minimum lot area, width of street frontage, width required in lot or depth required in lot, as stated in Chart 20.20.010, by more than 10 percent; except that this section shall not apply to planned unit developments, Part 20.30D LUC, conservation subdivisions, LUC 20.45A.060, or conservation short subdivisions, LUC 20.45B.055. See Part 20.30G LUC relating to variances from the Land Use Code and Part ~~20.30H~~20.25E LUC relating to variances from the Shoreline Master Program.

Comment [CoB13]: Shoreline variances are now addressed in 20.25E.

Section 12. Section 20.20.020 (Land Use Charts) of the Bellevue Land Use Code is hereby amended by the addition of a note below each chart to read as follows:

Additional Dimensional Requirements for the Shoreline Overlay District are found in Part 20.25E.

Comment [CoB14]: Some dimensional requirements are now contained in 20.25E.

Section 13. Section 20.20.025 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.025 Intrusions into required setbacks

(Note: [LUC 20.20.025 is not applicable in the Shoreline Overlay District](#)).

Comment [CoB15]: Consistency with 20.25E.010.C.1.c

A. Signs, Marquees and Awnings.

See Sign Code, Chapter 22B.10 BCC.

....

Section 14. Section 20.20.128.C.3 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.128.C Affordable housing.

C. Dimensional Standard Modification.

The following requirements of the Land Use Code may be modified through the procedures outlined in paragraph D of this section, to the extent necessary to accommodate affordable housing units and bonus units on-site.

....

3. Building Height. Except in Transition Areas [and the Shoreline Overlay District](#), the maximum building height in R-10, R-15, R-20 and R-30 Zoning Districts may be increased by up to six feet for those portions of the building(s) at least 20 feet from any property line.

Comment [CoB16]: 20.25E limits heights to 35'.

....

Section 15. Section 20.20.255.B of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.255.B Electrical utility facilities.

B. Applicability.

This section applies to all proposals for new or expanding electrical utility facilities as defined in LUC 20.50.018. [Additional requirements applicable to Electrical utility facilities located within the Shoreline Overlay District are provided in Part 20.25E LUC.](#)

Comment [CoB17]: Referral to 20.25E for additional regulations in the Shoreline Overlay.

Section 16. Section 20.20.460.C of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.460 Impervious surface.

C. Modifications to Impervious Surface Limits.

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The impervious surface limits contained in LUC 20.20.010 and Chapter 20.25 LUC may be modified pursuant to a critical areas report, LUC 20.25H.230, so long as the critical areas report demonstrates that the effective impervious surface on the site does not exceed the limit established in LUC 20.20.010 and Chapter 20.25 LUC, provided, that impervious limits within the Shoreline Overlay District may be modified pursuant to a Shoreline Special Report or Shoreline Variance, as provided for by LUC 20.25E.050.C.2.

Comment [CoB18]: Consistency with 20.25E.050.C.2

1.

Section 17. Section 20.20.560.E of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.560.E Nonconforming structures, uses and sites.

E. Exceptions.

1. Downtown. The provisions of this section shall not apply in the Downtown Special Overlay District, Part 20.25A LUC. Refer to LUC 20.25A.025 for the requirements for nonconforming uses, structures, and sites located within the Downtown Special Overlay District.
2. Critical Areas Overlay District. The provisions of this section do not apply to structures or sites nonconforming to the requirements of Part 20.25H LUC. Refer to LUC 20.25H.065 for the requirements for such nonconforming structures and sites.
3. Shoreline Overlay District. The provisions of this section do not apply to uses, structures or sites nonconforming to the requirements of Part 20.25E LUC. Refer to LUC ~~20.25E.055~~20.25E.040 and .065. for the requirements for such nonconforming uses, structures and sites.
4. Bel-Red (BR) Land Use Districts. The provisions of this section do not apply to uses, structures, or sites located in the Bel-Red Land Use Districts. For uses in the Bel-Red Land Use Districts established before May 26, 2009, refer to the existing conditions regulations in LUC 20.25D.060.

Comment [CoB19]: 20.25E contains nonconforming provisions specific to shorelines.

Section 18. Section 20.20.840 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.840 Subordinate Uses.

(Note: LUC 20.20.840 is not applicable in the Shoreline Overlay District).

Comment [CoB20]: Consistency with 20.25E.010.C.1.c

A. Purpose.

The purpose of this section is to provide performance standards for subordinate uses, as defined in LUC 20.50.046.

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Section 19. Chapter 20.25 – Special and Overlay Districts, Table of Sections, Part 20.25E, is hereby amended to read as follows:

Part 20.25E Shoreline Overlay District

- [20.25E.010 General](#)
- [20.25E.020 Shoreline Uses Described](#)
- [20.25E.040 Nonconforming Shoreline Conditions](#)
- [20.25E.050 Dimensional Requirements](#)
- [20.25E.060 General Requirements Applicable to All Shoreline Development and Uses](#)
- [20.25E.065 Residential Shoreline Regulations](#)
- [20.25E.070 Specific Use Regulations](#)
- [20.25E.080 Shoreline Modifications](#)
- [20.25E.100 Review and Appeal Procedures](#)
- [20.25E.110 Shoreline Process I – Quasi Judicial Decisions](#)
- [20.25E.120 Shoreline Process II – Administrative Decisions](#)
- [20.25E.130 Shoreline Process III – Ministerial Decisions](#)
- [20.25E.140 Legislative Non-Project Actions](#)
- [20.25E.150 Shoreline Project Permits](#)
- [20.25E.160 Shoreline Substantial Permits](#)
- [20.25E.170 Exemptions from Shoreline Substantial Development Permits – Letter of Exemption Required](#)
- [20.25E.180 Shoreline Conditional Use Permits](#)
- [20.25E.190 Variances to the Shoreline Master Program](#)
- [20.25E.200 Amendments to the Text of the Shoreline Master Program](#)
- [20.25E.250 Administration](#)
- [20.25E.260 Enforcement](#)
- [20.25E.270 Interpretation](#)
- [20.25E.280 Definitions](#)

Comment [CoB21]: Reflects structure of new 20.25E.

Section 20. Section 20.25H.025 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25H.025 Designation of critical areas.

The following areas are hereby designated as critical areas. For additional information about identifying each critical area, see the specific sections noted.

Critical Area Category or Type	Additional Information Identifying Critical Area
Streams	
Type S water	LUC 20.25H.075
Type F water	LUC 20.25H.075

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Type N water	LUC 20.25H.075
Type O water	LUC 20.25H.075
Closed segment, regardless of type; Kelsey Creek drainage basin	LUC 20.25H.075
Closed segment, regardless of type; all other drainage basins	LUC 20.25H.075
Wetlands	
Category I	LUC 20.25H.095
Category II	LUC 20.25H.095
Category III	LUC 20.25H.095
Category IV over 2,500 square feet	LUC 20.25H.095
Shorelines	
Shorelines	LUC 20.25E.017-D
Geologic Hazard Areas	
Landslide hazards	LUC 20.25H.120
Steep slopes	LUC 20.25H.120
Coal mine hazard areas	LUC 20.25H.120
Habitat Associated with Species of Local Importance	
Habitat associated with species of local importance	LUC 20.25H.150
Areas of Special Flood Hazard	
Areas of special flood hazard	LUC 20.25H.175

Comment [CoB22]: Shorelines are not regulated as critical areas.

Section 21. Section 20.25H.035.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.25H.035(A) Critical area buffers and structure setbacks.

A. Critical Area Buffer.

The following critical area buffers and structure setbacks are established for each critical area set forth below. For information about modifying required critical area buffers and structure setbacks, see the referenced sections noted in the table.

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Critical Area Category or Type	Critical Area Buffer Width		Structure Setback		Modification of Buffer or Setback
Streams					
	Undeveloped Site¹	Developed Site¹	Undeveloped Site¹	Developed Site¹	
Type S water	100 ft	50 ft	20 ft	50 ft	LUC 20.25H.075 LUC 20.25H.230
Type F water	100 ft	50 ft	20 ft	50 ft	LUC 20.25H.075 LUC 20.25H.230
Type N water	50 ft	25 ft	15 ft	25 ft	LUC 20.25H.075 LUC 20.25H.230
Type O water	25 ft	25 ft	10 ft	None	LUC 20.25H.075 LUC 20.25H.230
Closed segment, regardless of type; Kelsey Creek drainage basin	None	None	50 ft or combined buffer and structure setback required for stream type, whichever is less	50 ft or combined buffer and structure setback required for stream type, whichever is less	LUC 20.25H.075 LUC 20.25H.230
Closed segment, regardless of type; all other drainage basins	None	None	10 ft	10 ft	LUC 20.25H.075 LUC 20.25H.230
Wetlands					
	Undeveloped Site²	Developed Site²	Undeveloped Site²	Developed Site²	
Category I		As established through previously approved and recorded NGPA or NGPE for wetland	20 ft	20 ft from edge of previously approved and recorded NGPA or NGPE	LUC 20.25H.095 LUC 20.25H.230
Natural heritage wetland	190 ft				
Bogs	190 ft				
Forested wetland	Based on score for habitat or water quality				
Habitat score of 29 to 36	225 ft				
Habitat score of 20 to	110 ft				

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Water quality score of 24 to 32 and habitat score of less than 20	75 ft				
All others	75 ft				
Category II		As established through previously approved and recorded NGPA or NGPE for wetland	20 ft	20 ft from edge of previously approved and recorded NGPA or NGPE	LUC 20.25H.095 LUC 20.25H.230
Habitat score of 29 to 36	225 ft				
Habitat score of 20 to 28	110 ft				
Water quality score of 24 to 32 and habitat score of less than 20	75 ft				
All others	75 ft				
Category III		As established through previously approved and recorded NGPA or NGPE for wetland	15 ft	15 ft from edge of previously approved and recorded NGPA or NGPE	LUC 20.25H.095 LUC 20.25H.230
Habitat score of 20 to 28	110 ft				
All others	60 ft				
Category IV over 2,500 square feet		As established through previously approved and recorded NGPA or NGPE for wetland	None	None	LUC 20.25H.095 LUC 20.25H.230
All	40 ft				
Shorelines					
	Undeveloped Site^a	Developed Site^a	Undeveloped Site^a	Developed Site^a	
All shorelines	50-ft	25-ft	None	25-ft	LUC 20.25H.115 LUC 20.25H.230
Geologic Hazard Areas					
Landslide hazards	Toe-of-slope: None		Toe-of-slope: 75 ft		LUC 20.25H.120

Comment [CoB23]: Shorelines not regulated as critical area.

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	Top-of-slope: 50 ft	Top-of-slope: None	LUC 20.25H.230
Steep slopes	Toe-of-slope: None	Toe-of-slope: 75 ft	LUC 20.25H.120 LUC 20.25H.230
	Top-of-slope: 50 ft	Top-of-slope: None	
Coal mine hazard areas	See LUC 20.25H.130	See LUC 20.25.130	LUC 20.25H.120 LUC 20.25H.230
Habitat Associated with Species of Local Importance			
Habitat associated with species of local importance	Only if required for known species on site	None	N/A
Naturally occurring ponds with no other critical area designation	35 ft	None	LUC 20.25H.230
Areas of Special Flood Hazard			
Areas of special flood hazard	None	None	N/A

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- 1 For a definition of “undeveloped site” and “developed site” for sites with streams, see LUC 20.25H.075.C.1.a.
- 2 For a definition of “undeveloped site” and “developed site” for sites with wetlands, see LUC 20.25H.095.C.1.a.
- 3 For a definition of “undeveloped site” and “developed site” for sites with shorelines, see LUC 20.25H.115.B.1.a.

Comment [CoB24]: Footnote no longer needed.

Section 22. Section 20.25H.050 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25H.050 Uses and development in the Critical Areas Overlay District.

A. Uses.

1. General. The uses established by LUC 20.10.440 for the applicable land use district may be undertaken in the Critical Areas Overlay District as allowed for in the underlying land use district. All development associated with the use shall comply with the provisions of this part.
2. Shorelines. Where the Critical Areas Overlay District and Shoreline Overlay District apply to the same site, the uses established by LUC 20.10.440 for the underlying land use district may be undertaken. Additional uses in the Shoreline Overlay District are set forth in LUC 20.25E.080020 and .030. The applicable permitting process to establish the allowed uses within the Shoreline Overlay District is set forth in LUC 20.25E.070100-.190. All development associated with the use shall comply with the provisions of this part and Part 20.25E LUC.

Comment [CoB25]: Reference citation update.

Comment [CoB26]: Reference citation update.

B. Development.

1. Coal Mine Hazard Areas and Habitat Associated with Species of Local Importance. The coal mine hazard areas and habitat associated with species of local importance designated as critical areas by this part do not include absolute restrictions on development or activity. Instead, uses allowed under subsection A of this section may be undertaken in such critical areas, so long as the performance standards of LUC 20.25H.130 (coal mine hazard areas) or LUC 20.25H.160 (habitat associated with species of local importance) are satisfied.
2. Other Critical Areas. Except as set forth in subsection B.1 of this section, all development, use, land alteration or other activity within the Critical Areas Overlay District shall be located outside of the critical area and the critical area buffer, unless such use or development is allowed pursuant to the following:
 - a. Uses and development allowed within critical area or critical area buffer, see LUC 20.25H.055;
 - b. Critical area buffer modifications for the following critical areas:
 - i. Streams, see LUC 20.25H.075;
 - ii. Wetlands, see LUC 20.25H.095;
 - iii. Shorelines, see LUC 20.25H.115.

Comment [CoB27]: Shorelines not regulated as critical area.

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- ~~iv.~~ Geologic hazards, see LUC 20.25H.120.
- c. Uses and development in the area of special flood hazard, see LUC 20.25H.180;
- d. Modifications where allowed through a critical areas report, see LUC 20.25H.230;
- e. Reasonable use exceptions, see LUC 20.25H.190;
- f. Variances, see Part 20.30G and 20.30H LUC; or
- g. Shoreline-specific uses and development, where allowed within the sShorelines Overlay District ~~critical area or critical area buffer~~, see Part 20.25E LUC.

Comment [CoB28]: Shorelines not regulated as critical area.

C. No Modification.

The critical areas report may not be used to modify the uses allowed in the Critical Areas Overlay District as set forth in LUC 20.10.440 ~~or in the Shoreline Overlay District as set forth in Part 20.25E LUC~~; nor the provisions of this section.

Comment [CoB29]: Shorelines not regulated as critical area.

Section 23. Section 20.25H.055.B of the Bellevue Land Use Code is hereby amended to read as follows:

20.25H.055(B) Uses and development allowed within critical areas – Performance standards.

B. Uses and Development Allowed within Critical Areas.

The following chart lists uses and development that may be allowed in a critical area, critical area buffer, or critical area structure setback. The sections noted in the chart for each use or activity and critical area refer to the applicable performance standards that must be met.

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		Type of Critical Area				
		Streams	Wetlands	Shorelines ⁶	Geologic Hazard Areas ⁷	Areas of Special Flood Hazard
Allowed Use or Development	Repair and maintenance of parks and parks facilities, including trails ^{1, 2}	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.P	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C 20.25H.180.D.2
	Repair and maintenance of utility facilities, utility systems, stormwater facilities and essential public facilities ^{1, 2}	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.U	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C
	Repair and maintenance of public rights-of-way, private roads, access easements, surface parking areas, and driveways ^{1, 2}	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.H 20.25E.080.R	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C
	Repair and maintenance of bridges and culverts ^{1, 2}	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.R	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C
	Construction staging ^{1, 2, 11}	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.H	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C
	Existing agricultural activities ²	20.25H.055.C.1 20.25H.055.C.3.a 20.25H.080.A	20.25H.055.C.1 20.25H.055.C.3.a 20.25H.100	20.25H.055.C.1 20.25H.055.C.3.a 20.25E.080.B 20.25E.080.C	20.25H.055.C.1 20.25H.055.C.3.a 20.25H.125	20.25H.055.C.1 20.25H.055.C.3.a 20.25H.180.C
	Emergency actions	20.25H.055.C.3.b	20.25H.055.C.3.b	20.25H.055.C.3.b	20.25H.055.C.3.b	20.25H.055.C.3.b
	New or expanded utility facilities, utility systems, stormwater facilities ³	20.25H.055.C.2 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.100	20.25H.055.C.2 20.25E.080.B 20.25E.080.U	20.25H.055.C.2 20.25H.125	20.25H.055.C.2 20.25H.180.C
	New or expanded essential public facilities (12)	20.25H.055.C.2 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.100	20.25H.055.C.2 20.25E.080.B	20.25H.055.C.2 20.25H.125	20.25H.055.C.2 20.25H.180.C 20.25H.180.D.3

Comment [CoB30]: Shorelines not regulated as critical area.

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Allowed Use or Development	Public flood protection measures ⁴	20.25H.055.C.2 20.25H.055.C.3.c 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.055.C.3.c 20.25H.100	20.25H.055.C.2 20.25H.055.C.3.e 20.25E.080.B	20.25H.055.C.2 20.25H.055.C.3.c 20.25H.125	20.25H.055.C.2 20.25H.055.C.3.c 20.25H.180.C 20.25H.180.D.5
	Instream structures ⁵	20.25H.055.C.2 20.25H.055.C.3.d 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.055.C.3.d 20.25H.100	20.25H.055.C.2 20.25H.055.C.3.d 20.25E.080.B	20.25H.055.C.2 20.25H.055.C.3.d	20.25H.055.C.2 20.25H.055.C.3.d 20.25H.180.C
	New or expanded public rights-of-way, private roads, access easements and driveways	20.25H.055.C.2 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.100	20.25H.055.C.2 20.25E.080.B 20.25E.080.R	20.25H.055.C.2 20.25H.125	20.25H.055.C.2 20.25H.180.C 20.25H.180.D.4
	New or expanded bridges and culverts	20.25H.055.C.2 20.25H.055.C.3.e 20.25H.080.A	20.25H.055.C.2 20.25H.055.C.3.e 20.25H.100	20.25H.055.C.2 20.25H.055.C.3.e 20.25E.080.B 20.25E.080.R	20.25H.055.C.2 20.25H.055.C.3.e 20.25H.125	20.25H.055.C.2 20.25H.055.C.3.e 20.25H.180.C
	New or expanded private nonmotorized trails	20.25H.055.C.2 20.25H.055.C.3.f 20.25H.080.A	20.25H.055.C.2 20.25H.055.C.3.f 20.25H.100	20.25H.055.C.2 20.25H.055.C.3.f 20.25E.080.B 20.25E.080.G	20.25H.055.C.2 20.25H.055.C.3.f 20.25H.125	20.25H.055.C.2 ^[5,16] 20.25H.055.C.3.f 20.25H.180.C
	New or expanded City and public parks	20.25H.055.C.3.g 20.25H.080.A	20.25H.055.C.3.g 20.25H.100	20.25H.055.C.3.g 20.25E.080.B 20.25E.080.P	20.25H.055.C.3.g 20.25H.125	20.25H.055.C.3.g 20.25H.180.C 20.25H.180.D.2
	Existing landscape maintenance ²	20.25H.055.C.3.h 20.25H.080.A	20.25H.055.C.3.h 20.25H.100	20.25H.055.C.3.h 20.25E.080.B 20.25E.080.G	20.25H.055.C.3.h 20.25H.125	20.25H.055.C.3.h 20.25H.180.C
	Vegetation management ⁶	20.25H.055.C.3.i 20.25H.080.A	20.25H.055.C.3.i 20.25H.100	20.25H.055.C.3.i 20.25E.080.B 20.25E.080.G	20.25H.055.C.3.i 20.25H.125	20.25H.055.C.3.i 20.25H.180.C
	Habitat improvement projects	20.25H.055.C.3.j 20.25H.080.A	20.25H.055.C.3.j 20.25H.100	20.25H.055.C.3.j 20.25E.080.B 20.25E.080.G	20.25H.055.C.3.j 20.25H.125	20.25H.055.C.3.j 20.25H.180.C
	Forest practices	20.25H.055.C.3.k 20.25H.080.A	20.25H.055.C.3.k 20.25H.100	20.25H.055.C.3.k 20.25E.080.B	20.25H.055.C.3.k 20.25H.125	20.25H.055.C.3.k 20.25H.180.C
	Aquaculture	20.25H.055.C.3.l 20.25H.080.A	20.25H.055.C.3.l 20.25H.100	20.25H.055.C.3.l 20.25E.080.B 20.25E.080.D	20.25H.055.C.3.l	20.25H.055.C.3.l 20.25H.180.C
	Stabilization measures	20.25H.055.C.3.m 20.25H.080.A	20.25H.055.C.3.m 20.25H.100	20.25E.080.B 20.25E.080.E	20.25H.055.C.3.m 20.25H.125	20.25H.055.C.3.m ^[5,16] 20.25H.180.C
	Expansion of existing single-family primary structures	20.25H.055.C.3.n 20.25H.080.A	20.25H.055.C.3.n 20.25H.100	20.25H.055.C.3.n 20.25E.080.B 20.25E.080.Q	20.25H.055.C.3.n 20.25H.125	20.25H.055.C.3.n 20.25H.180.C ⁹ 20.25H.180.D.1 20.25H.180.D.7
	Reasonable use exception ⁸	20.25H.080.A	20.25H.100	20.25E.080.B	20.25H.125	20.25H.180.C 20.25H.180.D.7
	Recreational vehicle					20.25H.180.C 20.25H.180.D.6

Comment [CoB31]: See footnotes below.

Comment [CoB32]: See footnotes below.

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	storage ¹⁰					
	Additional shoreline-specific uses or development Moorage and docks associated with a residential use			Part 20.25E		Part 20.25E.065 ¹⁴ ¹⁵

Comment [CoB33]: Shoreline specific uses are now address in 20.25E.

Comment [CoB34]: See footnotes below.

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Notes:

1. For purposes of this section, repair and maintenance includes replacement of facilities and systems, or expansion so long as the area of permanent disturbance of the critical area or critical area buffer is not expanded. As applicable to public rights-of-way, private roads, access easements, parking areas and driveways, repair and maintenance also includes removing and replacing improvements within the area of permanent disturbance, and expansion of paved areas, so long as the area of permanent disturbance within the critical area or critical area buffer is not expanded.
2. These uses do not require a Critical Areas Land Use Permit. The requirements of this part shall be applied through the review process applicable to the underlying use or activity.
3. In the event of a conflict between this section and the utilities code, the utilities code shall prevail.
4. Examples of public flood protection measures include, but are not limited to: flood control projects, flood damage reduction facilities such as levees, revetments, and pumping stations, streambank stabilization structures and surface water conveyance facilities, bridge piers and abutments.
5. Examples of instream structures include, but are not limited to: sediment ponds, instream ponds, dams, and weirs.
6. Permit requirements may vary. See subsection C.3.i of this section.
7. For geologic hazards other than coal mine hazard areas. Uses and performance standards for coal mine hazard areas set forth in LUC 20.25H.050.
8. Development authorized pursuant to a reasonable use exception, LUC 20.25H.190, shall incorporate the required performance standards to the maximum extent feasible.
9. Authorized only pursuant to a reasonable use exception, LUC 20.25H.190.
10. Such storage is not allowed in critical areas or critical area buffers except within the area of special flood hazard in compliance with applicable performance standards.
11. Authorized only in areas of the critical area buffer within areas of existing permanent disturbance, including, for example: paved or gravel surface parking areas, access drives, and other similar disturbed areas.
12. Refer to Part 20.25M LUC, Light Rail Overlay District, for specific requirements applicable to EPF defined as a Regional Light Rail Transit Facility or Regional Light Rail Transit System pursuant to LUC 20.25M.020. A conditional use permit is not required when the City Council has approved a Regional Light Rail Transit Facility or Regional

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Light Rail Transit System by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.25M.030.B.1.

13. Authorized only in areas of special flood hazard located within shoreline jurisdiction and only when developed in accordance with LUC 20.25E.080.F.

Comment [CoB35]: Clarifies that shoreline stabilization measures developed in accordance with 20.25E.080.F are not subject to the performance standards of 20.25H.

14. Authorized only in areas of special flood hazard located within shoreline jurisdiction and only when developed in the aquatic environment in accordance with LUC 20.25E.065.

Comment [CoB36]: Clarifies that moorage structures developed in the aquatic environment in accordance with 20.25E.065 are authorized to be located in the area of special flood hazard within shoreline jurisdiction.

15. In areas of special flood hazard located within shoreline jurisdiction performance standards required by this section will be applied through the applicable permit required by Part 20.25E. LUC and do not require a Critical Areas Land Use Permit.

Comment [CoB37]: Clarifies that the performance standards for stabilization measures, residential moorage structures, and nonmotorized trails in areas of special flood hazard will be applied through the applicable shoreline permit and do not require a Critical Areas Land Use Permit.

16. Authorized only in areas of special flood hazard located within shoreline jurisdiction and only when developed in accordance with LUC 20.25H.

Comment [CoB38]: Clarifies that private nonmotorized trails are authorized in areas of special flood hazard when developed in accordance with 20.25H.C.3.f.

Section 24. Section 20.25H.055.C.3.f of the Bellevue Land Use Code is hereby amended to read as follows:

20.25H.055.C.3.f

- f. Private Nonmotorized Trails. New nonmotorized trails within the critical area or critical area buffer are limited to those [accessing single-family residential moorage or serving nonresidential uses, multifamily residential uses and more than one single-family lot](#). Private nonmotorized trails shall comply with the performance standards for trails in subsection C.3.g of this section. Nothing in this section prohibits the creation of a soft surface nonmotorized trail in a critical area buffer on a single-family lot for use of the residents of that lot. Such trail shall not exceed four feet in width, and shall not involve the removal of any significant trees or bank-stabilizing roots. In stream and wetland buffers, trails shall not be generally parallel to the stream or wetland edge closer than a distance of 25 feet. Any clearing of brush or vegetation shall be the minimum necessary, and shall be with hand tools only.

Comment [CoB39]: Addresses the “gap” in our regulations.

Section 25. Section 20.25H.055.C.3.h of the Bellevue Land Code is hereby amended to read as follows:

20.25H.055.C.3.h

- h. Existing Landscape Maintenance. Routine maintenance of existing legally established landscaping and landscape features developed prior to August 1, 2006, in the critical area or critical area buffer may be continued in accordance with this section. For purposes of this section, “routine maintenance” includes mowing, pruning, weeding, planting annuals, perennials, fruits and vegetables, and other activities associated with maintaining a legally established ornamental or garden landscape and landscape features. Also, for purposes of this subsection, “landscape features” refers to fences, trellises, rockeries and retaining walls, pathways, arbors, patios, play areas and other similar improvements. To be considered routine maintenance, activities shall have been consistently carried out so that the ornamental species predominate over native or invasive species. Maintenance shall be performed with hand tools or light equipment only, and no significant trees may be removed, except in accordance with ~~a~~ [Vegetation Management Plan](#) under subsection C.3.i of this section. Use of fertilizers, insecticides, and pesticides is ~~prohibited~~ [not recommended](#) unless performed in accordance with the City of Bellevue’s “Environmental best Management Practices” now or as hereafter amended.

Comment [CoB40]: Clarification.

Section 26. Section 20.25H.055.C.3.m of the Bellevue Land Use Code is hereby amended to read as follows:

20.25H.055.C.3.m

- m. Stabilization Measures. ~~See LUC 20.25E.080.E for standards regulating shoreline stabilization measures.~~ Proposed stabilization measures within a critical area or critical area buffer to protect against streambank erosion or steep slopes or landslide hazards may be approved in accordance with this subsection. [The performance standards of this part do not apply to shoreline stabilization measures in flood hazard critical areas when developed in accordance with LUC 20.25E.080.F.](#)

Comment [CoB41]: Consistency with change to 20.25H.055(B) above re: stabilization measures.

Section 27. Section 20.25H.065 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25H.065 Uses and development within critical area buffer or critical area structure setback not allowed pursuant to LUC 20.25H.055.

This section applies to uses and development legally established within the critical area or critical area buffer prior to August 1, 2006, and which is not included as an allowed use or development in LUC 20.25H.055. ~~LUC 20.25E.065 applies to uses and development within the shoreline critical area and shoreline critical area buffer.~~ See performance standards at LUC 20.25H.180 for provisions relating to the repair, remodeling, expansion or reconstruction of structures located in the area of special flood hazard. Any alterations to existing development allowed under this section shall also comply with provisions for the area of special flood hazard. In the event of conflict, the provisions that result in most protection for the critical area or critical area buffer shall govern.

Comment [CoB42]: Shorelines not regulated as critical area.

A. Existing Primary Structures.

.....

Section 28. Section 20.25H.075.B.1 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25H.075.B.1 Designation of critical area and buffers.

B.1. Designation of Streams.

1. "Type S water" means all waters, ~~other than shoreline critical areas designated under LUC 20.25E.017,~~ within their bankfull width, as inventoried as "shorelines of the state" under Chapter 90.58 RCW and the rules promulgated pursuant to Chapter 90.58 RCW including periodically inundated areas of their associated wetlands. As of [insert effective date of ordinance], the only known Type S waters are Lower Kelsey Creek and Mercer Slough.

Comment [CoB43]: Shorelines not regulated as critical area.

Comment [CoB44]: Clarification.

Section 29. Section 20.25H.115 of the Bellevue Land Use Code is hereby amended to read as follows:

VI. SHORELINES (RESERVED)

Comment [CoB45]: Shorelines not regulated as critical area.

~~**20.25H.115 Designation of critical area and buffers.**~~

~~**A. Designation of Shoreline Critical Areas.**~~

~~See LUC 20.25E.017 for designated shoreline critical areas.~~

~~**B. Designation of Shoreline Critical Area Buffers.**~~

~~The following critical area buffers are established. The shoreline critical area buffer on Lake Sammamish shall be measured from elevation 31.8 NAVD 88. The shoreline critical area~~

~~buffer on all other shoreline critical areas shall be measured from the ordinary high water mark.~~

~~4. Shoreline Critical Area Buffers.~~

~~a. General—All Shoreline Critical Areas.~~

- ~~i. Undeveloped Sites. An undeveloped site is a site that contains no primary structure. All shoreline critical areas on undeveloped sites shall have a 50-foot critical area buffer.~~
- ~~ii. Developed Sites. A developed site is a site that contains a primary structure. Lots created through subdivision, short subdivision, or the Planned Unit Development process from a developed site shall be considered undeveloped and subject to the requirements of subsection B.1.a.i of this section, except that the lot containing the existing primary structure shall be considered developed. All shoreline critical areas on developed sites shall have a 25-foot critical area buffer.~~

- ~~b. Buffer and Setback on Sites with Existing Development. Where a primary structure legally established on a site prior to August 1, 2006, encroaches into the critical area buffer or structure setback established in this section, the critical area buffer and/or structure setback shall be modified to exclude the footprint of the existing primary structure. Expansion of any existing primary structure into the critical area buffer or critical area structure setback shall be allowed only pursuant to the provisions of LUC 20.25H.055 (single family primary structures) or LUC 20.25H.230 (all other primary structures).~~

~~2. Buffer Modification. Modifications to the shoreline critical area buffer may be approved pursuant to this section as part of the permit or approval for the underlying proposal. Modifications to the shoreline critical area buffer that do not meet the criteria of this subsection may be considered through a critical areas report, LUC 20.25H.230:~~

- ~~a. Adjustment Based on Surrounding Development. Where the shoreline critical area buffer on all developed properties immediately abutting the site is less than the buffer required in subsection B.1 of this section, the required buffer may be modified as set forth in this subsection. Such modification shall allow only a primary structure to encroach into the required buffer. The buffer adjustment shall be determined by connecting the portion of each adjacent primary structure that most encroaches into the required buffer. The line established represents the shoreline critical area buffer for the site; however, in no event may the adjusted shoreline critical area buffer be less than 25 feet.~~
- ~~b. Transportation or Utility Infrastructure. Where a legally established right-of-way, railroad right-of-way or other similar infrastructure of a linear nature crosses a shoreline critical area buffer, the edge of the improved right-of-way shall be the extent of the buffer, if the part of the critical area buffer on the other side of the right-of-way provides insignificant biological or hydrological function in relation to the portion of the buffer adjacent to the shoreline.~~

C. Structure Setbacks.

~~1. General. The requirements of this section apply along with any other dimensional requirements of the Land Use Code (see LUC 20.20.010, 20.20.130, 20.20.190 and Parts 20.25A—20.25G LUC). The most restrictive dimension controls. Structure setbacks are required in order to:~~

- ~~a. Minimize long-term impacts of development adjacent to critical areas and critical area buffers; and~~
- ~~b. Protect critical areas and critical area buffers from adverse impacts during construction.~~

~~2. Minimum Setback of Structures.~~

~~a. Undeveloped Site. An undeveloped site is a site that contains no primary structure. Undeveloped sites shall not require a shoreline critical area structure setback.~~

~~b. Developed Site. A developed site is a site that contains a primary structure. Lots created through subdivision, short subdivision, or the Planned Unit Development process from a developed site shall be considered undeveloped and subject to the requirements of subsection C.2.a of this section, except that the lot containing the existing primary structure shall be considered developed. Developed sites shall require a 25-foot shoreline critical area structure setback, measured from the edge of the shoreline critical area buffer.~~

~~3. Structure Setback Modification.~~

~~a. Modification Based on Surrounding Development. Where the shoreline critical area structure setback on all developed properties immediately abutting the site is less than the structure setback required in subsection C.2 of this section, the required structure setback may be modified as set forth in this subsection. Such modification shall allow only a primary structure to encroach into the required structure setback. The modification shall be determined by connecting the portion of each adjacent primary structure that most encroaches into the required structure setback. The line established represents the shoreline critical area structure setback for the site, however, in no event may this subsection modify the required critical area buffer.~~

~~b. Structure Setback Modification—Other (Developed Sites). Structure setbacks on developed sites not meeting the requirements of subsection C.3.a of this section may be modified only through an approved critical areas report. (Ord. 5680, 6-26-06, § 3)~~

Section 30. Section 20.25H.118 of the Bellevue Land Use Code is hereby deleted.

20.25H.118 Mitigation and monitoring—Additional provisions.

~~In addition to the provisions of LUC 20.25H.210, mitigation plans designed to mitigate impacts to shorelines and shoreline critical area buffers shall meet the requirements of this section.~~

A. Mitigation Preference.

~~Mitigation plans for shorelines and shoreline critical area buffers shall provide mitigation for impacts to critical area functions and values in the following order of preference:~~

Comment [CoB46]: Shorelines not regulated as critical area.

1. ~~On-site, through replacement of lost critical area buffer;~~
2. ~~On-site, through enhancement of the functions and values of remaining critical area buffer;~~
3. ~~Off-site, through replacement or enhancement, in the same sub-drainage basin;~~
4. ~~Off-site, through replacement or enhancement, out of the sub-drainage basin but in the same drainage basin.~~

~~Mitigation off-site and out of the drainage basin shall be permitted only through a critical areas report.~~

B. Buffer Mitigation Ratio.

~~Shoreline critical area buffer disturbed or impacted under this part shall be replaced at a ratio of one-to-one.~~

Section 31. Section 20.25H.119 of the Bellevue Land Use Code is hereby deleted.

Comment [CoB47]: Shorelines not regulated as critical area.

20.25H.119 Critical areas report – Additional provisions.

~~An applicant proposing a modification to the shoreline critical area buffer which would reduce the buffer to less than 25 feet shall establish by survey the site's ordinary high water mark, notwithstanding any other provision of this part or Part 20.25E LUC. (Ord. 5680, 6-26-06, § 3)~~

Section 32. Section 20.25H.150.D of the Bellevue Land Use Code is hereby amended to read as follows:

20.25H.150.D Designation of critical area.

D. Designation of Critical Area for Naturally Occurring Ponds. The following critical area buffer is hereby established for naturally occurring ponds that are not classified as a stream, ~~shoreline,~~ or wetland:

Comment [CoB48]: Shorelines not regulated as critical area.

Naturally occurring ponds where no other critical area designation applies: 35 feet.

Section 33. Section 20.25H.155 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25H.155 Uses in habitat for species of local importance.

The uses allowed in the underlying land use district are allowed within habitat associated with species of local importance, so long as the development complies with the performance standards of LUC 20.25H.160; provided, that fish habitat protection is presumed through compliance with performance standards contained in Part 20.25E LUC. ~~The~~This section does not allow modification of other critical areas of critical area buffers.

Comment [CoB49]: Defers to 20.25E for protection of fish habitat, and presumption of validity contained in 20.25E.060.B.2.

Section 34. Section 20.25H.210 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25H.210 Applicability.

Where a mitigation or restoration plan is required under this part ~~or Part 20.25E LUC~~, the plan shall be developed in accordance with the standards of LUC 20.25H.210 through 20.25H.225 inclusive. Any mitigation or restoration plan shall be approved as part of the permit or approval required for the underlying activity. Where a project requires a critical areas report and a mitigation or restoration plan, the mitigation or restoration plan may be included with the critical areas report.

Comment [CoB50]: Shorelines not regulated as critical area.

Section 35. Section 20.20.220.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.25H.220.A Mitigation and restoration plan requirements.

A. Plan Phases.

Where an applicant is seeking modifications to this part ~~or Part 20.25E LUC~~ through a critical areas report pursuant to LUC 20.25H.230, the mitigation plan required for the proposal may be submitted in phases. A conceptual plan shall be submitted as part of the critical areas report and approved with the land use approval for the proposal. A detailed plan shall be approved prior to or with approval of the first permit or other approval required to perform work associated with the proposal.

Comment [CoB51]: Shorelines not regulated as critical area.

Section 36. Section 20.25H.230 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25H.230 Critical areas report – Purpose.

A critical areas report is a mechanism by which the requirements of this part, ~~certain requirements of Part 20.25E LUC as set forth in that part,~~ and the impervious surface standards set forth in LUC 20.20.010 may be modified for a specific proposal.

Comment [CoB52]: Shorelines not regulated as critical area. Special shoreline report process contained in the Planning Commission-recommended SMP at LUC 20.25E.160.E.

The critical areas report is intended to provide flexibility for sites where the expected critical area functions and values are not present due to degraded conditions or other unique site characteristics, or for proposals providing unique design or protection of critical area functions and values not anticipated by this part. The scope and complexity of information required in a critical areas report will vary, depending on the scope and complexity and magnitude of impact on critical areas and critical area buffers associated with the proposed development. Generally, the critical areas report must demonstrate that the proposal with the requested modifications leads to equivalent or better protection of critical area functions and values than would result from the application of the standard requirements. Where the proposal involves restoration of degraded conditions in exchange for a reduction in regulated critical area buffer on a site, the critical areas report must demonstrate a net increase in certain critical area functions.

Section 37. Section 20.25H.240 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25H.240 Critical areas report – Limitation on modifications.

The critical areas report may not be used to modify sections of the Land Use Code outside of this part ~~and Part 20.25E LUC~~ unless otherwise expressly permitted. The critical areas report may not be used to modify the definitions of critical areas or definitions of stream types or wetland categories, or any other provision of this part that expressly prohibits modification. The critical areas report may not be used to modify streams, ~~or~~ wetlands, ~~or the shoreline below the ordinary high water mark~~ unless otherwise expressly permitted. Additional limitations on modifications for specific critical areas may be found in the sections of this part addressing that critical area.

Comment [CoB53]: Shorelines not regulated as critical area.

Comment [CoB54]: Shorelines not regulated as critical area.

Section 38. Section 20.25M.010.D.2 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25M.010.D General

D. Applicable Land Use Code Provisions.

- 2. Applicable Procedural and Administrative Sections Incorporated by Reference. Predictability and certainty with respect to procedural Land Use Code requirements ensures effectiveness of permit review and that the level of public participation for individual RLRT Facility applications occurs consistently across all land use districts and overlay areas of the City. The following procedural and administrative sections of the Land Use Code are expressly incorporated into the provisions of this Chapter 20.25M and apply to an RLRT Facility:

- a. ~~Part 20.30H LUC – Variance to the Shoreline Master Program~~ LUC 20.25E.100 through 20.25E.200 – Shoreline Overlay District Procedures and Permits
- b. ~~Part 20.30R LUC – Shoreline Substantial Development Permit~~ LUC 20.25E.250 through 270 – Shoreline Overlay District Administration and Enforcement
- c. Chapter 20.35 LUC – Review and Procedures
- d. Chapter 20.40 LUC – Administration and Enforcement sections as follows:
 - i. LUC 20.40.010 through 20.40.080; and
 - ii. LUC 20.40.500 through 510.
- e. Chapter 20.50 LUC – Definitions.

Comment [CoB55]: Shoreline permit provisions are now located in 20.25E.

Section 39. Section 20.25M.030.D of the Bellevue Land Use Code is hereby amended to read as follows:

20.25M.030.D Required Permits

D. Shoreline Substantial Development Permit and Variance

- 1. Any RLRT Facility proposed or located in the Shoreline Overlay District (Part 20.25E LUC) shall comply with the Shoreline Substantial Development Permit (SSDP) requirements of LUC ~~20.25E.040~~ 20.25E.100 and .160. Application for a SSDP shall be

Comment [CoB56]: Citation corrections based on new 20.25E (applies to all changes in this Section).

processed independently of any application for Design and Mitigation approval under this chapter. Application for a SSDP shall be subject to the decision criteria of LUC ~~20.30R.155~~[20.25E.150 and .160](#).

- For properties lying within the Shoreline Overlay District, the City may approve a request to exceed the allowable height limit established by LUC ~~20.25E.080.B.5~~[20.25E.050](#) through the Variance to the Shoreline Master Program process allowed pursuant to ~~Part 20.30H~~ [LUC 20.25E.100 and .120](#). Application for a shoreline variance shall be subject to the decision criteria of LUC ~~20.30H.155~~[20.25E.150 and .190](#).

