

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

April 14, 2010
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Sheffels, Commissioners Hamlin, Himebaugh, Lai, Mathews

COMMISSIONERS ABSENT: Commissioners Ferris, Turner

STAFF PRESENT: Paul Inghram, Nicholas Matz, Department of Planning and Community Development; Catherine Drews, Development Services Department

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:33 p.m. by Chair Sheffels who presided.

2. ROLL CALL

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

3. PUBLIC COMMENT

Ms. Janice Carlyle, 2011 144th Avenue SE, said her home is one of twelve in Brentwood Acres. With regard to the Inoue/Lasswell CPA, she said Mr. Inoue has never lived on his property, and Mrs. Lasswell lived on her property for only one year; neither has ever been part of the small and close-knit community. If they are allowed to rezone their properties, there will be an effect on the two lanes which are jointly owned by the twelve property owners. The neighborhood would be greatly impacted to have an R-5 development at one end of one of the lanes. Only two of the properties have sanitary sewer connections; the rest have septic tanks. There is no sewer line running down 145th Place SE because it lies at a higher elevation than Brentwood Acres. The sewer that runs through Robinsview has two private connections but cannot be accessed. The lane leading to the Inoue property is not paved and is only about ten feet wide; it has not been properly maintained. If redeveloped with five homes, they would probably be two story structures, in contrast to the fact that all of the other homes in the neighborhood are single story.

Mr. Kunio Inoue, 4446 Somerset Boulevard, spoke as the owner of one of the properties that make up the Inoue/Lasswell CPA application. He said his 1.25-acre property has just one home on it. The neighboring lots to the south are all zoned R-5 and he said the same would be better on his property.

Chair Sheffels stated that there will be a public hearing scheduled and conducted by the Comprehensive Plan on the CPA applications.

4. APPROVAL OF AGENDA

The agenda as submitted was approved by consensus.

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

6. STAFF REPORTS

Comprehensive Planning Manager Paul Inghram reported that he recently attended the national American Planning Association conference in New Orleans. He said a lot of interesting information was shared. The Netherlands embassy began working with the city of New Orleans and the state of Louisiana following Hurricane Katrina on the issues of managing flood plains, dikes and water systems in urbanized areas. Half of the Netherlands lies below sea level and they have been living with many of the same issues for centuries. A significant portion of the conference was focused on those topics.

Mr. Inghram said the Shoreline Master Program update issue will be on the Commission's agenda again April 28 and May 12.

Mr. Inghram noted that information regarding the census had been included in the Commission packet.

The Commissioners were informed that the Green Tools Governance Confluence seminar is scheduled for May 5.

Mr. Inghram observed that copies of several emails and specific information regarding various topics had been included in the Commission packets.

7. STUDY SESSION

A. Land Use Code Amendments

For the benefit of the new Commissioners, Mr. Inghram explained that there are two routes by which LUC amendments are brought forward. For major projects such as Bel-Red, and for major Land Use Code amendments like neighborhood character, the typical approach is to go to the Council first seeking direction on how to move forward. For amendments that do not rise to that level of substance can be initiated by the Commission. While not insignificant, the electric vehicle infrastructure and FEMA National Flood Insurance Program Compliance amendments have not been directed by the Council. Both, however, are timely and need to be addressed.

Legal Planner Catherine Drews said the city is a participant in FEMA's National Flood Insurance Program (NFIP). Residents of communities participating in the NFIP can obtain lower cost flood insurance coverage in return for the participating communities meeting FEMA's minimum criteria for flood plain management. The proposed amendment results from a review by the state's Department of Ecology floodplain management division aimed at making sure Bellevue code is consistent with FEMA's minimum criteria.

Bellevue is rated five out of ten on the FEMA program; that rating allows Bellevue citizens to realize discounts on their flood insurance coverage. Ms. Drews provided information on the NFIP as it applies to Bellevue: (1) there are 232 flood insurance policies issued in Bellevue for a total value of \$56 million; (2) there have been 27 losses claimed since the beginning of the

program in early 2000; and (3) approximately half a million dollars have been paid out in claims. Two of the claims were substantial, meaning the claim exceeded 50 percent of the value of the home.

