

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
MEETING MINUTES

February 16, 2005  
7:00 p.m.

Bellevue City Hall  
City Council Conference Room

COMMISSIONERS PRESENT: Vice-Chair Bonincontri, Commissioners Maggi, Mathews, Orrico, Robertson

COMMISSIONERS ABSENT: Chair Lynde, Commissioner Bach

STAFF PRESENT: Kathleen Burgess, Michael Paine, Mary Kate Berens, Department of Planning and Community Development

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 7:05 p.m. by Vice-Chair Bonincontri who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Robertson, who arrived at 7:07 p.m., and Chair Lynde and Commissioner Bach, both of whom were excused.

3. APPROVAL OF AGENDA

The agenda was approved by consensus.

4. STAFF REPORTS

Comprehensive Planning Manager Kathleen Burgess distributed copies of the downtown design charrette book containing all the drawings generated by the design teams.

5. PUBLIC COMMENT

Mr. Tom Spence, 9455 Lake Washington Boulevard, said there is a real estate site online that allows users to look closely at all Bellevue shorelines. The comment was made at a Commission meeting in January that a 50-foot setback will cause 52 percent of all existing structures to become nonconforming. It was also stated that there are between 460 and 480 properties. Using the online site, however, he said he could only identify some 400 properties. He said his study determined that close to 75 percent of the waterfront properties will have nonconforming structures under the proposed 50-foot setback. If that is in fact the case, the city should make clear the reasoning behind creating that much havoc in the marketplace.

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

7. Land Use Code Amendment  
– Critical Areas: Steep Slopes

Legal Planner Mary Kate Berens said the issue of steep slopes is the last of the main critical areas topics to be covered. The next step will be for staff to begin work on drafting an ordinance for review. On March 16 and 23 staff will cover follow-up issues with the Commission, and information regarding the WRIA-8 process, a regional effort made in response to the listing of salmon. A Determination of Significance will be issued, which under SEPA means an Environmental Impact Statement will have to be produced in which there will be a fuller analysis of the critical areas regulations on the environment. The EIS is a mechanism that will allow for a comparison of three alternatives: No Action; the regulatory alternative, which will be the subject of the draft ordinance; and the city program alternative, which would involve a package of city investments in acquiring property, restoring city-owned properties, in-stream projects, enhancing stormwater facilities, and retrofitting infrastructure, all aimed at replacing the kinds of protections the regulatory approach envisions.

Notice giving the public opportunity to comment on the scope of the EIS will be issued on February 17. The Draft Environmental Impact Statement will be available toward the end of March.

Senior Environmental Planning Manager Michael Paine said there are a lot of Comprehensive Plan policies relative to earth hazards. They focus on preserving natural topographic, geologic and vegetative and hydrologic features in addition to health and safety. The policies call for protections of steep slopes and their multiple functions; prohibit or restrict development on unstable land; require appropriate setbacks for safety purposes; regulate development near seismic hazards; seek to minimize soil erosion; regulate development in coal mine areas; and set out exemptions for small isolated slopes.

Earth hazards and the way they are dealt with in Bellevue fit into the “green urbanism” vision. Public safety is ensured generally through regulation but not solely by using technology and grading. In many cases the steeply sloped areas of the city provide the last vestiges of open space and as a result provide ecological functions and values as well as aesthetic and recreational opportunities.

Regulations are necessary in order to minimize the risks associated with steep slopes. The risks include landslides and slope failure; erosion hazards; seismic hazards, which include ground shaking and fault rupture, liquefaction and seiche; and coal mine hazards. Steep slopes also often are regulated because they are associated with critical areas; the slopes may be part of a stream setback or serve as critical wildlife habitat.

Mr. Paine said landslides are downward and outward movements of slope-forming materials. They are classified based on the kinds of materials and the mode of movement. The types seen most often in Bellevue are transitional slides, debris flow, and, under saturated conditions, earth flow. Landslides have a number of different causes. Some are geologic involving weak or sensitive materials, or weathered materials. Others are tied to morphologic causes associated with tectonic or volcanic uplift, deposition loading, freeze and thaw weatherizing, and subterranean erosion. Human activity can cause landslides as well through excavation, crest loading, deforestation and soil saturation. The most common causes are slope saturation, seismic activity, and volcanic activity.