Section 40. Chapter 20.30 – Table of Contents - of the Bellevue Land Use Code is hereby amended to read as follows:

Chapter 20.30

PERMITS AND DECISIONS

Sections:

Part 20.30A Rezone

- 20.30A.110 Scope
- 20.30A.115 Applicability
- 20.30A.120 Purpose
- 20.30A.140 Decision criteria
- 20.30A.145 Limitation on authority
- 20.30A.150 Map change
- 20.30A.155 Concomitant agreement

Part 20.30B Conditional Use Permit

- 20.30B.110 Scope
- 20.30B.115 Applicability
- 20.30B.120 Purpose
- 20.30B.140 Decision criteria
- 20.30B.160 Merger with Binding Site Plan
- 20.30B.165 Periodic review
- 20.30B.170 Modification/revocation
- 20.30B.175 Modification or addition to an approved project or decision

Part 20.30C ~~Shoreline Conditional Use Permit~~(Reserved)

- ~~20.30C.110 Scope~~
- ~~20.30C.115 Applicability~~
- ~~20.30C.120 Purpose~~
- ~~20.30C.130 Limitation on filing~~
- ~~20.30C.145 Limitation on City action~~
- ~~20.30C.155 Decision criteria~~
- ~~20.30C.160 Transmittal to Department of Ecology/Attorney General~~
- ~~20.30C.165 Effective date~~

Comment [CoB57]: Shoreline permits will no longer be in 20.30; instead they will be in 20.25E (Shoreline Overlay District) (affects 20.30C, 20.30H, and 20.30R).

20.30C.170 — Time limitation
20.30C.175 — Extension
20.30C.185 — Amendment to an approved Shoreline Conditional Use Permit
20.30C.190 — Merger with Binding Site Plan
20.30C.195 — Periodic review
20.30C.200 — Modification/revocation

Part 20.30D Planned Unit Development

- 20.30D.110 Scope
- 20.30D.115 Applicability
- 20.30D.120 Purpose
- 20.30D.150 Planned Unit Development plan – Decision criteria
- 20.30D.160 Planned Unit Development plan – Conservation feature and recreation space requirement
- 20.30D.165 Planned Unit Development plan – Request for modification of zoning requirements
- 20.30D.167 Planned Unit Development – Additional bonus density for large-parcel projects
- 20.30D.170 Planned Unit Development plan – Limitation on authority to modify zoning
- 20.30D.175 Planned Unit Development plan – Authorized activity
- 20.30D.195 Planned Unit Development plan – Merger with subdivision
- 20.30D.200 Planned Unit Development plan – Effect of approval
- 20.30D.250 Planned Unit Development plan – Phased development
- 20.30D.255 Planned Unit Development plan – Map designation
- 20.30D.280 Merger with Binding Site Plan
- 20.30D.285 Amendment of an approved Planned Unit Development

Part 20.30E Administrative Conditional Use Permit

- 20.30E.110 Scope
- 20.30E.115 Applicability
- 20.30E.120 Purpose
- 20.30E.140 Decision criteria
- 20.30E.160 Merger with Binding Site Plan
- 20.30E.165 Periodic review
- 20.30E.170 Modification/revocation
- 20.30E.175 Modification or addition to an approved project or decision

Part 20.30F Design Review

- 20.30F.110 Scope
- 20.30F.115 Applicability
- 20.30F.116 City Council Design Review
- 20.30F.120 Purpose
- 20.30F.125 Who may apply
- 20.30F.145 Decision criteria
- 20.30F.165 Merger with Binding Site Plan
- 20.30F.170 Planning Commission Design Review
- 20.30F.175 Modification or addition to an approved Design Review project or decision
- 20.30F.180 Recording required

Part 20.30G Variance from the Land Use Code

- 20.30G.110 Scope
- 20.30G.115 Applicability
- 20.30G.120 Purpose
- 20.30G.140 Decision criteria
- 20.30G.150 Limitation on authority

Part 20.30H ~~Variance to the Shoreline Master Program (Reserved)~~

- ~~20.30H.110 Scope~~
- ~~20.30H.115 Applicability~~
- ~~20.30H.120 Purpose~~
- ~~20.30H.125 Who may apply~~
- ~~20.30H.130 Limitation on filing~~
- ~~20.30H.155 Decision criteria~~
- ~~20.30H.160 Transmittal to Department of Ecology/Attorney General~~
- ~~20.30H.165 Effective date~~

Comment [CoB58]: Shoreline permits will no longer be in 20.30; instead they will be in 20.25E (Shoreline Overlay District)

Part 20.30I Amendment and Review of the Comprehensive Plan

- 20.30I.110 Scope and background
- 20.30I.115 Applicable process
- 20.30I.120 Purpose
- 20.30I.130 Initiation of amendment proposals
- 20.30I.140 Threshold review decision criteria
- 20.30I.150 Final review decision criteria

Part 20.30J Amendments to the Text of the Land Use Code

- 20.30J.110 Scope
- 20.30J.115 Applicability
- 20.30J.120 Purpose
- 20.30J.125 Who may initiate
- 20.30J.130 Applicable procedure
- 20.30J.135 Decision criteria

Part 20.30K Interpretation of the Land Use Code

- 20.30K.110 Scope
- 20.30K.115 Applicability
- 20.30K.120 Purpose
- 20.30K.130 Applicable procedure
- 20.30K.135 Submittal requirements
- 20.30K.140 Factors for consideration
- 20.30K.150 Effect of interpretation
- 20.30K.155 Time limitation

Part 20.30M Temporary Use Permit

- 20.30M.110 Scope
- 20.30M.115 Applicability
- 20.30M.120 Purpose
- 20.30M.125 Applicable procedure
- 20.30M.130 Who may apply
- 20.30M.140 Decision criteria
- 20.30M.145 Time limitation
- 20.30M.150 Limitation on activity
- 20.30M.155 Removal of temporary use

- 20.30M.160 Abatement of temporary use
- 20.30M.170 Screening of off-site construction parking areas

Part 20.30N Home Occupation Permit

- 20.30N.110 Scope
- 20.30N.115 Applicability
- 20.30N.120 Purpose
- 20.30N.125 Who may apply
- 20.30N.140 Decision criteria
- 20.30N.145 Conditions
- 20.30N.150 Time limitation
- 20.30N.155 Quarterly report
- 20.30N.160 Revocation of Home Occupation Permit
- 20.30N.165 Assurance device

Part 20.30P Critical Areas Land Use Permit

- 20.30P.110 Scope
- 20.30P.115 Applicability
- 20.30P.120 Purpose
- 20.30P.125 Who may apply
- 20.30P.130 Applicable procedure
- 20.30P.140 Decision criteria
- 20.30P.150 Time limitation
- 20.30P.155 Extension
- 20.30P.160 Assurance device
- 20.30P.170 Hold harmless
- 20.30P.180 Critical area report – Additional review procedures

Part 20.30R ~~Shoreline Substantial Development Permit(Reserved)~~

- ~~20.30R.110 Scope~~
- ~~20.30R.115 Applicability~~
- ~~20.30R.120 Purpose~~
- ~~20.30R.155 Director's decision~~
- ~~20.30R.160 Transmittal to Department of Ecology/Attorney General~~
- ~~20.30R.170 Commencement of activity~~
- ~~20.30R.175 Time limitation~~
- ~~20.30R.180 Extension~~
- ~~20.30R.190 Revision of an approved Shoreline Substantial Development Permit~~

Part 20.30S Vendor Cart Permit

- 20.30S.110 Scope
- 20.30S.115 Applicability
- 20.30S.120 Purpose
- 20.30S.125 Applicable procedure
- 20.30S.130 Who may apply
- 20.30S.135 Submittal requirements
- 20.30S.140 Decision criteria

Comment [CoB59]: Shoreline permits will no longer be in 20.30; instead they will be in 20.25E (Shoreline Overlay District)

Part 20.30T Reasonable Accommodation

20.30T Reasonable accommodation

Part 20.30U Temporary Encampment Permit

20.30U.110 Scope
20.30U.115 Applicability
20.30U.120 Who may apply
20.30U.121 Submittal requirements
20.30U.122 Applicable procedures
20.30U.125 Use requirements
20.30U.127 Hardship exception
20.30U.130 Decision criteria
20.30U.135 Revocation of Temporary Encampment Permit

Part 20.30V Master Development Plan

20.30V.110 Scope
20.30V.115 Applicability
20.30V.120 Purpose
20.30V.130 Phasing plan
20.30V.140 Binding Site Plan
20.30V.150 Decision criteria
20.30V.160 Modification or addition to an approved Master Development Plan
20.30V.170 Land area computation
20.30V.180 Recording required
20.30V.190 Extended vesting period for Master Development Plans and associated Design Review approval

Section 41. Part 20.30C of the Bellevue Land Use Code is hereby amended to read as follows:

Part 20.30C ~~Shoreline Conditional Use Permit(Reserved)~~

Comment [CoB60]: All shoreline permits moved to 20.25E (Shoreline Overlay District)

~~20.30C.110 Scope.~~

~~This Part 20.30C establishes the procedure and criteria that the City will use in making a decision upon an application for a Shoreline Conditional Use Permit.~~

~~20.30C.115 Applicability.~~

~~This part applies to each application for a Shoreline Conditional Use Permit.~~

~~20.30C.120 Purpose.~~

~~A Shoreline Conditional Use Permit is a mechanism by which the City may both provide more control and allow greater flexibility in administering the Shoreline Master Program in a manner consistent with the policies of the Shoreline Management Act. The City may permit certain uses to be established or may require special conditions on development or on the use of land in order to insure that designated uses or activities are compatible with other uses in the same land use district and in the vicinity of the subject property.~~

~~20.30C.130 Limitation on filing.~~

~~An application for a Shoreline Conditional Use Permit will not be accepted for filing unless accompanied by a complete application for a Substantial Development Permit (See LUC 20.25E.040).~~

~~20.30C.145 Limitation on City action.~~

~~The City may not take final action on an application for a Shoreline Conditional Use Permit for at least 30 days following the second publication required by LUC 20.30C.140.~~

~~20.30C.155 Decision criteria.~~

~~The City may approve or approve with modifications an application for a Shoreline Conditional Use Permit if:~~

- ~~A. The proposed use will be consistent with the policies of RCW 90.58.020 and the policies of the Bellevue Shoreline Master Program; and~~
- ~~B. The proposed use will not interfere with the normal public use of public shorelines; and~~
- ~~C. The proposed use of the site and design of the project will be compatible with other permitted uses within the area; and~~
- ~~D. The proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is to be located; and~~
- ~~E. The public interest suffers no substantial detrimental effect; and~~
- ~~F. The proposed use complies with all requirements of WAC 173.14.140; and~~
- ~~G. The proposed use is harmonious and appropriate in design, character and appearance with the existing or intended character and quality of development in the immediate vicinity of the subject property and with the physical characteristics of the subject property; and~~
- ~~H. The proposed use will be served by adequate public facilities including streets, fire protection, water, stormwater control and sanitary sewer; and~~
- ~~I. The proposed use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and~~
- ~~J. The proposed use has merit and value for the community as a whole; and~~
- ~~K. The proposed use is in accord with the Comprehensive Plan; and~~

~~L.—The proposed use complies with all other applicable criteria and standards of the Bellevue City Code.~~

~~20.30C.160 Transmittal to Department of Ecology/Attorney General.~~

~~Pursuant to WAC 173-14-090 and WAC 173-14-130, the Director of the Development Services Department shall send the following to the Department of Ecology and the Attorney General's Office within eight days of the City Council action on a Shoreline Conditional Use Permit:~~

- ~~A.—The original application; and~~
- ~~B.—An affidavit of public notice; and~~
- ~~C.—A copy of the approved site plan; and~~
- ~~D.—A vicinity map; and~~
- ~~E.—A copy of the approved Shoreline Conditional Use and Substantial Development Permits; and~~
- ~~F.—If applicable, the Council ordinance or resolution approving the application.~~

~~20.30C.165 Effective date.~~

~~Notwithstanding the provisions of LUC 20.35.100 et seq., a Shoreline Conditional Use Permit is not effective until it is approved by the Department of Ecology as required by WAC 173-14-130.~~

~~20.30C.170 Time limitation.~~

~~A.—A Shoreline Conditional Use Permit automatically expires and is void if the applicant fails to file for a Building Permit or other necessary development permit and fails to make substantial progress towards completion of the project within two years of the effective date of the Shoreline Conditional Use Permit unless the applicant has received an extension for the Shoreline Conditional Use Permit pursuant to LUC 20.30C.175. "Substantial progress" includes the following, where applicable: the making of contracts; signing of notice to proceed; completion of grading and excavation; and the laying of major utilities; or if no construction is involved, commencement of the activity.~~

~~B.—Permit authorization expires finally, despite substantial progress, five years after the effective date of the Shoreline Conditional Use Permit unless the applicant has received an extension pursuant to LUC 20.30C.175. (Ord. 4055, 3914, 9-25-89, § 15)~~

~~20.30C.175 Extension.~~

~~A.—The Director of the Development Services Department may extend a Shoreline Conditional Use Permit, not to exceed one year, with prior notice to the Department of Ecology and those who requested copies of the City's decision, only if:~~

- ~~1.—Unforeseen circumstances or conditions necessitate the extension of the permit;~~
- ~~and~~
- ~~2.—Termination of the permit would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and~~
 - ~~3.—An extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property.~~

~~B.—The Director of the Development Services Department may grant no more than two extensions—one only of the two-year "substantial progress" deadline described in LUC 20.30C.170.A and one only of the five-year final deadline described in LUC 20.30C.170.B. (Ord. 4055, 3914, 9-25-89, § 16)~~

~~20.30C.185 Amendment to an approved Shoreline Conditional Use Permit.~~

- ~~A.—General.~~

~~The provisions of this section are in addition to those procedures governing amendments to an approved project or decision found in LUC 20.30B.175.~~

~~B.—Additional Criteria for Administrative Amendment:~~

~~An amendment may be reviewed as an administrative amendment if it complies with the provisions of WAC 173-14-064.~~

~~C.—Transmittal to Department of Ecology/Attorney General:~~

~~The Director shall send a copy of the final City action on to the Department of Ecology and the Attorney General's Office in conformance with LUC 20.30C.160 and WAC 173-14-064. (Ord. 4973, 3-3-97, § 829; Ord. 4816, 12-4-95, § 929)~~

20.30C.190 Merger with Binding Site Plan.

~~A.—General:~~

~~The applicant may request that the site plan approved with the Shoreline Conditional Use Permit constitute a Binding Site Plan pursuant to Chapter 58.17 RCW.~~

~~B.—Survey and Recording Required:~~

~~If a site plan is approved as a Binding Site Plan, the applicant shall provide a recorded survey depicting all lot lines and shall record the approved site plan and survey with the King County Department of Records and Elections. No document shall be presented for recording without the signature of each owner of the subject property.~~

~~C.—Effect of Binding Site Plan:~~

~~Upon the approval and recording of a Binding Site Plan the applicant may develop the subject property in conformance with the approved and recorded Binding Site Plan and without regard to lot lines internal to the subject property. Any sale or lease of lots or parcels within the subject property shall be subject to the approved and recorded Binding Site Plan and the requirements of state law. (Ord. 3848, 11-16-87, § 2)~~

20.30C.195 Periodic review.

~~The City may impose periodic review requirements as a condition of permit approval. (Ord. 4066, 10-23-89, § 3)~~

20.30C.200 Modification/revocation:

~~A.—Modification:~~

~~The City may initiate a modification to an approved Shoreline Conditional Use Permit. A modification will be processed through Process I, LUC 20.35.100 et seq.; provided, that modification of a Shoreline Conditional Use Permit within the jurisdiction of a Community Council pursuant to RCW 35.14.040 shall require a Process III decision. Through the modification procedure, the Hearing Body may delete, modify or impose additional conditions upon finding that the use for which such approval was granted has been intensified, changed or modified by the property owner or by person(s) who control the property without approval so as to significantly impact surrounding land uses.~~

~~B.—Revocation:~~

~~The Hearing Body may revoke an approved permit through Process I, LUC 20.35.100 et seq.; provided, that revocation of a Conditional Use Permit within the jurisdiction of a Community Council pursuant to RCW 35.14.040 shall require a Process III decision. An approved permit may be revoked only upon a finding that:~~

- ~~1.—The use for which the approval was granted has been abandoned for a period of at least one year; or~~
- ~~2.—Approval of the permit was obtained by misrepresentation of material fact; or~~
- ~~3.—The permit is being exercised contrary to the terms of approval. (Ord. 4973, 3-3-97, § 830; Ord. 4816, 12-4-95, § 930; Ord. 4066, 10-23-89, § 4)~~

Section 42. Part 20.30H of the Bellevue Land Use Code is hereby amended to read as follows:

Part 20.30H Variance to the Shoreline Master Program (Reserved)

Comment [CoB61]: All shoreline permits moved to 20.25E (Shoreline Overlay District)

20.30H.110 Scope.

~~This Part 20.30H establishes the procedure and criteria that the City will use in making a decision upon an application for a variance to the provisions of the Shoreline Master Program.~~

20.30H.115 Applicability.

~~This part applies to each application for a variance to the provisions of the Shoreline Master Program.~~

20.30H.120 Purpose.

~~The purpose of a variance to the Shoreline Master Program is to grant relief to specific bulk, dimensional or performance standards set forth in the Master Program where there are extraordinary or unique circumstances relating to the property such that strict implementation of the Master Program would impose unnecessary hardships on the applicant or thwart the policies of the Shoreline Management Act.~~

20.30H.125 Who may apply.

~~The property owner may apply for a variance to the provisions of the Shoreline Master Program.~~

20.30H.130 Limitation on filing.

~~An application for a variance to the Shoreline Master Program will not be accepted for filing unless accompanied by a complete application for a Substantial Development Permit (see LUC 20.25E.040).~~

20.30H.155 Decision criteria.

~~The City may approve or approve with modifications an application for a variance to the Shoreline Master Program if:~~

- ~~A.—Denial of the variance would result in thwarting the policy of RCW 90.58.020; and~~
- ~~B.—The applicant has demonstrated extraordinary circumstances and the public interest will suffer no substantial detrimental effect; and~~
- ~~C.—The strict application of the bulk, dimensional or performance standards of the Master Program preclude or significantly interfere with a reasonable permitted use of the property; and~~
- ~~D.—The hardship described in subsection C of this section is specifically related to the property and is the result of unique conditions such as irregular lot shape or natural features and the application of the Master Program and not, for example, deed restrictions or the applicant's own actions; and~~
- ~~E.—The design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation; and~~
- ~~F.—The variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area and will be the minimum necessary to afford relief; and~~
- ~~G.—If the development will be located either waterward of the ordinary high water mark or in a marsh, bog or swamp designated pursuant to Chapter 173-22 WAC:
 - ~~1.—In place of subsection C of this section, the strict application of the bulk, dimensional or performance standards of the Master Program preclude a reasonable permitted use of the property, and~~~~

~~2.—The public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.~~

~~**20.30H.160 Transmittal to Department of Ecology/Attorney General.**~~

~~Pursuant to WAC 173-14-090 and 173-14-130, the Director shall send the following to the Department of Ecology and the Attorney General's Office within eight days of the Director's action on a variance to the Shoreline Master Program:~~

- ~~A.—The original application; and~~
- ~~B.—An affidavit of public notice; and~~
- ~~C.—A copy of the approved site plan; and~~
- ~~D.—A vicinity map; and~~
- ~~E.—A copy of the approved variance to the Shoreline Master Program and Substantial Development Permits. (Ord. 4973, 3-3-97, § 806; Ord. 4816, 12-4-95, § 906)~~

~~**20.30H.165 Effective date.**~~

~~Notwithstanding the provisions of LUC 20.35.200 et seq., a variance to the Shoreline Master Program is not effective until it is approved by the Department of Ecology as required by WAC 173-14-130. (Ord. 4973, 3-3-97, § 807; Ord. 4816, 12-4-95, § 907)~~

Section 43. Part 20.30R of the Bellevue Land Use Code is hereby amended to read as follows:

Part 20.30R Shoreline Substantial Development Permit(Reserved)

Comment [CoB62]: All shoreline permits moved to 20.25E (Shoreline Overlay District)

~~**20.30R.110 Scope.**~~

~~This Part 20.30R establishes the procedure and criteria that the City will use in making a decision upon an application for a Shoreline Substantial Development Permit. (Ord. 4055, 3914, 9-25-89, § 19)~~

~~**20.30R.115 Applicability.**~~

~~This Part 20.30R applies to each application for a Shoreline Substantial Development Permit. (Ord. 4055, 3914, 9-25-89, § 19)~~

~~**20.30R.120 Purpose.**~~

~~A Shoreline Substantial Development Permit is the primary mechanism by which the City administers the Shoreline Master Program in a manner consistent with the policies of the Shoreline Management Act. (Ord. 4055, 3914, 9-25-89, § 19)~~

~~**20.30R.155 Director's decision.**~~

~~A.—General.~~

~~On or after the date specified in LUC 20.30R.140.B.1, and subject to all other restrictions on the time of decisionmaking, the Director of the Development Services Department shall either approve, approve with modifications or deny the application.~~

~~B.—Criteria.~~

~~The Director of the Development Services Department may approve or approve with modifications if:~~

~~1.—The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion that the application merits approval or approval with modifications; and~~

~~2.—The applicant has demonstrated that the proposal complies with the applicable decision criteria of the Bellevue City Code; and~~

~~3.—The applicant has demonstrated that the proposal is consistent with the policies and procedures of the Shoreline Management Act and the provisions of Chapter 173-14 WAC and the Master Program.~~

~~In all other cases, the applicable Department Director shall deny the application.~~

~~C.—Limitation on Modification.~~

~~If the Director of the Development Services Department makes a modification which results in a proposal not reasonably foreseeable from the description of the proposal contained in the public notice provided pursuant to LUC 20.30R.140.A, the Director of the Development Services Department shall provide a new notice of an upcoming decision and obtain public comment prior to making a decision.~~

~~D.—Conditions.~~

~~The Director of the Development Services Department may include conditions as part of the approval or approval with modifications to ensure conformance with subsection B of this section.~~

~~E.—Written Decision of the Director.~~

~~1.—Content. The Director of the Development Services Department shall issue a written decision which contains the following:~~

~~a.—A statement indicating that the application is approved, approved with modifications or denied; and~~

~~b.—A statement of any conditions included as part of an approval or approval with modifications; and~~

~~c.—A statement of facts upon which the decision, including any conditions, was based and the conclusions derived from those facts.~~

~~2.—Distribution. The applicable Department Director shall mail the written decision of the Director, bearing the date it is mailed, to each person who participated in the decision as provided for in subsection B of this section.~~

~~F.—Effect of Decision.~~

~~Subject to LUC 20.30R.165, the decision of the Director of the Development Services Department on the application is the final decision of the City. (Ord. 4055, 3914, 9-25-89, § 19)~~

20.30R.160 Transmittal to Department of Ecology/Attorney General.

~~Pursuant to WAC 173-14-090, the Director of the Development Services Department shall file the following with the Department of Ecology and the Attorney General's Office within eight days of the Director's action on a Shoreline Substantial Development Permit:~~

~~A.—The original application; and~~

~~B.—An affidavit of public notice; and~~

~~C.—A copy of the approved site plan; and~~

~~D.—A vicinity map; and~~

~~E.—A copy of the approved Shoreline Substantial Development Permit; and~~

~~F.—A copy of the approved Shoreline Conditional Use Permit or Shoreline Variance, if applicable; and~~

~~G.—A copy of the environmental checklist and SEPA determination, if applicable; and~~

~~H.—The final action on the application. (Ord. 4055, 3914, 9-25-89, § 19)~~

20.30R.170 Commencement of activity.

~~Subject to LUC 20.30R.165, the applicant may commence activity or obtain other required approvals authorized by the approval or approval with modifications 30 calendar days following the date of the City's filing with the Department of Ecology. If the decision of the Director of the Development Services Department is appealed pursuant to LUC 20.30R.165, no activity may begin and no other City approvals may be granted until resolution of the appeal. (Ord. 4055, 3914, 9-25-89, § 19)~~

20.30R.175 Time limitation.

~~A.—A Shoreline Substantial Development Permit automatically expires and is void if the applicant fails to file for a Building Permit or other necessary development permit and fails to make substantial progress towards completion of the project within two years of the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension for the Shoreline Substantial Development Permit pursuant to LUC 20.30R.180. “Substantial progress” includes the following, where applicable: the making of contracts; signing of notice to proceed; completion of grading and excavation; and the laying of major utilities; or if no construction is involved, commencement of the activity.~~

~~B.—Permit authorization expires finally, despite substantial progress, five years after the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension pursuant to LUC 20.30R.180. (Ord. 4055, 3914, 9-25-89, § 19)~~

20.30R.180 Extension.

~~A.—The Director of the Development Services Department may extend a Shoreline Substantial Development Permit, not to exceed one year, with prior notice to the Department of Ecology and those who requested copies of the Director’s decision only if:~~

~~1.—Unforeseen circumstances or conditions necessitate the extension of the permit; and~~

~~2.—Termination of the permit would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and~~

~~3.—An extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property.~~

~~B.—The Director of the Development Services Department may grant no more than two extensions—one only of the two-year “substantial progress” deadline described in LUC 20.30R.175.A and one only of the five-year final deadline described in LUC 20.30R.175.B. (Ord. 4055, 3914, 9-25-89, § 19)~~

20.30R.190 Revision of an approved Shoreline Substantial Development Permit.

~~A.—General.~~

~~Except as otherwise provided in subsection B of this section, a revision of a previously approved project or decision is treated as a new application for a Shoreline Substantial Development Permit.~~

~~B.—Minor Revisions.~~

~~1.—Authority. A revision may be reviewed as a Minor Revision if determined to be within the scope and intent of the original permit by meeting all of the following criteria:~~

~~a.—No additional over-water construction is involved except that pier, dock, or float construction may be increased by 500 square feet or 10 percent from the provisions of the original permit, whichever is less;~~

~~b.—Ground area coverage and height of each structure may be increased a maximum of 10 percent from the provisions of the original permit;~~

~~c.—Additional separate structures may not exceed a total of 250 square feet;~~

~~d.—The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the applicable master program except as authorized under the original permit;~~

~~e.—Additional landscaping is consistent with conditions (if any) attached to the original permit and with the applicable master program;~~

~~f.—The use authorized pursuant to the original permit is not changed; and~~

~~g.—No substantial adverse environmental impact will be caused by the project revision.~~

If the sum of the revision and any previously approved revisions violate the provisions of this section, a new permit shall be required.

2. ~~Decision Criteria.~~ The Director of the Development Services Department may approve or approve with modifications a Minor Revision if:

a. ~~The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion that the application merits approval or approval with modifications; and~~

b. ~~The applicant has demonstrated that the proposal complies with the applicable decision criteria of the Bellevue City Code.~~

In all other cases, the Director of the Development Services Department shall deny the application.

3. ~~Conditions.~~ The Director of the Development Services Department may include conditions as part of the proposed approval or approval with modifications to ensure conformance with paragraph B.2 of this section.

4. ~~Content.~~ The Director of the Development Services Department shall issue a written decision on the revision which contains the following:

a. ~~A statement indicating that the application is approved, approved with modifications or denied; and~~

b. ~~A statement of any conditions included as part of an approval or approval with modifications; and~~

c. ~~A statement of facts upon which the decision, including any conditions, was based and the conclusions derived from those facts.~~

5. ~~Transmittal to Department of Ecology/Attorney General.~~ The Director of the Development Services Department shall send within eight days a copy of the final City action on the revision on to the Department of Ecology and the Attorney General's Office in conformance with LUC 20.30R.160 and WAC 173-14-064.

6. ~~If the revision to the original permit involves a conditional use or variance which was conditioned by the Department of Ecology, the revision shall be submitted to the Department of Ecology for the department's approval, approval with conditions, or denial. The revision shall indicate that it is being submitted under the requirements of WAC 173-14-064(5). Persons having requested notice of the Director's decision shall be notified. The Department of Ecology shall transmit to the City its decision within 15 days of receipt of the Director's submittal.~~

7. ~~The revised permit is effective immediately upon the Director's decision or, when appropriate under paragraph B.6 of this section, upon the Department of Ecology's action.~~

8. ~~Appeals shall be in accordance with RCW 90.58.180 and shall be filed within 30 days from the date of receipt of the Director's decision by the Department of Ecology or, when appropriate under paragraph B.6 of this section, the date the Department of Ecology's final decision is transmitted to the City and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of paragraph B.1 of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not in compliance with paragraph B.1 of this section, the decision shall have no bearing on the original permit. (Ord. 4055, 3914, 9-25-89, § 19)~~

Section 44. Section 20.35.015 of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.015 Framework for decisions.

A. Land use decisions, other than decisions on applications for Shoreline Conditional Use Permits, Shoreline Substantial Development Permits, and Variances to the Shoreline Master

Comment [CoB63]: Shoreline permits, procedures, and decisions are now in 20.25E.

[Program](#), are classified into ~~four~~five processes based on who makes the decision, the amount of discretion exercised by the decisionmaker, the level of impact associated with the decision, the amount and type of public input sought, and the type of appeal opportunity. [Refer to LUC 20.25E.100-200 for procedures, permits, and decisions related to Shoreline Conditional Use Permits, Shoreline Substantial Development Permits, and Variances to the Shoreline Master Program.](#)

B. Process I decisions are quasi-judicial decisions made by the Hearing Examiner on project applications. The following types of applications require a Process I decision:

1. Conditional Use Permits (CUPs) ~~and Shoreline Conditional Use Permits;~~
2. Preliminary Subdivision Approval (Plat); and
3. Planned Unit Development (PUD) Approval; provided, that applications for CUPs, ~~shoreline CUPs,~~ preliminary plats, and PUDs, within the jurisdiction of a Community Council pursuant to RCW 35.14.040, shall require a Process III decision.

Comment [CoB64]: Shoreline CUPs are now addressed in 20.25E.

Comment [CoB65]: Shoreline CUPs are now addressed in 20.25E.

C. Process II decisions are administrative land use decisions made by the Director. Threshold determinations under the State Environmental Policy Act (SEPA) made by the Environmental Coordinator and Sign Code variances are also Process II decisions. (See the Environmental Procedures Code, BCC 22.02.034, and Sign Code, BCC 22B.10.180.) The following types of applications require a Process II decision:

1. Administrative amendments;
2. Administrative Conditional Use;
3. Design Review;
4. Home Occupation Permit;
5. Interpretation of the Land Use Code;
6. Preliminary Short Plat;

~~7. Shoreline Substantial Development Permit;~~

~~87. Variance and Shoreline Variance;~~

~~98. Critical Area Land Use Permits;~~

~~409. Master Development Plans;~~

~~4410. Design and Mitigation Permits required pursuant to the Light Rail Overlay Part 20.25M LUC; and~~

~~4211. Review under State Environment Policy Act (SEPA) when not consolidated with another permit.~~

Comment [CoB66]: Shoreline permits are now addressed in 20.25E.

D. Process III decisions are quasi-judicial decisions made by the City Council. The following types of applications require a Process III decision:

1. Site-specific or project-specific rezone;
2. Conditional Use, ~~Shoreline Conditional Use~~, Preliminary Plat, and Planned Unit Development projects subject to the jurisdiction of a Community Council pursuant to RCW 35.14.040; and
3. A rezone of any property to the OLB-OS Land Use District designation.

Comment [CoB67]: Shoreline permits are now addressed in 20.25E.

E. (Process IV decisions – no change)

F. (Process V decisions – no change)

G. (Other types of land use applications and decisions made by the Director – no change)

Comment [CoB68]: Amendment is proposed to this paragraph G as part of the LUC cleanup ordinance; need to make sure both ords are consistent.

Section 45. Section 20.35.020 of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.020 Pre-application conferences.

A pre-application conference is required prior to submitting an application for Conditional Use ~~or Shoreline Conditional Use~~ Permits, preliminary subdivision approval, planned unit developments, Master Development Plans, Design and Mitigation Permits required pursuant to the Light Rail Overlay Part 20.25M LUC, and Design Review projects, unless waived by the Director.

Comment [CoB69]: All shoreline permit requirements now in 20.25E.

Section 46. Section 20.35.070 of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.070 Appeal of City land use decisions to Superior Court.

A. General. A final City decision on a land use permit application (Processes I through III and V), ~~except for shoreline permits~~, may be appealed to Superior Court by filing a land use petition meeting the requirements set forth in Chapter 36.70C RCW. The petition must be filed and served upon all necessary parties as set forth in state law and within the 21-day time period as set forth in RCW 36.70C.040. Notwithstanding the provisions of this paragraph, the time for filing an appeal of a final Process II land use action that has been merged with a Process I or III application will be tolled until the Process I or III decisions are final. Requirements for fully exhausting City administrative appeal opportunities, if any are available, must be fulfilled. ~~An appeal of a Shoreline Substantial Development Permit, a Shoreline Conditional Use Permit, or a shoreline variance shall be to the State Shoreline Hearings Board and shall be filed within 21 days as set forth in RCW 90.58.180.~~

Comment [CoB70]: Shoreline permit appeals are now addressed in 20.25E.

B. A final City action on a legislative nonproject land use proposal (Process IV) may be appealed by petition to the Growth Management Hearings Board as set forth in LUC 20.35.440.C and RCW 36.70A.290.

Comment [CoB71]: Shoreline permit appeals are now addressed in 20.25E.

Section 47. Section 20.35.150.D of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.150.D Appeal of Hearing Examiner decision.

D. Effect of Decision.

The decision of the City Council on the application is the final decision of the City and may be appealed to Superior Court as provided in LUC 20.35.070, ~~except that an appeal of a shoreline conditional use decision shall be filed with the State Shoreline Hearings Board as set forth in RCW 90.58.180.~~

Comment [CoB72]: Shoreline permit appeals now addressed in 20.25E.

Section 48. Section 20.35.200.C of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.200.C Process II: Administrative decisions.

C. Process II decisions of the Director and SEPA threshold determinations are final decisions, effective on the day following the expiration of any associated administrative appeal period, except that for projects where no person or entity submitted comments prior to the date the final decision was issued pursuant to LUC 20.35.250.A.1, the Process II decision is a final decision effective on the date of issuance. If an administrative appeal is filed by a person or entity that submitted comments prior to the date the final decision was issued as set forth in LUC 20.35.250.A.1, the decision is not final until the appeal is heard and decided by the City Hearing Examiner, ~~the Shoreline Hearings Board pursuant to LUC 20.35.250.B and RCW 90.58.180,~~ or the Growth Management Hearings Board pursuant to LUC 20.35.250.C and RCW 36.70A.290.

Comment [CoB73]: Shoreline permit appeals are now addressed in 20.25E.

Section 49. Section 20.35.210, Table 20.35.210.A, of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.210 Notice of application.

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

Table 20.35.210.A

Comment [CoB74]: Amendment to this table is proposed under the LUC cleanup ordinance. Need to make sure both ords are consistent)

Application Type	Publish	Mail	Sign
Administrative Amendment	X	X	X
Administrative Conditional Use	X	X	X
Design Review	X	X	X
Home Occupation Permit	X	X	
Interpretation of Land Use Code	X		
Preliminary Short Plat	X	X	X
Shoreline Substantial Development Permit	X	X	

Comment [CoB75]: Shoreline permits are now addressed in 20.25E.

Variance, Shoreline Variance	X	X	
Critical Areas Land Use Permit	X	X	
SEPA Review (when not consolidated with another permit)	X		

Section 50. Section 20.35.250 of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.250 Appeal of Process II decisions.

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

Comment [CoB76]: Appeals of shoreline permits are now addressed in 20.25E.

1. Who May Appeal. The project applicant or any person who submitted written comments prior to the date the decision was issued may appeal the decision.
2. Form of Appeal. A person appealing a Process II decision must file a written statement setting forth:
 - a. Facts demonstrating that the person is adversely affected by the decision;
 - b. A concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria;
 - c. The specific relief requested; and
 - d. Any other information reasonably necessary to make a decision on the appeal.

The written statement must be filed together with an appeal notification form available from the Office of the City Clerk. The appellant must pay such appeal fee, if any, as established by ordinance or resolution at the time the appeal is filed.

3. Time and Place to Appeal. The written statement of appeal, the appeal notification form, and the appeal fee, if any, must be received by the City Clerk no later than 5:00 p.m. on the 14th day following the date of publication of the decision of the Director; except that if the Director's decision is consolidated with a threshold Determination of Nonsignificance under the State Environmental Policy Act for which a comment period pursuant to WAC 197-11-340 must be provided, the appeal period for the consolidated decision shall be 21 days.

~~**B. Shoreline Permit Appeals.**~~

Comment [CoB77]: Shoreline permit appeals are now addressed in 20.25E.

~~An appeal of a Shoreline Substantial Development Permit or a shoreline variance shall be to the State Shoreline Hearings Board and shall be filed within 21 days as set forth in RCW 90.58.180.~~

CB. SEPA Threshold Determinations on Process IV and Process V Actions.

1. Process IV. An appeal of a SEPA threshold determination on a Process IV action shall be filed together with an appeal of the underlying Process IV action. The appeal shall be

by petition to the Growth Management Hearings Board and shall be filed within the 60-day time period set forth in RCW 36.70A.290.

2. Process V. An appeal of a SEPA threshold determination on a Process V action shall be filed together with an appeal of the underlying Process V action. The appeal shall be as set forth in LUC 20.35.070 and 20.35.540.

| **DC. Notice of Appeal Hearing.**

If a Process II decision is appealed, a hearing before the City Hearing Examiner shall be set and notice of the hearing shall be mailed to the appellant, the applicant, and all parties of record by the applicable Department Director. Notice shall be mailed no less than 14 days prior to the appeal hearing; except that if the Process II decision has been consolidated with a recommendation on a Process I or Process III application, any appeal of the Process II decision shall be consolidated with the Process I or Process III public hearing. No separate notice of a Process II appeal need be provided if the public hearing has already been scheduled for the Process I or Process III component of an application.

| **ED. Hearing Examiner Hearing.**

The Hearing Examiner shall conduct an open record hearing on a Process II appeal. The appellant, the applicant, and the City shall be designated parties to the appeal. Each party may participate in the appeal hearing by presenting testimony or calling witnesses to present testimony. Interested persons, groups, associations, or other entities who have not appealed may participate only if called by one of the parties to present information; provided, that the Examiner may allow nonparties to present relevant testimony if allowed under the Examiner's Rules of Procedure.

| **FE. Hearing Examiner Decision on Appeal.**

Within 10 working days after the close of the record for the Process II appeal, the Hearing Examiner shall issue a decision to grant, grant with modifications, or deny the appeal. The Examiner may grant the appeal or grant the appeal with modification if:

1. The appellant has carried the burden of proof; and
2. The Examiner finds that the Process II decision is not supported by a preponderance of the evidence.

The Hearing Examiner shall accord substantial weight to the decision of the applicable Department Director and the Environmental Coordinator.

| **GF. Appeal of Hearing Examiner Decision.**

A final decision by the Hearing Examiner on a Process II application may be appealed to Superior Court as set forth in LUC 20.35.070.

| **HG. Time Period to Complete Appeal Process.**

In all cases except where the parties to an appeal have agreed to an extended time period, the administrative appeal process shall be completed within 90 days from the date the

original administrative appeal period closed. Administrative appeals shall be deemed complete on the date of issuance of the Hearing Examiner's decision on the appeal.

Section 51. Section 20.40.500.A.1 of the Bellevue Land Use Code is hereby amended to read as follows:

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

A. Vesting for Permits and Approvals.

1. Permits and Approvals Other than Subdivisions and Short Subdivisions and Shoreline Permits. Applications for all land use permits and approvals except subdivisions and short subdivisions and shoreline permits (Shoreline Conditional Use, Shoreline Substantial Development Permit, and Variance to the Shoreline Master Program) shall be considered under the Land Use Code and other land use control ordinances in effect on the date that a fully complete Building Permit application, meeting the requirements of BCC 23.10.03223.05.090E and F, is filed. Vesting provisions for Shoreline Permits are provided in LUC 20.25E.250.C. If a complete Building Permit application is not filed, the land use permit or approval shall become vested to the provisions of the Land Use Code upon the date of the City's final decision on the land use permit or approval.

Comment [CoB78]: Amendments to this paragraph A.1 are proposed under the LUC cleanup ordinance. Need to make sure both ords are consistent)

Comment [CoB79]: Shoreline permit vesting is now addressed in 20.25E.

Comment [CoB80]: Shoreline permit vesting is now addressed in 20.25E.

Section 52. Section 20.40.500.B.1 of the Bellevue Land Use Code is hereby amended to read as follows:

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

B. Expiration of Vested Status of Land Use Permit or Approval.

1. The vested status of a land use permit or approval shall expire as provided in subsection B.2 of this section; provided, that:
 - a. Variances shall run with the land in perpetuity if recorded with King County Department of Records and Elections within 60 days following the City's final action; and
 - b. Critical Areas Land Use Permits shall expire as set forth in LUC 20.30P.150; and
 - c. Lots in a subdivision or short subdivision shall be vested against changes in the Land Use Code, except for changes that address a serious threat to the public health or safety as found by the City Council when such change is adopted, for a period of five years following the date of recording of the final plat or final short plat; and
 - d. The time period established pursuant to subsection B.2 of this section shall not include the time during which an activity was not actively pursued due to the pendency of litigation which may materially affect rights of the applicant for the permit or approval related to that permit or approval.

e. Expiration of Shoreline Permits shall occur pursuant to LUC 20.25E.250.C.

Comment [CoB81]: Shoreline permit expiration is now addressed in 20.25E.

Section 53. Section 20.50.010 of the Bellevue Land Use Code is hereby amended to delete the definition of “Agricultural Lands, Prime”.

20.50.010 A definitions.

Agricultural Lands, Prime. Soils for crop production with little or no limitations, or hazards, for crop production. [This definition does not apply with the Shoreline Overlay District \(refer to LUC 20.25E.280 – “Agricultural Land”\).](#)

Section 54. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to delete the definition of “Boathouse”.