Ms. Drews explained that the necessary code revisions are fairly minor. She said the date “December 1978” in 20.25H.175.A.2 needs to be changed to “April 19, 2005.” In 20.25H.177 the definition of “development” from FEMA’s regulations was proposed to be added. FEMA defines “development” as “any man-made change to improved or unimproved real estate in the Regulatory Floodplain, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.” The code reference in the definition of “lowest floor” needs to be changed to read “20.25H.180.D.1.a,” and the word “replacement” in the definition of “substantial improvement” should read “market.” With regard to the section on development standards, 20.25H.180, Ms. Drews noted that in paragraph C.2 the phrases “or engineer” and “of Planning and Community Development” was proposed to be deleted.

Ms. Drews said staff are reviewing the packet the Department of Ecology sent in response to the staff review. There are two items under review that staff believes are already handled by the code. If the Department of Ecology deems that additional revisions are needed, they will be brought back to the Commission as a part of the public hearing.

Commissioner Hamlin asked why “Planning and Community Development” should be deleted. He suggested that without that phrase the term “Director” is somewhat nebulous. Ms. Drews explained that when Development Services was separated from Planning and Community Development, it was decided to change the definition of “Director” in the land use code, to reflect the changes and amend the term in code sections undergoing amendment. Commissioner Himebaugh asked if the “development” definition is new or was intended to replace an existing definition. Ms. Drews said the definition is new to the flood hazard section.

Commissioner Lai said it would be helpful for staff to provide a comparison for how the definition of “development” in the flood hazard section differs from the definition of “development” in other sections of the code. Ms. Drews said she would provide that information at the public hearing.

Ms. Drews said the second set of proposed code amendments are focused on permitting the use of electric vehicle infrastructure in all zones exception residential zones and critical areas. She said the proposed code amendments flow from the 2009 passage of SSHB-1481. The intent of the bill is to promote the use of electric vehicles throughout the state. Bellevue has been selected as one of the jurisdictions to participate in a project in association with the release of 900 Nissan Leaf electric vehicles in the state. The code will allow for the necessary charging infrastructure at destination sites.

Chair Sheffels said she could foresee a time when having charging stations in residential and mixed use districts would be a very good idea. She asked if the code language should be written to include those areas. Ms. Drews said the proposed code amendment language is consistent with the language of the statute. She added that the code amendment must be approved by July

1, 2010. Commerce was charged with developing a model ordinance and set of guidelines to assist local jurisdictions, but it appears their work will not be completed in time to meet the established deadline. At the very least, the use charts need to be amended to allow for electric vehicle infrastructure, including the Bel-Red land use chart and the definitions in both the general and the Bel-Red section.

Mr. Inghram asked if by not including the residential zones residents would be prohibited from having an electric vehicle charging station at their homes. Ms. Drews said it would not. Footnote 26 is specifically intended to make that point clear.

Chair Sheffels asked how large charging stations are. Ms. Drews said they are typically no larger than a small gas pump. The idea is that the stations will be set up in parking lots, with one or two parking stalls in which people would park their electric vehicles, plug in and charge up while shopping or running errands. Mr. Inghram said some of the models he has seen are roughly the size of a parking meter.

Commissioner Lai asked why charging stations should not be allowed in the downtown residential district if they are as small as a parking meter. Ms. Drews said the restriction is only included because it mirrors how the legislature drafted the statute. The amendment would not prohibit individual electric vehicle owners from installing charging stations in their homes or in their downtown condominium parking space. The exclusion from residential zones and critical areas is focused on commercial use of electric vehicle infrastructure.

Commissioner Himebaugh asked if the state legislation precludes the city from allowing charging stations in residential zones. Ms. Drews said the infrastructure is excepted from residential areas. Once the guidance from the state and Commerce is in hand, the issue can be looked at in that light. The proposed code amendments are aimed at assuring Bellevue will be in compliance with the Growth Management Act mandates and the deadlines established by the state legislation.