Landslide vulnerability can be reduced by imposing restrictions on development, establishing significant setbacks, and through performance standards. Vulnerability can also be reduced

through scientific and engineering studies which can generate approaches to use, such as the use of pilings in the foundation work.

Turning to seismic hazards, Mr. Paine said the severity of ground shaking depends on the magnitude of an earthquake, its duration, and distance from the epicenter. Underlying geologic structure also influences seismic response. Ground shaking is typically addressed through the building code.

Liquefaction occurs when unconsolidated granular sediments experience a sudden loss of shear strength during ground shaking. It typically occurs in young sediments located in areas with shallow ground water. One such area in Bellevue is Newport Shores. For new construction and substantial remodel in that area, the city looks to substantial technical and geologic reports in determining appropriate foundation designs to stabilize structures.

Surface rupture occurs when the displacement of a fault breaks the ground surface. An accurate understanding of where faults are located is the best way to mitigate the problems associated with surface rupture. Appropriate setbacks from known faults is an appropriate mitigation measure. However, the exact location of the Seattle fault, which runs through Bellevue along the I-90 corridor, is not known.

Seismic vulnerability can be reduced by locating critical facilities away from the Seattle fault. Specific mitigation measures involve significant geotechnical work; the application of the International Building Code; development of critical areas reports; better geologic mapping of the Seattle fault; a better understanding of the recurrence interval; appropriate setbacks; performance standards; and general emergency preparedness.

Mr. Paine said Seattle is recently engaged in a fairly extensive geologic mapping exercise in cooperation with the University of Washington and the United States Geological Survey (USGS). What they found was evidence for faults and deformation not previously known; more extensive landslides; unrecorded filled gullies; less till and more sand at the ground surface; and more geologic units than previously known.

In Bellevue, steep slopes are those that are 40 percent or greater. They are given a critical area designation and have a 50-foot buffer and 15-foot setback applied to them. On individual lots, both the buffer and the setback can be modified with appropriate geotechnical support. A lot of grading or tree removal is not permitted. For slopes that contain colluvial or landslide deposits, there is a setback of 75 feet, with a 15-foot structure setback, which can be modified with the appropriate geotechnical support. Exemptions are allowed for isolated slopes with less than ten feet of elevation and 1000 square feet of total area.

The current city regulations do not regulate seismic hazards as critical areas. The International Building Code is used to mitigate the impacts associated with ground shaking. In some circumstances where there is a concern about the combination of slopes and underlying geologic material, a geotechnical report may be required. Generally, anyone that conducts a full slope stability analysis for a project is also looking at the impacts of potential seismic events.

Coal mine hazards are called out as critical areas in Bellevue. There is a map showing the known mining areas within the city limits, though it is not as comprehensive as it could be. There is an ordinance on the books that outlines mitigation for coal mine hazards. When there are coal mine issues involved there is a requirement for geotechnical reporting, and special conditions are placed on building permits.

There was general consensus in favor of maintaining the current exemption for small, isolated slopes. Mr. Paine noted that the practice is currently handled administratively; it is not written into code. There was agreement that it should be codified.

Mr. Paine asked the Commissioners to indicate whether or not an exemption should be created for slopes between 10 and 20 feet in elevation. He allowed that for many such slopes there is no identifiable safety problem, no significant wildlife habitat to be protected, and no significant aesthetic impact. If an exemption is allowed, it would be permissible to grade away the slope or locate a structure adjacent to it without a setback.

Commissioner Mathews proposed that it would make sense to allow more discretionary flexibility for slopes between 10 and 20 feet in elevation.

Commissioner Orrico asked how consistently such an exemption would be applied. Mr. Paine suggested that the better the exemption criteria, the more consistently the exemption will be applied.

There was consensus to create the exemption to allow the flexibility.

Mr. Paine said the question of whether or not an exemption should be created for previously graded, or manmade, slopes is far more problematic. He noted that such an exemption would be based on geotechnical feasibility and safety, and if allowed the exemption could permit a slope to be entirely graded away. Bellevue is an area that has been urbanizing for a very long time, and as such there are a lot of manmade slopes. If large enough, or created poorly enough, they can present significant hazards. The best examples are slopes that collapse during heavy rain events. He said the recommendation of staff is not to create the exemption.