Section 55. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to revise the definition of “Building Height” to read as follows:

20.50.012 B definitions.

Building Height. The vertical distance measured from the average elevation of the finished grade around the building or building segment to the highest point of a flat roof, or to the mean height between the eaves and ridge of a pitched roof. Specifically excluded from this definition and from the regulation of maximum building height are structural elements not intended for habitation and not exceeding 15 feet above the maximum building height including penthouses for mechanical and elevator equipment, chimneys, wireless communication facility antenna arrays, smoke and ventilation stacks, flag poles, mechanical and elevator equipment, and parapet walls designed solely to screen mechanical and elevator equipment. This definition does not apply to projects located within a Transition Area Design District (refer to LUC 20.25B.040), the Shoreline Overlay District (refer to LUC ~~20.25E.017~~20.25E.280 – “Height”), Single-Family Land Use Districts (refer to the definition of Building Height – Single-Family Land Use Districts contained in this section; see also LUC 20.10.440, Note (16)), and to the F1 Land Use District (refer to LUC 20.25F1.040, Footnote (6)).

Section 56. Section 20.50.014 of the Bellevue Land Use Code is hereby amended to revise the definition of “Community Club” to read as follows:

20.50.014 C definitions.

Community Club. A formally constituted nonprofit association or corporation made up of the residents of a given area. [This definition does not apply with the Shoreline Overlay District \(refer to LUC 20.25E.280 – “Community Club”\).](#)

Section 57. Section 20.50.016 of the Bellevue Land Use Code is hereby amended to revise the definition of “Development” to read as follows:

20.50.016 D definitions.

Development. All structures and other modifications of the natural landscape above and below ground or water, on a particular site. For the purposes of Part 20.25E LUC, regulation for the Shoreline Overlay District, a different definition is used. See LUC 20.25E.017.A.

Comment [CoB82]: Defer to new definition of “Agricultural Land” in 20.25E. Note that there are no agricultural lands in the GMA meaning of the term within Bellevue’s urban growth boundary.

Comment [CoB83]: 20.25E contains definition of Boathouse. This use does not occur outside of the Shoreline Overlay District, so general definition in 20.50 is not needed.

Comment [CoB84]: Defer to new definition in 20.25E.

Comment [CoB85]: Defer to new definition in 20.25E.

Comment [CoB86]: LUC 20.25E.017.A will be an outdated citation under the new 20.25E. Intent is to revise the definition of “development” here in LUC 20.50.016 in a manner that incorporates shoreline development so that only one definition applies. Amendment is not yet drafted.

Section 58. Section 20.50.020 of the Bellevue Land Use Code is hereby amended to revise the definition of "Fair Market Value" to read as follows:

20.50.020 F definitions.

Fair Market Value. The expected price at which the development can be sold to a willing buyer. For developments which involve nonstructural operations such as dredging, drilling, dumping, or filling, the fair market value is the expected cost of hiring a contractor to perform the operation or where no such value can be calculated, the total of labor, equipment use, transportation, and other costs incurred for the duration of the permitted project. This definition does not apply with the Shoreline Overlay District (refer to LUC 20.25E.280 – "Fair Market Value").

Comment [CoB87]: Defer to new definition in 20.25E.

Section 59. Section 20.50.020 of the Bellevue Land Use Code is hereby amended to revise the definition of "Fill" to read as follows:

20.50.020 F definitions.

Fill. A solid material which increases ground surface elevation ~~above or below the ordinary high water mark.~~ This definition does not apply with the Shoreline Overlay District (refer to LUC 20.25E.280 – "Fill").

Comment [CoB88]: Defer to new definition in 20.25E.

Section 60. Section 20.50.040 of the Bellevue Land Use Code is hereby amended to delete the definition of "Ordinary High Water Mark".

Comment [CoB89]: 20.25E contains definition of OHWM. This term is not used outside of the Shoreline Overlay District, so general definition in 20.50 is not needed.

Section 61. Section 20.50.046 of the Bellevue Land Use Code is hereby amended to delete the definition of "Shoreland, Shoreline".

Comment [CoB90]: 20.25E contains definition of Shorelines. This term is not used outside of the Shoreline Overlay District, so general definition in 20.50 is not needed.

Section 62. Section 20.50.046 of the Bellevue Land Use Code is hereby amended to revise the definition of "Structure" to read as follows:

20.50.046 S definitions.

Structure. A combination of materials constructed and erected permanently on or under the ground or attached to something having a permanent location on or under the ground. Not included are residential fences, retaining walls less than 30 inches in height, rockeries less than 30 inches in height and similar improvements of a minor character. For the purposes of Part 20.25E LUC, regulations for the Shoreline Overlay District, a different definition applies. See LUC ~~20.25E.017-C~~ 20.25E.280 – "Structure".

Comment [CoB91]: Defer to new definition in 20.25E.

Section 63. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 64. This ordinance shall take effect and be in force **five/thirty (5/30)** days after legal publication.

PASSED by the City Council this _____ day of _____, 201____, and signed in authentication of its passage this _____ day of _____, 201____.

(SEAL)

Conrad Lee, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Attest:

Myrna L. Basich, City Clerk

Published _____

DRAFT

The Seattle Times

City of Bellevue, Development
Sharon Taylor
PO Box 90012

Bellevue, WA 98009

Re: Advertiser Account # 100335
Ad #: 373805

Agency Account #: 0
Agency Name:

Affidavit of Publication

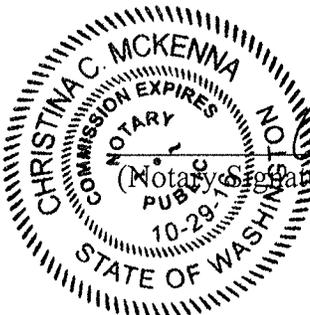
STATE OF WASHINGTON
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by others of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper and Publication Date(s)	
Seattle Times	11/21/13

Agent MAUREEN E. DUGGAN Signature Maureen E Duggan



Subscribed and sworn to before me on Nov. 27. 2013
DATE
Christina C. McKenna
Christina C. McKenna
(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle

The Seattle Times

Re: Advertiser Account # 100335

Ad #: 373805

Agency Account #: 0

Agency Name:

AD TEXT



Weekly Permit Bulletin

Publish Date: November 21, 2013

For official notice and review of land use applications, meetings, decisions, recommendations, hearings, and appeals of land use decisions within the City of Bellevue, please visit www.bellevuewa.gov/weekly_permit_bulletin.htm to view the City's official Weekly Permit Bulletin. For more information, please contact Development Services in the City of Bellevue either by phone 425-452-6800 or email at landusereview@bellevuewa.gov.



MEMORANDUM

DATE: December 5, 2013

TO: Chair Tebelius and Members of the Planning Commission

FROM: Paul Inghram, AICP, Comprehensive Planning Manager
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Parks and Community Services

SUBJECT: 2014 Comprehensive Plan Update – Potential updates to the Housing and Human Services Elements

The December 11, 2013, study session will continue review of the Bellevue Comprehensive Plan as part of the city's major Comprehensive Plan update. Following a series of previous meetings regarding the update of the plan, this study session will be an opportunity to discuss some of the potential updates to the Housing and Human Services elements. This meeting also provides the Human Services Commission and the Bellevue Network on Aging the opportunity to provide input on the Housing and Human Services Elements.

No formal action is requested at this study session. Feedback from the Commission is welcome at this study session. Recognizing the full agenda for the meeting, staff would appreciate any initial feedback the Commission is able to provide and will schedule additional study sessions to continue this review at upcoming Commission meetings.

BACKGROUND & ANALYSIS

The Comprehensive Plan captures the community's vision for the future of Bellevue, sets policy that directs City actions and decisions, and guides capital investments. Bellevue is periodically required to update its Comprehensive Plan to ensure continued compliance with the state Growth Management Act and, just as important, to ensure it reflects the dynamic changes and trends that have and will continue to affect the growth of the community. The City's Comprehensive Plan last underwent a major review in 2004. Thus, with adoption scheduled for 2014 it will be a 10-year update of Bellevue's Comprehensive Plan.

The Planning Commission began the update of the Comprehensive Plan with a study session on the Community Vision on June 13, 2012. Following the City Council’s formal initiation of the update in October 2012 the Planning Commission has held a number of meetings reviewing the current plan and beginning to look at issues in detail. Attachment 1 provides an updated list of section reviews that have occurred to date. On June 10, 2013, the City Council approved project principles and a work program that provides direction on the issues and scope of the update. The City has also held various public engagement activities throughout 2013 including public meetings and the Bellevue’s Best Ideas on-line campaign, which was reviewed at the July 24 study session.

Housing Element

The Housing Element is a mandatory element of the Comprehensive Plan under the state Growth Management Act (GMA). The Housing Element identifies the City’s strategy to meet the state GMA housing goal: *“Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.”*

The current Housing Element includes the following sections:

Housing Section	Description
Neighborhood Quality & Vitality Policies HO-1-10	This section recognizes the diversity and quality of Bellevue’s neighborhoods. It also recognizes that neighborhoods are not static over time and that they evolve to meet the changing needs and lifestyles of the residents and the community.
Housing Opportunities Policies HO-11-21	This section provides the policy framework for increasing the housing supply while protecting existing neighborhoods – a critical challenge for Bellevue.
Affordable Housing Policies HO-22-36	This section includes policies that direct the city’s efforts to create housing opportunities for all economic segments of the population through regulatory and incentive approaches.
Special Housing Needs Policies HO-37-41	This section addresses the needs of some members of the community who cannot live on their own due to disability, health, age, or other circumstances that require special accommodations. Unfortunately, the difficulties some people have in finding housing may be so extreme as to result in homelessness. The city supports emergency housing and takes an active role in creating a variety of housing opportunities for those with special needs.

Potential Housing Updates

Over the course of this year, the Planning Commission has heard a number of staff presentations evaluating the current Comprehensive Plan, including two sessions reviewing the Housing Element.

At the **March 13 Joint Planning and Human Services Commission meeting** staff presented an overview of the housing and human services elements and the draft East King County Housing Analysis. This was a high level review of data that will serve as background for the update of both the Housing and Human Services elements.

Discussion and comments at the March 13 joint Commission meeting included: the need for homeless shelters on the eastside; foreclosed and empty homes in Bellevue neighborhoods; and Bellevue regulations on group homes and group quarters. At the March 13 meeting the Commission did not make any recommendations on the housing update.

At the **July 10 Planning Commission meeting** staff presented the completed Housing Analysis report and discussed the significance of the data as it applies to the review of policies. Staff also presented “opportunities and gaps” that were identified in the staff review of the housing element:

Opportunity & Gap Analysis

New discussion/policies may be considered to address these Opportunities/Gaps:

- Clarify policies for consistency with City’s downtown planning
- Clarify policies for consistency with current direction on shelters and homeless housing

New discussion/policies may be drafted to address these potential new housing policy themes:

- Greater focus on mixed use neighborhoods
- Jobs/housing balance
- Affordable housing near transit
- Active / Healthy Communities
- Universal Design and Accessibility in new housing

New discussion/policies may be drafted to address changes to Countywide Planning Policies:

- Identifying the need for affordable housing and the steps to take to address the need
- Addressing the need for housing affordable to very low income households
- New implementation strategies and monitoring progress to meet affordable housing need

Planning Commission discussion and comment at the July 10 meeting also considered: the effectiveness of the multifamily tax exemption as an affordable housing tool; housing in the Newport Hill shopping center to encourage revitalization; balancing affordable housing across the city; employer assisted housing- Children’s Hospital Laurelhurst campus example; regional vs. local approach to addressing affordable housing need; and aging in place and housing choice for older residents.

After the March 13 Joint Planning and Human Services Commission meeting, the Human Services Commission continued their review of the Housing Element at meetings on October 1st and October 15th.

At the **October 1st Human Services Commission meeting**, staff presented the Housing Element “Opportunities and Gaps Analysis” described above. Human Services Commission discussion and comment at the October 1st meeting included: the need for new shelter housing; code restrictions that limit where shelters can be sited; strategies to increase affordable housing including new funding, mandatory regulations and development incentives; support for older residents who want to remain in their homes; the need for affordable housing for those who live and work in the Downtown; and increased housing access near Bellevue College.

At the October 1st meeting the Human Services Commission developed draft recommendations on the housing update which are included as Attachment 2.

Human Services Element

The Human Services Element is not a mandatory element, but has been included in the City’s Comprehensive Plan since 1989¹. The Human Services Commission and the Human Services Element was championed by concerned community members including Bellevue’s ex-mayor Nan Campbell. The Human Services Element identifies the City’s strategy to meet the human services goal: *“To create a community in which all members have the ability to meet their basic physical, economic, and social needs, and the opportunity to enhance their quality of life.”*

The Human Services element recognizes the City’s unique Human Services role-- to provide leadership, influence community awareness and decision making, and allocate resources. Human service involvement is focused on the following areas:

Human Services Area	Description
Planning	Assessing and anticipating needs and developing appropriate policy and program responses.
Facilitating	Convening and engaging others in community problem-solving to develop and improve services.
Funding	Disbursing Community Development Block Grant and General Fund dollars to support a network of services which respond to community needs.
Informing	Promoting awareness of needs and resources through effective marketing and public relations activities.

¹ The Human Services Element, adopted in 1989 (Ord. 2744) replaced the City’s Human Resources Element in effect since 1975.

Potential Human Services Updates

Following the March 13th Joint Planning and Human Services Commission meeting, the Human Services Commission continued their review of the Human Services Element at meetings on September 5th and October 15th.

At the **September 5th Human Services Commission meeting**, the Human Services Commission discussed these Human Services Element update issues:

Addressing homelessness in the Human Services Element as well as the Housing Element; support for new shelter housing and removing code barriers that limits shelter siting; remove code restrictions on housing with on-site service offices; work closely with other jurisdictions on human services issues; build partnerships that support the regional nature of how human services are delivered; direct assistance at populations that are disproportionately affected by poverty, discrimination and victimization; and provide support that allows older adults to remain in their homes and have services available to them.

The Human Services Commission's recommendations for the Human Services Element updates are included in Attachment 4.

At the **October 15th Human Services Commission meeting**, the Human Services Commission was joined by representatives from the **Bellevue Network on Aging (BNOA)** to review the Housing and Human Services Elements, and issues affecting older adults.

The BNOA highlighted housing and human services issues supported by their members, including: the need to increase funding for the ARCH Housing Trust Fund; support for mandatory incentives for affordable housing; continued support for the Housing Repair Program; increasing housing options including accessory dwelling units; and Universal design and accessibility in new housing.

Discussion at the October 15th Human Services meeting also included these human services issues affecting older adults: CDBG funding for Home Repair, support for older residents who want to stay in their homes; accommodating elderly family members cared for at home; fair housing concerns of older adults with disabilities; providing services for the increasing number of older homeless women; the Medicaid funding gap for hearing aids and vision services; accessibility to medical facilities, including pharmacies; and connecting the issues of transportation and human services in the Comprehensive Plan.

The Bellevue Network on Aging reviewed the Comprehensive Plan over several meetings, approving their recommendations on the Housing, Human Services, Transportation and Capital Facilities Elements on December 5. That recommendation is included as Attachment 3.

NEXT STEPS

Review of the Comprehensive Plan update will continue at future study sessions. The objective is to work through issues and specific policy areas over the fall and winter so as to enable

preparation of an updated draft in the spring of 2014. Attachment 5 is a schedule for Planning Commission's review of the Comprehensive Plan (draft).

The Planning Commission's meeting on January 8 is scheduled at Crossroads Community Center to discuss Community Gathering. Representatives from Crossroads, Parks, and neighborhood leaders will be included in the program. That meeting is also scheduled to include additional review of the Land Use Element, Subarea Plan boundaries, and the Eastgate Plan.

ATTACHMENTS

1. List of Element and Chapter Reviews
2. Bellevue Human Services Commission Housing Element recommendations
3. Bellevue Network on Aging Housing and Human Services Element recommendations
4. Bellevue Human Services Commission Human Services Element recommendations
5. Draft Comprehensive Plan Update Schedule

Copies of the current Comprehensive Plan were previously distributed to the Planning Commission. It is also available online: http://www.ci.bellevue.wa.us/comprehensive_plan.htm

Element and Chapter Reviews

Chapter or Element	Description	PC Review
Introduction	The first chapter the public sees. Historic context for the Comprehensive Plan and holds the future-oriented Vision 2025, establishing the vision for what the community wants to be like in the future.	6/13/12
Citizen Participation	Policy for how the public engages and influences city planning.	4/10/13
Land Use	General location and distribution of land uses within the city and provides the framework for other plan elements.	2/13/13 9/25/13
Housing	This element seeks to maintain the strength, vitality, and stability of single family and multifamily neighborhoods and promote a variety of housing opportunities to meet the needs of all members of the community.	3/13/13 7/10/13
Capital Facilities	Seeks to provide adequate public facilities and ensure that needed public facilities are available when the growth occurs.	6/26/13
Utilities	Seeks to ensure that Bellevue has utility capacity to adequately serve anticipated growth.	6/26/13 9/25/13
Transportation	Addresses mobility for residents and businesses through the creation and maintenance of a balanced transportation system.	6/12/13
Economic Development	Guides efforts to market the city, offer services to businesses, and guide decision making as they pertain to the success of businesses, employees, and related services.	6/26/13
Environmental	Seeks to maintain the natural environment and protect critical areas.	7/10/13
Human Services	Seeks to create a community in which all members have the ability to meet their basic physical, economic, and social needs, and the opportunity to enhance their quality of life.	3/13/13
Parks, Open Space and Recreation	Addresses acquiring, developing and maintaining the park system, open space and habitat, and providing community services.	6/12/13 7/24/13
Shoreline Management Program	Addresses use of lands at the shoreline. Previously reviewed as part of the SMP Update project.	N/A
Urban Design	Guides the design of public and private development.	6/12/13
Annexation	Manages the city's growth through annexation. Historically significant, now, with annexations nearly complete, it has less relevance.	4/10/13

Comprehensive Plan Update

Housing Element

Bellevue Human Services Commission

October 1, 2013

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

1. **Support development of new shelter housing with supportive services in Bellevue by removing land use code barriers in Commercial and Mixed Use districts.** Shelters with support services should be permitted uses in commercial and mixed use areas where transit and other services exist.
2. **Update affordable housing policy**
 - Implement a wide range of mandatory regulations and development incentives for a full range of affordability in order to ensure Bellevue's neighborhoods provide a diverse array of housing options;
 - Increase public funding for the ARCH Housing trust Fund;
 - Encourage affordable housing in proximity to transit and services.
3. **Allow on-site offices for service providers** within supportive housing in multifamily zoning districts. Availability of on-site services help formerly homeless and low-income residents overcome barriers and transition to market-rate housing.
4. **Support increased student housing access near Bellevue College.** Planning policy is needed to address the demand for student housing generated by Bellevue College. The City needs to consider many creative responses, including accessory dwelling units.
5. **Increase education and outreach for Accessory Dwelling Units (ADUs).** Accessory dwelling units need to be sensitive to the surrounding neighborhood. Education program is needed so homeowners know that ADUs are allowed and understand the regulations for permitting.
6. **Address important issues facing the City's existing single family neighborhoods,** including:
 - an aging population who wants to remain in the community;
 - extended families- particularly certain ethnic groups— that desire larger homes that accommodate multiple generations;
 - older residents who want neighborhood choices that include single story ramblers and small yards
 - Balancing neighborhood reinvestment with maintaining traditional character

7. **Increase housing choice in Bellevue for young workers.** Planning policy is needed for housing options affordable to young workers, especially those just out of college and college debt burdened. Options may include ADUs, efficiency units or apodments.
8. **Increase housing choice for a diverse community.** The City needs to engage the community, especially a culturally diverse community, to identify housing choices that may not be currently available. As needed, consider regulatory and incentive approaches to increase housing choices.
9. **Consider place to increase neighborhood engagement.** Place matters--the City needs to engage the community, especially a culturally diverse community, to identify important features of place such as community gardens, community centers, meeting places outside City Hall, etc.
10. **Support a downtown Third Place.** Downtown residents and workers need a "Third Place" to support community, like Crossroads serves east Bellevue.

Comprehensive Plan Update

Bellevue Network on Aging

December 5, 2013

The Bellevue Network on Aging believes a good place to start is with the following Comprehensive Plan Vision. This vision can be a guiding principle in all decisions the City makes in order to be inclusive of all residents:

“Bellevue is a community that is a great place to grow up and grow old....it is a livable community for all across the lifespan”.

The Network recommends the following actions to update the Comprehensive Plan. Items with ** are items that are also supported by the Human Services Commission:

Housing Element

1. Affordable Housing

- Implement a wide range of mandatory regulations and development incentives for a full range of affordability in order to ensure Bellevue’s neighborhoods provide a diverse array of housing options;
- Increase public funding for the ARCH Housing trust Fund;
- Encourage affordable housing in proximity to transit and services.

2. Single Family Neighborhoods**

Look at important issues facing the City's existing single family neighborhoods:

- an aging population who wants to remain in the community;
- extended families- particularly certain ethnic groups— that desire larger homes that accommodate multiple generations;
- older residents who want neighborhood choices that include single story ramblers and small yards;
- Balancing neighborhood reinvestment while maintaining the neighborhood’s character;
- Continue funding the Housing Repair Program.

3. Housing choices for a diverse community**

- The City needs to engage the community, especially the culturally diverse and aging community, to identify housing choices that may not be currently available. As needed, consider regulatory and incentive approaches to increase housing choices.

4. Allow for a variety of housing options as our community ages
 - The City needs to plan for the range of housing needs of the aging community such as home modification, accessory dwelling units, adult family homes, and assisted living facilities.
5. Encourage Universal Design
 - Developers need to be educated and encouraged to incorporate Universal Design in all new construction.
6. New Dedicated Funds for Affordable Housing**
 - Need for new, dedicated funds for housing affordable to low and very-low income households. Funds need to supplement existing general funds and CDBG to ARCH HTF; noting that general fund contributions have been flat since at least 1994 and CDBG has been greatly reduced in recent years.
7. Shelter Housing**
 - Support for new Eastside shelters, to shelter year-round homeless population and the larger homeless population who seek shelter in severe weather. Support for shift in transitional housing to rapid re-housing strategies. Especially those options geared to the increasing homeless population over the age of 60 years.
8. Accessory Dwelling Units**
 - Accessory dwelling units need to be sensitive to the surrounding neighborhood. Education program is needed so homeowners know that ADUs are allowed and understand the regulations for permitting.

Human Services Element

The Bellevue Network on Aging supports the City's commitment to the planning, facilitating, funding and informing functions of the Human Services Division and Commission and believes that the City should continue to allocate funding and other resources, for services which address the full spectrum of community needs in partnership with the public and private human services network.

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 aging 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. 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.
4. 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.
5. Make a clear statement in the Human Services Element of the priority to support populations**
 - That are disproportionately affected by poverty, discrimination and victimization.

Transportation Element

1. Pedestrian Amenities
 - The City needs to plan for smooth, connected sidewalks in every neighborhood;
 - Extended crossing times at crosswalks;
 - Pedestrian connectivity;
 - Covered sidewalks in the Downtown area;
 - Additional benches/resting points;
 - ADA Compliant curb cuts throughout the City that are not steep.
2. Transit Integration Plan
 - The Transit Integration Plan should be completed and way finding signage (including disabled way finding) should be developed for pedestrians between light rail and other transit options.
3. Safe Design in public transit areas
 - Blinking lights at crosswalks and transit stations;
 - Audible crossings and notifications at crosswalks and transit stations;
 - Security cameras at transit stations;
 - Covered waiting areas at transit stations;
 - Visible security for the feeling of safety at transit stations.
4. Enhanced Transportation Options to ensure that ALL people including those with mobility and financial challenges have travel options.
5. Implement a **Complete Streets policy** ensuring that the future design of roadways is done with **all users** in mind – including bicyclists, public transportation vehicles and riders, and pedestrians of all ages and abilities.

Capital Facilities Element

The BNOA supports the goals of the Capital Facilities Element with the addition of the following bullets to the goals statement:

- Are accessible to all members of the community. For example: hearing assistance “Looping” should be considered in the renovation and new construction of all public buildings.
- Encourage implementation of Universal Design guidelines in planning for all public facilities.
- Clearly marked and easy to find accessibility routes for all members of the community with or without disabilities.

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.

Draft Planning Commission Comprehensive Plan Review Schedule

12-5-2013

** dates are likely to change; other agenda items are not be shown at this time, including Land Use Code amendments, Downtown Livability, and other items*

<u>Theme</u>	<u>Planning Commission or Joint Meeting</u>	<u>Other related items</u>
Downtown	Sept 11 <ul style="list-style-type: none"> • Kemper Freeman speaking on history and future of Downtown 	
Growth and Infrastructure	Sept 25 <ul style="list-style-type: none"> • Housing and Employment Growth • Utility Infrastructure Planning 	
Eastgate	Nov 13 – <i>at Bellevue College</i> <ul style="list-style-type: none"> • Eastgate speakers and plan • Land Use policy direction • Eastgate plan • Subarea plan boundaries 	ongoing CPU outreach activities
Environment	<i>Nov 19 - Env Stewardship joint commissions meeting</i>	Vision focus groups
Economic Development & Future Growth	Dec 11 – <ul style="list-style-type: none"> • Speakers Session - Economic Growth & Development: Jon Talton, Seattle Times; Greg Johnson, Wright Runstad & Co. • Housing & human service – comments from the Human Services Commission and Network on Aging • Urban Design policy direction 	
Community Gathering	Jan 8 – <i>at Crossroads CC</i> <ul style="list-style-type: none"> • Speakers Session - Neighborhood Centers and Community Gathering: representatives from Crossroads, the Parks Department, and neighborhood leaders • Policy direction regarding neighborhood centers • Subarea plan boundaries • Eastgate plan 	
Community Vision	Jan 22 <ul style="list-style-type: none"> • Community Vision review • Subarea plan boundaries • Potential topics include: environmental stewardship, public participation 	community vision meeting

Culture & Diversity	<p>Feb 12 – Joint Commissions Meeting</p> <ul style="list-style-type: none"> • Diversity Forum – speakers representing business, a cultural group, & Bellevue Schools; and a forum workshop • Culture and diversity policy review 	ongoing outreach activities
Economic Development	<p>Feb 26</p> <ul style="list-style-type: none"> • Council’s Economic Strategy presentation • Economic development policy review • Education policy review • Eastgate plan • Potential additional CPU policy topics 	2014 Annual CPAs
Community Health	<p>Mar 12</p> <ul style="list-style-type: none"> • Speakers Session - Community Health • Health related policy review • Potential review of Urban Design and Parks & Rec policy areas <p>Mar 26 – <i>at South Bellevue CC</i></p> <ul style="list-style-type: none"> • Eastgate plan • Review major themes/framework discussion • Potential additional CPU policy topics <p>April 9</p> <ul style="list-style-type: none"> • Comprehensive Plan update - summarize major issues & review of draft sections 	2014 Annual CPAs
	<p>April 23</p> <ul style="list-style-type: none"> • tbd 	2014 Annual CPAs
Joint CPU Review	<p>May 14 – <i>tbd</i> Joint Commissions Meeting</p> <ul style="list-style-type: none"> • Comprehensive Plan update - joint meeting with boards/commissions to review draft <p>May 28</p> <p>June 11</p>	
CPU public hearing	<p>June 25</p> <ul style="list-style-type: none"> • <i>tbd</i> potential Comprehensive Plan update public hearing <p>July 9</p>	



DATE: December 5, 2013

TO: Chair Tebelius and Members of the Planning Commission

FROM: Paul Inghram, AICP, Comprehensive Planning Manager
pinghram@bellevuewa.gov, 452-4070
Scott MacDonald, Assistant Planner
SMacDonald@bellevuewa.gov 452-4852
Planning and Community Development

SUBJECT: 2014 Comprehensive Plan Update – Urban Design Element Review

In addition to the Comprehensive Plan update study session focused on the housing and human services issues, the December 11, 2013, meeting will look at the Urban Design Element and discuss the approach to address emerging issues related to urban design. No formal action is requested at this study session. Feedback from the Commission is welcome.

BACKGROUND & ANALYSIS

Over the course of this year, the Commission has heard a number of staff presentations evaluating the current Comprehensive Plan. Perhaps most relevant to the urban design discussions, the Commission reviewed projections for housing and employment growth on September 25 and key aspects of land use policy on November 13.

Meanwhile, the city has worked to engage the community in the update process through a number of meetings, social media and other tools, including the Bellevue's Best Ideas on-line campaign, and has collected feedback from the community throughout the process. These comments have contributed significantly to the staff review of policy areas. Outreach activities will continue throughout the update. City staff has also evaluated the sections of the Comprehensive Plan to identify sections that are out of date, need to be updated to be consistent with state law or regional plans, and other opportunities for improvements.

Based on the reviews and comments that have occurred to-date, a number of key themes are beginning to emerge that will influence our approach to the Urban Design Element and run throughout the Comprehensive Plan.

- Downtown serves not only as the city's primary commercial center, it has a regional role and is looked at as the center of the Eastside. Through the Downtown Livability initiative the city is actively looking at how to build on Downtown's successes and work to make it a vibrant, memorable place.
- Other commercial and mixed use centers in the city – BelRed, Wilburton, Crossroads, Eastgate, Factoria – have taken on key importance and are now also seen as developing as distinct places with residential opportunities, cultural offerings, and local services.

- The majority of future employment and residential growth is anticipated to occur in Downtown and these other growth centers, while the community seeks to preserve the character of predominantly residential areas.
- Neighborhoods and neighborhood centers remain vitally important to Bellevue. Communities seek opportunities to recognize the individual identities of their neighborhoods through character, signs, and connection to local shopping and services.
- Many in the Bellevue express an interest in being able to walk to nearby stores, services, restaurants and parks. Rather than need to take a car for all trips, or as an option for those that don't drive, people desire to have local offerings in reach and have the option to walk to them, which could affect the community's approach to transportation, health, recreation, and design.

URBAN DESIGN ELEMENT

The Urban Design Element of the Comprehensive Plan is focused on people and design. By guiding both private development and public investments to create a city that is dynamic, engaging, aesthetically appealing and functionally understandable, the city is able to foster community and its self-identity. It seeks to provide a design framework for community development that guides new construction and improvements while protecting the city's positive characteristics. The Element's goals and policies apply to three-dimensional aspects of the built environment in Bellevue: buildings, streets, sidewalks, parks, neighborhoods, plazas, etc. Urban design combines aspects of architecture, landscape architecture, public works, public art, and transportation systems. Implementation of these urban design policies will create an inviting and attractive city with a cohesive city image and distinct neighborhoods that entices people to more actively use their city.

Urban design policies, by their nature, create some overlap with corresponding parts of the Land Use, Housing, Transportation and Parks elements, while being focused on the design aspect of these features of the city's built and natural environment. The Urban Design Element is also the primary location of arts-specific policies in the Comprehensive Plan.

The table below summarizes the existing Urban Design policies in the Comprehensive Plan. Each section is comprised of a series of subsections that focus in on a particular component of Urban Design.

UD Section	Description
<p>Design Quality Policies UD-1-28</p>	<p>Policies in this section promote high quality design of both architecture and landscaping that continues functional cohesiveness while providing a dynamic and interesting environment. These policies support the "City in a Park" vision and stress that a balance of variety and consistency is needed throughout the city. Topics include Site and Building Design; Vegetation and Landscaping; Open Space; and Signage and Wayfinding.</p>

<p>Public Places and Connections Policies UD-29-53</p>	<p>Policies in this section reinforce the importance of public places appealing to the broadest audience. They should be comfortable and attractive. These policies promote a safer pedestrian environment, draw people together, celebrate the diversity of the community and encourage a strong arts community. Topics include Public Places; Public Art and Cultural Activities; Sidewalks, Walkways and Trails; Street Corridors; Transit Facilities; and Freeways.</p>
<p>Community Design Policies UD-54-75</p>	<p>Policies in this section intend to encourage commercial and public center to attract people while maintaining and strengthening the more private and insular qualities of residential areas. Topics include Commercial and Public Centers; Residential; and Downtown.</p>
<p>Landmarks and Historic Resources Policies UD-76-79</p>	<p>Policies in this section intend to highlight historically significant components located in Bellevue. Landmarks and historical resources can vary from the agricultural past of the Mercer Slough to Winters House.</p>

Potential Urban Design Updates

Through the public engagement and technical reviews that have occurred to-date, the following are the types of updates to the Urban Design Element that are currently anticipated. As the Commission continues to have discussions about the update of the plan, additional changes are likely to be identified.

Urban Design in Bellevue

In 2004, the time of the previous update to the Comprehensive Plan, staff completed modest revisions to the Urban Design Element maintaining the majority of policy direction from the previous plan. Despite the age of some of the policies, the current Urban Design Element continues to be generally in line with the vision of the majority of residents based on feedback staff has heard so far through the update process. However, some policies are outdated or conflict with what staff has heard from the public. Taking a critical eye to Bellevue’s urban design uncovers some key issues that can be addressed in this update while highlighting what works or could be strengthened.

Clearly residents have the desire to see high quality urban design throughout the entire city that is representative of the diverse cultural districts that are continuing to evolve while maintaining the vision of Bellevue as “a City in a Park.” Key to quality comprehensive urban design is an understanding that some design features work across the entire city, while others are specific to individual districts and neighborhoods, and that each of these systems work seamlessly together

to create the larger vision of Bellevue. The result is a city comprised of functionally compatible, but distinct neighborhoods able that celebrate their own unique character and identity. Feedback from residents and staff indicates that there is a need to focus on a few key topics and items in the update of the Urban Design Element. These topics include Policy Approach, the Arts, Pedestrian Space, Neighborhood Centers/Community Gathering Places and Environmental Design.

Policy Approach

The Urban Design Element guides public and private development to create a city that is diverse, appealing and functions cohesively. A key change that has occurred in Bellevue is that the city can no longer be simply separated into two categories: residential and Downtown. Recent and projected future growth in housing in Downtown, Wilburton, Crossroads, Eastgate and BelRed make the previous plan's distinction between Downtown and residential inconsistent with what is happening on the ground today and what will happen moving forward. BelRed and Downtown alone represent the majority of projected future housing growth in Bellevue by the year 2035. Growth of multifamily housing and mixed use development results in Bellevue being more diverse in the types of neighborhoods offered giving people more options for the kind of environment they want to live in.

To capture and implement the overall vision of the urban design of Bellevue, it is important to identify the key approaches that inform this update. Firstly, laying out the overall vision for the entire city forms the foundation for all urban design policy. Built into this larger vision is the diversity of the different kinds of neighborhoods and uses that Bellevue needs to plan for. To support Bellevue's residentially-dominated neighborhoods it is key that policy recognizes changing demographics and that the neighborhoods are representative of those who live there while still respecting the history of the place and the desire for continuity of character. Similarly, mixed use areas such as Downtown, Eastgate, Wilburton, Crossroads and BelRed should have policy that supports these areas' important roles within the community. These dynamic and diverse neighborhoods offer the most variation of experience from site to site recognizing the visual and cultural importance that these districts represent to the identity of the community.

Staff proposed response

- Improve how the Urban Design policy applies to the vision of the entire city, recognizing a variety of scales of neighborhoods, including those that are predominantly residential, mixed use areas, and Downtown.

Arts & Culture

The Urban Design Element is the primary home to arts and culture related policies. The current arts policies focus largely on public art and are largely silent to other facets. In the creation of a vibrant arts community, Bellevue can envision its citizens experiencing art and culture as a part of everyday life. While public art is an important component, there are many factors that help create a vibrant arts community. Artists and arts organizations need places to practice and create their work. They need places where they can perform or present their work. Bellevue residents have shown that there is an audience for the arts and cultural events. With arts education being

strong in Bellevue's schools, urban design policy can work towards creating the kind of city that future generations want to stay in or return to.

With the most popular idea put forth under the Bellevue Best Ideas campaign for a large scale performing arts center in the Downtown, residents clearly see the arts as integral to the culture of Bellevue and arts performance as a key function of Downtown.

Staff proposed response

- Elevate the section of arts policies making a clearer “home” for policies on art and culture
- Connect to the city's functional plan for art and culture, the Cultural Compass
- Expand policy direction to cover art programs, facilities and performing arts in addition to public art

Pedestrian Space

Repeatedly stressed by the public at forums, in Best Ideas, and other outreach efforts, is the need to make Bellevue's neighborhoods more walkable, specifically to nearby services. Improving the walkability of neighborhoods to local services has implications on public health, local businesses, the environment, the possibility of people to age in place and general livability.

The design of pedestrian space is important to a successful pedestrian experience. It is not enough to simply provide sidewalks and expect people to walk on them. For a sidewalk to be a viable option people need to feel safe and the environment needs to be engaging recognizing that this experience will vary to match its local context. Focusing pedestrian infrastructure along major arterials makes this goal especially difficult because these are the harshest environments for pedestrians to use and plantings are often designed to be viewed at faster speeds over greater distances.

Also creating difficult conditions for pedestrians, Downtown was originally designed with superblocks. By making the blocks twice as long as many other cities' blocks, the amount of public space available to pedestrians was essentially cut in half. With fewer streets to use, pedestrians need to walk often longer distances to cross a street on sidewalks that need to serve more people than they otherwise would have with normal block lengths. Since there are fewer sidewalks available, there are higher volumes of pedestrians using each sidewalk at times compromising the space for landscape buffers between the sidewalk and automobile traffic.

Staff proposed response

- Improve how the Urban Design Element addresses pedestrian space at various scales – local neighborhoods, arterials/boulevards, Downtown and other centers
- Identify specific street corridors that would be priority locations for streetscape improvements
- Clarify the connection between the Urban Design Element and the Transportation and Parks and Recreation elements

Neighborhood Centers / Community Gathering Places

Neighborhood centers/community gathering places offer residents a place to meet, a place to identify with and a place to seek services locally. They often form the face of the visual identity of neighborhoods, giving people a landmark and destination. The importance of such spaces is incredibly important to residents, especially new residents, as they seek to connect to their community. Crossroads is a perfect example of how the private space of a mall becomes, in effect, a public space for a huge variety of communities to meet. Aiding to the success of Crossroads as an important cultural space is the availability of nearby social services, parks, connections to nearby neighborhoods and shopping.

While Crossroads is a model that works within a mixed use area, residents of Newport Hills see the future Newport Hills Shopping Center in a similar light, where residents have stressed the importance of this development as the center and face of their community. Clearly, some of the issues involved in seeing revitalization of the Newport Hills Shopping Center relate to land use and economic development policies. However, there is a role for urban design policies recognizing that design plays a key role in shopping center success and in how shopping centers related and speak for their surrounding neighborhoods.

Staff proposed response

- Review urban design policies to ensure that they support quality design of development and public improvements in neighborhood centers
- Support the development of community gathering places within neighborhoods

Environmental Design

The vision of Bellevue as a “City in a Park” is widely known and supported among residents. The Urban Design Element can assist this vision by promoting designs that work to achieve this goal. This vision is clearly a component of the identity of Bellevue. For example, by increasing the tree canopy, Bellevue can build upon the “City in a Park” theme and improve the overall experience of the city, support the unique character of Bellevue and provide interesting experiences to people. Low impact development, such as the development of rain gardens, green walls and green roofs, designed to be visually engaging, work to create interesting points of reference while supporting community values. These systems, from an urban design standpoint, have the added benefit of improving local and regional environmental health.

Ensuring that urban design policy is not acting as a barrier to such kinds of innovation and technology is important to consider as technologies change or are created rapidly. As an example, the urban design policy related to the screening of mechanical equipment on Downtown’s buildings does not reference environmental technologies such as wind and solar power while other mechanical equipment is referenced, such as satellite dishes. This lack of clarity leaves private developers and staff involved in the design review unsure how such technology should be incorporated into building architecture.

Staff proposed response

- Review and update urban design policies to assure that they appropriately address landscaping and the natural environment, such as emphasizing the importance of trees within street corridors, ensuring that they don't create barriers to advance stormwater techniques, and promote utility designs that enhance the character of the area
- Address the visual design aspects of emerging and future technology, such as solar, wind, and green roofs

NEXT STEPS

Feedback on these policy areas is welcome to help guide staff as the city works to prepare initial draft policy amendments. Staff will return to discuss urban design policies in greater detail at a future study session while the overall review of the Comprehensive Plan update will continue throughout the winter and spring. The objective is to work through issues and specific policy areas so as to enable preparation of an updated draft in the spring of 2014.

Copies of the current Comprehensive Plan were previously distributed to the Planning Commission. It is also available online: http://www.ci.bellevue.wa.us/comprehensive_plan.htm



Planning Commission Schedule

December 11, 2013

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_2013.htm

<u>Date</u>	<u>Tentative Agenda Topics</u>
Dec 25	No meeting
Jan 8	At Crossroads Speakers Session - Neighborhood centers and community gathering Comprehensive Plan update Subarea Plan Boundaries Eastgate Plan
Jan 22	Comprehensive Plan Update – Community Vision Subarea Plan Boundaries
Feb 12	Speakers Session – Culture and Diversity Comprehensive Plan Update
Feb 26	Economic Development Strategy Comprehensive Plan Update 2014 Annual Comprehensive Plan Amendments Eastgate Plan
Mar 12	Speakers Session – Community Health
Mar 26	At South Bellevue Community Center Eastgate Plan

Inghram, Paul

From: Jeff Kirby <JeffKirby@pssp.net>
Sent: Tuesday, December 03, 2013 6:46 PM
To: Bergstrom, Michael
Cc: PlanningCommission; Kenny Booth; Jeff Kirby; dick@haelsig.com
Subject: In support of Draft SMP January 16, 2013 Final PC Transmittal, Except one correction

Diane Tebelius, Planning Commission Chair Mike Bergstrom, City Development Services Dept.

First, thank you for all the long hard years of everyone's efforts.

I just learned of tonight's meeting and am unable to make it in person. I am told that for a consideration to be recognized comments must be in by today.