There was consensus on the part of the Commissioners to move the item forward to public hearing.

B. 2010 Annual Comprehensive Plan Amendments

Senior Planner Nicholas Matz informed the Commissioners that of the two Comprehensive Plan amendment applications discussed at the February 24 study session, one has since withdrawn. The Trailer's Inn application was withdrawn on the understanding that they would be considered for redevelopment in the Eastgate/I-90 corridor study project.

Mr. Matz explained that the Threshold Review is the first of two steps in the annual Comprehensive Plan amendment review process. Each step involves an examination of all applications in light of their respective decision criteria. During Threshold Review, a determination is made as to whether or not applications should be placed in the work program. If

they are, applications are then considered on their merits during the second step of the process, which is called Final Review.

The privately initiated Inoue/Lasswell application involves two 1.25-acre sites on 144th Avenue SE in the 12-lot subdivision informally known as Brentwood Acres. The request is to change the Comprehensive Plan designation from Single Family-Low to Single Family-High; the corresponding zoning would change from R-1 to R-5, allowing up to five units per acre.

At the Threshold Review stage, the Commission also has the opportunity to expand the geographic scope of the application to look at whether or not there are similarly situated properties in the vicinity of the application and determine whether or not they should be made a part of the application proposal. The pattern of development in the area, and the extent of infrastructure needed at low and higher densities, has bearing on this issue.

The Inoue and Lasswell properties are part of a low-density development that is characteristic of other R-1 low-density suburban areas in Bellevue that have developed over the years. The Brentwood Acres development has a unified low-density pattern that pre-dates the newer neighborhoods that have grown up around it. The Brentwood Acres configuration dates from 1954, but the original subdivision was platted in 1891. The development is characterized by lower levels of urban infrastructure, including a lack of dedicated right-of-way and sanitary sewer. In some cases, the recorded plats contain prohibitions on densities higher than R-1, though Brentwood Acres does not have such a clause.

Mr. Matz highlighted for the Commissioners other R-1 neighborhood areas in the city that are representative of the areas described in the previous paragraph. The neighborhood areas highlighted were Blueberry Hill in southeast Bellevue, which is a little newer than Brentwood Acres and which has prohibitions on allowing subdividing; Diamond S Ranch, Bellewood Farm and large portions of Bridle Trails in the northwestern part of the city; the Chism Beach area; and the Graber, Lakemont Woods developments and the areas farther up Cougar Mountain, along with the Hilltop community in south Bellevue.

Mr. Matz suggested that consideration of expanding the geographic scope of the Inoue/Lasswell application should occur within the context of the entire 12-parcel neighborhood. If the application is placed in the work program, during Final Review the question of how efficiently a subdivision or redevelopment could be done, and the question of how the overall urban infrastructure situation should be addressed, will be asked.

The Brentwood Acres area is mostly flat, but the topography drops off toward Kamber Road. That is one of the reasons why access is provided from the east, and why the homes in the development are still on septic systems. However, while expensive, it would not be impossible to provide sanitary sewer connections for the development.

Letters were sent to each of the twelve property owners in Brentwood Acres alerting them to the application to amend the Comprehensive Plan for the Inoue and Lasswell properties. Most of the

property owners have responded. Mr. Matz showed a Powerpoint slide identifying which of the property owners had contacted the city, and which of them were absentee or resident owners.

There is a community well in Brentwood Acres that used to serve the homes in which each property owns a one-twelfth interest.

Mr. Matz said the options for expanding the geographic scoping included not expanding beyond the Inoue and Lasswell properties, expanding the scope to include the eight southernmost properties in the development, all of which are served by a central road and many of which have absentee owners, or expanding the scope to include all twelve properties in the development.

Mr. Matz said the recommendation of staff was to expand the geographic scope.

Mr. Inghram stressed that the formal decision of the Commission will occur after the Threshold Review public hearing, but the consensus of the Commission with regard to expanding the geographic scoping will be included in the noticing. He stressed that the decision to expand the geographic scoping does not equate with an endorsement to approve or not approve the application.