Commissioner Maggi concurred with the staff recommendation. She said regardless of how the slope was created in the first place, it can present some serious issues. Mr. Paine suggested that if it could be demonstrated that such a slope is very stable, the setback could be reduced to the minimum. No construction on the slope itself would be allowed, however.

There was consensus not to create the exemption.

Mr. Paine said some slopes of less than 40 percent are for various reasons still susceptible to landslides. He put to the Commission the question of whether or not there should be a comprehensive review required for such slopes. If landslide issues are identified through on-site evidence and a geotechnical report, a setback might be required that would not otherwise be imposed. Currently, wherever there is evidence of landslide deposits the code calls for a 75-foot setback, even if the slope is as small as 15 percent. Another approach would be to establish a setback that could be removed if the evidence shows stability, but the recommendation of staff is not to take that approach.

Answering a question asked by Commissioner Robertson, Mr. Paine said most who build on 15 percent or greater slopes must have some level of geotechnical review. It is not possible to rely on the slope percentage as an indicator of hazard. There are a lot of slopes that because of their underlying geology and hydrology are very hazardous, whether there is evidence of that on the surface or not. Whenever there is surface evidence, however, there should be closer investigation.

Mr. Paine said the critical areas consultant recommended establishing a toe-of-slope setback for 40 percent slopes. Such a setback could be adjusted based on a hazard characterization of the

slope. The primary risk occurs at the toe of slopes when slides occur above. The setback could be reduced based on a risk assessment by a qualified geotechnical engineer or engineering geologist. There may be specific safety measures that could be put into place to reduce the risk.

Commissioner Orrico suggested that the ordinance should strive for consistency with regard to setbacks. It should not establish a setback for one type of hazard, which can be reduced with the necessary studies, and impose a setback for another type of hazard if a study shows it to be necessary. Commissioner Robertson concurred but suggested that wherever there is a clear risk to the public safety there should be a setback required.

Mr. Paine suggested that absent a detailed understanding of the geology of a hillside, setbacks should be set conservatively, and no less than 50 feet. Adjustments downward should only be allowed with adequate geotechnical data in hand.

Staff was directed to include a toe-of-slope setback in the draft ordinance for additional review by the Commission.

Finally, Mr. Paine allowed that outside of the International Building Code the city has very little with which to mitigate seismic hazards. There is admittedly insufficient data on which to base additional regulation. He asked the Commissioners, however, if the city should establish additional regulations for seismic hazards.

Commissioner Mathews suggested that there simply is not enough information on which to base additional regulations. Even with more information, however, a significant seismic event will likely overshadow most mitigation efforts.

Mr. Paine proposed that where there is the potential for seismic hazards, the city should at the very least provide notice to applicants so they can understand the risks.

Ms. Berens said the move to the new City Hall building will coincide with a new approach for how the city delivers information. There will be a single service desk people can go to to get their questions answered. Staff is looking into having environmental and critical area information available at the service desk.

There was consensus not to move to develop additional regulations relative to seismic hazards.

Ms. Berens briefly outlined the next steps in the process of updating the critical areas ordinance.

8. OLD BUSINESS

Ms. Burgess reviewed the schedule of upcoming Commission meetings.

9. APPROVAL OF MINUTES

A. December 15, 2004

Motion to approve the minutes as submitted was made by Commissioner Orrico. Second was by Commissioner Matthews and the motion carried without dissent; Commissioner Robertson abstained from voting.

10. NEW BUSINESS – None

11. PETITIONS AND COMMUNICATIONS

Mr. Tom Spence, 9455 Lake Washington Boulevard, encouraged the Commission to review all waterfront properties and determine for themselves how a 50-foot setback would impact them. If properties are rendered nonconforming, it will take a variance to remodel or add to existing structures. Any reasonable potential buyer would be very wary, especially given that getting a variance can cost as much as \$50,000 or more. Given the number of properties involved, the potential impact is in the hundreds of millions of dollars. There is simply no reason to establish a 50-foot setback; there is no rationale for doing it.

12. ADJOURNMENT

Commissioner Bonincontri adjourned the meeting at 9:06 p.m.

\_\_\_\_\_  
Staff to the Planning Commission

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair to the Planning Commission

\_\_\_\_\_  
Date