Re: 10'Docks on bulkhead Newport Shores

Please note Section H, over water structures (pg8) Section 4, a (pg10)

Chart 20.25E065.H.4 New Reconfiguration Residential Dock Standards;

Maximum Dock Length 10' from canal bulkhead

REQUEST FOR CLARIFICATION

I write to assure these sections are pertaining to fixed overwater structures. NOT portable or floating apparatus. Case in point, the averaged Jet Ski length is 11' long.

The majority of jet Skis, as it is today and has been for years, pull bow up towards the bulkhead and sit on a portable or floating rest, which would add another 2' to their moorage spots, or total 13' feet out from the bulkhead. In perspective, 17' is what beam a larger boat would occupy.

The above application placement allows for better use of bulkhead space with less clutter.

The courtesy of a confirmation would be greatly appreciated.

Yours Respectfully,

Jeff Kirby
67skagit Key
Bellevue, Wa 98006
425-644-3500

**TO: Chair Tebelius and Members of the
Bellevue Planning Commission**

Dec. 11, 2013

FROM: Martin Nizlek, Bd. Member WSSA



RE: SMP – CAO (Floodplain) Conforming Amendments

I'm writing to ask that the Commission give further consideration to WSSA's request for certain changes to the conforming amendments. These were introduced at your last meeting but no action was taken.

WSSA recommended two amendments dealing with floodplain issues. Below we provide further rationale for their adoption including information that was not available at your last meeting. WSSA also asks your support, while the SMP process continues, to provide us relief from overly strict CAO rules.

Summary

We find that State Ecology guidelines and existing directives from the legislature support our requests. Floodplain rules (i.e., the CAO) can and should be taken into consideration now, and the City has been remiss in not affording residents opportunities provided by 2010's EHB1653.

Residents are asking to continue to maintain their shoreline property in a reasonable manner AND that we be regulated in a manner consistent with other local jurisdictions – both with respect to FEMA rules or State legislation.

State Guidance on Conformance

In April 2011 the Dept. of Ecology published guidance on conformance in its Handbook section entitled "Integration of Critical Areas Ordinances" ([Click to Open](#)). Two key points in Ecology's document relevant to our request are:

- **The CAO integration process should have started early, and**
- **The City can embed Critical Area conforming regulations in the SMP, if need be**

Despite WSSA's repeated requests during the update process to consider the overlap of the SMP and CAO, staff has asserted that it would be premature and would require an elaborate process. Ecology says otherwise and provides simplifying options. Worse, failure to consider the issue now could lead to rejection by Ecology when the draft is submitted.

EHB1653 – Provides Property Owner Protection

Passed in 2010, this legislative action clarified that not all shorelines are critical areas. What may not be clear to the Commission is that [EHB1653](#) goes on to say that, if an applicant can show no net loss of ecological function, the existing SMP, not the CAO, regulations can be applied.

Given the extended amount of time that the SMP approval may take – perhaps a year or two – WSSA requests that 1653 apply until adoption of the update.

Issue Clarifications

At your last meeting, several issues were brought up by staff. We have looked into these and provide you the following clarifications.

FEMA BiOp Law Suit – This challenge, brought by the National Wildlife Federation, contends FEMA needs to do more to protect endangered Chinook salmon. The litigants are still formulating their arguments and, we’re told by one of the attorneys, it is a year or more away from being heard, deliberated, and ruled upon. So, [existing FEMA procedures](#) regulate now.

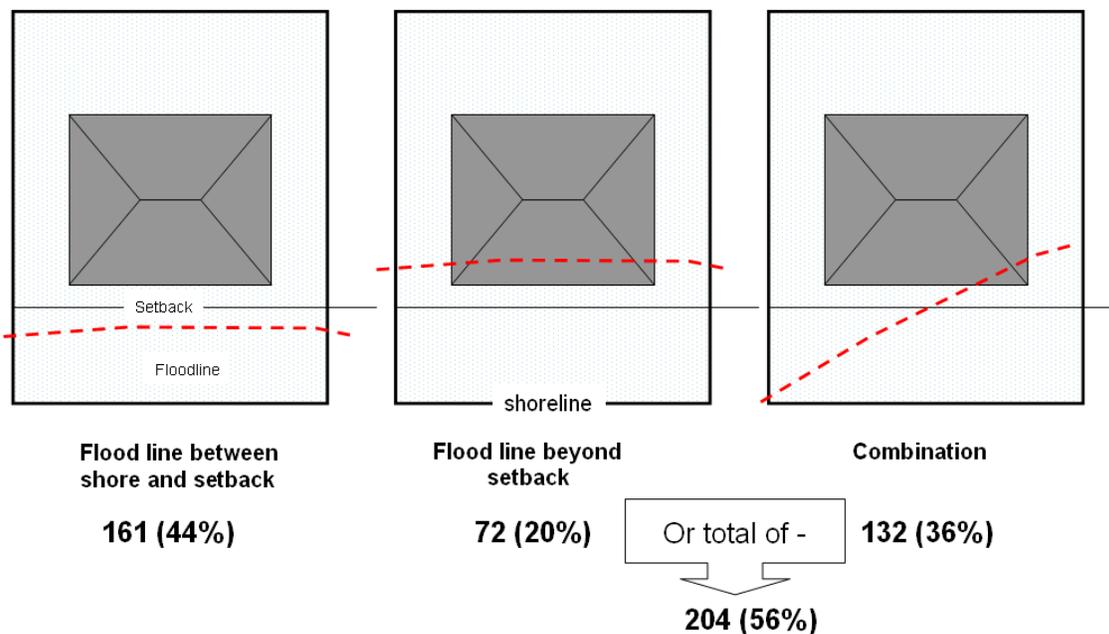
Flood Hazard Area Impact Assessment – The Commission should also be aware - where FEMA/floodplain regulations would govern, should a habitat assessment be required, there is explicit recognition that landscape maintenance is exempt activity. (See page 6 [PDF pg.12] of FEMA [Habitat Assessment manual](#)).

The Greenscape requirements which the Commission developed will sufficiently encompass the above objectives and, where the floodplain will extend above the setback, application of current FEMA “mitigation” rules should apply.

Property Level Impacts –

At your last meeting WSSA presented the following diagram –

Floodplain Scenarios on 365 Lake Sammamish Parcels



It showed that nearly 60% of shoreline properties would be subject to CAO rules instead of SMP regulations based on information provided to WSSA by staff. At your meeting staff commented that the total (365 parcels) was in error, there being some 500 parcels instead. That mischaracterized the issue. Staffs’ figure was apparently derived by using the 200 ft. shoreline jurisdiction distance boundary to arrive at a higher number. The additional 135 parcels do no touch the lake.

Bottom line – the majority of 365 parcels which front on Lake Sammamish would continue to be regulated unnecessarily by the CAO.

Conclusions

1 – The State Dept. of Ecology requires consideration of the CAO and SMP “overlap” at this time and provides options such that it will not necessitate an involved CAO modification process.

2 – Law suits involving the FEMA Biologic Opinion are not going to be resolved reasonably soon.

3 – FEMA views maintenance of landscaping in flood hazard areas as exempt activity.

4 – FEMA allows mitigation measures with respect to construction actions which are not being afforded lakefront property owners in Bellevue (which are allowed in other jurisdictions.)

5 – Shoreline residents have been denied the provisions of EHB 1653, and during the interim period of SMP approval (perhaps 1 – 2 years), they should be regulated with the provisions of 1653 available to them.

6 – The Commission has developed a draft SMP which, with minor amendments, will effectively resolve the above issues.

Recommendations

WSSA requests that the Commission:

- **Approve Amendments A & B, as submitted on 11/13/2013 (attached)**
- **Recommend to the City Council that lakeshore properties be regulated during the remainder of the update process under 2010’s EHB1653 provisions.**

ATTACHMENTS

1 – WSSA request from Nov. 13, 2013 meeting

2 – Nov. 13, 2013 Meeting supporting graphics



Shoreline Master Program Conformance Amendments

Planning Commission Meeting
November 13, 2013

Overview

At the October 23rd Planning Commission meeting, WSSA presented 11 Action Items to resolve inconsistencies between the proposed Shoreline Master Program (SMP) and the Critical Area Overlay regulations (CAO). The new Staff Report separates WSSA's Action Items to create 16 Action Items by designating 3.a through 3.e and 5.a. through 5.b. See Attachment 2 to Staff Report. Of the 16 Action Items, Staff proposed changes to address 7 items and did not accept WSSA's proposed changes to the other 9 items.

WSSA has received substantial feedback on these issues: Planning Commission feedback at the October 23rd meeting; WSSA's meeting with Staff and discussion of questions reflected in Attachment 3, and the changes and discussion in Staff Report. Based on all that information, WSSA has narrowed its focus only to the flood hazard regulations that conflict with the proposed SMP, and requests adoption of Amendments A and B to resolve the primary issues. Please review the PowerPoint submitted concurrently to see a visual depiction of the conflict between the proposed SMP and existing CAO rules.

By adopting the presented Amendments A and B, the Planning Commission can resolve 5 more of the 9 remaining issues. The four remaining unresolved issues should be considered, but WSSA considers Amendments A and B the most important changes.

Summary of WSSA Action Items

Action Item #	Description	Resolved?
Action Item 1	Duplicative Permit Process	Not Resolved
Action Item 2	Type S Waters	Resolved by Staff
Action Item 3.a	Duplicative Permit Process	Not Resolved
Action Items 3.b. and 3.c	Homes in Flood Hazard	Resolved with Amend. B
Action Items 3.d. and 3.e	Moorage-Stabilization	Resolved by Staff
Action Item 4	No Net Loss Standard	Not Resolved
Action Items 5.a. and 5.b	Trails - Moorage Access	Resolved by Staff
Action Item 6	Existing Landscaping	Resolved with Amend. A
Action Item 7	Vegetation Management	Resolved with Amend. A
Action Item 8	Homes in Flood Hazard	Resolved with Amend. B
Action Item 9	Shore Stabilization	Resolved by Staff
Action Item 10	Clarification - Habitat	Resolved by Staff
Action Item 11:	Homes in Flood Hazard	Resolved with Amend. B

WSSA Requests Two Important Changes to the Critical Area Regulations to Ensure Consistency with the Proposed SMP

There are 365 properties on Lake Sammamish that are encumbered by the special flood hazard critical area. Those properties have CAO flood hazard regulations that conflict with the proposed SMP regulations. The purpose of the conforming amendments is to make the CAO conform to the SMP—the Planning Commission must do that in two areas.

*First, the CAO flood hazard regulations conflict with the SMP in regulating greenscape and hardscape—the CAO uses the terms landscaping and landscape features. The Planning Commission debated over many meetings the rules for greenscape and hardscape. The Staff never mentioned that the CAO flood hazard regulations conflict with and preempt the SMP regulations for greenscape and hardscape. The CAO flood hazard rules declare illegal the following activities: greenscape expansion, greenscape reconfiguration, greenscape replacement, and hardscape replacement and reconfiguration compliant with the 50%/15% rules. **Staff's position on the CAO rules is what led to the property owner being cited for violating the CAO when he took out patio pavers and replaced them with grass!***

The Planning Commission should fix this conflict by adopting Amendment A.

*Second, about 200 properties on Lake Sammamish likely have a flood hazard critical area that exceeds the 25 foot setback for at least a portion of the property. Staff's position on the CAO flood hazard rules is that no home may be expanded or constructed below the flood elevation—even if the flood mitigation rules are followed. That means that the home setback rules debated by the Planning Commission are preempted by the CAO flood hazard rules. Staff's position is particularly illogical because Redmond, Sammamish, and Issaquah all allow construction below the flood elevation when mitigation measures are met. **This rule is also totally unreasonable because the City Parks Department is allowed to construct structures below the flood elevation!***

The Planning Commission should fix this conflict by adopting Amendment B.

Amendment A: The CAO needs to be changed to conform to the Greenscape and Hardscape Provisions in the SMP.

Amendment A Resolves Action Items 6 and 7

AMENDMENT A:

20.25H.055 Uses and development allowed within critical areas – Performance standards.

The uses and/or development described in subsection B of this section may be undertaken in a critical area or critical area buffer if all of the requirements of the referenced sections are met. A Critical Areas Land Use Permit shall be required unless otherwise noted.

...

	Type of Critical Area				
	Streams	Wetlands	Shorelines	Geologic Hazard Areas ⁷	Areas of Special Flood Hazard

Existing landscape maintenance ²	20.25H.055.C.3.h 20.25H.080.A	20.25H.055.C.3.h 20.25H.100	20.25H.055.C.3.h 20.25E.080.B 20.25E.080.G	20.25H.055.C.3.h 20.25H.125	20.25H.055.C.3.h ¹⁶ 20.25H.180.C

...

Notes:

...

16. In areas of special flood hazard located within shoreline jurisdiction, existing landscape maintenance and all modifications to landscaping and landscape features shall comply with the Shoreline Greenscape Conservation Standards and Requirements, 20.25E.065.F, rather than this section.

DESCRIPTION:

Add a Note to the allowed uses and development chart to ensure that the CAO conforms to SMP. CAO defined “landscaping and landscape features” that are located within the flood hazard critical area and shoreline jurisdiction will be regulated solely by the SMP “greenscape and hardscape” provisions. This change is needed to avoid duplicate and conflicting rules for the same improvements in the same yard area.

Amendment B: The CAO needs to be changed to conform to the Home Setback Provisions in the SMP, as long as flood mitigation measures are met.

Amendment B Resolves Action Items 3.b., 3.c, 8, and 11

AMENDMENT B:

20.25H.055 Uses and development allowed within critical areas – Performance standards.

The uses and/or development described in subsection B of this section may be undertaken in a critical area or critical area buffer if all of the requirements of the referenced sections are met. A Critical Areas Land Use Permit shall be required unless otherwise noted. . . .

	Type of Critical Area				
	Streams	Wetlands	Shorelines	Geologic Hazard Areas ⁷	Areas of Special Flood Hazard

Expansion of existing single-family primary structures	20.25H.055.C.3.n 20.25H.080.A	20.25H.055.C.3.n 20.25H.100	20.25H.055.C.3.n 20.25E.080.B 20.25E.080.Q	20.25H.055.C.3.n 20.25H.125	20.25H.055.C.3.n 20.25H.180.C ⁹ 20.25H.180.D.1 20.25H.180.D.7
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...

Notes:

9. ~~Authorized only pursuant to a reasonable use exception, LUC 20.25H.190~~ In areas of special flood hazard located within shoreline jurisdiction, expansion of existing single-family homes and new single-family homes (including full replacement i.e. teardowns) are allowed in the special flood hazard critical area when developed in accordance with the Residential Shoreline Regulations, LUC 20.25.065 (including the Shoreline Greenscape Conservation Standards and Requirements, LUC 20.25E.065.F), and also in accordance with the performance standards required by LUC 20.25H.180.C and D.1. A Critical Area Land Use Permit will be required.

DESCRIPTION:

Change the allowed uses and development chart and Note to ensure that the CAO conforms to SMP. As recognized by the SMP, allow single-family homes (whether new, a teardown, or expanded), to locate within the flood hazard critical area in compliance with the 25-foot shoreline setback and Greenscape Conservation Standards. However, require any such home to comply with the flood hazard mitigation requirements using the Critical Area Land Use Permit process.

Additional Background in Support of Amendments A and B

The Staff Report describes the conformance amendments as follows:

The purpose of conformance amendments is to ensure that the adoption of one piece of legislation (in this case the Planning Commission-recommended Part 20.25E LUC [SMP]) does not create conflicts or inconsistencies with other existing legislation (in this case the rest of the Land Use Code [**including the CAO**]). *The existing code provisions are amended to bring them into conformance with the new legislation in order to allow that legislation to operate as intended.* Conformance amendments are not meant to result in new policy direction, regulatory changes that are not driven by the Commission-recommended SMP, or changes that necessitate revising the recommended SMP in order to achieve consistency.

WSSA agrees. In particular the highlighted text means that the CAO needs to be changed to bring the CAO regulations into conformance with the new SMP legislation.

The Planning Commission already debated important issues related to the shoreline setback for homes and the allowed activities within that setback i.e. the Greenscape Conservation Standards. The problem is that the CAO regulations directly conflict with the SMP regulations as itemized in the charts provided. See PowerPoint.

The Staff has made an assessment and determined that 365 properties on Lake Sammamish are encumbered by the special flood hazard critical area—those properties have conflicting SMP and CAO regulations. Staff’s assessment is that about 200 properties on Lake Sammamish likely have a flood hazard critical area that exceeds the 25 foot setback for at least a portion of the property. Plus, on another 160+ properties, the flood hazard critical area will be on the upland above OHWM, but stop short of the 25 foot setback line. See PowerPoint Slide 6.

The floodplain elevation is 36.1’ NAVD 88. As we have previously demonstrated, the floodplain line is based on a 1954 observation—prior to the straightening of the Sammamish River and digging of the outlet channel in the early 1960s. That project was specifically designed to reduce flood problems and the Lake never again reached anywhere near that level since the outlet changes. The flood elevation is a “paper” elevation without any factual basis and likelihood of harm. However, there is no prospect that FEMA will undertake the substantial studies needed to confirm or reduce that elevation based on current conditions. So, the area has to be regulated as a flood hazard, but allowing construction is not likely to create any risk.

Landscaping and Landscape Features. Staff’s position is that only maintenance is allowed to landscaping and landscape features in the flood hazard critical area pursuant to Existing Landscape Maintenance provision at 20.25H.055.C.3.h. This means that the SMP Shoreline Greenscape provision at 20.25E.065.F *is superseded by the CAO*. The SMP allows new and reconfigured hardscape with restrictions, but the CAO generally prohibits those activities in the flood hazard critical area. See PowerPoint Slide 7. Although the Staff indicates that Critical Area Land Use Permit may be sought for modifications to landscaping and landscape features, the standards for approving such a permit are unclear and the cost is prohibitive for such a project (likely \$5,000 to \$10,000 in application requirements and City review fees).

Existing Homes. Staff's position is that there is no expansion into the flood hazard critical area. Cantilevering above the floodplain is allowed.

Teardowns/New Construction. Teardowns are considered new construction. Staff's position is that new construction of homes is not allowed into the flood hazard critical area. Cantilevering above the floodplain is allowed.

These rules for homes are inconsistent with Redmond, Sammamish, and Issaquah, which allow construction in the floodplain as long as appropriate mitigation is followed (finished floor height 12" above floodplain, compensatory flood storage, etc.). Staff has provided no clear explanation as to why Bellevue must have stricter rules than these other cities. Staff cited as a reason the NFIP CRS Program (National Flood Insurance Program, Community Rating System). However, Staff said that Issaquah participates in the CRS, but Issaquah does not have the same strict rules, so that cannot be valid reason. Furthermore, the flood hazard rules allow the City Parks Department to construct in the floodplain when mitigation measures are met. In summary, there is no valid reason not to allow Bellevue shoreline property owners to do what is allowed in Redmond, Sammamish, Issaquah, and by the Bellevue Parks Department.

WSSA accepts that any home construction below the flood elevation must comply with mitigation measures. That alone will be a significant restraint on any such intrusion into the flood hazard area due to the increased costs. WSSA also offers to compromise on the permitting structure and to allow the Critical Area Land Use Permit with Critical Area Report process to be followed to ensure compliance with those mitigation measures. The City already follows this process for homes constructed in steep slope critical areas located within shoreline jurisdiction, and the process can address all concerns related to building in the flood hazard area too.

Comments on Staff's Response to Action Items

To complete the record, WSSA provides the following comments on the Staff's Responses to each of the Action Items.

ACTION ITEM 1: Clarification—NOT RESOLVED

Description: Amended 20.25H.015.B to reflect that the Shoreline Permit process would be used in shoreline jurisdiction areas when applicable, rather than to have a duplicative Critical Area Land Use Permit process also apply. The critical area standards would be applied in the Shoreline Permit process.

Staff Response: Staff rejected this change.

WSSA Comment: Staff misread the proposed change—there is no gap. WSSA's change applied only when a Shoreline Permit was required, not when the Shoreline Exemption applied. Otherwise, this change will likely be required by Ecology and is otherwise beneficial to property owners. The SMP incorporates the critical area regulations, and so the Shoreline Permit process, when applicable, is the appropriate procedure. The Shoreline Management Act seeks to protect the shoreline while recognizing that the shoreline should be used and developed when appropriate with a priority given to residential development. The Critical Area Regulations are more narrowly focused on protection only, without considering the broader goals of the Shoreline Management Act. For this reason, it is inappropriate to seek to peel off the critical area regulations separate from the shoreline regulations when a Shoreline Permit process is followed.

WSSA Amendment:

20.25H.015 Applicable procedure.

The Critical Areas Overlay District consists of two parts: that part of a site that is not contained within a critical area, critical area buffer, or critical area structure setback, and that part of a site that is within a critical area, critical area buffer, or critical area structure setback.

A. If a proposal avoids all disturbance or modification of the critical area, critical area buffer, and critical area structure setback, the proposal is subject to the provisions of this part through the review process for the underlying permit or approval required for the development, and a decision on such application may be appealed according to the appeal process for the underlying permit or approval.

B. If a proposal involves disturbance to or modification of the critical area, critical area buffer, or critical area structure setback, then in addition to the review process for the underlying permit or approval required for the development, the proposal shall require a Critical Areas Land Use Permit, Part 20.30P LUC, except where otherwise indicated in this part and except where a shoreline permit is required by LUC 20.25E.

ACTION ITEM 2: Type S Waters--RESOLVED

Description: Amended 20.25H.075 to reflect that certain Type S waters are governed by SMP, not CAO.

Staff Response: Staff proposed alternative language.

WSSA Comment: Resolved. Alternative language acceptable.

ACTION ITEM 3: Fix Flood Hazard Restriction on Homes, Docks, and Bulkheads

The Staff Report divides Action Item 3 into five parts 3.a. through 3.e. Attachment 2.

Action Item 3.a.—NOT RESOLVED

Description: Amended 20.25H.055 to reflect that the Shoreline Permit process would be used in shoreline jurisdiction areas when applicable, rather than to have a duplicative Critical Area Land Use Permit process also apply. The critical area standards would be applied in the Shoreline Permit process.

Staff Response: Staff rejected this change. Same as Action Item 1.

WSSA Comment: Same as Action item 1.

Action Item 3.b.—RESOLVED WITH AMENDMENT B

Description: Amended the Chart at 20.25H.055 to change expansion of existing single-family primary structures to apply to all single-family primary structures.

Staff Response: Staff rejected this change as too broad when applied to all single-family primary structures in all critical areas.

WSSA Comment: WSSA narrowed its request in Amendment B to apply only to single-family homes within shoreline jurisdiction that are subject to flood hazard critical area. Adopt Amendment B to narrow this request and resolve this issue.

Action Item 3.c.—RESOLVED WITH AMENDMENT B

Description: Amended the Chart at 20.25H.055 to allow homes in the flood hazard critical area without the restrictions of the reasonable use exception.

Staff Response: Staff rejected this change.

WSSA Comment: WSSA narrowed its request in Amendment B to apply only to homes within shoreline jurisdiction that are subject to flood hazard critical area. The reasonable use exception criteria are far too restrictive to provide relief to the most of the 200 homes in which the CAO rules conflict with the SMP. Adopt Amendment B to narrow this request and resolve this issue.

Action Item 3.d.--RESOLVED

Description: Amended Chart and Note 9 at 20.25H.055 to reflect that moorage shall follow SMP regulations, not conflicting CAO regulations.

Staff Response: Staff proposed alternative language.

WSSA Comment: Resolved. Alternative language acceptable

Action Item 3.e.--RESOLVED

Description: Amended Chart and Note 12 at 20.25H.055 to reflect that shore stabilization measures shall follow SMP regulations, not conflicting CAO regulations.

Staff Response: Staff proposed alternative language here and for Action Item 9.

WSSA Comment: Resolved. Alternative language acceptable when considered in conjunction with Action Item 9. Note 15 is confusing in referring to “performance standards required by this section,” but that confusion is clarified in Action Item 9.

ACTION ITEM 4: Performance Standards – General Reference—NOT RESOLVED

Description: Amended 20.25H.055.C to reflect that, for all development within shoreline jurisdiction, the applicable standard is no net loss of shoreline ecological functions.

Staff Response: Staff rejected this change.

WSSA Comment: The rule that the “more protective” will apply is totally incomprehensible and has caused litigation due to the vague nature of this approach. What is more protective the CAO or the “no net loss standard” of the SMP? Who decides this question when there is no other direction? Besides, this change will likely be required by Ecology and is otherwise beneficial to property owners. The SMP incorporates the critical area regulations, and so the no net loss standard is the applicable standard. The Shoreline Management Act seeks to protect the shoreline while recognizing that the shoreline should be used and developed when appropriate with a priority given to residential development. The Critical Area Regulations are more narrowly focused on protection only, without considering the broader goals of the Shoreline Management Act. For this reason, it is inappropriate to set up a vague standard in conflict with the Shoreline Management Act and SMP that could potentially be used to trump SMP goals and priorities.

WSSA Amendment:

20.25H.055 Uses and development allowed within critical areas – Performance standards.

...

C. Performance Standards.

The following performance standards apply as noted in the table in subsection B of this section. The critical areas report may not be used to modify the performance standards set forth in this subsection C:

...

3. Performance Standards for Specific Uses or Development. In the event of a conflict between the generally applicable performance standards and specific standards, those more protective of critical area functions and values shall prevail, except that for properties subject to the Shoreline Master Program, LUC 20.25E, the exclusive standard shall be no net loss of shoreline ecological functions.

...

ACTION ITEM 5: Performance Standards – Trails—RESOLVED

The Staff Report divides Action Item 5 into two parts 5.a. through 5.b.

Action Item 5.a.--RESOLVED

Description: Amended 20.25H.055.C.3.f to provide clarification about existing access.

Staff Response: Staff argues that change not needed.

WSSA Comment: Resolved. The change in 5.B is acceptable.

Action Item 5.b.--RESOLVED

Description: Amended 20.25H.055.C.3.f to provide clarification about existing access to moorage.

Staff Response: Staff proposed alternative at Chart and Notes.

WSSA Comment: Resolved. Alternative language acceptable.

ACTION ITEM 6: Performance Standards – Existing Landscaping—RESOLVED WITH AMENDMENT A

Description: Amended 20.25H.055c.3.h to change existing landscape maintenance provision to conform to SMP.

Staff Response: Staff rejected this change as too broad when applied to all critical areas. [Staff did agree to delete the mandatory word “prohibited” from the sentence about fertilizer etc. use as requested by WSSA and this change is acceptable.]

WSSA Comment: WSSA narrowed its request in Amendment A to apply only to greenscape and hardscape within shoreline jurisdiction that are subject to flood hazard critical area. Adopt Amendment A to narrow this request and resolve this issue.

ACTION ITEM 7: Performance Standards – Vegetation Mgmt.—RESOLVED WITH AMENDMENT A

Description: Amended 20.25H.055c.3.m to change vegetation provisions to conform to SMP.

Staff Response: Staff rejected this change as to broad when applied to all critical areas.

WSSA Comment: WSSA narrowed its request in Amendment A to apply only to greenscape and hardscape within shoreline jurisdiction that are subject to flood hazard critical area. Adopt Amendment A to narrow this request and resolve this issue.

ACTION ITEM 8: Performance Standards – Single Family Homes—RESOLVED WITH AMENDMENT B

Description: Amended 20.25H.055.c.3.n to allow existing home provision to conform to SMP.

Staff Response: Staff rejected this change as to broad when applied to all critical areas.

WSSA Comment: WSSA narrowed its request in Amendment B to apply only to homes within shoreline jurisdiction that are subject to flood hazard critical area. Adopt Amendment B to narrow this request and resolve this issue.

ACTION ITEM 9: Performance Standards – Stabilization Measures—RESOLVED

Description: Amended 20.25H.055.C.3.m to reflect that moorage shall follow SMP regulations, not conflicting CAO regulations.

Staff Response: Staff proposed alternative language.

WSSA Comment: Resolved. Alternative language acceptable

ACTION ITEM 10: Clarification--RESOLVED

Description: Amended 20.25H.155 to avoid potential conflict with SMP.

Staff Response: Staff proposed alternative language.

WSSA Comment: Resolved. Alternative language acceptable

ACTION ITEM 11: Secondary Flood Hazard Changes-RESOLVED WITH AMENDMENT B

Description: Amended 20.25H.180 to conform to SMP.

Staff Response: Staff rejected this change as too broad when applied to all critical areas.

WSSA Comment: WSSA narrowed its request in Amendment B to apply only to homes within shoreline jurisdiction that are subject to flood hazard critical area. Adopt Amendment B to narrow this request and resolve this issue.

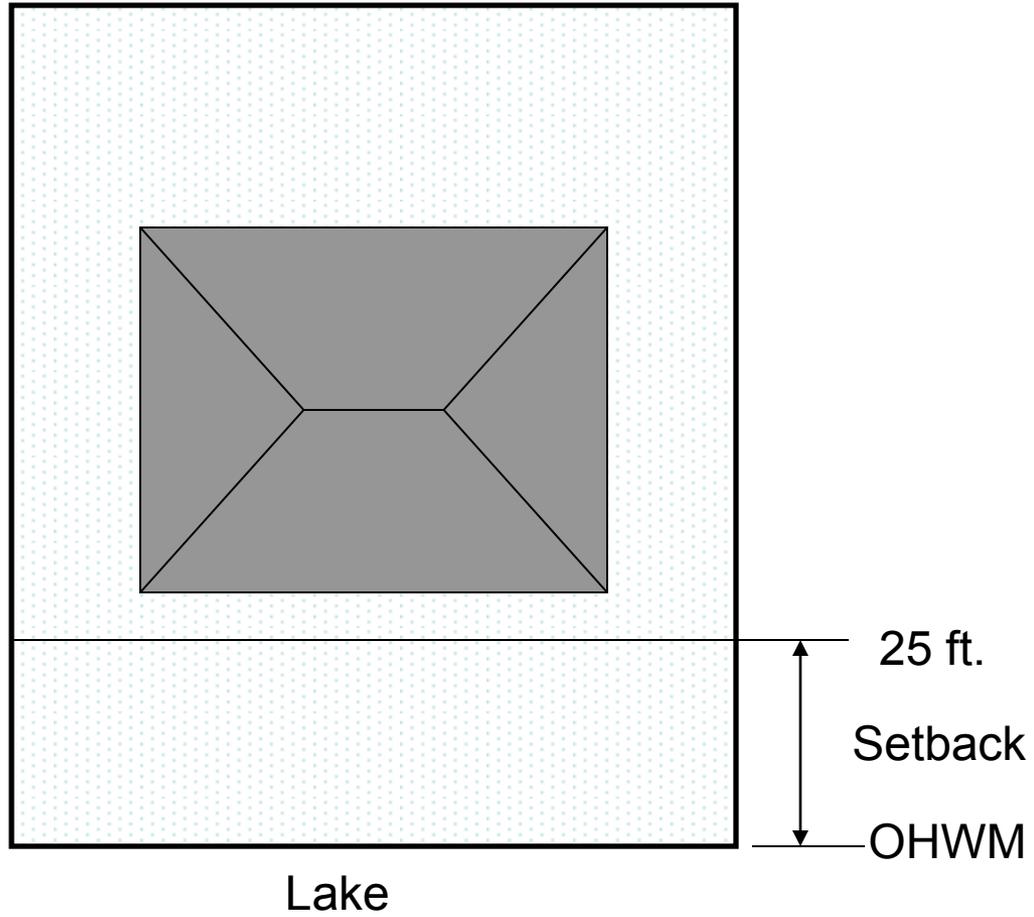
Conflicts Between Shoreline and Flood Hazard Regulations

November 2013

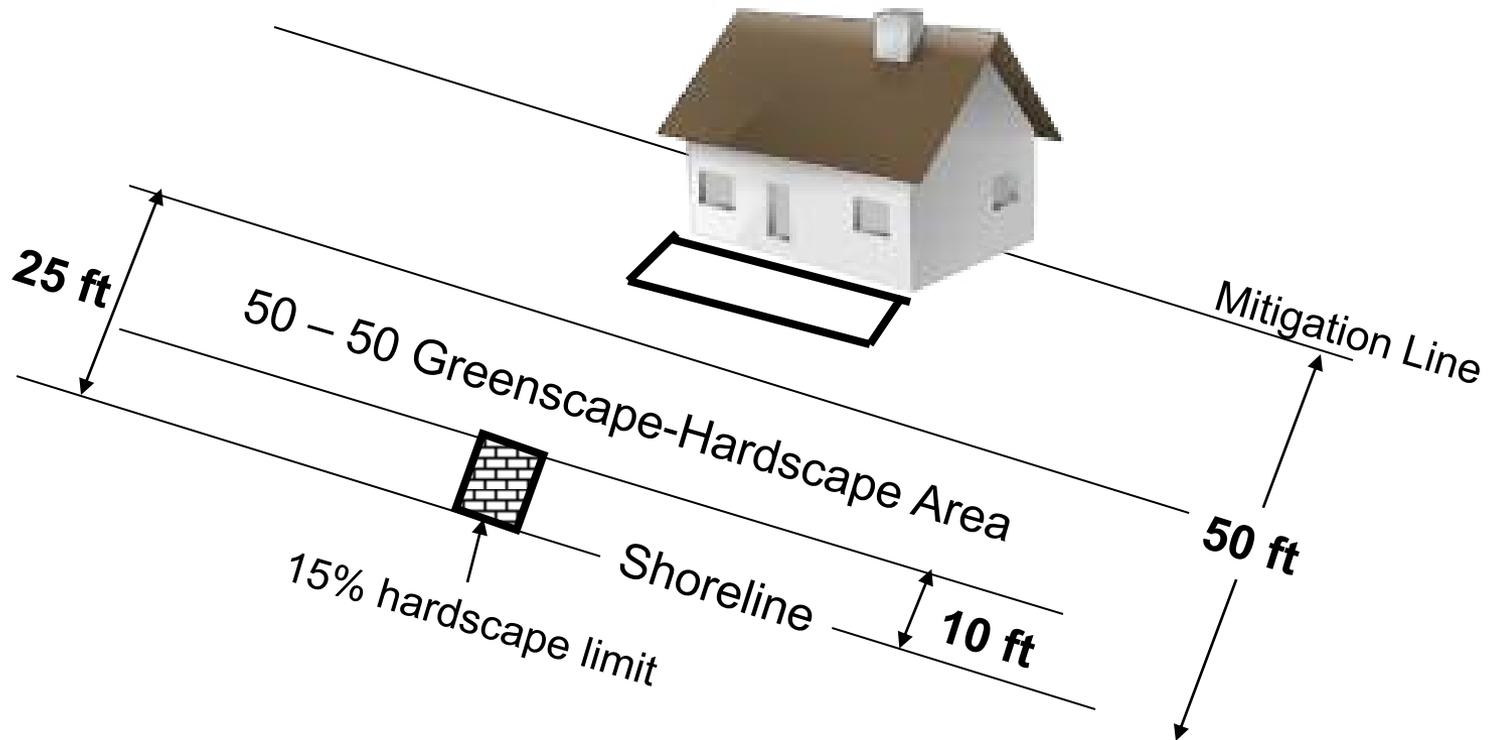
Washington
Sensible
Shorelines
Association



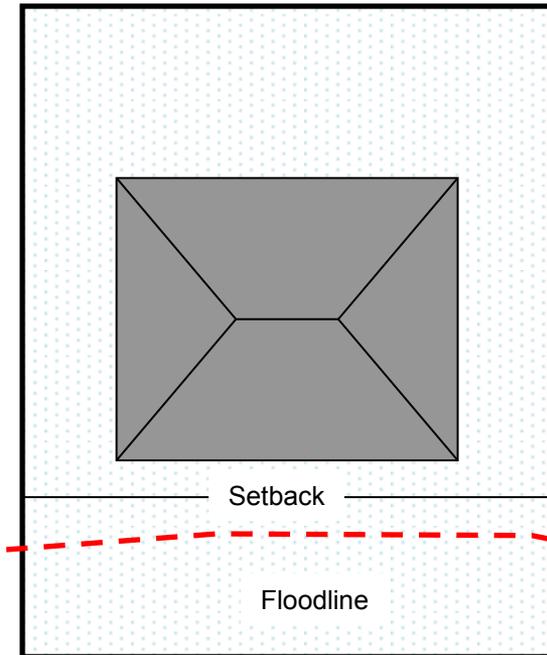
Basic Site Features



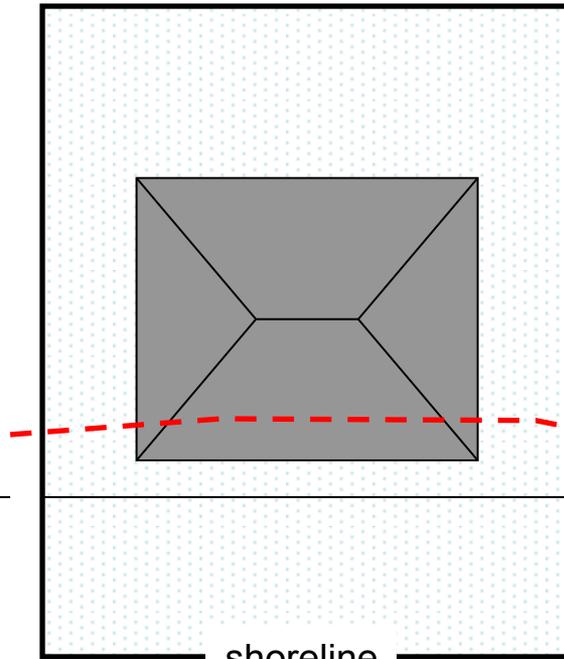
Our Understanding of Draft SMP



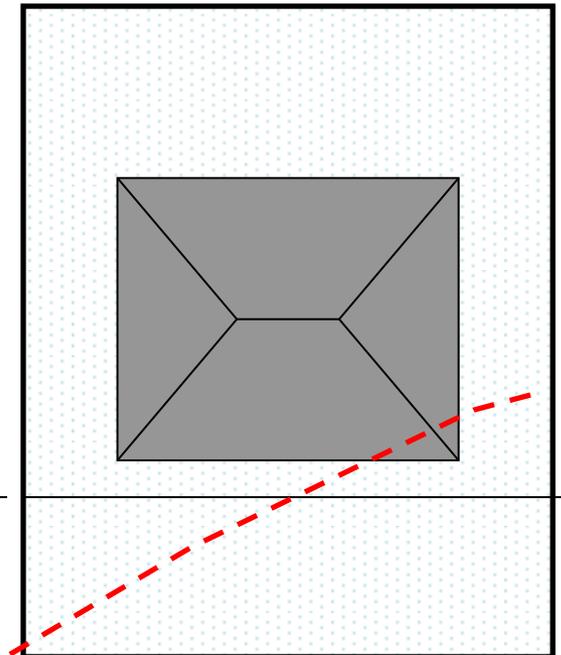
Example Shoreline Floodplain Scenarios



**Flood line between
shore and setback**

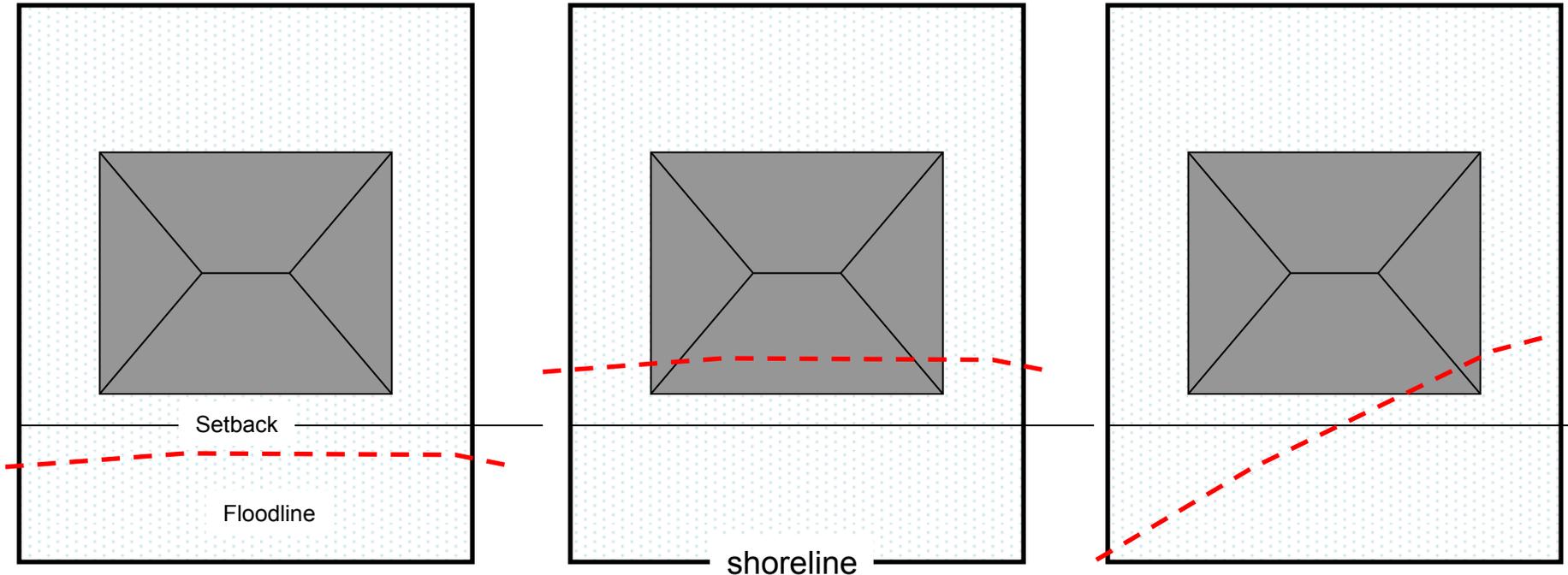


**Flood line beyond
setback**



Combination

Floodplain Scenarios on 365 Lake Sammamish Parcels



**Flood line between
shore and setback**

161 (44%)

**Flood line beyond
setback**

72 (20%)

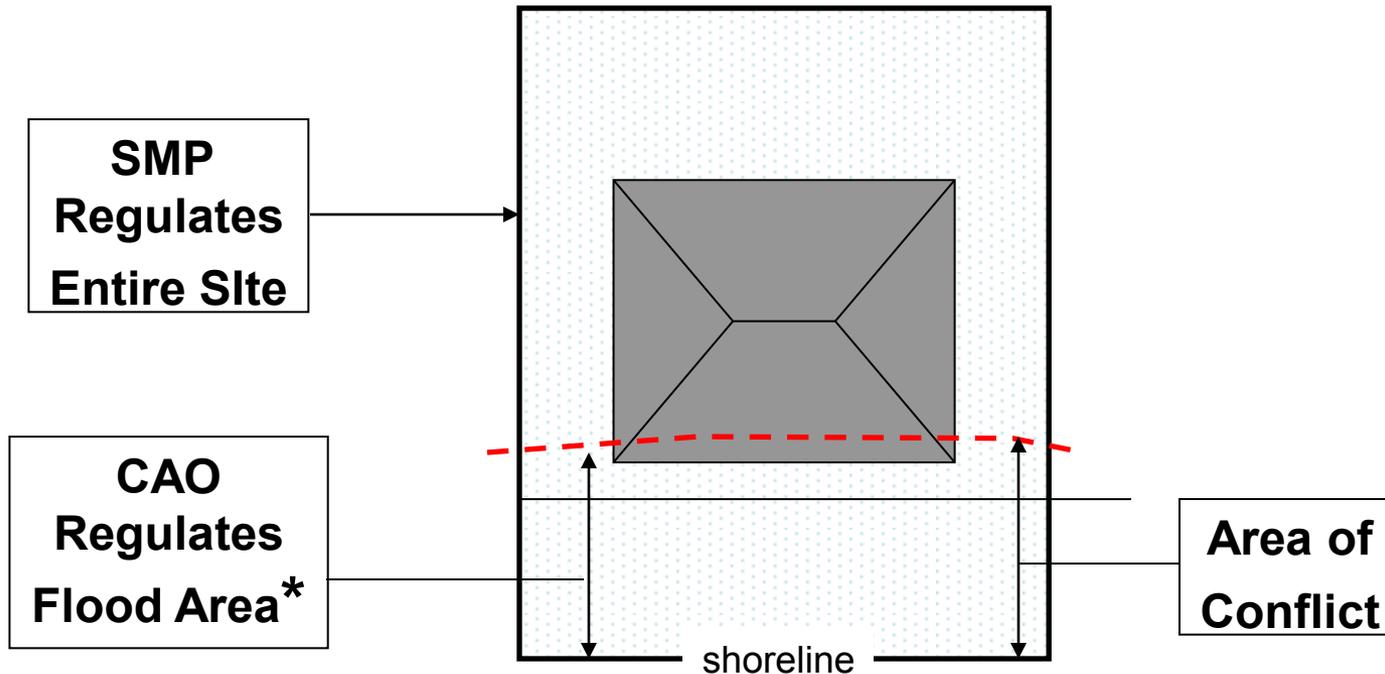
Combination

132 (36%)

Or total of -

204 (56%)

Floodplain Regulatory Conflicts



*

Note – to alter landscaping, \$10 - \$15K may be needed for survey, reports, and permits.