Commissioner Mathews suggested the scope should be expanded to include all 12 properties. He said any potential zoning change to the Inoue and Lasswell properties will impact each of the properties in the development.

Commissioner Lai concurred. He asked why the option of expanding the scope to just the eight southernmost parcels should be considered. Mr. Matz said that anything less than the whole of the neighborhood were to be considered for amendment, that a subdivision layout would be that much more difficult to accomplish. The notion of including just the southernmost eight properties would be based in part on the idea of having an option in between including all 12 and only the applicant properties, as well as being reflective of the pattern of resident versus absentee ownership, where the absentee owner properties are located in the southernmost eight properties.

Mr. Inghram suggested that another option would be to include only the four parcels that make up the southern boundary of the development.

Chair Sheffels said the conservative approach would be to include all 12 properties in the scoping. Whether the Comprehensive Plan designation and zoning for the properties should actually be changed will be decided at a later time, but it would make sense to consider them all at the same time.

Commissioner Hamlin agreed. He pointed out that all of the developments surrounding Brentwood Acres have higher densities.

Commissioner Himebaugh concurred with the notion of expanding the geographic scope but said he was not ready to make a determination as to whether the designation and zoning should be changed for any of the properties.

Mr. Matz said a public hearing for Threshold Review would be scheduled and a notice including all 12 properties would be sent out to every property owner within 500 feet of the perimeter of Brentwood Acres. He allowed that the local community has already shown itself to be very interested and willing to be engaged in the process.

8. OTHER BUSINESS

The Commission took the opportunity to recognize former Commissioner Vicki Orrico. It was noted that during her tenure with the Commission, Ms. Orrico worked on a number of very important projects and studies, including the Bridle Trails tree regulations, the critical areas ordinance, the Bel-Red corridor study, the Eastlink project, the neighborhood livability code amendments, the electrical facility siting regulations, the Wilburton neighborhood plan, the Crossroads plan, the Factoria design guidelines, and a variety of Comprehensive Plan amendments. Ms. Orrico served as chair of the Commission as well.

Ms. Orrico said she enjoyed her time on the Commission and working on the various projects. She said she hoped the Commission would continue the work of moving the city forward.

9. APPROVAL OF MINUTES

A. January 13, 2010

Chair Sheffels asked if the minutes could be brought forward in a more timely manner. Mr. Inghram said that is something staff could work on.

Commissioner Himebaugh called attention to page 121 and pointed out that the reference to “RCW 36.7.0A.480” should in fact read “RCW 36.70A.480.”

Commissioner Mathews pointed out that his name is spelled with only one “T”.

Motion to approve the minutes as corrected was made by Commissioner Mathews. Second was by Commissioner Hamlin and the motion carried without dissent; Commissioner Himebaugh abstained from voting.

B. February 24, 2010

Motion to approve the minutes as submitted was made by Commissioner Hamlin. Second was by Commissioner Mathews and the motion carried without dissent; Commissioners Lai and Himebaugh abstained from voting.

C. March 10, 2010

Motion to approve the minutes as submitted was made by Commissioner Hamlin. Second was by Commissioner Mathews and the motion carried without dissent; Commissioner Himebaugh abstained from voting.

10. PUBLIC COMMENT

Ms. Janice Carlyle, 2011 144th Avenue SE, said those who do not live in the Brentwood Acres neighborhood, and who have never lived there, should not have the ability to change the zoning in a way that will impact those who have lived in the neighborhood for many years. The Turulja ranch adjacent to the Brentwood Acres development was originally planned for 180 apartment buildings; the neighborhood fought that and single family homes were constructed instead.

11. NEXT PLANNING COMMISSION MEETING

A. April 28, 2010

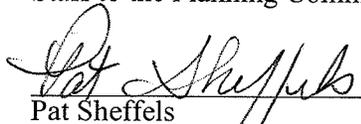
12. ADJOURN

Chair Sheffels adjourned the meeting at 7:40 p.m.



Paul Inghram
Staff to the Planning Commission

5/20/10
Date



Pat Sheffels
Chair of the Planning Commission

5/20/10
Date