A rebuild will be considered new construction and Bellevue-specific restrictions applied beyond FEMA's.

YARD ACTIVITIES: CONFLICTING FLOOD HAZARD REGULATIONS

ACTIVITY	SMP	CAO
Greenscape - Maintenance and Repair	YES	YES
Greenscape - Replacement	YES	NO
Greenscape - Reconfigured	YES*	NO
Greenscape - Expansion	YES	NO
<hr/>		
Hardscape < 50% - Maintenance and Repair	YES	YES
Hardscape < 50% - Replacement	YES	NO
Hardscape < 50% - Reconfigured	YES*	NO
Hardscape < 50% - Expansion	YES*	NO
<hr/>		
Hardscape > 50% - Maintenance and Repair	YES	YES
Hardscape > 50% - Replacement	YES*	NO
Hardscape > 50% - Reconfigured	YES*	NO
Hardscape > 50% - Expansion	NO	NO

* Must comply with Greenscape Conservation Standards:
 < 50% Hardscape, <15% Hardscape in first 10 feet

CAO may allow prohibited activities with Critical Area Land Use Permit (CALUP) with Critical Area Report. COST: \$5,000 TO \$10,000 est.

HOME IMPROVEMENTS: CONFLICTING FLOOD HAZARD REGULATIONS

ACTIVITY	SMP	CAO
Home Outside 25' - Maintenance and Minor Repair	YES	YES
Home Outside 25' - Substantial Repair/ Remodel in Footprint [^]	YES	MAYBE***
Home Outside 25' - Reconfigure/Lateral Additions	YES*	NO
Home Outside 25' - Replacement (i.e. Teardown)	YES*	NO
Home Closer Than 25' - Maintenance and Minor Repair	YES	YES
Home Closer Than 25' - Substantial Repair /Remodel in Footprint [^]	YES	MAYBE***
Home Closer Than 25' - Reconfigure/Lateral Additions	YES**	NO
Home Closer Than 25' - Replacement (i.e. Teardown)	NO	NO

[^] That exceeds 50% of market value

* Must comply with Greenscape Conservation Standards: < 50% Hardscape and <15% Hardscape in first 10 feet.

** Limited to 200 square feet, native vegetation mitigation required, once for lifetime of structure

*** Possible exception if reconstructed to comply with flood mitigation rules

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

July 10, 2013
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

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

COMMISSIONERS ABSENT: None

STAFF PRESENT: Paul Inghram, Janet Lewine, Andrew Kidde, Arthur Sullivan, Department of Planning and Community Development; Paul Andersson, , City Manager's Office

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:36 p.m. by Chair Tebelius who presided.

2. ROLL CALL

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

3. PUBLIC COMMENT – None

4. APPROVAL OF AGENDA

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

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

Commissioner Ferris noted that the Downtown Livability CAC had not met since the last Planning Commission meeting but would be meeting again on July 17. Two open house events, however, were held the evening of July 9 and the morning of July 10

Commissioner Laing said he and Co-chair Simas met with staff following the June 19 meeting of the CAC to discuss the schedule.

6. STAFF REPORTS

Mr. Inghram reported that on July 8 the Commission's recommendation on the three Comprehensive Plan amendment proposals was presented to the City Council. The Council followed the recommendations. The Councilmembers also concurred with the Commission

relative to the need to address the zoning issue in Bel-Red, particularly how the Medical Office zone fits in with other zones.

Chair Tebelius said the staff did a wonderful job answering all of the technical questions. With regard to the Bellevue Apartments Comprehensive Plan amendment, concern was expressed about expanding the scope and the domino effect that might have on the surrounding Multifamily-Medium sites.

Chair Tebelius said both the property owner and tenant of the Bel-Kirk Office Comprehensive Plan amendment addressed the Council directly. She said the Council clearly wants staff to look into the issue and wants to avoid being pulled into the debate. Mr. Inghram said staff had previously addressed the issue with the City Attorney's office and made the determination that the application was legitimate. He said staff will continue to work with the City Attorney in identifying what risk if any the city could face in continuing to review the application.

Chair Tebelius said the Council did express concern about losing property zoned Light Industrial.

Chair Tebelius noted that Council agreed entirely with the Commission's conclusion to not advance the Bel-Red/Medical Office designation, but they clearly recognized the need to address the wider issues. There was discussion about the Commission's recommendation to take up the issues sooner rather than later. Mr. Inghram said the staff is willing to come back to the Council with a range of options for how to review Bel-Red in general.

Mr. Inghram reported that he attended the Canadian planning conference in Vancouver, B.C. on July 6 and 7. He said he participated in a discussion that compared Bel-Red, South Lake Union and Vancouver.

Mr. Inghram informed the Commission that the Shoreline Master Program will be before the Council again on July 15 for a discussion of the next steps.

Mr. Inghram reported that 65,000 people attended the 4th of July celebrations in Downtown Park.

Chair Tebelius noted that the Arts Fair drew 320,000 persons in 2012. The fair is set to happen again in two weeks and there will be 310 vendors that were chosen from over 900 applicants from around the country. Sales tax is collected for every purchase, so the event is certainly an economic boon for the city. The Arts Fair is the largest and the oldest arts fair in the state.

7. STUDY SESSION

A. Comprehensive Plan Update

i. Introduction of the Environment Element

Mr. Inghram informed the Commissioners that the best ideas campaign closed out on July 4. Over 125 ideas were submitted in all by several hundred different people. A full report will be given to the Commission at its meeting on July 24. Some of the ideas that were submitted were the need for a performing arts center; fiber optic internet access; a downtown children's museum; more of an emphasis on community gathering places in the neighborhoods; alternative

transportation options; more of a presence in the Seattle International Film Festival; early education for children; and a focus on small businesses.

Mr. Inghram noted that a number of key topics have been identified as part of the Comprehensive Plan update, including economic development, environmental stewardship, community health, mobility, cultural diversity, neighborhood centers, community gathering places, and partnerships and collaborations. The Commission has been focused on identifying issues and is about to undertake the analysis segment that will form the basis for identifying changes that need to be made to the Comprehensive Plan. Throughout the process outreach to the community stakeholders will continue.

Paul Andersson, program administrator for the Environmental Stewardship Initiative, commented that as Bellevue matures and more is learned about the relationship between the developed and natural environment, urban environmental concerns assume a higher priority in public policy. The city leads and supports efforts to protect and improve the environment. The element covers a variety of topics ranging from general environmental stewardship to noise pollution. Environmental topics are included in other Comprehensive Plan elements as well.

Mediation Program manager Andrew Kidde said one thing that has changed since the last major Comprehensive Plan update is the climate and more specifically the city's awareness of the relationship between changes in climate and carbon pollution that has resulted from the industrial age. Recently the carbon dioxide parts per million count went up to 400, a level that has not been seen before. As the carbon in the air has increased, there has been a corresponding increase in temperature; over the last one hundred years there has been an increase of 1.5 degree Fahrenheit, and the projection is for the temperature to continue increasing. Temperatures have been going up over the last 80 years in almost all areas of the Northwest. The increasing temperature correlates with a decrease in snowpack, and that has significant implications for Bellevue in that the city depends on snowpack for its water supply.

Answering a question asked by Chair Tebelius, Mr. Kidde said the temperature increase data is gathered in a number of different ways globally, primarily by climate scientists. He said he relied on data from the Climate Impact Group at the University of Washington. Mr. Andersson said the group is fairly renowned and looks a lot at local changes and projections for the atmosphere and the climate. Generally the temperature recordings are taken from weather monitoring stations and averaged to get annual averages, and the annual averages are compared over time. He noted that globally 2012 was the hottest year on record.

Mr. Kidde explained that the oceans absorb a tremendous amount of the carbon dioxide that is being put into the atmosphere. The chemistry of the ocean changes as it absorbs more carbon dioxide; in particular its pH level drops. One ramification scientists are finding is that at lower pH levels the ability of sea creatures to form calcium structures is compromised. The shellfish and oyster industries in Washington state have been greatly impacted; with oysters no longer able to hatch in open sea water in the state, some of the operations have moved to Hawaii.

A 1.5 degree Fahrenheit increase does not seem like much on its face, but in fact it is causing rather significant effects. Sea levels are rising, droughts are more accentuated, forest fires are more widespread and severe, and locally the shellfish industry has been compromised. The insurance industry has noted the impacts of climate change on places like southern Florida and has as a result built climate change into all of its industry models. The United States Army has identified climate change as one of the biggest threats to the security of the nation and has begun

a number of different net zero carbon emissions programs. Many cities around the country are adopting plans to deal with the effects of climate change; many of them are coastal cities who will have to deal with rising waters and super storms. A study just recently released by the Massachusetts Institute of Technology corroborates the hypothesis that climate change will cause an increase in the intensity and frequency of cyclones.

Bellevue believes there will be significant effects resulting from climate change that will need to be addressed. The work to update the Comprehensive Plan is the time to make changes.

Mr. Andersson said steps taken at the municipal level by Bellevue include the Resource Conservation Manager program, which has gotten City Hall one of the highest energy star ratings for any city hall nationwide; only five others match the city's score of 96; the parks lighting retrofit program; switching all of the city's traffic signals to LEDs; reducing paper consumption through a variety of means; utilizing a hybrid and electric fleet; and the creation of the Carbon Footprint Dashboard, an online resource that shows the current carbon footprint of the city at any given time.

The Resource Conservation Manager program was kicked off with some help from Puget Sound Energy in the form of a grant. To date the manager, Emma Johnson, has helped the city save close to \$500,000 in cumulative energy bill savings. She has also garnered a number of conservation grants for the city, and has reduced the metric ton CO₂ equivalent by close to 3000, which is tantamount to taking 555 cars off the road.

Mr. Andersson shared with the Commissioners a chart showing the city's greenhouse gas inventory compiled in 2006, a backcast to 1990 and a forecast to 2025. He said the city's adopted goal is to reduce greenhouse gas emissions to seven percent below the 1990 level by 2012. Major progress has been made to date and the city is about halfway to its goal, though the goal was not reached by 2012. Greater investment will need to be made by the city and the community to ultimately reach the goal.

Answering a question asked by Commissioner Laing, Mr. Andersson said the portfolio of the energy consumed by the city includes a small amount of nuclear power, a large bit of hydropower, and a large bit of coal power. The CO₂ emissions reflected on the chart result from the coal power. The increase in building consumption can be tied in part to the fact that the city has since 1990 increased the total number of facilities it operates. Given that information, Commissioner Laing suggested the only way to bring down the carbon emission number is by selecting a different source of electricity. Mr. Andersson said conservation is a vital element. It is followed closely by efficiency. The third element is renewable and new sources of energy. Currently about half of the electricity supplied by Puget Sound Energy is derived from the burning of coal mined in Montana; about 40 percent is hydro power, there is a small percentage of nuclear power, and a small percentage of renewables.

Commissioner Carlson commented that based on those figures half of what it takes to operate an electric vehicle comes from the burning of coal. Mr. Andersson said that is true but under I-937 the energy portfolio continues to get cleaner over time.

Mr. Andersson said the list of community actions the city has been working on include transit-oriented developments, electric vehicle infrastructure, commute trip reduction, a green business challenge, a new public engagement website called greenWA.org, home energy reports, and the Stream Team and Master Naturalist programs.

The city operates 16 public use electric vehicle charging stations and 22 public and private stations. To date those stations have saved over 6200 gallons of gasoline and have generated both environmental and economic benefits.

The Commissioners were shown a chart indicating emissions on the part of the community. Mr. Andersson noted that while the emissions have flatlined, they have not decreased.

Mr. Andersson said the use of natural drainage practices are on the increase. There are currently 33 private and city-owned rain gardens, and 28 private and city-owned bioswales. However, 40 percent of the total area of Bellevue is impervious. The city is paying close attention to stormwater and has been for some time under the NPDES permit; all new developments are required to manage stormwater onsite.

Commissioner Ferris commented that the Commission heard plenty during the Shoreline Master Program process about runoff into Phantom Lake. The problem is occurring because the regulations in place at the time the upland developments were constructed were inadequate. Under the new regulations any development that impacts 5000 square feet of existing impervious surface, or creates that much new impervious surface, must bring everything up to match all current requirements. Over time that will help to improve runoff from existing impervious areas. There is, however, a high cost involved to what is overall a community benefit. It is cost effective and efficacious to construct rain gardens or stormwater facilities that serve more than a single property, but there is no vehicle set up to create community systems.

Commissioner Laing said it would be helpful to know how much of the 40 percent impervious surface area is public right-of-way. He agreed there is a need to look at policy language that allow for collective treatment options.

Chair Tebelius said she was encouraged to hear that the city has hired a new stormwater person who has brought with him a different focus. The city has met with Phantom Lake property owners to discuss the stormwater issues with them and it appears that improvements will be able to be made over time. Councilmember Stokes is enthusiastic about trying to resolve the Phantom Lake issues.

Commissioner Hamlin said he did not see anything in the policies around the idea of daylighting streams, particularly in the Bel-Red area.

With regard to tree canopy, Mr. Andersson said the American Forest Society recommends 40 percent coverage citywide. In 2007 when the city's tree canopy was measured, it was found that it stood at only 36 percent. A significant amount of coverage has been lost since then. One of every five trees in Bellevue has been removed since 1986, which flies in the face of Bellevue's claim to be a city in a park. Most of the loss has occurred on private land. The losses that have occurred on public lands for the most part were to accommodate roadway projects, and in some of those cases trees were or will be replanted.

Chair Tebelius suggested it would be fair to say that the Growth Management Act, which focuses growth in urban areas, has been a contributing factor to the loss of tree canopy in urban areas such as Bellevue. She suggested one goal should be to increase tree planting in public areas.

Commissioner Laing asked if the city and/or other government agencies have the same

replacement ratio when trees are removed to accommodate projects. Trees have been removed to allow for freeway projects, and the light rail project will decimate the tree canopy along Bellevue Way. Mr. Andersson said there is a lot of room for process and policy improvement. Currently the replacement of trees is handled on a case-by-case basis. The city can and does take legal action to get reimbursed for the cost of replacing trees illegally removed by property owners.

Commissioner Ferris said the only requirement for private property owners is to retain 30 percent of the significant trees on their site to accommodate development or redevelopment. That means 70 percent of the trees can be removed, and there is no replacement requirement unless more than 30 percent of the trees are removed. Other jurisdictions have much stricter requirements.

Chair Tebelius suggested that an education process is needed because people simply do not know the benefits of having a tree canopy. Once they understand the benefits, they will partner with the city in retaining trees without having to be required to do so under threat of remedial action.

Commissioner Carlson said the city has a program for community groups, such as Scouts, to restore trails. The city should also have a program that would supply and plant trees for private property owners. At the very least the city should make it as easy as possible for private property owners to increase the tree canopy on their properties.

Mr. Andersson said a researcher out of the University of Washington did a study in which he monetized the value of trees for shopping districts. He found that when people visit shopping areas that have more trees and foliage they spend more money there. The current trendline, if allowed to continue, will mean Bellevue will not be a city in a park by 2050.

A number of businesses are making strides in the right direction. Microsoft has moved toward being carbon neutral by instituting an internal carbon tax. Ikea is installing solar facilities at 90 percent of its United States stores. Bellevue Nissan claims to have the highest sales of the Leaf electric vehicle in the nation. Bellevue College has a near-carbon neutral 2050 goal. Additionally, many Bellevue residents are living greener lifestyles in general.

Mr. Andersson allowed that there are gaps to be addressed in the current Environment Element. There is no mention of climate change, greenhouse gas emissions, or carbon dioxide pollution. There are no tree canopy retention targets. There is nothing about the substantial opportunities for integrated capital improvement project design.

Chair Tebelius said she would like to see a policy addressing runoff from sidewalks as well as streets. She said she personally would prefer not to have concrete sidewalks.

Commissioner Carlson commented that all of the city's environmental goals and values should be aimed at improving Bellevue's environment. He also pointed out that the global warming that began in the 1970s leveled off in the 1990s and is not continuing to increase. The University of East Anglia, the IPCC, which shared the Nobel Prize with Al Gore, even James Hanson from NASA, all acknowledge that fact. None of the computer models predicted the leveling off and many are seeking ideas to explain why the warming trend is not continuing. The national consensus in the 1970s that the world was running out of oil today appears to be incorrect, and the same thing might be happening with the mantra about climate change. The Environment Element will be on strong ground by simply talking about improving Bellevue's environment. Mr. Inghram responded by suggesting that the current Environment Element is in fact very

specific to Bellevue's environment. It is focused on the natural resources the city has and talks about both protecting and restoring them. What the current element does not do is talk about Bellevue's place in the broader region or the world. Regardless of what the scientific community currently holds to be true, the Bellevue community has voiced a level of interest in climate change that the current plan does not speak to.

Chair Tebelius allowed that there are certain words that cause people to take sides on climate change. She suggested, however, that no one on either side would disagree with the city doing everything it can to keep the environment in as pristine a condition as possible. In updating the element, terms that will not cause conflict but that encourage people to do what they can should be used.

Commissioner Laing concurred. He said there are a lot of things that surround the climate change issues, and often the divisiveness comes down to how the issues are dealt with. Everybody agrees with the need for clean air and water, but the prescriptive aspects can trigger negative reactions. From a social standpoint, it would not be a good idea to create and adopt a planning document that itself is divisive or triggers debate. Carbon dioxide is bad for the environment, but methane concentrations are far higher and the top source of methane is wetlands. It would be absurd to suggest eliminating all wetlands from Bellevue in order to reduce methane emissions into the atmosphere.

Commissioner Hilhorst agreed that there are common points. She said what sticks out to her is that unless something is done, Bellevue will in a few years no longer be the city in a park that it claims to be. The common issues, words and visions need to be sought out and incorporated into the document.

Mr. Andersson also noted that the current element does not have a specific energy component or any planning around resiliency and adaptation.

Commissioner Ferris asked if there will be any opportunity for the Planning Commission to get involved in crafting implementation strategies for the policies the element will contain. Mr. Inghram said he thought there would be. He stressed that the Comprehensive Plan is comprehensive, addresses every issue that impacts the city, and the work to update it needs to be completed in about 18 months. Accordingly, there will be a limit on how much depth the Commission will be able to go into, but certainly every opportunity should be taken to identify implementation strategies as the process moves forward. The implementation details, however, are usually housed in the functional plans.

ii. Review Analyses of Housing

Associate Planner Janet Lewine reminded the Commissioners that a joint meeting with the Human Services Commission was conducted on March 13. At that meeting the focus was on a review of the Housing Element and the East King County housing data. She said the Housing Element was the first element to receive a second review by the Commission in the process of updating the Comprehensive Plan, but stressed that the act of drafting actual changes to the policies in the element would not occur until the fall.

Ms. Lewine said the Housing Element serves as the foundation for how to address the city's housing needs. It is informed by the Growth Management Act, the Countywide Planning Policies, regional plans such as Puget Sound Regional Council's Vision 2040, the

Comprehensive Plan elements and subarea plans, the Housing Strategy plan, which is a prioritized list of housing-related work items, and local programs.

A Regional Coalition for Housing (ARCH) director Arthur Sullivan said the Housing Element of the Comprehensive Plan serves as a policy high-level. Many cities, after they draft their policies, go directly into the process of crafting a prioritized list of strategies to implement the policies over the next three to five years. One of the policies in Redmond's housing element is to create a strategy plan.

Ms. Lewine reviewed with the Commissioners the goals of the current Housing Element. She noted that the element has four sections that focus on the quality of residential neighborhoods throughout the city. Overall the policies continue to work well. The city's neighborhoods vary in character but they are predominantly well maintained and have a strong sense of pride. The ratio of single family to multifamily has shifted over the last 20 years to almost 1:1, but the percentage of ownership units has remained stable at about 60 percent.

The neighborhood character work program was undertaken since the Comprehensive Plan was last updated. It was focused on adopting regulations to facilitate healthy changes in the neighborhoods while protecting residents from new out-of-character development and the wholesale removal of existing trees.

The affordable housing section of the Housing Element is aimed at providing opportunities for all economic segments of the population. The lack of affordable housing ranks very high as a problem in the city's biennial human services survey. The special needs housing section covers senior and other kinds of special needs housing. City dollars funneled in the ARCH program has produced 2800 units in the participating cities; more than 900 of those units are in Bellevue. ARCH units are targeted at those making 60 percent or less of the area median income because the market fails to do so. In addition to allocating money, the city has donated or leased city-owned land for affordable housing developments.

The voluntary incentives in place in Bellevue aimed at generating affordable housing units have not proven to be effective. Requiring the inclusion of affordable housing units as part of a rezone may hold some potential; that approach was used in Bel-Red. An incentive for reducing parking requirements for affordable studio apartments in the downtown and Bel-Red is in place. Transportation impact fees can also be waived for affordable units. The city has not implemented the multifamily tax exemption as Seattle and some Eastside cities have done; the program does away with property taxes for up to 12 years for multifamily buildings that include at least 20 percent affordable units.

Commissioner Ferris commented that the multifamily tax exemption has been very effective in Tacoma, Spokane, most Eastside cities, and in other cities comparable in size to Bellevue. Two years ago the Commission made a presentation to the Council encouraging them to add the practice as an incentive tool, but nothing has come of it. Mr. Inghram said the Council has in fact expressed an interest in the tool but allowed there has not been a lot of momentum behind it, possibly because there has not been a lot of development activity over the last couple of years.

Ms. Lewine said rezones to allow housing have had positive impacts for the city. In the 1980s the downtown plan was changed to encourage housing units. The 2009 Bel-Red rezone could result in as many as 5000 new units. There have been rezone and subarea plan changes to the Lake Hills Shopping Center, Factoria Shopping Center, and the Crossroads Shopping Center, all

of which could result in redevelopment with new housing; it would be good to add Newport Hills to the list as well. Through the PUD process there is the opportunity to cluster density, and the city also allows attached accessory dwelling units; both of those approaches contribute to the affordable housing stock.

Ms. Lewine highlighted the importance of priming the pump for the development of affordable housing in the corridors where transit investments will be made. The same was done in the downtown several years ago, and the catalyst projects helped developers see that they could achieve success.

Commissioner Ferris asked if there are plans to develop data with respect to the housing needs of specific neighborhoods so there can be a balance of affordability across the city. He added that achieving affordability in the downtown is challenging because the land and construction costs are so high, which could be problematic given that the downtown area is where 60 percent of the city's housing growth potential is focused. Mr. Inghram allowed that the question is a good one. He noted that percentage objectives were adopted as part of Bel-Red, but while the greatest potential is in the downtown, it would be good to work out the citywide need. There is a policy in place that calls for distributing affordable housing across the city. To get affordable units in the downtown is difficult and costly, but not to create affordable units there could translate into the concentration of units in other areas.

Commissioner Hamlin suggested that because the focus of housing will be on the downtown, some steps should be taken to determine what can be done to achieve affordable housing in that part of the city. Mr. Sullivan pointed out that between 1993 and 2010 the market has produced 1152 units in the downtown that are affordable at 80 percent of median income, all of which are studio apartments. While studios cannot be the whole solution, they are something the downtown can contribute toward the city's overall goals. There may be, however, ways to help make downtown units even more affordable, and no idea should be ignored.

Commissioner Ferris said he would like to see the Commission highlight the problem, not just say the city has come close in the past.

Commissioner Laing commented that the cost of trying to provide an affordable housing unit in the downtown could probably pay for several affordable housing units outside of the downtown. The reality is that Bellevue has neighborhoods that are expensive and neighborhoods that are less expensive. It makes sense to move away from a target approach to a needs assessment approach. To require some percentage of all new housing in the downtown to be affordable to those at 80 percent of median income may require every bit of direct assistance the city could provide. Mr. Sullivan pointed out that the need under the needs assessment approach is going to be twice as big as under the target approach for cities like Bellevue. That is because the calculations will involve the entire population, not just the growth population. The city's existing affordability is not close to the ratio of need. Cities build parks and infrastructure, but they do not build housing; they only set the rules and then often supplement some portion of the cost. Market conditions are often beyond the control of local jurisdictions, each of which face different issues. Bellevue's policies should allow for the addressing of need based on conditions in Bellevue.

Commissioner Laing suggested that a very large percentage of the residents of King County are cost burdened under the way the term is used in the housing analyses. If that is true and that is how the need is to be defined, then clearly twice or even more affordable housing is needed.

Chair Tebelius said her argument with the information was that it is focused on East King County, not Bellevue specifically. Each Eastside jurisdiction has different issues, yet the data lumps everyone in together. Mr. Sullivan pointed out that the appendix lists the data from each city individually. East King County as a market area is defined as the area from Newcastle north and does not include Renton. A section will be added to the report outlining how Bellevue differs from some of the averages. In Bellevue, 16 percent of all households have incomes that are between 50 to 80 percent of the area median income.

Chair Tebelius commented that many seniors who are retired have affordable housing by virtue of the fact that they have been living in their houses for a long time. If their incomes were to be lumped in with everyone who is out seeking employment, the numbers would be skewed. And if their housing were to be added to the mix, the housing numbers would be skewed. The income levels of Bellevue residents are very high and largely driven by the tech industry, so the question is what does affordable housing mean for someone who makes \$150,000 per year, versus someone retired and living on Social Security but who own their home outright and are doing just fine. Mr. Sullivan said the report does not make an attempt to lump Bellevue in with everyone else, but it does make the point that Bellevue is part of a larger market area. Chart F1 lists the average incomes for Bellevue residents, which clearly are higher than the countywide average of \$70,000 per household. Chart J2 outlines the average incomes for Bellevue's workforce, which is also higher than the countywide average but not to the same degree that Bellevue household incomes are higher than the countywide average. Bellevue's workforce income figures are lower, however, than the average of the other Eastside cities workforce incomes. Bellevue has a very high percentage of retail employment than the countywide average. Bellevue along with Redmond, Kirkland and Issaquah used to have very little employment, but that picture has changed over the last 20 years or more to where each jurisdiction is now generating a lot more demand for housing from the workforce. When the East King County numbers are added together, the demand for housing from the workforce exceeds the supply. Cities that are coming up short in providing housing for the workforce need strategies that look different from cities that have a lot of existing affordability but which have cost-burdened residents or housing stock that is in poor condition.

Commissioner Ferris pointed out that the state does not differentiate very much based on location. A public school teacher in Spokane earns just above the area median average income, but the same school teacher in Bellevue earns less than 80 percent of area median income. He said he is working with Children's Hospital to develop a project for their Laurelhurst campus. They put \$6 million toward the construction costs so the units will be affordable to their nurse practitioners and lab techs can afford them. They required the developer to have 20 percent of the units available at affordable rents for 20 years, and their employees get first choice on the affordable units.

Commissioner Laing voiced concern with taking the Comprehensive Plan in the direction of an expressed or implicit assumption that everyone wants to, or should, or worse has to live within 50 yards of a transit stop that will in turn take them to within 50 yards of their job. Most who live in Bellevue have made the choice to live in the city. Others may work in the city but choose not to live there. Housing need is clearly a regional issue. Preservation should be given a high priority because of how expensive it is to build new housing, especially affordable housing. If 12 percent of Bellevue's households have collective incomes that put them in the sub-50 percent of area median income category, in a perfect world at least 12 percent of the city's housing stock would be affordable to those households, but even that may not get to the real need. The current Housing Element says affordable housing units are to be dispersed across the city, but it does not

say that within each area a certain percentage of the units must be affordable to those at 50 percent of the area median average income and another percentage to those at 80 percent of the area median average income. The question is how prescriptive the policy should be.

Commissioner Hilhorst pointed out that efforts and dollars could be put into building housing that is affordable at various income levels, but the units may not be occupied by the target audience because the units are not of the desired type. Cheaper is not always better. Households with families may choose to live well outside the city in order to have a single family home with a yard for the kids to play in.

Commissioner Ferris said that is absolutely right. There is no one thing that will prove to be the solution to the affordable housing issue. The market with a little bit of help in terms of incentives from the city could produce more small units in the downtown. All the Commission can do is draft policies that will address the need for affordable housing, but in the end incentives alone will not yield units in sufficient numbers to meet the identified need.

Mr. Sullivan said housing planning is all about profiling every household in the community relative to things like income and demographics, and then determining if the existing housing supply is a match. City policies should be written to allow the market produce as much of the need as possible. Accessory dwelling units are part of the answer. Downtown FAR is part of the answer. Allowing for micro units is part of the answer. More direct tools must be used to fill the gap and provide units that the market cannot provide.

Mr. Inghram stated that regionally everyone doing housing planning over the last 10 or 15 years focused on figuring out every different element of their demographic makeup and then figuring out how to match the housing with the identified need. That approach is what led to the development of housing targets. The emphasis is turning to the tools that are right for each individual community.

Ms. Lewine said a recent newspaper article highlighted the fact that Eastside luxury homes are being bought up by people who may not even live in them. Another article talked about including housing in urban shopping centers and how doing so is key to their redevelopment.

Answering a question asked by Chair Tebelius, Mr. Sullivan said half of the senior population is now over 75 and half is between 65 and 75. In years past the split was closer to one-third/two-thirds. Seniors over 75 are more likely to need specialized housing, but most seniors can actually age in place. The big unknown is how many of the over 75 seniors will choose to move out of what they are in now in favor of something more specialized. In the late 80s California's market assumed the seniors would move but in fact they did not.

Commissioner Hilhorst commented that because the population consists of a higher percentage of seniors, in years to come there will be a lot more houses on the market. Mr. Sullivan said it is a good bet that employment growth over the next 20 to 30 years will continue to outpace housing growth.

Commissioner Ferris said one of the disadvantages of aging in place is that seniors can become increasingly isolated. They may have difficulty getting to the store to do their grocery shopping and the like, particularly in neighborhoods that are not necessarily walkable. The average age of a person who moves into an assisted living facility is 85. Ms. Lewine said the vast majority of seniors are not living in housing with services; they are living in their own homes. At 85-plus

there is an uptick of moving into facilities with services, but even then it is only 17 percent.

Mr. Sullivan said the point is that there are different ways to address the issue. For example, the city of Redmond is in the process of donating a piece of land in their downtown for senior housing. The developer has indicated a desire to include a PACE center on the ground floor, which offers medical and other services to all Medicaid-eligible residents of the building and the surrounding neighborhood. If the project gets built, residents will have less of a need for assisted living.

Ms. Lewine noted that as the work to update the Housing Element continues the Human Services Commission will be providing the Commission with updates regarding changes in the ethnic and minority populations and how that might impact the overall housing need. Overall community health also impacts the work of planning for housing.

Ms. Lewine pointed out the need to make changes to the Housing Element to reflect completed work program items, including the neighborhood compatibility work and the adopted Housing Trust Fund priorities, and to weed out any repetitious policies and clarify policies for consistency.

9. OTHER BUSINESS - None
10. PUBLIC COMMENT - None
11. NEXT PLANNING COMMISSION MEETING
 - A. July 24, 2013
12. ADJOURN

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

Chair Tebelius adjourned the meeting at 9:55 p.m.

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION 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 must indicate clearly where they are going to operate, but they cannot know where they will be able to operate until such time as the city by ordinance says where they can operate. 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 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 be set against the Shoreline Master Program before all the pieces are brought 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 the strong opinion that the South Bellevue station should be named *South Bellevue*.

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.

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

September 11, 2013
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

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

COMMISSIONERS ABSENT: Commissioner Ferris

STAFF PRESENT: Paul Inghram, Department of Planning and Community Development;

GUEST SPEAKERS: Kemper Freeman, Jr.

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

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

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Carlson, who arrived at 6:45 p.m., and Commissioner Ferris, who was excused.

3. PUBLIC COMMENT – None

4. APPROVAL OF AGENDA

There was consensus to amend the agenda to move items 8 and 9 to follow item 4, and to move item 7 ahead of items 6 and 7.

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

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

Commissioner Laing said the Downtown Livability Initiative CAC did not meet during the month of August. At the last meeting on July 17 the CAC had a rich discussion regarding bulk and height in the downtown, and had a preliminary discussion of the amenity system. Public comment is allowed at the beginning and end of each meeting, and the public is always welcome to submit written comments.

Commissioner Hamlin reported that along with Commissioner Laing he attended a three-hour workshop on September 6 that was focused on the Bellevue Transit Master Plan. The main topics were the capital and policy elements and the tradeoffs associated with improving access to

transit services and improving overall transit circulation. Various funding scenarios were discussed, as were the frequency and consolidation of routes. Also discussed was the transit priority toolbox which involves different roadway treatments, signal priority, spot priority, bus-only lanes, and the corridors in which busways might be appropriate. There are 43 transit policies but only one is focused on priorities, something the group thought should be broadened.

Chair Tebelius reminded the Commissioners about the upcoming regional short course on local planning hosted by the Washington Chapter of the American Planning Association (APA). The APA will be meeting in Bellevue in October. The short course is open to all and involves the legal framework for land use planning how to be involved.

6. GUEST SPEAKER

Kemper Freeman, Jr. - Reflections on Bellevue's Past, Community Building, and the Future for Downtown Bellevue

Chair Tebelius introduced Kemper Freeman, Jr. as a fourth-generation Bellevue resident and the son of the founder of Bellevue Square.

Mr. Freeman thanked the Commission for the invitation to speak. He said the Bellevue Collection has been 68 years in the making. His grandfather built a house on Meydenbauer Bay in 1927, and his three sons commuted daily to Seattle to attend high school; their route was across the lake via the Medina ferry to Leschi and from there by trolley. Construction on Bellevue Square began in early 1946 on a ten-acre site for which the sum of \$40,000 was paid. As an aside, he noted that when his new project is completed it will be paying the government that amount 8.6 times per day in the form of taxes.

Mr. Freeman said immediately following the attack on Pearl Harbor his father was asked to serve on a planning body in Vancouver, Washington, ahead of ramping up the workforce to help build ships for the war effort. One thing he learned there was that for every so many people there should be so many square feet of various retail and entertainment. Building on that guideline, he came back to Bellevue and measured the number of square feet of those uses, compared the total against the existing and projected population of the Eastside, and concluded that a shopping center was warranted. The center opened with 16 stores in 1946, including the Eastside's first supermarket, a Frederick and Nelson department store, a gas station and the Crabapple Restaurant, each of which was top in their category on the Eastside and the Northwest for many years.

Mr. Freeman related the story of one day during the construction of the shopping center when his father rode his motorcycle onto the site and found the workers drinking coffee and wagering on which date the project would go bust.

By 1966 Bellevue Square had 50 stores. That year his father sold the shopping center and leased it back. Mr. Freeman said he was 25 years old at the time and was made president of the Bellevue Square managers with the task of building up the establishment to follow the needs of the community faster than increases in rents. Mr. Freeman said after his father signed the papers making the sale official, he said his new research showed the market had grown and that Bellevue Square should be doubled in size as quickly as possible before another developer could do it.

Shortly thereafter Eddie DeBartolo, a shopping center developer from Ohio, flew into Seattle and announced his plans to build a shopping center called Evergreen East, promising to make it the biggest in the world at one million square feet. At the time Bellevue Square had 500,000 square feet. Ultimately Evergreen East was never.

In 1977 the city of Bellevue co-sponsored along with the Chamber of Commerce Dr. Sol Rabin, an economic analyst from Coldwell Banker with a long list of credentials, to come to Bellevue and describe the future of the city. Dr. Rabin noted to those in attendance that the prevailing feeling was that everything was working well in Bellevue and that they would continue to do so on into the future. He predicted, however, that with the largest shopping center builder in the world parked at Evergreen East, things would in fact change. He said great retail is the catalyst for all other forms of commercial real estate, then went on to say that the economic dreams of Bellevue would only come true if Bellevue Square was a success. He went on to say that the successful shopping center, be it Bellevue Square or Evergreen East, would form the nucleus of a major economic center with all the best hotels, retail, restaurants, office buildings and residential development.

Mr. DeBartolo announced his project at a time when redeveloping something that already existed was the politically correct choice over developing something from scratch requiring the cutting down of several hundred acres of woods. Nevertheless, there was a scramble to see which city could annex the Evergreen East area which Redmond won. Mr. Freeman said serious effort was put into holding onto Fredericks and Nelson, J.C. Pennys and Nordstroms, all of which were being wooed by Mr. DeBartolo, and all of whom ultimately decided to remain in Bellevue Square.

Doubling the size of Bellevue Square took 14 years. Bellevue Square was the first shopping center in the Northwest to have deck parking, the first to have two levels, and first in the area to be constructed without being dramatically underwritten by a city government or using tax breaks. What was considered impossible to do was in fact done. The average rent in the original Bellevue Square was \$6 per square foot gross, and in the new center the average rent was \$30 per square foot net plus. Seventy-five percent of the existing tenants carried continued with Bellevue Square even with the higher rent; of the 25 percent who left chasing cheaper rents, most were out of business in a year or two. Every conceivable element of design that would improve sales was utilized. The experts predicted the demise of the center as well as the tenants because of the high rents at a time when Northgate and South Center, both of which were in the top ten percent of all centers in America, were charging \$12 per square foot rent. Bellevue Square experienced only a quarter the national average failure rate for the industry. When the higher rent was compared as a percentage of sales, the rents actually were very low.

Mr. Freeman said related that following the downtown rezoning in the early 1980s he went to the city planners and asked them what they would like to see built on the four city blocks on which Bellevue Place is now located. The basic plan for what now exists there was drawn up on a blank piece of paper. When the project was announced, all the real estate experts were quoted in the *Bellevue American* that it would not work because hotels belonged along I-405 and office wanted to be along 108th Avenue NE. Dr. Rabin, however, suggested that hotels and office would succeed if located next to the retail and the restaurants. The project, with the Hyatt at the center, opened during the height of a recession and Kemper Development Company fed the hotel \$200,000 per month in cash to keep it open for four years; in the fifth year the hotel became the best performing Hyatt in the country. The office space leased out at rates ten percent higher than any other office in Bellevue and 30 percent higher than any office building in Seattle. Most who were competitors at the time have gone bankrupt or voluntarily liquidated.

Bellevue Place was the first successful true mixed use project in the market. It sparked similar mixed use projects, including Lincoln Square which a Canadian developer launched, got \$240 million into it, and then walked away from. The project sat empty for three years and detractors from Seattle held up the failed project as the beginning of the demise for Bellevue. Mr. Freeman said he met with the lend/lease company underwriting the project and informed them that with property holdings on three sides of Lincoln Square, no one was more interested in seeing the project being successful than Kemper Development Company. He said he offered the help of Kemper Development Company as a neighbor and worked for a year and a half trying to help get the project back on track. A total of 12 different approaches were suggested and rejected. One last proposal was made which the lend/lease company agreed to and 200 of the best developers in the world were invited, along with Kemper Development Company, to bid on the project. The Kemper Development Company bid came in at number two, but the highest bidder failed to produce the earnest money and the project went to Kemper Development Company.

At the completion of the \$42 million remodel of Bellevue Square, including a paint job that cost more than the original cost of Bellevue Square, the center experienced the highest rate of growth in the history of the company at ten percent or higher per year from 2008 to 2012, all in the middle of the recession.

Mr. Freeman said Kemper Development Company now owns 50 acres of downtown Bellevue, which is only ten percent of the downtown area. Prior to the redevelopment of Bellevue Square, the Bellevue Place property was assessed at \$10 per foot. He said at the time his father laughed at that figure and said property never had been and never would be worth that much. Three years later, Kemper Development Company turned down three offers of \$75 cash per foot for the Bellevue Place property. The prediction of Sol Rabin that the place to be is across from successful retail was absolutely right.

Bellevue Square has always sought out the best retailers. The Tesla electric car company chose to locate a dealership in Bellevue Square and in March 2013 it produced sales exceeding \$5000 per square foot. A good shopping center can expect to generate \$300 per square foot in sales in a year. Other retailers located in Bellevue Square and Lincoln Square regularly have record-setting high sales figures, particularly the Apple and Microsoft stores. The comedy club on the third floor of Lincoln Square is the top club as measured by people per week in the United States. The two hotels in the Bellevue Collection, the Hyatt and the Westin, had their best months ever in July with occupancy rates of 93 percent and 94 percent respectively. The theater in Lincoln Square is in the top ten of all movie theaters in the states.

Mr. Freeman said the Snowflake Lane event draws more than 360,000 people over its 30-night annual run. For the next iteration of the event Bellevue Way will be closed at the urging of the police department because of the crowds the event draws; when Bellevue Square and Lincoln Square are expanded to be four blocks long, reopening the street during the event will be considered. The fashion show has become another major event. The Bellevue Arts and Crafts Fair has been a fixture in the downtown since the year Bellevue Square opened; 40,000 persons attended the first fair a full seven years ahead of Bellevue being incorporated as a city.

The Commissioners were informed that the next development round will involve the properties on both sides of Bellevue Way at NE 4th Street and will include office, retail, luxury residential, two high-end hotels, a skybridge, additional underground parking, and green usable rooftops. A short video was play showing what the project will look like when finished. Construction will

involve some 400 union workers and will produce more than \$120 million in new taxes before one dime in rent is received. The Bellevue Collection already pays some \$100 million per year in taxes, and the new project when finished will generate an equal amount in taxes annually.

The projects controlled by Kemper Development Company have directly contributed to the success of the downtown, which in turn has contributed to the success of the Bellevue Collection, and it all has benefited the citizens of Bellevue. The downtown is a viable market-driven place that has generated true value, making it possible for Bellevue to have the lowest property tax rate of any city in the state. Bellevue produces the highest amount of revenue per capita of any city in the state. The victory should be celebrated by everyone.

Mr. Freeman shared the fact that the restaurant and retail revenues generated in the 400-plus acres of downtown Bellevue exceeds the revenues generated by the same uses in the central business district of Seattle by \$45 million annually. The east side of the lake is home to 650,000, which is roughly the same as the population of Seattle on the west side of the lake. However, the retail sales for all of Seattle tally up to \$4.5 billion annually, while the total retail sales for the Eastside in 2012 was \$8.9 billion.

Chair Tebelius thanked Mr. Freeman for his presentation and opened the floor to questions from the Commissioners. The public was also invited to ask questions by providing them in writing to staff.

Commissioner Carlson noted that Seattle and Bellevue have opposing philosophies regarding the issue of parking. He asked what role parking has played in facilitating retail growth. Mr. Freeman said he sat in his father's office one day and out the window a traffic jam coming from Kirkland could be seen. That was the day the city of Kirkland and two other cities in all their wisdom began charging for parking. The meters required one penny for 30 minutes, and even though it cost those shoppers more than a penny to drive to Bellevue to shop, they chose to do so in order to avoid paying for parking. At the time there were those who thought Bellevue should also install parking meters so some studies were initiated. Bellevue Square held firm that it would not charge for parking and still does not. The four elevators that serve the parking garage are the four busiest elevators in the United States and they are in use some 20 hours every day. Charging for parking is not worth the risk.

Commissioner Hamlin said he initially opposed the notion of allowing skybridges in part because of how things have turned out in Minneapolis. He agreed, however, that the skybridges in Bellevue have worked very well and he asked why a third skybridge is needed by the new development. Mr. Freeman agreed that the skybridges have been a failure in Minneapolis, but he pointed out that the downtown there died before the skybridges were built. Shopping centers were developed all around the downtown and the retail uses chose to relocate from the downtown. Downtown Tacoma has never recovered from the opening of Tacoma Mall for the same reason in despite of desperate and costly attempts. The inner harbor area of Baltimore was also dead but they reignited an economic engine by building a festival center and following that up with retail uses. Commissioner Hamlin said the skybridges in Bellevue have worked by making sure the street level has remained activated with retail.

Commissioner Hilhorst asked if any thought has been given to expanding to the smaller neighborhood shopping centers in the city. Mr. Freeman said his expertise is not in that particular field, but allowed that there are those who are well qualified to address the needs of neighborhood shopping centers. Three generations of family have been focused on a single part

of downtown Bellevue, and because of the success the family could have a center in every state. What matters, however, is not how many but how good so the focus has been kept on quality. Bellevue Square was not brought online all in one shot, rather it evolved over time as the Eastside evolved in order to give the residents what they wanted. The same needs to be done by the neighborhood shopping centers.

Chair Tebelius read a question submitted by someone in the audience asking if the Bellevue Arts Museum will be enveloped by the tall buildings that will be part of the next round of development. Mr. Freeman said there have been a number of meetings on that topic, including with people from the museum. The museum came about as an outgrowth of the arts and crafts fair that Bellevue Square helped start in 1957. The goal of Kemper Development Company is to help the museum be better than it has ever been and to sit as a jewel right at the front door of the downtown. The original architect of the museum building has been tapped to make sure it will look as good or better as the new development comes about.

Chair Tebelius pointed out that during 2012 a murder was committed at a Bellevue Square establishment. She asked what was done as a result to ensure the safety of patrons. Mr. Freeman said city planners talk often about making Bellevue a 24-hour city, which primarily means the downtown area will remain active after 5:00 p.m. There are now four nightclubs in downtown Bellevue. The Bellevue Collection has its own security which the industry thinks is the best of all shopping centers in the nation. Every security person hired receives 268 hours of training the first year. There are 72 FTE security personnel employed by the Bellevue Collection, which is equal to 40 percent of Bellevue's police department. Some 23 million people come and go annually to the Bellevue Collection, some bad and some good. There are regular meetings with the police department, the Washington State Liquor Board, and tenants. On the night of the murder, four trained security personnel were on duty as were four Bellevue police officers. The video footage shows everything the perpetrators did on site from where they parked to how long they stood in line to get into the nightclub to where they ran as they left after the shooting. Even with all the security, the murder occurred. Nightclub people get excited by promoters who say they can generate big crowds, and the night of the murder there were three promoters working the club. Such promoters make deals with the nightclub owners for a percentage of the take, and most of them do not pay taxes or report any of their earnings. Legislation is needed to keep incentivized promoters from bringing in crowds that cause problems. There is a lot of money being made after 10:30 at night. People come from all over and the worst ones show up hammered and ready for anything. No one has figured out exactly how to intercept what happens in the garage where much of the alcohol is consumed before going to the nightclub. The nightclub in which the shooting occurred was shut down immediately. The operator simply moved to Seattle and reopened.

Commissioner Laing asked about the relationship between the downtown and Bellevue's neighborhoods. Mr. Freeman said from the beginning the downtown business community has agreed that the boundaries of the CBD are fixed where they are. The downtown has been at peace with its neighbors largely because of that fact. The zoning that is in place would allow for the amount of development in the downtown to double over what has already been developed. Should there be any doubt that the commercial area will encroach on the residential space, the residential properties would spiral upward in value and neighbor would fight neighbor. Having a hard and fast line everyone agrees to has kept that from happening.

A member of the audience submitted a question asking how important I-405 is to the downtown. Mr. Freeman said Bellevue is a subregional city, and the reason the property taxes are low and

the sales tax receipts are high is that more than just Bellevue residents are shopping in the downtown. Some 80 percent of those who shop in the downtown spend some part of their trip on I-405, regardless of the mode of travel they use. The freeway is the lifeblood of the city and the downtown. The number of vehicles using the freeway has doubled virtually every decade since the freeway was constructed. A study conducted in 2002, the results of which all major players on the Eastside and the state bought into, has not been paid attention to. At the time there were 250,000 trips per day, and the estimate was that would double in 20 years, which is very conservative. There were at the time 7900 transit users, and if billions of dollars were spent on rail, the number would only grow to 12,000 daily riders. Bus rapid transit was highlighted as the best option in that it would cost half as much, could be completed in three years, and would move 200 to 300 percent more riders. Sound Transit has ignored the study and is moving ahead with plans for light rail. The decisions being made are political and have nothing to do with true mobility.

Commissioner Carlson asked what the city of Bellevue government should do more of, and what it should do less of. Mr. Freeman said the plan has been and continues to be for Bellevue to remain a subregional city, with Seattle serving as the regional plan. What makes Bellevue special is the fact that in addition to the city's 127,000 residents there are 650,000 additional people who collectively are driving the economic engine. When the Fredrick and Nelson store in Bellevue Square was only 35,000 square feet, the Seattle store was 600,000 square feet, and everyone knew Bellevue simply did not have the same selection of goods from which to choose. That drove Bellevue and Eastside shoppers to Seattle. The Bellevue store eventually grew to be one-third the size of the Seattle store but it had higher sales because it increased its selections and Eastside residents chose not to make the trip into Seattle. Bellevue lies at the heart of a great market, but if it had to rely on Bellevue residents only, the downtown would not survive.

****BREAK****

7. OTHER BUSINESS

Chair Tebelius reminded the Commissioners that in July staff went before the City Council to make a presentation on the Shoreline Master Program. The Council directed the staff to move ahead with drafting all conforming amendments and other issues to complete the package to be voted on by the Council.

Comprehensive Planning Manager Paul Inghram explained that in addition to the Shoreline Master Program package itself consisting of the policies, the code language and the restoration plan, a set of amendments must be made to the Land Use Code to remove some of the previously existing shoreline regulations and to in general make the Shoreline Master Program conform. The unrequested review by the Department of Ecology produced a large number of comments, only a few of which proved to be substantive, and the Council directed the staff to work with Department of Ecology staff on those issues. It is hoped that a report will be ready to share with the Council in October. The staff are also at work on the conformance amendments which should be before the Commission in the upcoming weeks.

Chair Tebelius said she recently received an email from the Commission's liaison Councilmember Robertson in which she said the biggest issue currently in front of the Commission is to get the Shoreline Master Program rolling and to get the conformance amendments completed. She asked Commissioners Hamlin and Laing to work with the staff in getting the conformance amendments ready for review by the Commission.

A motion to appoint Commissioners Hamlin and Laing as liaisons to staff regarding the SMP and to focus on getting the conformance amendments brought before the Commission was made by Commissioner Carlson. The motion was seconded by Commissioner Hilhorst.

Commissioner Laing said he was willing to do whatever is needed to further the work of the Commission. He asked Chair Tebelius what the specific task would be. Chair Tebelius said the fact is the staff are operating on overload and could use assistance in getting the language into a form that would be acceptable. She said she would like to see the Commission vote on the changes as soon as possible and let the Council take over the debate from there.

Commissioner Hamlin said he also was willing to help in gathering information and facilitating the work of the staff. He suggested that by the next Commission meeting it should be possible to give a report as to how long the work might take.

The motion carried unanimously.

Chair Tebelius said it was her understanding that the Council will not be appointing a new Planning Commissioner before November for a variety of reasons. She suggested the retreat should be postponed until the new Commissioner is on board. Mayor Lee does want the Commission to conduct a visioning session to which the public would be invited to share their views relating to the Comprehensive Plan. She said no date has been selected and she proposed putting it off for a time in order to focus on the Shoreline Master Program. In her email, Councilmember Robertson said the Council would appreciate the Commission doing what is needed to address its workload even if that means starting meetings earlier, having longer meetings, or having meetings weekly.

Commissioner Laing pointed out that he and Commissioner Ferris serve every third Wednesday on the Downtown Livability Initiative CAC, so any extra Commission meetings should not be held on the third Wednesday.

Mr. Inghram said scheduling is always a challenge. He indicated, however, that the staff will accommodate the Commission however possible. The advantage of holding the retreat sooner rather than later would be that the Commission could have a full discussion about the work program, but there is no hard and fast date by which time the retreat needs to occur. Also on the work program are the annual Comprehensive Plan amendments, which for 2013 involve the Bel-Kirk Office Building and the Bellevue Apartments and which by the established legal process must be acted on by the Council by the end of the year. There are a number of Land Use Code amendments on the work program that will need to be addressed, including medical and recreational marijuana, the keeping of roosters in the city limits, the Sambica code amendments that have been in the works for a number of years, and a lengthy list of other amendments.

Continuing, Mr. Inghram said the Comprehensive Plan update is a major element of the work program. Staff would like to see a public event scheduled to hear comments about the work to update the Comprehensive Plan, and it would be good to have as many Commissioners as possible attend. The Mayor is also interested in updating the vision and a public event will be scheduled to focus on that topic; that event may include Council members as well. No date has been selected yet.

The Commissioners were given an outline of a meeting schedule showing the regular meeting

dates and potentially holding the retreat on October 2. He said one option would be to move the retreat to October 30 or further out. The public events could possibly be shoehorned into November. The Commission likely will not want to meet the day before Thanksgiving, and the Commission's meetings should not conflict with the Downtown Livability Initiative CAC meetings. It was noted that the public events could be scheduled for a day other than Wednesday.

Chair Tebelius observed that every public event the staff puts on involves an unbelievable amount of work and is always carried out in a very professional manner. She said did not want to take any action that will result in overloading them.

Commissioner Hamlin voiced concern about moving the retreat out too far on the calendar. The retreat is set up to in part establish what the Commission will do for the year, and to put it off will result will be the loss of that valuable step. If possible, the retreat should be held in October, even if the new Commissioner is not appointed by then.

Commissioner Laing said his schedule would keep him away from attending the retreat on October 2. There was consensus to schedule the retreat for October 30.

There also was consensus that the talk given by Mr. Freeman was useful and that other leaders in the community, some of whom may have different viewpoints, should be asked to address the Commission at upcoming meetings. Chair Tebelius appointed Commissioner Hilhorst to work with staff in identifying and scheduling future speakers. Commissioner Hilhorst accepted the post and agreed to first try scheduling Greg Johnson with Wright Runstad to talk about the Spring District development in Bel-Red.

The Commission took a few minutes to discuss the topics to be addressed at upcoming meetings.

Commissioner Laing cautioned against scheduling community outreach events in the time period between Thanksgiving and Martin Luther King, Jr. Day. He said events during those dates will not be well attended. The Commission has not even completed its overall briefing on the Comprehensive Plan, so the visioning exercise should be pushed to a time period in 2014 when it can reasonably be expected that the turnout will be good, and in the meantime the issues the Commission has been working on but has not wrapped up should be tackled. Mr. Inghram agreed but suggested public events related to the Comprehensive Plan should go forward in September, October and early in November. Several public engagements have already taken place and the momentum should not be lost.

Chair Tebelius reiterated her call to have the Commission meet out in the community with various groups. It is not as effective to expect the public to come to city hall for meetings. Commissioner Hilhorst pointed out that there are so many community groups that it would be impossible for the Commission to meet with all of them. She said a better approach might be to send Commissioners in pairs to meet with the groups, or to choose a site away from city hall and invite several groups to attend. Mr. Inghram said those options are possibilities, though he stressed that when meetings are held away from city hall there must be a way to record them, they must be fully accessible to all members of the public, and there must be sufficient capacity, all of which generally narrows the focus to civic or school facilities, all of which have programmed activities making it difficult to schedule them.

Commissioner Laing said if an effort is going to be made to meet with specific neighborhood groups, every attempt should be made to meet in the neighborhood whose issues are to be discussed by the Commission.

Answering a question asked by Chair Tebelius about postponing certain of the Comprehensive Plan items, Mr. Inghram said while postponing is probably not warranted, there are still a number of topics and issues that have not yet even been discussed. The downtown boundary is one such item. All of the subarea boundaries will need to be reviewed ahead of drawing a new subarea map, and that certainly will be of interest to the neighborhoods and will occur in the January to February timeframe. He stressed that most of the Comprehensive Plan issues have a citywide focus rather than a specific neighborhood focus.

9. PUBLIC COMMENT – None

10. APPROVAL OF MINUTES

A. May 22, 2013

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

B. June 12, 2013

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

C. June 26, 2013

Commissioner Laing pointed out a typographical error.

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

D. July 24, 2013

A motion to approve the minutes as submitted was made by Commissioner Hamlin. The motion was seconded by Commissioner Laing and it carried without dissent; Commissioners Hilhorst and Laing abstained from voting.

11. NEXT PLANNING COMMISSION MEETING

A. September 24, 2013

12. ADJOURN

Chair Tebelius adjourned the meeting at 10:00 p.m.

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

September 25, 2013
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

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

COMMISSIONERS ABSENT: None

STAFF PRESENT: Paul Inghram, Nicholas Matz, Department of Planning and Community Development; Pam Maloney, Scott Taylor, Department of Utilities

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.

3. PUBLIC COMMENT – None

4. APPROVAL OF AGENDA

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

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

6. COMMITTEE REPORTS

A. Downtown Livability Initiative

Commissioner Ferris reported that the Downtown Livability Initiative CAC met on September 18 and the discussion focused on the amenity incentive system that was developed 30 years ago. Attention was given to what things should be encouraged, what things have not come to be, and what should be changed. The group talked about what attributes it would most like to see in the downtown and will wait for input from staff relative to what the bonus numbers should be.

Commissioner Laing said Commissioner Ferris made a suggestion at the outset of the discussion regarding the need to identify what is needed to improve the livability of the downtown first

before deciding what amenities should be bonusable. He also suggested the committee should look specifically at affordable housing and devote some specific time to the issue at a future meeting. The Parks and Community Services Board representative highlighted the need to discuss the need for open space in the downtown as well. The experience of the pedestrian corridor was discussed as exemplifying the challenges of having an amenity system that requires multiple property owners either to cooperate with each other or all develop at the same time or else face what has in fact happened, which is the piecemeal approach to bringing the pedestrian corridor online.

B. Shoreline Master Program

Chair Tebelius noted that on September 18 she emailed to the Commissioners the motion that was passed by the City Council relating to the Shoreline Master Program. She said the interpretation of the motion has triggered some debate.

Commissioner Hamlin said the Council reviewed the options originally on July 15. At that time the Council directed the staff to work with the Department of Ecology to narrow the list of issues raised by the state based on its initial review of the document. The Department of Ecology stated at the time that it would not be able to fully comment on the issues until the cumulative impact analysis was released. The Council had also directed the staff to complete the cumulative impact analysis.

Continuing, Commissioner Hamlin said he, Chair Tebelius, Commissioner Laing, Comprehensive Planning Manager Paul Inghram and Land Use Director Carol Helland met on September 18 to talk through where things stood. At that time Ms. Helland mentioned that the staff had a consultant working on the cumulative impact analysis. Ms. Helland also identified three issues being addressed so the Shoreline Master Program can be moved forward: 1) educating the Department of Ecology and providing clarification regarding the content issues and how annotative work was needed to help the state understand where the city is coming from; 2) the conformance amendment work under way by the staff that is anticipated to be completed by the end of September; and 3) the substantive provisions that likely will need to be discussed in more detail. Another briefing of the Council is slated for October 7 at which time staff intends to bring forward all of the issues the Council needs to discuss. A public meeting will be scheduled for a later date based on what comes out of the meeting with the Council.

The Shoreline Master Program is not the only issue for staff to deal with. At the October 7 meeting the Council will be asked to prioritize the list of work items in order to get a better handle on the overall staff work schedule.

Chair Tebelius explained that staff made the decision to first respond to the 46-page letter from the Department of Ecology that was received in January. Many of the issues raised by the state have to do with tiny nuances and non-substantial issues, and staff will simply answer those questions for the state. The work of responding to the letter from the state delayed work on producing the conformance amendments.

Chair Tebelius said she and Commissioner Laing decided to do some drafting on the conformance amendments. The staff indicated they are in fact working on the cumulative impact analysis and the conformance amendments, the latter of which should be completed in a couple of weeks. Staff went on to clarify that work under way on the cumulative impact analysis is being done by the staff. The staff explained that other projects that have been recent Council

priorities have translated into a delay in getting the conformance amendments completed.

Chair Tebelius said the letter sent to the Department of Ecology by the staff and the letter sent from the state to the staff have not been provided to the Commission. She said her understanding is that the letters will not be presented to the Commission because the Commission has already handed the issue off to the Council. The only things the Commission will be tasked with is reviewing the conformance amendments and possibly the cumulative impact analysis.

The Council briefing scheduled for October 7 is the first of a series of briefings on the Shoreline Master Program.

Mr. Inghram said the Council in September expressed a desire to move forward with the Shoreline Master Program on all fronts. The Council certainly has an interest in the specific substantive issues. Staff believes the direction from the Council is for the Commission to proceed with the conformance amendments. The Department of Ecology and the staff have been engaged relative to educating and clarifying, and the progress made will be reported back to the Council. Staff is also working on the cumulative impact analysis.

Mr. Inghram said the interactions between staff and the Department of Ecology will not be coming before the Commission unless the Council directs otherwise. The conformance amendments will be before the Commission once the drafting work is completed. The cumulative impact analysis will also not be coming to the Commission unless the Council decides it should. The city's protocol with all documents for issues before the Council is that they be distributed to Council prior to providing them to its boards and commissions or the public.

Answering a question asked by Commissioner Ferris, Mr. Inghram explained that the cumulative impact analysis is somewhat akin to doing an Environmental Impact Statement for a project. The technical environmental analysis maps the specific environmental impacts that will result from the rules; it is not a new set of rules or policies and is not a part of the regulatory framework.

Chair Tebelius said it was her understanding that the cumulative impact analysis could not be done until the conformance amendments are done. Mr. Inghram said that is right insofar as the analysis has to be done on the final product, of which the conformance amendments are a part.

Commissioner Laing explained that he spent only 15 or 20 minutes in drafting conformance amendments. He said one of the conforming amendments required by the Growth Management Act and the Shoreline Management Act stems from the fact that once the Shoreline Master Program is adopted, shoreline critical areas will no longer be regulated through the critical areas ordinance. The current critical areas ordinance lists shorelines as critical areas. He said the drafting work he did involved a search of the critical areas ordinance and striking out all references to shorelines and including the state statute language.

With regard to the most recent document sent from the Department of Ecology to the city, Commissioner Laing said he fully understands the reason why the Council would want to see any materials directed to the Council ahead of other boards and commissions and before the materials are made public.

Continuing, Commissioner Laing said one of the things that has stagnated statewide efforts to

update shoreline master programs has been the distrust between the various stakeholder groups; that distrust certainly was in evidence in the Bellevue process. The distrust has been so pervasive that the state sought grant money and used it to conduct focus groups and other outreach efforts aimed at how to improved the process. He said he was one of the persons interviewed by the state's consultant that was hired by the Department of Ecology to figure out what could be done to reduce temperatures and work through the issues. Many jurisdictions at the stage following which their planning commissions have made the handoff to their respective city councils have immediately posted to their websites their communications with the Department of Ecology; Medina, Mercer Island and Bainbridge Island all took that approach, as did many others. It would not be compromising in any way for Bellevue to do the same, which aids in making the process transparent.

The Commission made a substantive recommendation to the Council on the substance of the Shoreline Master Program as it was charged with doing. Potentially troubling is the practice of the Department of Ecology of engaging in what amounts to closed-door legislating where substantive changes are effected to the draft regulations. The Council has not directed the staff to engage in similar activities; the staff have in fact been directed to educate not negotiate with the state. The educating process, however, is drawing to a close and the process of negotiating will begin. The Commission should honor established protocol, but it should also do all it can to keep the process open and transparent.

Commissioner Carlson commented that during the process undertaken by the Commission to develop the Shoreline Master Program document, the Commission was repeatedly told by the staff that the work product would belong to the Commission not the staff. The Commission was told to direct staff what to do and that the staff would do it. Everyone went the extra miles needed to arrive at full consensus, and the final plan was presented to the City Council. The Department of Ecology then arched is eyebrow and forwarded to the city a letter asking both technical and substantive questions, but instead of forwarding the letter to the Commission to be answered, staff kept the matter in-house and has pointedly kept the Commission from being involved. He said he found the approach used very confusing.

Mr. Inghram reiterated the fact that the Council specifically directed staff to engage with the Department of Ecology in an attempt to educate them with regard to how the draft Shoreline Master Program in fact meets the state's concerns regarding conformance. He reminded the Commission that once a recommendation is made to the Council, the work product becomes the Council's document. The Commission owns the documents it is drafting, but once a recommendation is made ownership is transferred to the Council. The Council is free, then, to say what should be done with it, whether it should be adopted as presented, worked on by staff, or returned in whole or in part to the Commission for additional study and recommendation.

Commissioner Carlson questioned why staff would not welcome input from the Commission in answering some of the issues raised by the Department of Ecology, particularly the questioned focused on how the Commission reached the conclusions it did. Mr. Inghram said the issue is not whether the staff wants to keep something for itself or not; the staff act as directed by the Council. The staff were specifically directed by the Council to respond to the letter from the Department of Ecology; it did not direct staff to bring the letter back to the Commission.

Chair Tebelius pointed out that in fact the original letter from the Department of Ecology was received by the city well in advance of the Commission making its final recommendation to the Council on the Shoreline Master Program. Commissioner Hamlin disagreed, noting that in fact

the state's letter was dated May 14, which was after the Commission made its recommendation. Commissioner Ferris added that the letter from the state arrived prior to the Council's first review of the draft Shoreline Master Program, but after the Commission took its final vote.

Commissioner Carlson said he hoped the Council would be made aware of the concerns raised by the Commission.

Chair Tebelius observed that under the guidelines, the Commission is supposed to report to the Council once a month. That has not been done in a long time and apparently a request to speak must be made with the City Clerk. She expressed her intent to address the Council on October 7 during the meeting at which the Council will be discussing the Shoreline Master Program. She added that had she known how things were going to play out with the Department of Ecology she would have acted to keep the matter from being forwarded to the Council without also having the cumulative impacts analysis and the conformance amendments all done and packaged together. As things have played out the Commission is being kept from seeing the letter from the state, and some members of the public are preparing public disclosure requests in order to see the information. She said she had no doubt that if the Commission asked, the Council would readily make the Department of Ecology letter available to the Commission.

Commissioner Ferris suggested a conversation with former Planning Commissioner and current Council liaison Councilmember Robertson would be beneficial. He said she knows the work and as liaison to the Council holds some sway over the issue. Commissioner Carlson concurred.

C. Comprehensive Plan Update

Commissioner Hilhorst said she and Mr. Inghram have been exchanging ideas relative to topics and speakers. It is likely Wright Runstad will want to come and talk about the Spring District development. The *Seattle Times* will be contacted to see if they would like to send someone to talk about the regional economy. Other possible topics and speakers include the Eastgate area; education, including Bellevue College and other colleges that are coming into play; diversity and culture, possibly including a presentation by a representative of the Bellevue Arts Museum; and Ron Sher who revised the Crossroads Shopping Center and turned it into a great third place.

Commissioner Ferris commented that the Commission does not often hear from the neighborhoods that do not have major developments either planned or under way. He suggested it would be helpful to form a panel with representatives from two or three neighborhoods to talk about the issues they are facing.

7. STAFF REPORTS – None

8. STUDY SESSION

A. 2013 Comprehensive Plan Annual Amendment

Mr. Inghram reminded the Commissioners that two applications for Comprehensive Plan amendment made it through the threshold review process. Action was taken by the Commission on July 8 to advance both the Bellevue Apartments and Bel-Kirk Office Park applications.

Senior Planner Nicholas Matz said the Council acted on the Commission's threshold review recommendation on July 8 by initiating the Bel-Kirk Office Park and Bellevue Apartments

applications, and declining to initiate the Overlake Investors amendment. He went on to say that Comprehensive Plan amendments are analyzed to determine their transportation and infrastructure impacts, and any likely impacts are reported out through the State Environmental Policy Act (SEPA). The anticipation is that threshold determinations will be issued associated with the public hearing. The capacity estimates are created under what SEPA considers to be worst case or the maximum build out that could occur under the amendment if approved.

Mr. Matz said the Bellevue Apartments are located at the intersection of 140th Avenue NE and NE 8th Street. The application seeks to change the 1.84-acre site from Office to Multifamily-High. The site currently is developed with a 29-unit apartment building. The Office designation came about in 1981 and required a conditional use approval in order to be allowed residential where the use would exceed 50 percent of the building area. Design review was also required given the location of the site in a transition area from single family zoning, which is actually the Puget Sound Energy substation site. The residential density limit in any Office district is R-20, and the existing apartment buildings were built at that density.

The land uses within a quarter mile of the subject property includes two- and three-story office and professional buildings to the north, west, east and south; multifamily neighborhoods at medium and high densities to the west, northwest and north; two- and four-unit complexes further to the east along NE 8th Street; a gas station/convenience store/car wash on a Community Business site across 140th Avenue NE; and a Walgreens drugstore located on an Neighborhood Business site across NE 8th Street to the south, which in turn is located adjacent to a church. The Puget Sound Energy Midlakes substation is located diagonally across NE 8th Street. The intersection of NE 8th Street and 140th Avenue NE is a designated intersection in the Urban Design Element of the Comprehensive Plan and was rebuilt to enhance pedestrian safety; it also provides access to the Rapid Ride stops on either side of 140th Avenue NE and NE 8th Street. Designated intersections encourage special streetscape designs that create entry points into the city or neighborhoods or that enhance pedestrian features. On the outer edge of the quarter mile radius from the subject property there are single family neighborhoods with R-2.5 and R-3.5 developments.

Two aspects of a single issue arose during the preliminary review of the amendment by the Commission and the Council which was focused on the site to the northwest which also is considering a Comprehensive Plan amendment for increased density. The Commission considered geographic expansion to include the site and concluded expansion was not warranted, particularly given that Bellevue Apartments is on the table because of its unique zoning and the fact that the residential use in an Office use represents a changed circumstance. The site to the northwest is in fact zoned R-20 and is built to that medium density. The Commission was also asked to consider how amendment review would apply to the Bellevue Apartments site, and by extension how it would affect any other site. The conclusion reached was the site is unique because of its Office zoning, and that while the neighborhood around the subject property has continued to develop, the Bellevue Apartments site did not get the opportunity to raise the question of the most appropriate zoning for the site. Nothing prohibits the adjacent property owner from seeking a Comprehensive Plan amendment, but a finding of changed circumstances would be difficult given the record created in association with the Bellevue Apartments site.

Commissioner Carlson said the record does not reflect any new information emerging from the Council hearing on the matter. He noted that he had been persuaded by the testimony of former Commissioner Pat Sheffels who indicated the original zoning for the Bellevue Apartments site could have gone either way. The Commission concluded that additional apartments would be a

good thing given the schools, the churches, the drug store and access to Rapid Ride.

A motion to send the final review of the Bellevue Apartments Comprehensive Plan amendment to public hearing was made by Commissioner Carlson. The motion was seconded by Commissioner Hilhorst.

Commissioner Ferris noted from the minutes of the Council's discussion that Councilmember Davidson asked if there were a way to give the Planning Commission the flexibility to consider expanding the geographic scope of the Comprehensive Plan amendment. Mr. Matz said that the decision to geographically expand the scope of a proposed amendment is done at the threshold review stage, and said if the Council wanted to change the process it would have to change the Comprehensive Plan amendment review process relative to when the geographic scope can be expanded.

The motion carried unanimously.

Mr. Matz said the privately initiated Bel-Kirk Office Park application seeks to amend the 7.26-acre site from Light Industrial to Office. The site, located between NE 33rd Place and the Burlington Northern/Sante Fe rail corridor, is currently developed with a two-building office complex. The Council on a 6-0 vote affirmed the Commission's recommendation to move the application out of threshold review. Both the Commission and the Council acknowledged that the North Bellevue subarea plan did not anticipate that the area would change from Light Industrial uses to predominantly Office uses.

One question raised regarding the proposal was what effect it would have on existing uses. Bellevue's Office districts are intended to provide areas for business, financial and professional services, and the code expects to find such uses located on arterials or commercial access streets. When near other major business and commercial areas, the districts may buffer residential from more intensive commercial districts, and the Bel-Kirk Office Park site is serving that purpose. Light Industrial, by contrast, is intended to provide location for a broad array of manufacturing, wholesale trade and distribution activities. The two mix when the office uses are provided in support of a predominantly light industrial use.

Mr. Matz said staff have concluded that the existing uses in the Bel-Kirk Office Park would be permitted outright in an Office district. The proposed change would, therefore, not create a nonconforming use situation.

The issue of opposition by the building owner was raised by both the Commission and the Council. The Bel-Kirk Office Park buildings and land are under separate ownership. During the public hearing and in testimony before the Council the building owners contended that without their permission the owners of the land were not qualified to apply for an amendment. The City Attorney's office was asked to weigh in on the issue and issued an opinion stating that the land owner is in fact qualified to apply for an amendment, and that the building owners do not have the right to prevent the Council from adopting any amendments proposed by the land owners. The owners of the buildings are essentially tenants to the land and any rights they have flow from their relationship to the property owner. The Land Use Code expressly authorizes the owners of property to file for Comprehensive Plan amendments. The dispute between the property owner and the building owner is a private matter and has no bearing on the consideration to be given to the matter by the Commission.

A motion to send the final review of the Bel-Kirk Office Park Comprehensive Plan amendment to public hearing was made by Commissioner Laing. The motion was seconded by Commissioner Hamlin and it carried unanimously.

Mr. Matz said the public hearing will be scheduled for October 23.

B. Comprehensive Plan Update

Mr. Inghram noted that to date the Commission had entertained an introduction to of all the main elements of the Comprehensive Plan. He suggested the focus on growth would help to frame future discussions. He shared with the Commissioners a graphic produced by the University of Washington a number of years ago that captured the fact that in 1940 Seattle was heavily developed whereas only a few people lived in the small outlying towns. By 1980 Puget Sound had formed as a developed area and since then has continued to grow. In 1900 just under 200,000 lived in the entire Puget Sound area. By 1910 that number had grown to nearly 500,000, an increase of 146 percent. From that time one growth has been steady at closer to 11 percent, though it peaked in the post-war years. In the period between 1970 and 1980, even when Boeing experienced a historic downturn and Seattle experienced school busing, the population of the overall region continued to grow. Growth in Bellevue over time must be graphed in a way that recognizes that much of the city's early growth has come along with its boundaries changing over time with annexations.

Commissioner Ferris said Bellevue's growth has been modest if growth by annexation is not included. Commissioner Hamlin commented that Bellevue's relatively slow non-annexation growth rate can be attributed to the fact that most areas of the city have traditionally been single family. The increase in multifamily zoning has pushed the growth rate up.

Mr. Inghram shared with the Commissioners an animation that showed how development has occurred over time within the current city boundaries, including residential and commercial.

With regard to the future, Mr. Inghram allowed that no one can say for sure what will happen to an individual parcel or an individual company, or when different economic changes are going to occur. However, the historic growth trend as tracked in ten-year increments is not erratic. There are no guarantees that the city will grow exactly as forecast, yet growth is relatively predictable. Between 2000 and 2040 the region is expected to grow by the size of three Seattles according to the county-by-county forecasts produced by the state. Bellevue works with the other cities in King County to determine where the forecasted growth is expected to go; that work is done every ten years and was last adopted by Council in 2010. For Bellevue the 25-year targets for 2006-2031 are for 17,000 additional households and 53,000 new jobs. The target years do not mesh exactly with the Comprehensive Plan, but the update work will push the horizon year out to 2035.

The Commissioners were shown color-coded maps showing existing and targeted household units through 2035.

Commissioner Ferris pointed out that for planning purposes the City Council actually adopts the household and employment targets based on the regional forecasts and the process of dividing up the total growth by local jurisdiction. Commissioner Hamlin agreed but pointed out that Bellevue also does its own forecasting. Mr. Inghram said the work of dividing up the King County growth numbers is done with an eye on what Bellevue wants to and actually can achieve.

Chair Tebelius asked why Bellevue should take on the responsibility for providing housing units when there are other jurisdictions that could accommodate far more. Commissioner Ferris suggested that the percentage increase by jurisdiction may in fact be fairly equal.

Chair Tebelius asked what the legal consequence would be for a city to approve a specific housing target but then not approve high-rise developments that would be needed in order to meet their target. Mr. Inghram said there is nothing about the targets that mandate highrise developments. Decisions regarding whether or not development should be encouraged, and if so where and in what form, are left to local jurisdictions. The Bellevue City Council has adopted specific targets, but it is up to the community to determine how that growth should occur. The neighborhoods have steadily said they do not want to see a lot of change in the existing neighborhoods, so the focus has been on accommodating growth and development primarily in the downtown and in the Bel-Red corridor.

Commissioner Carlson asked if there is still annexation potential for Bellevue. Mr. Matz said there is a total of 47 acres left to annex into Bellevue, all up on Cougar Mountain. The South Bellevue and Eastgate annexations were the last of the larger areas.

Commissioner Laing asked if the city's growth targets could be achieved if no changes of any kind were made to the current zoning patterns. Mr. Matz said the answer is yes.

Commissioner Ferris said visualizing the increase in households is easier than visualizing an increase of 53,000 new jobs. He asked how many square feet of new office development would be needed to accommodate that number, and how many square feet of office between the downtown and Bel-Red could the current zoning accommodate. Mr. Matz said the capacity for job growth is predominantly in the downtown. The square footage needed per employee differs by land use. Calculating capacity involves the amount of vacant and redevelopable land, what the zoning allows, the specific land use and various market factors. The numbers indicate that by maxing out the capacity of the downtown within practical limits the downtown can accommodate an additional 45,000 jobs through 2035. A new buildable lands report is being developed and it will include how land is consumed against the capacity. The 2001-2005 buildable lands report looked at what was called the achieved density, or the actual achieved FAR compared to the allowable FAR. For the most part, the city wants to see the achieved density number moving higher over time. In the period between 1996 and 2000, commercial districts in the downtown and outside of the downtown achieved an FAR of 0.57; that number grew in the period between 2001 and 2005 to an FAR of 1.69. The presumption is that for the next report covering the period between 2006 and 2012 the number will advance even more.

Commissioner Ferris suggested there are a number of ways to increase capacity, including allowing increased height and density in the downtown and allowing the Wilburton area to the east across I-405 to redevelop with more density.

Chair Tebelius noted that from the start there has been an agreement as to what the downtown boundaries would be, and that agreement has been held inviolate. She said she did not know if the agreement includes the Wilburton area.

Commissioner Hamlin commented that the rezoning of the Bel-Red corridor has changed things. Commissioner Carlson suggested the argument by downtown property and business owners against Bel-Red rezoning was in part predicated on the notion that the vast majority of

commercial growth should be channeled into the downtown. The Bel-Red rezone represents the biggest expansion of retail, commercial and office uses outside of the downtown core. Commissioner Hamlin said the question is whether as the city grows some of the smaller centers outside of the downtown will be able to sustain themselves if more height and density is permitted in the downtown core.

Mr. Inghram said the previous buildable lands report calculated figures through the year 2006, which was prior to the rezoning of the Bel-Red corridor. The next report will include that additional housing capacity, but the vision for the Eastgate area will not be included because the zoning will not yet be in place. For forecasting purposes, however, the Eastgate plan numbers have been calculated to show capacity for 1100 housing units in Eastgate and Factoria. Similarly for job growth, the report will show the capacity of the downtown, Bel-Red, Eastgate/Factoria, and other areas throughout the city, including Wilburton even though there is no new vision yet for that area.

Commissioner Ferris pointed out that there is housing development capacity in Factoria that has already been approved but which has yet to come online. There is also some housing capacity in Crossroads that also has yet to develop.

Mr. Inghram said in moving forward with the Comprehensive Plan update there will need to be discussion about how to distribute Bellevue's growth. The current Comprehensive Plan focuses primarily on the downtown but recent actions relative to Bel-Red and Eastgate should be acknowledged. Whether or not adequate capacity exists, and whether it is in the right location, will also need to be discussed. How the city plans for growth and how it is distributed in the city has direct impacts on planning efforts relative to streets, parks and utilities.

Commissioner Ferris pointed out that higher education is not specifically mentioned in the Comprehensive Plan. He said he would like to see something like a special opportunity area highlighted in which it would be very easy for higher education providers to locate. He suggested the old auto row in Wilburton would be perfect for the use.

Utilities Planning Manager Pam Maloney said two concerns face her department as Bellevue grows and matures. The first is that existing systems are aging and will need to be renewed and replaced, and the second is that population growth requires more water and wastewater facilities. Utilities is planning for both and has in place policies, programs and funding to support the needs.

The city provides water, sewer and storm water services to Bellevue customers. It would cost more than \$3.5 billion to replace all of the city's assets, or approximately \$100,000 for each customer connection. Most of the infrastructure is out of sight and out of mind unless something goes wrong, and much of the infrastructure is past its lifespan midpoint. There are more than 1700 miles of buried pipes running throughout the city as well as water and wastewater pump stations, as well as water reservoirs.

Ms. Maloney said Utilities is planning for and investing in the timely retirement of all of the city's utility systems. The department's asset management program is patterned after the EPA's recommended best practices framework for managing utilities. At its core the program seeks to renew and replace systems at the right time, at optimal cost, while continuing to meet the services levels the customers expect. Under the program, assets are proactively replaced as they approach their life expectancy rather than allowing systems to fail before replacing them.

A lot of effort goes into condition assessment across all three utilities to determine when assets need to be replaced. For water pipes, it is not possible to conduct a video inspection while they are in service because they are under pressure, but failure trends are tracked and visual observations are made whenever pipes are exposed. Samples are selectively sent to a laboratory for evaluation. Other methods of determining water system integrity include inspection of the components in pump stations, inspecting the reservoirs every time they are drained for cleaning, and by tracking the volume of water lost through system leaks. Unaccounted water loss in Bellevue is very low by industry standards; it has been less than six percent over the last three years. Almost half of Bellevue's water system is conveyed in asbestos cement pipes which tend to fail catastrophically rather than through pinhole leaks.

Answering a question asked by Chair Tebelius, Ms. Maloney said it is fortunate that the parts of the city where the water and sewer pipes were laid a long time ago were constructed under water and sewer district standards and there are really good records extant about when they were constructed, where they are located, and the materials used. That is not the case with the storm water system and people many pipes were put in without adhering to any rules with the sole purpose of getting rid of water problems; accordingly the city does not have good records about the storm water systems. The storm water pipes that are known to be located in a city right-of-way are now owned by the city. Fortunately the sewer and storm water pipes are not combined so during weather events the city's sewer system is not overburdened.

Ms. Maloney said the city's asbestos cement water pipes are replaced when they experience structural failure or are anticipated to fail, not because they are made with asbestos. Asbestos poses a health risk when it is inhaled, but it cannot be inhaled when it is confined in a pipe. The process of replacing the pipe, however, where it involves actually cutting into it requires the material to be treated as hazardous.

Scott Taylor, Utilities Construction Manager and Acting Assistant Director for Engineering, explained that every opportunity is taken to observe the condition of existing pipes. New service connections require the exposing of pipe and utilities crews use the opportunity to conduct a pipeline assessment. The asset management folks take the data and use it in deciding which systems should be replaced first.

Ms. Maloney explained that sewer pipes are easier to inspect because it is possible to simply run a camera through them. About ten percent of the system is inspected by camera annually and the data collected is used in determining which pipes are in need of replacement. Pipes deemed most critical are inspected the most often. The components of sewer pump stations are also regularly inspected and replaced as necessary.

Answering a question asked by Commissioner Ferris, Ms. Maloney said utility systems are constructed to provide sufficient capacity for the underlying zoning. When significant upzones are approved, it is sometimes necessary to provide more utility capacity. That certainly was the case in the downtown in the 1980s when the downtown rezone went into play. Just recently the trunk lines that carry the sewage away to Metro were replaced to handle the increase in development. The properties that realize the benefit of an upzone are required to pay for the additional capacity.

Commissioner Ferris said developers are fond of talking about the onerous impact fees they are required to pay. Having them pay for additional capacity is an example of an impact fee, but

they will not usually highlight the fact that they also received the benefit of an upzone.

Ms. Maloney said the storm system is also checked with video cameras as well as visual inspections. Where problems are found they are fixed. Stream culverts are also regularly inspected, particularly given that corrugated metal pipe does not last.

Ms. Maloney said lake lines fall into a special asset class of infrastructure. Utilities is responsible for 19 miles of sewer pipes that follow the shorelines of Lake Washington and Lake Sammamish. They are primarily underwater but in some cases are on land adjacent to the lakes. The lines directly serve lakefront properties but also carry waste water from upslope properties. Four miles of the 19 miles of lake lines are asbestos cement pipe which does not do well under water; most of them are in Lake Washington. Lake lines are difficult to access and to maintain, and replacing them will be technically challenging and relatively expensive. Mercer Island replaced its lake lines ten years ago at a cost of \$1500 per foot.

Chair Tebelius asked why the lines were placed in the lakes to begin with. Ms. Maloney said the intent was to let gravity do the work. She added that the lines were constructed at a time when there was less concern about shoreline habitat. Chair Tebelius asked if the lake lines could simply be removed in favor of pumping sewage up to an underground line. Ms. Maloney said that is one option, but varying conditions require looking at the issue one reach at a time. Utilities is just beginning to conduct a condition assessment and evaluation of alternatives for the lake lines. All stakeholders will be involved in the process in due time. About 1200 feet of asbestos cement pipe in Meydenbauer Bay will be replaced in 2014 in conjunction with the redevelopment of the park; the line will be moved onshore at an estimated cost of \$2.2 million.

Bellevue has long recognized that its water, sewer and storm water systems will need to be replaced over time. The City Council was very forward thinking in acting in the mid 1990s to establish funds for renewal and replacement of each utility system. There are utility financial policies in place that are reviewed and adopted with every budget cycle to assure having what will be needed over time to keep the system operating at peak efficiency. Renewal and replacement accounts are being built up over time to allow for smooth rate transitions. By law, rates charged for utilities can only be invested in utilities systems.

Commissioner Carlson asked why rates and surcharges keep increasing when there are so many more users accessing the system and presumably paying water bills. Ms. Maloney said the costs of managing the system increase annually as power and construction costs go up, and as the cost of purchasing water goes up. Per capita water consumption has actually fallen, which reduces revenues. The biggest water year ever was 1987.

Mr. Taylor noted that Utilities works closely with Transportation to conduct pipeline repair and replacement projects ahead of street overlay projects. Wherever possible, utilities work is done a year in advance of overlay projects. Video inspections are carried out two years in advance of overlay projects for that very reason.

Ms. Maloney explained that taking care of aging systems is the largest investment made by Utilities. Utility infrastructure is needed as well to support population growth, particularly in the Bel-Red, Wilburton and downtown areas, and there are projects in the CIP to accommodate the projected demands in those areas. The Comprehensive Plan includes policies aimed at assuring infrastructure will be available when needed; those policies clarify that the costs must be borne by the benefitting properties. Absent such policy support the state can impose a moratorium on

development. Costs are most commonly recovered through connection fees and through latecomer agreements under which property owners new to a private system pay their pro rata share of constructing that system. If the city builds the capacity it charges a connection fee to recover the cost and to keep the general ratepayers from having to shoulder the costs.

Ms. Maloney said Utilities has developed system plans for each utility. The plans are designed to maintain levels of service, identify future needs based on growth projections, and to take into account system demand patterns. They also are predicated on the water regulations established by the state. The plans must be updated periodically, and as they are updated they are reviewed by the Environmental Services Commission and subjected to public input before being recommended to the Council for adoption. The plans must also be approved by King County and by the Department of Ecology and the Department of Health at the state level. Updating the plans involves modifying the computer hydraulic models that forecast how much water and sewer capacity will be needed.

The current CIP includes utilities projects totaling \$38 million that are aimed at accommodating growth. Solutions for adding water storage and inlet capacity are being explored. Sewer capacity projects are planned for the downtown, Bel-Red and Wilburton areas. Normally development and redevelopment reduces storm water runoff and improves water quality as a result of the more restrictive regulations; most of that work is done on-site.

Ms. Maloney told the Commissioners that the city still has some non-sewered parcels. Regulation of septic systems is handled by King County, but occupied parcels in the city that are not connected to the sanitary sewer system are assumed to be on a septic system. A map indicating the location of non-sewered parcels was shown and it was noted that sewer extensions likely will be needed to connect those properties. There are hundreds of septic systems in use in the city, and the county does not require connection to a sanitary sewer unless there is an environmental or health hazard.

9. OTHER BUSINESS – None

10. PUBLIC COMMENT

Ms. Anita Skoog-Neil, 9302 SE Shoreland Drive, said it was her understanding that the Meydenbauer Bay lake line replacement will involve only the 1200 feet by the park but will not extend all the way to Clyde Beach.

11. NEXT PLANNING COMMISSION MEETING

A. October 9, 2013

12. ADJOURN

A motion to adjourn was made by Commissioner Ferris. The motion was seconded by Commissioner Carlson and it carried unanimously.

Chair Tebelius adjourned the meeting at 9:31 p.m.

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

October 9, 2013
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Tebelius, Commissioners Ferris, Hamlin, Hilhorst, Laing

COMMISSIONERS ABSENT: Commissioner Carlson

STAFF PRESENT: Paul Inghram, Department of Planning and Community Development; Carol Helland, Mike Bergstrom, Department of Development Services

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:40 p.m. by Chair Tebelius who presided.

2. ROLL CALL

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

3. PUBLIC COMMENT

Mr. Charlie Klinge, 10900 NE 8th Street, spoke representing the Washington Sensible Shorelines Association (WSSA). He noted that the Council in July expressed a number of concerns about how long it has taken to produce the Shoreline Master Program; WSSA shares that concern and hopes the Commission will do everything it can to move it forward. The Council voted to take a number of actions, including sending the conformance amendments piece to the Commission, asking The Watershed Company to complete the cumulative impact analysis, and directing staff to open discussions with the Department of Ecology about their concerns. With regard to the flood hazard rules, he said the issue lies with Lake Sammamish. A map of the shoreline was shown to the Commission with the 200-foot shoreline jurisdiction and floodplain areas color coded. It was noted that the floodplain line passes through a number of homes. The floodplain line is based on a 1954 high water mark that occurred prior to the construction of the Sammamish Slough, but nevertheless it continues to be what is used by the Corps of Engineers. Staff interprets the current critical areas rules as prohibiting any construction within the floodplain. The floodplain rules preempt the 25-foot and 50-foot rules the Commission put into the Shoreline Master Program and will prove to be very confusing for many. Prohibiting construction in the floodplain is inconsistent with what other cities are doing and with what FEMA allows, so the rule needs to be changed. Additionally, the proper flood elevation is 36.1, not 36.5 as previously interpreted. FEMA and other jurisdictions allow normal flood mitigation that requires the floor elevation of homes to be one foot above the flood line. Additionally,

compensatory flood storage must be created, which means if a structure takes up an area the flood would normally take, an adjacent area must be dug out to compensate. The locks provide lake level control on Lake Washington so the issue does not come into play. The review done by the Department of Ecology on Bellevue's Shoreline Master Program was premature; normally they conduct their review after a document has been formally submitted. Bellevue staff are, however, working with the Department of Ecology on some minor corrections. The Department of Ecology will conduct its substantial review after the cumulative impacts analysis is completed and that will result in both required and recommended changes. WSSA wants to make sure The Watershed Company has all of the background information relied on by the Commission when it undertakes the task of producing the cumulative impacts analysis. The Department of Ecology will ultimately improve Bellevue's Shoreline Master Program just as it did for Mercer Island and other jurisdictions. WSSA believes Bellevue's Shoreline Master Program is a solid plan that will be approved by the Department of Ecology with only a few tweaks.

Commissioner Ferris observed that early in the Shoreline Master Program process the Commission took testimony from Dallas Evans regarding the floodplain issue. Mr. Evans was wanting to do some work on his property. He was able to go to the proper jurisdiction and have them go out and take elevations, and after completing their work they moved the floodplain line much closer to the shoreline, allowing Mr. Evans to do what he wanted to do. The same approach could be undertaken by individual property owners or groups of property owners. That vehicle should be made a part of Bellevue's Shoreline Master Program. Mr. Klinge said the problem is properties are flagged by FEMA as being in the floodplain somewhere. A survey is required to get the exact line marked, then a map amendment is required to show the line does not impact a house. The solution works only for some properties, however. Even with changes made to the line, a tiny lot may not have enough land on which to construct a building. FEMA allows for mitigation, but city rules do not. Commissioner Ferris commented that all taxpayers in Bellevue should not be on the hook to pay for a survey that will only benefit waterfront property owners; that responsibility should rest with the waterfront property owners. Mr. Klinge said the issue is about what regulations apply in the floodplain; it is not about surveying and getting the line changed.

Commissioner Laing said it was his understanding that FEMA has recently been updating its flood maps. He asked how the agency's current map for Lake Sammamish continues to be based on a 1954 line. Mr. Klinge said that question was put to FEMA with Bellevue city staff present. FEMA stated that they were undertaking remapping efforts in Redmond but had no intention of remapping Lake Sammamish due to the costs and would therefore be leaving the line where it is. Since the line is not going to be changed, the issue is what regulations apply below the line.

Commissioner Laing commented that the city of Bothell recently used taxpayer dollars to initiate a letter of map revision for huge swaths of property the city knew were not within the flood elevation based on current conditions. Bellevue could probably work with the shoreline property owners to effect a similar result. Mr. Klinge stressed that a letter of map revision will not result in a change to the established flood elevation of 36.1; it will only revise where the line lands on individual properties.

Commissioner Laing asked if The Watershed Company will be provided with all of the materials utilized by the Commission in drafting the Shoreline Master Program. Land Use Director Carol Helland said staff are in the process of providing The Watershed Company with all of that information, including all of the maps.

Chair Tebelius asked if staff could provide the Commission with a complete list of all information provided to The Watershed Company. Ms. Helland said she would do that.

Chair Tebelius asked Mr. Klinge what specific changes he would like to see made to the Shoreline Master Program. He responded by saying the staff are well aware of the fact that the problem lies in the use chart. The use chart does not say constructing new homes or expanding existing homes is allowed in the flood hazard area so the staff have interpreted the chart to mean neither is allowed. The critical area rules include flood hazard rules, but they also apply to the shoreline so there needs to be some consistency with the intentions for the Shoreline Master Program. The issue can be addressed as part of the conformance amendments.

Ms. Joanna Buehler, address not given, spoke representing Save Lake Sammamish, an organization that was founded in 1989 to protect the water quality and environmental values of Lake Sammamish. She said she has been following the Shoreline Master Program review from a distance. The organization does not believe the draft Shoreline Master Program forwarded to the Council will protect the water quality of the lake to the degree required by the Shoreline Management Act. The organization also believes it is premature to go ahead with the conformance amendments before the draft Shoreline Master Program is adopted by the Council.

Chair Tebelius clarified that the Commission had been directed by the Council to begin work on the conformance amendments. Ms. Buehler said she was aware of that fact but believed it was the wrong way around.

Chair Tebelius asked what specifically should have been included in the Shoreline Master Program to better protect water quality. Ms. Buehler said she was particularly concerned about the lack of buffers and vegetative requirements and lack of protections for fish habitat. By allowing bulkheads along the shoreline the result is erosion close to the shoreline, which in turn kicks more phosphorous into the water. She said Save Lake Sammamish has other concerns as well.

Commissioner Laing asked if Save Lake Sammamish offered comments regarding the Redmond, Sammamish and Issaquah shoreline management plans. Ms. Buehler said the organization actively participated in both the Sammamish and the Issaquah programs and made comments, but not in Redmond. The Sammamish program is also lacking in buffers and vegetation requirements, and has no minimum impervious surface requirement for small lots. Where 80 percent lot coverage is allowed close to the lake, a lot of pollution will wash directly into the lake. The issue of compensatory storage, while on the books, has not been well enforced; for every house built without compensatory storage within the floodplain pushes runoff onto neighboring properties. Save Lake Sammamish supports the notion of allowing if not requiring compensatory storage. Beyond that, the amount of construction on very small lots should be limited.

4. APPROVAL OF AGENDA

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

While waiting for Deputy Mayor Robertson, there was agreement to delay agenda item 5 and move ahead with agenda item 7.

6. STAFF REPORTS

Comprehensive Planning Manager Paul Inghram reminded the Commissioners about the annual retreat scheduled for October 30.

7. STUDY SESSION

A. Shoreline Master Program Conformance Amendments

Ms. Helland allowed that much has been accomplished in 2013 on the Shoreline Master Program update. In January the Commission finalized its recommendation after investing in making some changes relative to the greenscape provisions. Between February and April quite a lot of work was done on the substantial transmittal memo prepared for the Council's consideration, particularly with regard to the analysis it contained about the approach the Commission had taken to update the Shoreline Master Program and meet the objectives. The document was transmitted to the Council in early May but it was July before the Council began its review. In the interim the Department of Ecology surprised the city with an unsolicited review of the Commission's recommended Shoreline Master Program. The Council was updated in July with regard to scheduling issues. City staff met with Department of Ecology staff in August and again in September. Following the September meeting staff met with Commissioners Laing and Hamlin; Chair Tebelius joined the meeting by telephone. The schedule going forward includes the Commission working on the conformance amendments through the end of the year.

Continuing, Ms. Helland said the Council in July outlined its desire to share information broadly, to move forward expeditiously, and to limit the amount of rework and work duplication. They also directed staff to engage with Department of Ecology staff in an attempt to educate and reform them but not to negotiate with them. The Council also directed the Commission to move forward with completing the balance of the code amendments. The support of a consultant will be tapped where necessary to evaluate risk from the perspective of whether or not the Department of Ecology will approve the city's plan, and from a property rights perspective and the city's risk associated with imposing new regulations on private property owners. The cumulative impacts will be analyzed as required. All effort will be put into having the strongest submittal package possible to ensure passage. The Council holds for itself facilitating the policy level decision making, including adoption of the Shoreline Master Program and the conformance amendments; steps will need to be taken to ensure that the Council is provided with all the information needed to make informed policy decisions.

Ms. Helland said the talks with the Department of Ecology staff have resulted in moving some items out of the noncompliant category. That can be interpreted to mean Ecology staff are flexible and inquisitive about the content of the code and open to being convinced that the code actually does comply with the guidelines. They are open to being supplied with additional analysis and information aimed at supporting an analysis finding before the cumulative impact analysis is even undertaken; that will help to narrow the focus of the noncompliance issues that are based on misinformation or incomplete information and will help to make the cumulative impact analysis task less daunting.

Concurrently engaging with the Council, the Commission, the Department of Ecology and the consultant will in the long run shorten the time remaining in the shorelines update process.

With the arrival of Deputy Mayor Robertson, the Commission returned to agenda item 5.

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

Deputy Mayor Robertson said the Commission has been charged with finishing the work on the conformance amendments and conduct a public hearing on it prior to the end of the year and deliver it to the Council. The Shoreline Master Program was officially delivered to the Council and it is awaiting all of the other pieces before putting them all together and forwarding the package to the Department of Ecology. The package of conformance amendments will represent the Commission's last official involvement in the Shoreline Master Program process.

Deputy Mayor Robertson said the vacant Commission seat will be filled as soon as possible. There are some 15 applicants and interviews may be held in time to have someone appointed prior to the Commission's retreat, but if not certainly in November.

With regard to the marijuana collective gardens issue, Deputy Mayor Robertson said the Council received the Commission's recommendation on October 7. She said she asked for one change in the proposed ordinance relative to the provision not being able to see or smell the marijuana from a public way to include the phrase "or from an adjoining property." Councilmember Chelminiak also asked for more information about security systems and his inquiry may result in a requirement in the code for stronger security systems. The Council is scheduled to approve the interim ordinance on October 21.

Deputy Mayor Robertson said where there is uncertainty regarding which zones marijuana uses can locate in, her preference is to leave those zones out of the interim ordinance. If uses are allowed to locate in a zone that later will be deemed inappropriate for the use, the uses will end up being legally nonconforming. Whatever gets adopted into the interim ordinance should serve as the minimum requirements. Comments and suggestions for expanding the allowed zones beyond what the interim permits will be welcomed by the Council.

Answering a question asked by Chair Tebelius, Deputy Mayor Robertson said there were questions raised by the Council regarding allowing collective gardens in the Medical Institution district. The Council did not, however, recommend including the district. Councilmember Wallace pointed out that under the state draft regulations there is a 1000-foot limit between collective gardens and uses such as childcare centers and public parks, but there is no specific reference to buffers for residential areas. His question, particularly in regard to the Bel-Red corridor but also across the city, was if any of the locations in which producers, processors or retailers will under the interim ordinance be allowed are next to or very near residentially developed property. The staff had not made those calculations but are currently engaged in seeking an answer to the question. Additionally, staff are looking to answer what the map of where the uses would be allowed would look like if Bellevue were to impose a 1000-foot buffer between residential properties.

Deputy Mayor Robertson said the city intends to advocate at the state level to have the legislature fix the medical marijuana/recreational marijuana tension. With recreational marijuana there are taxes imposed at every level, but medical marijuana does not have the same taxes or indeed the same level of oversight and regulation. Someone wanting to purchase marijuana certainly will want to do so where the product is cheaper and less regulated. The topic is likely to have a great deal of focus in the next legislative session.

Answering a question asked by Commissioner Hamlin, Deputy Mayor Robertson said the rules that apply to moratoriums apply to interim zoning regulations in that there must be a public hearing held within 60 days and they cannot be in place for more than six months; extensions can be made only after the six months and then only for an additional six months, and the extension is subject to another public hearing within 60 days. The current interim zoning ordinance regarding medical marijuana has been in place for a year and is set to expire in November. The Council is desirous of having permanent regulations in place.

Commissioner Ferris said the Commission was told during its deliberations that each marijuana plant needs a space of about ten feet by ten feet. Collective gardens operated by a maximum of ten people can have a total of 45 plants, thus 4500 square feet is needed. He said the likelihood is that the costs of renting a space that large will drive the operators to having more than the allowed number of plants and enforcement will be an issue. Deputy Mayor Robertson said the whole marijuana issue is a moving target. Ultimately the state and federal courts will likely weigh in.

7. STUDY SESSION

A. Shoreline Master Program Conformance Amendments (continued)

Senior Planner Mike Bergstrom said part 20.25E of the Land Use Code establishes the shoreline overlay district, but there are other parts of the code that interact in various ways. The conformance amendments are needed to assure that gaps and conflicts will be resolved. The conformance amendments will not in any way change the Shoreline Master Program the Commission submitted to the Council.

Chair Tebelius asked why the Commission would need to conduct a public hearing on the conformance amendments separate from the cumulative impact analysis. Ms. Helland explained that the city is required under state law to hold a public hearing on all code amendments, and the practice utilized in Bellevue is for the Commission to do it. She clarified that the critical areas conformance amendments and the general code amendments are not being bifurcated, rather they will simply be brought forward in slices for general consideration. All of the conformance amendments will be brought together for purposes of a single public hearing.

Commissioner Laing observed that the conformance amendments up for discussion are those that are the least controversial and primarily involve updates to references and the like. The more substantive amendments are those having to do with the critical areas, though even those are not necessarily controversial.

Chair Tebelius said during her review of the proposed amendments she did not find anything objectionable. She did question why marinas but not yacht clubs had been deleted from Note 10 under 20.10.440. Commissioner Laing explained that a yacht club can be located anywhere, including on the top floor of a highrise building, whereas a marina is always located in the shoreline environment. Mr. Bergstrom agreed and said for that reason marinas do not need to be addressed at all in the general Land Use Code.

Answering a question asked by Commissioner Ferris, Ms. Helland reminded him that all processes have been consolidated in the Shoreline Master Program in 20.25E. Accordingly, all such information needs to be stripped from the general Land Use Code, including the Shoreline

Substantial Development Permit references.

Commissioner Ferris observed that the document utilizes the terms flood way and floodplain. He said it was his understanding that there can be no impedances in the flood way but said he had not previously understood that there must be compensatory storage in the floodplain. Ms. Helland answered that flood hazards are addressed in the critical areas code. The critical area code provisions will continue to apply even in shoreline jurisdictions, and those conformance amendments will be brought back with the intention of reconciling to assure there will be no unintended outcomes. The compensatory storage requirement will continue to apply for new development in both the floodplain and the flood way.

Continuing, Ms. Helland said the interaction between the general code use charts, the shoreline code use charts, and the critical areas code use charts is important. Several scenarios will be tested to determine how the code would apply in various situations. She noted that during the course of drafting the Shoreline Master Program the Commission had several discussions about Phantom Lake and its associated wetlands. Wetlands associated with that shoreline are also in the shoreline jurisdiction. In the first iteration of the code there was talk of tinkering with the dock provisions and having the critical areas code apply. Ultimately the direction given was to have the shoreline provisions apply. The result is a very clear interface between the wetlands in the shoreline jurisdiction and new uses allowed by way of docks. Care must be taken to keep someone from inadvertently being able to reach their dock by not being allowed to traverse a wetland, so some performance measures will need to be added.

Commissioner Ferris commented that during the Commission's deliberations staff pointed out that the floodplain boundary is what would determine what could be built on specific lots rather than the 25- and 50-foot setbacks. Ms. Helland said wetlands will be the biggest determining factor. Commissioner Ferris said right out of college he worked for the Corps of Engineers plotting hundred year floodplain elevations. He noted that just because no one has seen water at a specific high elevation for several decades does not mean that it cannot get there someday. The line is determined by looking at the perfect storm where a combination of events could occur at the same time.

Chair Tebelius suggested the issue is not redrawing the line but in making accommodation in the code so homeowners will not consistently have a problem doing the kinds of things they need to do on their properties.

With regard to the comment made by Mr. Klinge regarding staff interpreting the table as not allowing for the construction or expansion of a residence within the floodplain, Commissioner Laing asked if the code is written to say unless expressly listed as permitted an action is prohibited. Ms. Helland allowed that uses not expressly permitted are prohibited. The regulations are different for new and existing development; new development has a different set of performance criteria with respect to compensatory storage and the like. In a case where a site having an existing development is entirely scraped, the development that then occurs is under the code deemed to be new development, even if done on the same footprint. In such cases, compensatory storage must follow the prescriptive rules. Ms. Helland reiterated that staff would bring to the Commission examples and show how the code provisions play out.

Chair Tebelius asked Commissioner Laing if he would be willing to sit down with Mr. Bergstrom to go over the language of the conformance amendment and offer an opinion to the Commission at an upcoming meeting. Commissioner Laing said he had no interest in having a

discussion outside a Commission meeting about any issue that should in fact be discussed by the full Commission. He said notwithstanding the comments made by staff, there are some issues to be addressed, such as the interface between the wetlands at the water's edge in some shoreline environments, the critical areas ordinance and the draft Shoreline Master Program. Bellevue has an obligation to look at the substantive standards handed down by the state and to fashion regulations that meet those standards, but if the end result is that waterfront property owners are in the exact same place they were under the 2006 critical areas ordinance, then something did not go correctly and it will not be well received.

8. OTHER BUSINESS

A. Status on the Comprehensive Plan Update

Commissioner Hilhorst informed the Commission that attempts had been made to have a speaker attend the meeting but scheduling proved to be an issue. She shared with the Commissioners the list of speakers that have been or will be asked to participate, and the list of sites away from City Hall where the Commission could meet, starting with the November 13 meeting in the Eastgate area, hopefully at Bellevue College, where potentially there will be speakers addressing the urban renaissance, Bellevue College, the Eastgate annexation area, and the Eastgate plan. Plans are being made to meet in the Bel-Red and Crossroads areas well. The list of possible topics to be addressed by guest speakers includes community health and culture and diversity. A joint meeting with participation from all the city's boards and commissions may be scheduled to review the work of the Planning Commission in a panel setting.

Mr. Inghram stressed that the schedule and list of speakers and topics may change as circumstances dictate.

Commissioner Ferris suggested that from a community outreach standpoint it would make sense to invite the Mormon and Lutheran churches to attend the meeting at Bellevue College. Mr. Inghram agreed. He said the Eastgate plan has been approved, but the actual land use policies have not yet been written. The meeting could serve to bring everyone up to speed, then subsequent meetings will be focused on the needed policy and Land Use Code amendments.

Commissioner Hilhorst said local speakers will be slated to speak at the community meetings. The meetings will be advertised in advance so interested parties can plan to attend.

From the audience, Mr. Klinge suggested the city should advertise the agendas for all of its board and commission meetings well in advance as other area jurisdictions do.

Chair Tebelius said she would like to see education included as a topic to be covered. Mr. Inghram said there will be an opportunity to discuss education as a topic during the discussion of the economic development policies. Additionally, Bellevue schools will be asked to be part of the culture and diversity discussion. Chair Tebelius said it would be very helpful to have the president of the Bellevue School District give a talk on the district's vision of what things will look like in the near future.

Commissioner Hamlin said he would like to see sustainability added to the list of topics to be covered. Mr. Inghram said the topic is tentatively slated to be discussed again by the Commission in January and at the community gathering discussion.

Commissioner Hilhorst said development of the list of topics and speakers will continue to evolve.

Commissioner Ferris commented that the demand for higher density housing around Bellevue College as it becomes a four-year college is inevitable. Community colleges historically have provided education services to those already living in their community, but four-year colleges more often draw people into the community. The need for housing will increase merely because of the principles of supply and demand. He noted that issues have arisen in the Spiritwood neighborhood and he asked if the Commission could try to look at the neighborhood to see if there are opportunities where the demand could be met.

9. PUBLIC COMMENT

Mr. Scott Sheffield, 2227 West Lake Sammamish Parkway SE, said he hoped the city would come up with a reasonable solution to the floodplain issue. He said he has neighbors who had to build the foundation for their home in a way that rising water can flow under it without being displaced. A property across the lake in Sammamish is being developed with a very large house. In that case the city of Sammamish and the Department of Ecology required the property owner to dump truckloads of gravel into the lake as a condition of receiving a building permit.

10. NEXT PLANNING COMMISSION MEETING

A. October 23, 2013

11. ADJOURN

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

Chair Tebelius adjourned the meeting at 8:41 p.m.

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

October 23, 2013
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

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

COMMISSIONERS ABSENT: None

STAFF PRESENT: Paul Inghram, Nicholas Matz, Department of Planning and Community Development; Carol Helland, Mike Bergstrom, Department of Development Services

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

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

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Carlson who arrived at 6:36 p.m.

3. PUBLIC COMMENT

Ms. Stephanie Walter, 14418 SE 19th Place, asked to have an issue temporarily resolved through an emergency zoning ordinance be addressed in the Comprehensive Plan update. She noted that for 50 years the residents of the Spiritwood neighborhood have honored the common sense definition of single family zoning. Unfortunately, however, recently investors who do not live in the neighborhood and have no ties to the neighborhood have taken advantage of the gaps in the single family zoning rules. They buy small modest homes, remodel them, sometimes without permits, and then rent out as many individual rooms as they can in those homes. In September the City Council passed an emergency ordinance to address the issue in the short term. The action is greatly appreciated but may prove difficult to enforce. The next step would be for the new Comprehensive Plan to provide a permanent solution to protect and enhance moderate single family neighborhoods. Renting homes for profit is a business activity and should be licensed and regulated. One benefit of requiring licensing would be to provide safety and security for people moving to the area to attend Bellevue College which has no official dormitories. The pressure for student and other reasonably priced housing is falling to the Lake Hills neighborhood, most specifically Spiritwood. The Commission is faced with a great opportunity to do it right. In the absence of leadership from the city, others will make it their financial opportunity without regard for neighborhoods or the best interests of the city. She said a development group is currently renting individual rooms in dwellings a block from her home. The rooms go for up to \$600 per month, possibly higher, and a six-bedroom 1300 square-foot

home can bring in \$3600 per month. If rented as a single family home, the total rent would be about half of that. The same development group is in the process of building a new structure, also just a block from her, that can best be described as a dormitory with ten bathrooms and up to 15 sleeping quarters in three stories, all in a neighborhood zoned single family. Without licensing and regulation, once the house is built it will be difficult to know how many unrelated people live there, and it will fall to the neighbors to observe and report on the externally visible use of the house. A new level of regulation will require a lot of work and resources, but in the absence of that modest single family neighborhoods are going to be reshaped without a cohesive strategy. Affordable housing options are needed and the city is faced with a major opportunity to establish licensing and regulation.

Answering a question asked by Commissioner Laing, Ms. Walter said the Council has passed an emergency ordinance that is subject to being renewed every six months. Something more permanent is needed. The Comprehensive Plan drives code and code drives enforcement, so without something in the Comprehensive Plan the rest will fall flat.

Commissioner Carlson asked what actual day-to-day impact the use is creating for the Spiritwood neighborhood. Ms. Walter said the most obvious is traffic. Having so many unrelated persons in a home without the benefit of a resident assistant to protect them and help resolve conflicts is problematic.

Commissioner Ferris noted that as Bellevue College transitions to a four-year college the demand for housing will only increase. Multiple studies have been done by various people on how the college could provide an opportunity for student housing to occur within the campus boundaries. Absent that, the market will continue to seek ways to get around the restrictions. Pressure needs to be applied at the Bellevue College level starting with the college president.

Comprehensive Planning Manager Paul Inghram said plans are being made to hold the November 13 Planning Commission meeting at Bellevue College.

Chair Tebelius asked if the community has banded together to make its collective wishes known to staff or the Commission. She also asked if the temporary approach should simply be made permanent. Ms. Walter said some level of regulation is needed, but the neighborhood has been told the city does not have adequate staff to provide the necessary oversight. Current city rules limit the number of unrelated persons who can share a house, but there is no way to really know who is related and who is not. The names of persons who own properties in the city are public records and it would not be unreasonable to make the names of renters a public record as well.

Commissioner Hilhorst asked how a structure with ten bathrooms and 15 sleeping quarters could even be built in a single family neighborhood. Mr. Inghram said he did not have any information regarding the property in question. He noted, however, that property owners are allowed a great deal of flexibility with regard to what they want to include in their homes. Multiple bathrooms are allowed, though single family homes are limited to a single kitchen. There are also height limits and setbacks that must be observed. So long as all building code and fire code requirements are met, the city cannot deny a permit.

Mr. Martin Selig, 3203 165th Place NE, said he owns a student dormitory in Eugene, Oregon, that is situated on a property that is zoned multifamily. The structure has 44 rooms and currently is home to some 55 students who receive meals there as well. The property is part of a neighborhood that is adjacent to the University of Oregon. There are a number of similar

dormitories around the University and they are objectionable to the owners of single family homes in the immediate neighborhoods. Such uses should indeed be restricted in single family neighborhoods for all the reasons described by the previous speaker.

Mr. Marty Nizlek, 312 West Lake Sammamish Parkway NE, suggested the Commission should keep in mind the fact that one of the tools available to work with in transitioning from high-density development into single family residential is on-street parking. Neighborhood parking programs are not unusual and may be appropriate for Bellevue.

4. APPROVAL OF AGENDA

There was agreement to revise the agenda to eliminate item 9.B and to allow the public to address the Commission prior to item 9.C.

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

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

Commissioner Hamlin reported that he, Chair Tebelius and Commissioner Hilhorst attended the Transportation Commission meeting on October 17 where the focus was on elements of the Transportation Element of the Comprehensive Plan. The most interesting part of the discussion centered on how to measure progress toward achieving adopted goals.

Commissioner Hilhorst said the meeting was very interesting. The level of debate around how to visually portray ideas was extensive. The meeting was open to representatives from all the city's boards and commissions and there was a variety of opinions around the table. In addition to counting cars, there was agreement that person throughput should be calculated as a measure of effectiveness.

Chair Tebelius said a large number of opinions were expressed at the meeting.

6. COMMITTEE REPORTS

Commissioner Ferris reported that at the October 16 meeting of the Downtown Livability Initiative CAC the results of a survey put together by the staff and filled out by the committee members was revised. The survey listed the development incentives that are currently allowed in the downtown along with a number of ideas that had come from the public and the committee members. The various items were rated in terms of importance to downtown livability, and ranked as to whether they should be incentivized through land use or incorporated in some other way, such as public/private agreements. It was clear that words on a page can be interpreted in different ways, so with some clarifications the committee members were allowed to fill out the survey a second time; the survey was also made available to the public. A number of public events are scheduled that will allow opportunity for the public to weigh in.

Commissioner Ferris said the committee also had a discussion regarding housing affordability. The committee as a whole concluded affordable housing is important from the standpoint of downtown livability, but also agreed that further analysis is needed. Affordable housing is a complex issue that land use alone will not be able to solve.

7. STAFF REPORTS - None

8. PUBLIC HEARING

A. 2013 Comprehensive Plan Amendments

Senior Planner Nicholas Matz stated that two Comprehensive Plan amendment applications survived the threshold review process and were moved on to final review in which the Commission will conduct a public hearing before developing and forwarding to the Council a formal recommendation for each application. The anticipation is that the Commission's recommendations will be before the Council in December.

Mr. Matz said the Bellevue Apartments application involves a 1.84-acre site located at 148th Avenue NE and NE 8th Street and seeks a change from Office to Multifamily-High. He said the recommendation of staff was to approve the amendment. The request is consistent with the Comprehensive Plan and other goals and policies of the city, the Countywide Planning Policies, the Growth Management Act and all applicable laws. The change represents an opportunity to make efficient use of infill development while maintaining compatibility with surrounding land uses and benefitting the transportation system. The proposal also addresses the interests and changed needs of the city and fits well with the mix of land use and transportation uses that have developed over the years within a quarter mile of the subject property.

Continuing, Mr. Matz said in the opinion of the staff the proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. In taking action to move the application forward to final review, the Council concluded that the property previously had not had the opportunity through the subarea plan to anticipate that a higher density might be appropriate in that the plan itself did not anticipate such a rich mix of uses supported by transit and other elements.

Mr. Matz said the Bellevue Apartments proponent has had conversations with the city's development review staff and there is a general belief that no development regulations or requirements would need to be changed in order to increase the density of the site. Staff believes the property is suitable for development in general conformance with the adjacent land uses, and with the zoning standards. Additionally, the proposal represents a public benefit and enhances the public health, safety and welfare of the city in that it makes the most efficient use of the resources available to the community.

With regard to the Bel-Kirk Office Park Comprehensive Plan amendment, Mr. Matz said the recommendation of staff is for approval of the proposal that seeks to amend the map designation for the 7.62-acre site on NE 33rd Place from Light Industrial to Office. The proposal is consistent with the city's goals and plans for the area, and is consistent with the Comprehensive Plan and other goals for urban growth areas redevelopment, including the policies in the Land Use Element that address the supply and location of Light Industrial uses in the city. The land use goal for the North Bellevue subarea which talks about the protection of single family properties by using various levels of density in Office and Light Industrial is met by the application. The Growth Management Act and the Countywide Planning Policies are consistent in that the proposal encourages urban growth in an appropriate area to make efficient use of transportation and other infrastructure.

Continuing, Mr. Matz said the proposal meets the decision criterion relative to changed needs for the entire city. The area in which the subject property is located is adapting away from industrial uses toward uses that do not need a reliance on transportation infrastructure. The primary use in the building on the property is office in line with the changes that are trending in the area.

Significantly changed conditions have occurred which warrant approval of the proposed amendment. The subarea plan did not anticipate that the area would move toward a predominantly non-industrial focus. The land use decisions that have occurred over time include the expansion of SR-520; a 2001 Comprehensive Plan amendment to the north that changed to multifamily a Light Industrial designation on a property developed with multifamily; the proximity of the South Kirkland transit-oriented development site; and the repurposing of the Burlington Northern/Sante Fe rail corridor.

Staff believes the subject property is suitable for development in general conformance with adjacent land use and development patterns. In September the Commission discussed how the existing uses would fare under the existing zoning and the Office zoning, and discussed the issues associated with the critical areas on the site due to the adjacent rail corridor. A rough estimate of the redevelopment potential was made and reflected in the threshold determination that was issued.

Mr. Matz said in the opinion of staff the proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the city. The proposal is aligned with policies for urban growth areas redevelopment and clarifies the relationship between the site's designation and its evolving use. It enhances the buffering function the site performs between residential and non-residential uses, and it positions office uses and their workers within walking distance of the future non-motorized use of the Burlington Northern/Sante Fe right-of-way.

A motion to open the public hearing for the Bellevue Apartments Comprehensive Plan amendment was made by Commissioner Carlson. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

Mr. Joe Tovar, 540 Dayton Street, Edmonds, spoke on behalf of his clients Tsai LLC. He said the staff did an excellent job in their report highlighting why the proposed application meets the decision criteria. He noted that the history of the property was outlined during the threshold review stage. The site is currently developed with a three-story wood-framed apartment complex with 39 units. There is a Rapid Ride bus stop located immediately in front of the complex. To the east is a gas station and convenience store; to the southeast is a utility substation; and to the south is Walgreens drugstore. The proposal is to change the map designation from Office to Multifamily-High. The existing driveways will continue to provide access even with additional units, as well as to the properties to the west and north via easements. The probable location for new units on the property was highlighted on a map for the benefit of the Commissioners. Detailed design work has not been done to determine exactly how many new units could be added to the site, but the theoretical maximum would be 15. Addressing the letter submitted by Mr. Plummer objecting to the request, he said many of the points made are generic. The claim that additional units would impact the traffic system is refuted by the SEPA analysis done by transportation staff which concludes that the increase would be minimal.

Absent additional members of the public wishing to address the Commission, a motion to close the public hearing was made by Commissioner Laing. The motion was seconded by Commissioner Carlson and it carried unanimously.

A motion to open the public hearing for the Bel-Kirk Office Park Comprehensive Plan amendment was made by Commissioner Laing. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

Mr. Jeremy Eckert, land use attorney with Foster Pepper PLLC, 1111 3rd Avenue, Suite 3400, Seattle, spoke on behalf of Rosen Properties. He said Rosen Properties is opposed to the redesignation of the Bel-Kirk Office Park. City code prohibits the Commission from forwarding the redesignation to the City Council. Part 20.30I.150 of the Bellevue city code says that an amendment to the Comprehensive Plan must meet five specific criteria. With regard to the second criterion, he pointed to policy LU-5 of the Comprehensive Plan which says that the city needs to ensure enough properly zoned land to provide for Bellevue's share of regionally adopted demand forecasts for industrial land for the next 20 years. No analysis in the record talks about the city's demand for industrial land over the next 20 years, and nothing that addresses whether or not the city has enough industrial land to meet the need. Policy LU-34 calls for exploring the appropriate long-term direction for the location of light industrial businesses, but there is no reasoned analysis in the record. The proposed application would authorize 20,000 additional square feet of office which would not protect single family neighborhoods. Policy LU-37 calls for discouraging the additional potential for office areas beyond areas currently designated in the land use plan, but there is no discussion in the record of that policy. Criteria B.1 and B.2 are not met, and therefore the Commission cannot forward the matter to the Council. Comprehensive planning is about meeting the needs of the city and addressing how economically competitive the city will be over the long term. The applicant concedes that nothing will change should the application be approved, but in fact the change will take away part of the city's light industrial land base. The action will not provide benefit to the public or meet any long-term goals of the city; it will only provide a windfall to a private entity. There may be merit to the proposal, but to make that determination will involve looking at the site comprehensively. The city is currently in the process of updating the Comprehensive Plan; the update will address whether or not there is enough industrial land, how to protect single family neighborhood, and many other issues. The applicant should withdraw the application and work with the city through the Comprehensive Plan update process so informed decisions can be made about the city's land use base.

Commissioner Laing asked Mr. Eckart if he is familiar with the Bel-Red plan. Mr. Eckart allowed that he is. Commissioner Laing asked Mr. Eckart if his law firm also represents Wright Runstad, and the answer given was affirmative. Commissioner Laing asked Mr. Eckart what position his firm took when the Bel-Red plan was adopted vis a vis the sufficiency of light industrial lands in Bellevue for the next 20 years. Mr. Eckart said he did not work specifically on that proposal and was unable to answer the question.

Mr. Jack Burns, 5500 Carillon Point, Kirkland, spoke as one of the owners and the trustee for the estate that owns part of the Bel-Kirk Office Park. He voiced his support for the recommendation of the staff. Though the property is designated Light Industrial, the site is developed as Class A office space, not as a light industrial space. There is no proposal to return the site to a light industrial use. The argument about examining the light industrial needs of the city 20 years into the future is not appropriate given the current use of the property and the uses of the surrounding properties. The application seeks to align the Comprehensive Plan designation with the current use of the property. All of the existing uses on the property are compatible with and would be allowed under the proposed zoning.

Commissioner Laing asked what the purpose of the proposed amendment is if the site is currently being used consistent with the zoning designation; will not render any use nonconforming; and there is no intention to return the site to a light industrial use. Mr. Burns explained that with an Office zoning additional uses would be allowed that are forbidden under the Light Industrial zoning.

Absent additional members of the public wishing to address the Commission, a motion to close the public hearing was made by Commissioner Laing. The motion was seconded by Commissioner Hilhorst and it carried unanimously.

9. STUDY SESSION

A. 2013 Comprehensive Plan Amendments

With regard to the Bel-Kirk Office Park Comprehensive Plan amendment, Commissioner Hilhorst asked what the city's plan is for light industrial uses. Mr. Matz explained that the policy language does not direct the retention of the city's light industrial base. Rather it indicates there will be changes to light industrial just as there are changes over time to other land uses. The city does allow for sufficient zoned areas across the different categories through the growth targets, and the consensus is there is enough land zoned in certain ways to produce the types of jobs and housing the region says Bellevue needs to take as a metropolitan center. The second part of the issue has to do with the nature of light industrial uses in the city; that was part of the conversation the Commission had regarding the North Bellevue subarea which historically had light industrial uses. In the case of the subject property, though zoned for light industrial uses the site never was developed for light industrial. The subarea plan presumes that light industrial will be sustained in the area, yet the community and the market have been moving away from light industrial uses over the years. There is no question about retaining something that is no longer there.

Commissioner Carlson said the tone of the presentation by Mr. Eckart on behalf of his client Rosen Properties seemed to suggest a marker for litigation is being established should the vote not go his way. He specifically stated that the proposed amendment does not address the interests and changed needs of the entire city as identified in its long-range planning and policy documents, and that no analysis has been conducted to justify a finding otherwise. Mr. Matz said the decision criteria offer a framework but not black and white answers. The conversations held around Comprehensive Plan amendments allows for introducing the larger questions. In the opinion and reasoned analysis of the staff, determining that criterion B.2 is in fact met by the proposal is appropriate. The decision criteria are not tantamount to application of code.

Commissioner Laing said he is sympathetic to the difficulty faced by Mr. Eckart. He said it would not be appropriate for him as a Commissioner to construct arguments either for an applicant or an opponent. However, he said it is not coincidental that the staff report and the letter from Mr. Eckart rely on the same policies but come to different conclusions. Comprehensive plans are typically considered to be precatory and do not carry the force of law, yet adopted zoning must be consistent with the comprehensive plan, and the comprehensive plan must be consistent with the Growth Management Act. The argument Mr. Eckart raises is compelling insofar as the city does have growth targets set by the state for population and employment, and the Growth Management Act does have language here and there one could construe as suggesting cities are to go through an stringent exercise in determining whether or not there is adequate land zoned for each type of use.

Continuing, Commissioner Laing said Bellevue's Comprehensive Plan calls for ensuring enough properly zoned land to provide for Bellevue's share of the regionally adopted demand forecasts for residential, commercial and industrial uses for the next 20 years, and that suggests some level of analysis is needed in order to make an informed decision. Mr. Matz said that work has been done and is documented in the buildable lands report, the conclusion of which is Bellevue does have sufficient zoned land. When it comes to reviewing the specific site that is the subject of the proposed amendment, the loss of industrial jobs that never existed in the first place are compared against the office jobs that do exist on the site, and the conclusion reached is that despite the proposed change there will continue to be sufficiently zoned land to meet the city's responsibilities under the Growth Management Act for jobs and housing.

Mr. Inghram said one key to the conclusion reached by staff is the fact that the subject property is not an industrially zoned property with a manufacturing use on it. Approving the proposal will not result in the loss of industrial jobs. Commissioner Laing countered by saying notwithstanding that argument, the issue is whether the city has property that could be used for industrial uses. Rezoning a light industrial site to office will result in the loss of land zoned for light industrial uses irrespective of the actual uses on the site. That is the point at which the argument made by Mr. Eckart is somewhat availing.

Commissioner Ferris said use allowed in the Light Industrial zone that would not be allowed in an Office zone is growing marijuana. He asked what uses allowed in Office are not allowed in Light Industrial. Mr. Matz said the Office zone allows the full range of office uses that primarily occur indoors. Light Industrial contemplates office uses that are secondary to a primary use that tend to need outdoor facilities. Neither zone allows the retail component.

Commissioner Laing asked staff to address the language of Policy LU-37 which calls for discouraging the creation of additional potential for office development beyond the areas currently designated in the land use plan map unless an areawide planning process identifies office uses as appropriate for a non-residential area under transition from an earlier use that is in decline. Mr. Matz said the argument falls to the fact that the site is already developed with an office use. The proposed amendment will not get rid of an existing light industrial land use. The policy language does not specifically disallow the proposed action, which will match the zoning with the current use while not interfering at the broad level with the city's ability to meet its housing and jobs obligations. The site-specific Comprehensive Plan amendment process does not preclude the city from addressing the question of light industrial when it comes up, as it will in Bel-Red, in Richards Valley, and in Eastgate.

A motion to approve the Bellevue Apartments Comprehensive Plan amendment was made by Commissioner Hamlin. The motion was seconded by Commissioner Carlson and it carried unanimously.

A motion to approve the Bel-Kirk Office Park Comprehensive Plan amendment was made by Commissioner Hamlin. The motion was seconded by Commissioner Ferris.

Commissioner Ferris voiced concern about the view of the city toward light industrial uses. He noted that surprisingly the issue never came up as a discussion item during the Bel-Red corridor study. Many cities go out of their way to preserve their light industrial land use and job base. He said if light industrial has any importance to the city at all, there should be a concerted effort put into what, why and where. Mr. Matz suggested that notion could be conveyed to the Council

in the transmittal memo.

Commissioner Hamlin commented that the buildable lands report does not clearly distinguish between commercial and light industrial. Taken together the city has a huge surplus of appropriately zoned land. That does not, however, speak to the actual demand. The Bel-Kirk Office Park property will not make a difference to the overall picture, since the use on the site is not currently light industrial.

Commissioner Laing said he would like the transmittal memo to include a clear message that the look-back on the Bel-Red plan needs to be given top priority on the Commission's work plan. The predominant supply of Bellevue's light industrial land is in the Bel-Red corridor. He agreed that approving the Bel-Kirk Office Park Comprehensive Plan amendment will not have a profound effect on the availability of light industrial-zoned property, but the Bel-Red plan effectively renders all the existing light industrial uses nonconforming.

The motion to approve the Bel-Kirk Office Park Comprehensive Plan amendment carried unanimously.

- B. Presentation: Policy Lessons from Vancouver - Applying Planning Principles Across the Border

Item to be rescheduled.

- C. Shoreline Master Program Conformance Amendments

Senior Planner Mike Bergstrom reminded the Commission that the conformance amendments are needed to assure that the Land Use Code as a whole functions properly with respect to the new Section 20.25E, the Shoreline Overlay District. There needs to be internal consistency, deferrals to 20.25E where appropriate, notes for user convenience, and alignment of definitions.

The Commissioners were informed that if additional study sessions are needed they will be scheduled. A courtesy hearing will need to be held for the East Bellevue Community Council, and the Commission will need to conduct a public hearing and make a recommendation to the Council. The Council will review the amendments in study session before taking final action. After the Council takes final action, the package will go back to the East Bellevue Community Council for final approval or disapproval.

Land Use Director Carol Helland called attention to the stream section of 20.25H and noted that a commenter requested additional information about why the Type S waters would remain because of the reference to inventories under the Shorelines of the State. She explained that the edit was not meant to refer to shoreline critical areas. The old language was in fact clearer by stating that Type S waters means all waters other than shoreline critical areas. Because there are no longer shoreline critical areas, the reference was deleted. However, within the inventories of the Shorelines of the State there are some stream complexes in the city that exceed the Shoreline Management Act requirement for cubic feet per second that makes the subject to shoreline jurisdiction. The Kelsey Creek and Mercer Slough stream systems actually are inventoried as part of the shoreline jurisdiction under state law because of their flow volumes. That is why Type S waters cannot be eliminated from 20.25H.

Mr. Marty Nizlek, 312 West Lake Sammamish Parkway NE, pointed out that the request of

former Commissioner Himebaugh to see the conforming language and to see how critical areas would be blended with the shorelines was made several years ago. The proposed schedule included on page 35 of the Commission packet indicates that yet another year will pass before the work will be finalized. In the meantime, people along the shorelines are being regulated inappropriately and punitively under the critical areas ordinance that was adopted in 2006. The schedule going forward should be revised and shortened.

Mr. Charlie Klinge, 10900 NE 8th Street, Suite 1325, provided the Commissioners with 11 action-item changes, five of which involved only clarifications. He said there are a number of different critical areas that need to be worried about, including flood hazards, slopes and streams, although Lake Washington does not have a flood hazard problem because of the way the lake level is controlled by the Corps of Engineers. He showed the Commissioners maps of Lake Washington and Lake Sammamish and indicated the flood hazard and steep slope areas.

Continuing, Mr. Klinge called attention to the use table beginning on page 48 with the type of critical area listed at the top and the allowed use or development shown on the left side. Specific references to provisions in the critical areas ordinance are made where the columns intersect. He highlighted specifically "existing landscape maintenance," "vegetation management," and "expansion of existing single family primary structures." With regard to the latter, he noted that development involving the removal of an existing structure is considered to be new construction, not expansion, so therefore it is not allowed where the tear down touches a flood hazard area.

Mr. Klinge referred to his first action item and asked for a simple clarification of 20.25H.015.B by adding to the end "and except where a shoreline permit is required by LUC 20.25E." He explained that for those working in the shoreline management area under a shoreline permit, the regulatory structure should be the shoreline process, which the Department of Ecology is going to want, not the critical area process, which is local only.

With regard to his second action item, Mr. Klinge asked for clarification regarding Type S waters, noting that some jurisdictions include lakes as Type S waters. He asked that 20.25H.075.B.1 be revised to read "Type S water means streams with a mean annual water flow exceeding 20 cubic feet per second..." and to add at the end of the paragraph "This provision applies only to the Mercer Slough and Lower Kelsey Creek." Mr. Inghram pointed out that the definition makes it clear the Type S waters referred to are streams.

Mr. Klinge said his third action item also sought clarification for 209.25H.055 that someone needing a shoreline permit should not also need a critical areas permit. With regard to stabilization measures on the critical areas overlay district chart, he proposed that a footnote should be added to clarify how stabilization measures are treated in areas of special flood hazard, and that those doing a stabilization measure for single family use consistent with the Shoreline Master Program should be exempt from the critical areas requirements. He also proposed changing "Expansion of existing single family primary structures" to "Single-family primary structures." Additionally, he offered a revision to Footnote 9 noting that for expansion of existing structures in flood hazard areas the way the rules read was that the only possibility of going into the flood hazard area was to utilize the reasonable use exception. That, however, does not work for everyone. Redmond, Issaquah, Sammamish and Snoqualmie all allow development in the floodplain if the problems are mitigated. He proposed deleting D.7, the reasonable use exception, and changing Footnote 9 to eliminate the reasonable use exception and saying instead "Moorage structures related to single family use are allowed in the area of special flood hazard areas where consistent with the requirements of the Shoreline Master Program, LUC 20.25E.

These moorage structures are exempt from the requirements of this Part (LUC 20.25H).

Mr. Klinge said his fourth action item related to 20.25H.055C.3. He asked to have added to the end of it "...except that in the Shoreline Master Program, LUC 20.25E, the exclusive standard shall be no net loss of shoreline ecological functions." He explained that in the shoreline management area the test is no net loss.

Action item five related to the performance standards for trails. Mr. Klinge said the problem with the staff's proposed change is that it is too narrow and it creates a problem. The issue relates to Phantom Lake where staff have found wetlands that 40 years ago did not exist but which created by the city's use of Phantom Lake as part of the storm drainage system, causing the water level to rise and the area next to the lake to become saturated. Staff's proposal would have trails accessing single family residential moorage comply with the performance standards in subsection C.3.g of 20.25H.055, which are the same as trails for parks. The language proposed by staff to 20.25H.055.3.f should be eliminated and the paragraph should conclude with "This section regulates only new trails, and does not regulate use, access over, or modification of existing walkways, trails, lawns, landscaping, landscape features, other pedestrian paths, or other access to moorage developed prior to August 1, 2006. Nothing in this provision shall prohibit the development of a new trail or other safe access to moorage consistent with the Shoreline Master Program, LUC 20.25E, in a manner that assures no net loss of shoreline ecological functions."

Mr. Klinge said action item six relates to the performance standards for existing landscaping in 20.25H.055.3.h. The change is needed to address the problem reported of someone having patio pavers removed in favor of grass only to be cited by the city for a violation of the law for effecting the work without a permit. The issue is related to routine maintenance, but as worded someone wanting to take out a flower bed and replace it with shrubs was exceeding the limits of routine maintenance and would be required to have a critical area permit. Footnote 1 in the chart defines repair and maintenance to include replacement of facilities and systems or expansion so long as the area of permanent disturbance is not expanded. He said his proposed language differentiated between repair and reconstruction in a disturbed area from a natural areas outside preexisting landscaping or disturbed areas. He also proposed language to the paragraph that would discourage rather than prohibit the use of fertilizers, insecticides and pesticides, and which directs homeowners to the city of Bellevue's "Environmental Best Management Practices" document.

Mr. Klinge said the hazard trees provision was the focus of action item seven. He said as paragraph 20.25H.055.3.ii.B was drafted, a home in the shoreline jurisdiction having a steep slope area immediately adjacent and also having a hazard tree leaning on or toward the house would have to leave the tree as a wildlife snag unless pruning or crown thinning is sufficient to address the hazard. He proposed adding to the end of paragraph (B) "except that trees may be removed from residential properties." Additionally, as drafted paragraph (C) requires all tree cuttings to be left in the yard; he proposed adding to the end of the paragraph "except that such debris may be removed from development residential areas."

Commissioner Laing asked if the language of paragraph (C) really says that branches cut off a tree on a property in a critical area or a buffer must be left where they fall. Ms. Helland confirmed that, and Commissioner Ferris pointed out that the provision applies to the entire city of Bellevue, not just the shorelines. Mr. Klinge suggested the global rule should be changed so that it applies equally throughout the city.

Chair Tebelius asked Mr. Klinge to summarize his remaining action items. Mr. Klinge said action item eight is very important. Property owners having a ditch running along the side of their homes, or has some slope on their properties, are not allowed to expand even if the expansion would occur in an already landscaped area. The item also addresses the problem of the flood hazard area by allowing expansion into the flood hazard area consistent with the code. As drafted expansion into the critical area is prohibited.

Mr. Klinge noted that action item nine involved a simple language change, and that action item ten involved only a clarification. Action item eleven involved the flood hazard rules.

Answering a question asked by Chair Tebelius regarding action item seven, Mr. Klinge allowed that the critical areas provisions apply citywide and fixing a problem just for shoreline property owners would be inappropriate. What is needed is a global fix. If the problem is not addressed, property owners in the shorelines will be told what the rules are, then when they go in to apply for a permit they will be told that the flood hazard rules also apply. So even if the shoreline rules say one can do something, actually it cannot be done, even though the same could be done in Redmond, Sammamish or Issaquah. The flood hazard rules are really only relevant to Lake Sammamish. The landscaping problem is just not that dramatic where it involves making a change from one type of landscaping to another; no critical area permit should be required regardless of whether the property is in the shoreline or not. Action items there and eight fit together to address the flood hazard problem. The problem has been highlighted by the public and by the Commission and it needs to be fixed.

Commissioner Carlson suggested Mr. Klinge should meet offline with staff to review their differences with the conformance amendments.

Commissioner Ferris said it has been known all along that within the shoreline there are critical areas. When the critical areas ordinance was written it included the shorelines as a critical area. Even though the Shoreline Master Program update removes shorelines from consideration as critical areas, the other critical areas elements that are in the shorelines have not been exempted. He said his understanding is that flood hazard areas are by definition critical areas as well. The Commission has not been directed by the Council to revisit the critical areas ordinance, only the Shoreline Master Program.

Commissioner Laing agreed with Commissioner Ferris from a process standpoint. The Commission's transmittal memo sent to the Council along with the Shoreline Master Program included a call to look at the conformance amendments and made mention of the need to review the floodplain issue. Several of Mr. Klinge's proposals are focused at the critical areas ordinance irrespective of how it interplays with the shoreline regulations, though many are helpful suggestions and hopefully noncontroversial. The floodplain regulations, however, are inextricable from the shoreline because the only property owners subject to those regulations are in the shorelines. The critical areas regulations apply citywide, but shoreline property owners, even without the shoreline itself, are subject to overlapping buffers and many critical areas. It is one thing to put very restrictive shoreline regulations in place to ensure no net loss of ecological function, but quite another not to change the floodplain regulations and to leave the shoreline property owners in exactly the same situations they are already relative to the critical areas ordinance. That is a gotcha game. If the city comes out of the Shoreline Master Program process with shoreline property owners as a practical manner in exactly the same place as they were when the critical areas ordinance was adopted in 2006, the update exercise will have been

nothing but an exercise in futility for everyone involved. The Commission should in fact look at the floodplain regulations with an eye on conforming them to the fairly restrictive standards the Department of Ecology is pushing for regulating the shoreline.

Answering a question asked by Commissioner Carlson, Commissioner Laing said he was okay with items one and two. Certain parts of item three are probably okay but it does involve some mission creep into areas the Commission has not been specifically authorized to address. He said he was fine with items four and five as well.

Commissioner Ferris pointed out that the staff version of the paragraph in question in item five clearly states that nothing in the section prohibits the creation of a soft surface non-motorized trail in a critical area buffer on a single family lot for use by the residents of the lot. That could not be any more clear and the addition of more text saying the same thing is not needed. Commissioner Laing said the additional language is needed because someone in the city has had to explain how they have had their lawn or their trail for 40 years but have found themselves caught up in a code enforcement action.

Commissioner Laing said action item six also involves mission creep. It is, however, bothersome that parks is allowed to expand in a disturbed area even if it is technically within a buffer. What is good for the goose is good for the gander and government should be held to the same high standard. As a principle, however, that is beyond the mission of the Commission.

Commissioner Laing said action items seven and eight clearly are beyond the Commission's scope, except that the last part of item eight deserved some more evaluation relative to the different types of critical areas. He suggested that items nine and ten are noncontroversial. Item eleven having to do with the floodplain issue should be taken up.

Commissioner Ferris allowed that the floodplain issue is very complicated. It involves the Corps of Engineers, and there are provisions under which homeowners can deal with where the line gets drawn. To really get into the floodplain issues will take months of study.

Commissioner Carlson commented that some of the suggestions made by Mr. Klinge involve ideas not previously discussed and if they are to be considered time will need to be allotted to them on an upcoming meeting agenda.

Chair Tebelius agreed that a meeting between staff and Mr. Klinge to work out differences would be in order. She also suggested that Commissioner Ferris and Mr. Klinge should have a discussion.

Mr. Klinge said Commissioner Ferris's position is clear about not wanting to open up the critical areas ordinance and the flood hazard issue. He pointed out that the document already has the general performance standards that are similar if not identical to the regulations adopted by Issaquah, Sammamish and Redmond and approved by the Department of Ecology. They are in the document because a number of uses are allowed in flood hazard areas, including parks expansion, so the rules are in place for building in the flood hazard area. Accordingly, the leap is not as big as it sounds.

Commissioner Ferris said the Commission in working to develop the Shoreline Master Program recognized the conflict with the flood hazard regulations. No decision to dive into it was made, however. The transmittal memo to the Council pointed out the conflict and included a

recommendation to address the issue. It would not be appropriate to open the issue as part of the conformance amendments.

Ms. Helland reminded the Commission that the work to develop the Shoreline Master Program included going through hundreds of comments from WSSA. It took a large number of meetings and a great deal of time before 20.25E was ready for forwarding to the Council. Along the way the Commission expressed dissatisfaction about not being able to address some items in the scope of the shorelines overlay, and the floodplain was one of those items. The conflict was, however, vetted and thoroughly discussed. There was agreement that where conflicts arise between critical area and non critical area provisions, the most restrictive approach should control. In some areas of the code there are very specific provisions getting at not wanting to leave the gotcha; there are footnotes that say a structure may be required to locate greater than 25 feet from the ordinary high water mark when a flood hazard critical area exists on a site adjacent to Lake Sammamish or Phantom Lake. The reason the floodplain was not addressed as part of the Shoreline Master Program update, and the reason the issue is on the docket for the Council to reconsider, is the city has citywide regulations. Staff has heard the issues loud and clear: financing is a problem; there is a floodplain issue on Lake Sammamish; people have their lots flagged. None of those issues can be fixed with a code amendment. In each case a site-specific map amendment is needed, which individual property owners can do by seeking a letter of map revision from FEMA. The city could seek a lake-wide letter of map amendment should the Council choose to fund it, but flagged properties will never be dealt with through a shoreline overlay or any other critical area regulation.

Ms. Helland said another reason the floodplain issue has not been addressed is pending litigation involving a FEMA Biological Opinion. It is not known what the outcome of that litigation will be.

The city's shoreline regulations consolidate a lot of things for the benefit of city residents and for a variety of other purposes. The floodplain regulations in the code meet both the Growth Management Act requirement for flood hazards and the citywide obligation to maintain the National Flood Insurance Program under the policy adopted by the Council in 1978. To change that through the Shoreline Master Program avenue would certainly be out of scope. The Council has the issue on its docket, and it is not that they will not address it, it is just that the time is not right.

Answering a question asked by Commissioner Hamlin, Ms. Helland said the Commission will review its work program docket at the retreat on October 30. At that time the Commission will have the opportunity to indicate which issues should be given priority. The recommendation of the Commission will be carried to the Council in November and will inform their action to set the work program for the Commission for the next year.

There was a full discussion regarding the Commission's schedule of upcoming agenda items. There was agreement to put the conformance amendments on the agenda for the November 13 meeting. Staff agreed to meet with representatives from WSSA prior to that date.

Commissioner Ferris called attention to 20.25H.230 and the uses and development allowed within a critical area or a critical area buffer. He suggested a revision of subparagraph (g) should be retained and worded to read "Shoreline specific uses and development, where allowed within the shoreline overlay, see Part 20.25E." Ms. Helland concurred.

D. Subarea Plan Updates and new Neighborhood Boundaries

Mr. Inghram explained that in establishing the work program for the 2014 Comprehensive Plan update the Council identified a need to define a process to update Bellevue's subarea plans and the subarea boundaries. The current subarea plans have not been updated in a long while with the exception of Bel-Red and the tweaks under way in the downtown. The city does not have the capacity to go through and update all 14 subarea plans now; updating subarea plans is a big process that involves engaging the individual communities. Staff proposed, and the Council agreed, not trying to address the subarea plans while the Comprehensive Plan update is under way but to initiate a cycle of going through the plans starting in 2015 once the Comprehensive Plan update work is completed and based on an initial screening and with extensive community input to determine the prioritization of the updates.

Continuing, Mr. Inghram said in the past the city has had different boundaries for transportation management zones, for emergency management zones and for subareas. An attempt is under way to develop a map that better recognizes neighborhood areas as people see them currently and that better aligns with the other mapping work the city does. The thinking is that as the subarea plans are updated, the subareas would be merged into the new map. The new map would not take effect on Day One, but it would be adopted as part of the Comprehensive Plan update along with direction to move toward the new map as the update cycle proceeds. Comments on the new map will be sought during the current Comprehensive Plan update process.

Chair Tebelius commented that every subarea in the city is unique and whether or not the new map will accurately portray their boundaries is something that will take some investigation and community input. Mr. Inghram said staff certainly is open to hearing from the public their preferences and suggestions. The possible map changes include splitting Factoria and Somerset into separate areas, which has already garnered some positive reaction; merging Southeast Bellevue into the Newport Hills subarea; creating new areas for Sammamish and Cougar Mountain/Lakemont.

Commissioner Carlson said he would prefer to cease use of the term "subarea" in favor of calling them simply neighborhoods. Mr. Inghram agreed to look into that, though he pointed out that "subarea" is a term used in the Growth Management Act.

Mr. Inghram noted that the Council has directed the inclusion of two specific scoping requests. The first one came out of the Downtown Livability Initiative and involves looking at the jagged southern edge of the downtown boundary. Staff has been involved in researching the history of the Main Street corridor and how the border was formed, and that information will be presented to the Commission in due time.

Commissioner Ferris pointed out that feelings regarding the downtown boundaries run high on the part of both those who own properties there or live close to it. In the past the Comprehensive Plan amendments submitted for properties on the edge have drawn quite a lot of testimony about why the boundary line should not be moved.

Mr. Inghram said the second scoping request involves a small section of the Bel-Red subarea that is bounded by 156th Avenue NE, NE 25th Street, Bel-Red Road, and Northup Way. The area was included in the Bel-Red subarea in 2009 but residents of the Crossroads and Sherwood Forest neighborhoods have requested that it be put back into the Crossroads subarea for a

number of reasons.

9. OTHER BUSINESS - None

10. PUBLIC COMMENT

Mr. Marty Nizlek, 312 West Lake Sammamish Parkway NE, referred to page 131 of the packet and the potential neighborhood areas. He said he did know what the Northeast Bellevue subarea boundaries are currently, but the West Lake Sammamish Association stretches all the way north into Redmond along the Parkway. The logical boundary for the Sammamish subarea would follow that route. With regard to the floodplain, he said no one is calling for redoing the issue in some magnanimous fashion. Issaquah, Redmond and Sammamish all allow someone to do compensatory volumes for an extension into a floodplain as well as cantilevers over a floodplain, but as proposed the same will not be allowed in Bellevue because the staff are taking a restrictive view of how to apply the regulations. That will put Bellevue at a great disadvantage. Unless changed, property owners will have to take the legal route to seek proper application of the regulations.

Answering a question asked by Chair Tebelius, Mr. Nizlek said he understands the reluctance of Commissioner Ferris to open the issue. Anything that can be done to move things along without stumbling should be done. Every effort should be put into solving the issue of how it will be administered.

Ms. Stephanie Walter, 14418 SE 19th Place, said the emergency ordinance put in place by the Council is effective but not complete. It is puzzling that there is an interpretation that one or more related persons equals one unrelated person. Given that, a home in a single family neighborhood could have four mothers with their children all under one roof. That is in effect multifamily in a single family home.

Ms. Anita Skoog-Neil, 9302 SE Shoreland Drive, said the critical areas regulations regarding trees and limbs is the stupidest thing she has ever heard of. Someone with a steep slope who leaves all their limbs and trees are asking for a slide. It may be in the critical areas ordinance, but maybe people involved in creating that ordinance did not know what they were doing.

Ms. Erica Tiliacos, 18707 SE Newport Way, Issaquah, spoke representing Save Lake Sammamish. She suggested it is unfair of the Commission to give shoreline stakeholders to provide testimony without giving others equal time. The WSSA representatives took more than 30 minutes of meeting time, but the general public is allowed from three to five minutes only. They made the claim that Redmond, Issaquah and Sammamish have all adopted certain provisions, but the real question is how those provisions are being applied. Sammamish went through the whole Shoreline Master Program process and followed that up with an update to their critical areas ordinance, all at the urging of shoreline property owners because the critical areas regulations were impacting them. The critical areas ordinance update has been completed but must be married to the Shoreline Master Program because the old ordinance is the one that rules within the shoreline area, so it will be necessary for them to get the Department of Ecology to adopt the new critical areas ordinance within the shoreline areas. If the state does not approve of the new regulations, the city of Sammamish will end up with two critical areas ordinances, one outside the shoreline areas and one inside the shoreline areas.

11. NEXT PLANNING COMMISSION MEETING

- A. October 30, 2013
- B. November 13, 2013

12. ADJOURN

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

Chair Tebelius adjourned the meeting at 9:52 p.m.

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
ANNUAL RETREAT MINUTES

October 30, 2013
5:45 p.m.

Lewis Creek Park Visitor Center
5808 Lakemont Boulevard SE, Bellevue, WA

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

COMMISSIONERS ABSENT: Commissioner Laing

STAFF PRESENT: Paul Inghram, Dan Stroh, Carol Helland, Mike Brennan,
Department of Planning and Community Development

GUEST SPEAKERS: Mayor Conrad Lee, Deputy Mayor Jennifer Robertson

RECORDING SECRETARY: Gerry Lindsay

1. WELCOME AND INTRODUCTION

The meeting was called to order at 5:55 p.m. by Chair Tebelius who presided. All Commissioners were present with the exception of Commissioner Ferris, who arrived at 6:10 p.m., and Commissioner Laing, who was excused.

2. PAST YEAR'S ACCOMPLISHMENTS

Immediate past-chair Carlson briefly reviewed the Commission's major accomplishments of the last year. He suggested the list signifies the changing dynamics of the Commission toward seeking unanimous agreement.

Chair Tebelius thanked Commissioner Carlson for his leadership. She also took a moment to thank the staff for their dedicated hard work on behalf of the Commission and the city. In particular she praised the efforts of Comprehensive Planning Manager Paul Inghram and Land Use Director Carol Helland.

3. COUNCIL REMARKS

Chair Tebelius informed Mayor Lee that the Commission will be conducting some meetings out in the community, beginning with a meeting on November 13 at Bellevue College, in an effort to be fully apprised as to what is happening in the city's neighborhoods.

Mayor Lee stressed the important of the city's boards and commissions and noted how heavily the Council relies on them for solid advice and recommendations. The work of the Council is better informed and on the right track because of the excellent work of the boards and commissions.

Deputy Mayor Robertson added her appreciation for the work of the Commission which she noted covers a wide range of issues. She also highlighted the long list of issues on the Commission's plate for the coming year and said the work of the Commission is both difficult

and satisfying. The excellent recommendations that flow from the Commission are truly the result of dedicated and fully engaged Commissioners.

4. PLANNING AND COMMUNITY DEVELOPMENT

Planning Director Dan Stroh spoke for a few minutes about the millennials, the generation born in the 1980s and 1990s that is larger than the Baby Boomer generation. By 2020, projections are that millennials will make up almost a third of all workers. In planning for the future, the wants and needs of the millennials will have to be taken into account: they are showing a strong preference for living in urban environments; they are less inclined to own their own cars; they are tech savvy; they are generally optimistic; they are entrepreneurial and enjoy working as a team; and a large percentage are professional women.

Bellevue's demographics continue to change. The Baby Boomers are moving into retirement but as they do so they are enjoying better health, they are remaining active, are generally more physically fit, and they have an interest in aging in place. The needs and wants of the growing percentage of seniors in the population must be taken into account in planning everything from housing to transportation systems and city services.

Mr. Stroh explained that the term "walkable urbanism" was coined to refer to the idea of an increasing desire to live in compact urban communities with lots of amenities. Downtowns are part of the concept, but not the only part; the term can also apply to transit-oriented developments in otherwise suburban areas. Walkable urbanism is big in the national literature.

Over time Bellevue's economy has been evolving. The information/technology jobs, or what has been termed the "innovation economy," are leading the way. Determining where the workers with the technology talents want to be is driving decisions around where to locate tech firms. Of the 140,000 jobs in the city, 25,000 are in the information/technology cluster, and the sector is demonstrating a much faster growth rate. Bellevue is well positioned in the innovation economy. The labor pool is mobile so the focus needs to be on quality of life and community attractiveness.

Sustainability is a term that has reached the mainstream. It is often captured as people, prosperity and plant. While it involves buildings that are super energy efficient, it also involves sustainable foods sold in grocery stores, economies, and far more. Incentivizing buildings at the LEEDS Silver rating is no longer seen as necessary as developers build to that standard without the incentives.

Civic engagement is becoming increasingly challenging across the country and locally. People are busy with their jobs and their lives, so a variety of different methods are needed to keep people informed, in touch, and participating, including the use of social media, crowd sourcing, which is seeking input from people who are attending community events.

Mr. Stroh allowed that Bellevue is facing an increasing challenge in terms of funding capital facilities. In addition to needing new facilities to keep up with growth, maintaining what already exists is of critical importance. Local jurisdictions are no longer able to rely on the federal government as a solid funding source. Regional and local solutions must be found instead.

Commissioner Ferris noted the Commission has commented on the fact that there is little emphasis in the Comprehensive Plan and Land Use Code regarding higher education. The community certainly could benefit from having more of a higher education presence. Mr. Stroh

said there have been discussions about that issue as part of the city's economic development strategy. The city certainly has the necessary space in Bel-Red, Wilburton, and even possibly in the downtown. Deputy Mayor Robertson added that she would like to see the issue highlighted in the Comprehensive Plan.

5. MAJOR PLANNING INITIATIVES

Mr. Stroh briefly reviewed the major planning initiatives facing the Commission. The list included the Comprehensive Plan update; the Downtown Livability Initiative; the economic development strategy; East Link maintenance facility and station area planning; and the Eastgate/I-90 corridor.

6. UPCOMING WORK PROGRAM

Development Services Director Mike Brennan said the work under way and yet to be addressed will refresh and reshape the long-term future of the city. He said the Council will ultimately determine priorities and direction, but discussion by the Commission will help to inform their conversation.

Ms. Helland said the code amendment work program is traditionally brought before the Council in the fall of the year when it is known what is coming with respect to Comprehensive Plan amendments, changes to the code needed to maintain consistency with the policies, and any state mandates. She called attention to the October 25, 2013, memo and noted that all of the items in Attachment A had been completed already and that the items in Attachment B had yet to be addressed.

Chair Tebelius said it was her understanding that recommendations have been made to the legislature to look at reconciling the medical marijuana and recreational marijuana rules. Some have proposed getting rid of the medical marijuana regulations altogether and just leaving the recreational marijuana provisions in place with its taxing structure. She asked if it is possible the issue will once again be on the Commission's plate. Ms. Helland said that is possible, though she stressed that with the upcoming short session something would have to happen very rapidly. The Council has added the issue to the city's legislative agenda.

Ms. Helland noted that the Shoreline Master Program conformance amendments are in process before the Commission. Many of the code amendments have a connection to the key planning initiatives.

Commissioner Ferris said the phenomenon of what is happening with regard to housing around Bellevue College is an outcome of the facility becoming a four-year college. The demand for student housing is being met in ways that are not very respectable to the surrounding neighborhoods. The solution is not a permanent redefining of what constitutes a family, it will be found in seeking opportunities on campus to locate high-density student housing that involves supervision. While the college is a state entity, to the extent the city can work with them to see student housing developed, the pressures can largely be removed from the neighborhoods. Deputy Mayor Robertson said there are two approaches that could be taken. One is tied to implementation of the Eastgate/I-90 study where there is a property owner that wants to build student housing adjacent to the transit center where there are good connections to the college. The other is to recognize that houses being shared by unrelated individuals is an issue citywide that will require permanent zoning regulations and possibly some new housing policies.

Commissioner Ferris pointed out that Bellevue College has a sea of asphalt on which student housing could be constructed, with parking below and housing above. Leadership from the college should sit down together with leadership from the city to seek solutions. Mr. Brennan said those conversations are already happening. Growth of the college is inevitable and desirable, but the impacts will need to be addressed, including the need for housing.

Mr. Stroh said the college representatives have been very interested in housing in the areas immediately surrounding their campus, though there have also been conversations about developing housing on site and about the Spiritwood situation.

Ms. Helland added that house sharing extends beyond the college campus. In some areas of the city there are multiple families that are sharing houses for various reasons. The broader issue of housing affordability will be discussed as part of the Comprehensive Plan update.

Ms. Helland said the fact that the Commission's plate is full means for anything to be added something will need to fall off. She reiterated that the items in Attachment B are the items currently on the Commission's plate, while the items in Attachment C are items waiting in the wings. She noted that the staff had sorted the list into three tiers: things identified as having high priority based on feedback from the Council and the community; things that are not yet ripe for review; and things for which there is currently no external pressure to get them done.

Chair Tebelius said in a conversation with Commissioner Laing he highlighted simplifying the Council quasi-judicial permit appeal process by limiting types of appeals available to the Council as being very high on his list of priorities. Deputy Mayor Robertson said she wants to see the issue addressed as well and sooner rather than later.

Chair Tebelius said Commissioner Laing also held up the electrical reliability study as a very important issue. Ms. Helland said the specific issue will have groups on both sides. It involves specifically providing flexibility to prune or remove vegetation around electrical substations to reduce outage incidents and outage duration. Deputy Mayor Robertson added that certain uses require more electricity and improved reliability. Puget Sound Energy is planning to build a new high-power line through Bellevue to create redundancy and improved reliability. To the extent possible, the electrical reliability study work should true up with the new power line work.

Chair Tebelius stressed the importance of the Bel-Red area five-year review and proposed moving it to the top of the list of items shown on page 2 of Attachment C. Ms. Helland pointed out that the Council has given direction to start that work in the third quarter of 2014. Any necessary code development in response to the review would need to be completed in 2015.

Commissioner Hamlin asked if the parking stall dimension and ratio requirements issue will rise in importance as more development comes in. Ms. Helland said the issue first came up during the Bel-Red study and was addressed by changing some of the parking dimensional and ratio requirements and provided for some flexibility in anticipation of transit coming to the corridor. The parking issue will also be discussed as part of the Downtown Livability Initiative. Commissioner Ferris added that as transit use increases, the demand for parking in the market goes down.

Chair Tebelius said Commissioner Laing also highlighted the Comprehensive Plan amendment criteria to clarify the meaning of "changed circumstance" as very important. Commissioner

Ferris concurred; he said it has always been a bit fuzzy and suggested it would not take long to address it.

Commissioner Hamlin commented that the term may have been left a bit vague for a reason. He allowed, however, that it triggers confusion and should be looked at both in terms of rezones and Comprehensive Plan amendments.

Chair Tebelius asked how important the Wilburton and Community Retail Design District update issue is. Commissioner Hamlin suggested the issue will be very important. It will be a while, however, before NE 4th Street is extended. The update will be needed, but it is not a pressing issue currently. Deputy Mayor Robertson added that depending on how things work out relative to the right-of-way acquisition the Council may move the issue higher on the list.

Chair Tebelius suggested the Phase II NPDES stormwater regulations issue should not be tackled until the pending appeal has run its course. Mr. Brennan agreed. He said staff are engaged in some of the technical background work, but the issue is not yet ripe to come forward. There is a mandate, however, to do whatever is necessary by the end of 2016.

Ms. Helland said there also is pending litigation regarding the FEMA new minimum requirements for participation in the National Flood Insurance Program which is not expected to be resolved until 2014. The outcome of the legislation may change the target the cities must hit in order to remain in the National Flood Insurance Program, so it would not make sense to address local regulations until knowing how the litigation plays out. When briefed in 2012, the Council directed waiting until the litigation is resolved. There was at the time also consensus on the part of the Council to continue requiring site specific biological opinions as opposed to trying to develop regulations to address the issue ahead of resolving the litigation. Deputy Mayor Robertson suggested that even if the litigation was wrapped up, it would be wise to wait until the Shoreline Master Program is completed and blessed by the Council.

Chair Tebelius wanted the record to reflect that she had not seen the amendments proposed by WSSA prior to the October 23 Commission meeting. She said she agreed it would be inappropriate to engage in any critical areas ordinance changes only as they relate to the shoreline.

Ms. Helland said the staff remains focused on finishing the Shoreline Master Program work. The stakeholders impacted by the National Flood Insurance Program have not been notified yet. She said the program actually applies to about one thousand properties in the city, only a quarter or third of which are located on Lake Sammamish. She added that the state will in the next couple of years mandate updates to the critical areas ordinance. Phase II of NPDES will probably need to get under way first.

There was agreement that as soon as there is time on the Commission's schedule, the issues that should be tackled first are simplification on the Council quasi-judicial permit appeal process; the electrical reliability study; the Land Use Code clean-up; and rezone criteria to clarify "changed circumstances."

The Commissioners spent a few minutes discussing with staff the schedule for completing the Shoreline Master Program issue.

7. MEETINGS AND STAFF SUPPORT FEEDBACK

Chair Tebelius commented that the exercise led by Rhonda Hilyer at the 2012 Commission retreat proved to be very valuable and she suggested repeating it once the new Commissioners are onboard.

There was agreement to continue having the Commission meetings begin at 6:30 p.m.

8. ADJOURN

Chair Tebelius adjourned the meeting at 8:46 p.m.