



# Bellevue Planning Commission

**Wednesday, September 24, 2014**

6:30 to 9:30 p.m. ■ 1E-113

City Hall ■ 450 110<sup>th</sup> Ave. NE, Bellevue

## Agenda

- |           |  |        |
|-----------|--|--------|
| 6:30 p.m. | <ol style="list-style-type: none"><li>1. <b>Call to Order</b><br/><i>Aaron Laing, Chairperson</i></li><li>2. <b>Roll Call</b></li><li>3. <b>Public Comment*</b><br/><i>Limited to 5 minutes per person or 3 minutes if a public hearing has been held on your topic</i></li><li>4. <b>Approval of Agenda</b></li><li>5. <b>Communications from City Council, Community Council, Boards and Commissions</b></li><li>6. <b>Staff Reports</b><br/><i>Paul Inghram, Comprehensive Planning Manager</i></li><li>7. <b>Study Session</b></li></ol> |        |
| 7:00 p.m. | A. Montvue Place Annual Comprehensive Plan Amendment Request<br>Establish a hearing date for final review<br><i>Nicholas Matz, Senior Planner</i>  | Pg. 1  |
| 7:15 p.m. | B. Comprehensive Plan Update<br>Continue review of draft sections <ul style="list-style-type: none"><li>• Citizen Engagement Element</li><li>• Capital Facilities Element</li></ul> <i>Paul Inghram, Comprehensive Planning Manager</i><br><i>Andrew Kidde, Mediation Program Manager</i><br><i>Nicholas Matz, Senior Planner</i>  | Pg. 21 |
|           | 8. <b>Public Comment*</b> - <i>Limited to 3 minutes per person</i>   |        |
|           | 9. <b>Draft Minutes Review</b> <ul style="list-style-type: none"><li>• June 25, 2014</li><li>• July 9, 2014</li></ul>  |        |
| 9:30 p.m. | 10. <b>Adjourn</b>   |        |

*Agenda times are approximate*

**Planning Commission members**

Aaron Laing, Chair  
Michelle Hilhorst, Vice Chair  
John Carlson  
Jay Hamlin

Diane Tebelius  
John deVadoss  
Stephanie Walter

John Stokes, Council Liaison

**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. 425-452-5262 (TDD) or 425-452-4162 (Voice). Assistance for the hearing impaired: dial 711 (TR).*



September 17, 2014

**SUBJECT**

Study session on the 2014 annual Comprehensive Plan amendments work program including the Mountvue Place application.

**STAFF CONTACT**

Nicholas Matz AICP, Senior Planner, 425-452-5371  
[nmatz@bellevuewa.gov](mailto:nmatz@bellevuewa.gov)  
*Planning and Community Development*

**DIRECTION NEEDED FROM PLANNING COMMISSION**

- Action
- Discussion
- Information

At the September 24, 2014, study session staff will update the Planning Commission regarding the sole 2014 annual Comprehensive Plan Amendment request—Mountvue Place. This is a 4.67 acre, site-specific application at 14510 NE 20<sup>th</sup> St, proposing a map change from split BelRed-Commercial/Residential (BR-CR) and BelRed-General Commercial (BR-GC) to all BelRed-Commercial/Residential (BR-CR). See Attachment 1.

Commissioners will be asked to provide any questions or issues to staff that you would like to see addressed during Final Review of this CPA. Commissioners will be asked to set a November 12, 2014, public hearing date on the application.

**BACKGROUND**

The City Council at its September 8, 2014, Study Session accepted the Planning Commission's Threshold Review recommendation to advance the Mountvue Place CPA into Final Review. The Council vote was 6-0 (Deputy Mayor Wallace absent).

This action returns the application to the Planning Commission for Final Review. In this second of the two-step annual Comprehensive Plan amendment review process, the proposal undergoes analysis, environmental review and additional notice to the public. The Planning Commission holds a public hearing and makes a recommendation to the Council. The final review process will culminate in Council action on the proposed amendment.

The Planning Commission held a March 12, 2014, study session on the application and a May 14, 2014, Threshold Review public hearing. Commissioners voted 3-1 to advance the application out of Threshold Review.

The Mountvue Place privately initiated application includes a site located on NE 20<sup>th</sup>, west of the Fred Meyer and the intersection of NE 20<sup>th</sup> Ave NE and 148<sup>th</sup> Ave NE.

The applicant's stated purpose is to eliminate the split zoning so as to permit a unified development of the site consistent with the BelRed policy direction. This direction is to develop a sustainable urban development pattern that dramatically reshapes the future of the Bel-Red Subarea, while allowing the area to transition gracefully from its past.

This site is developed with four buildings including various retail, office and storage warehouse land uses, according to the King County Assessor.

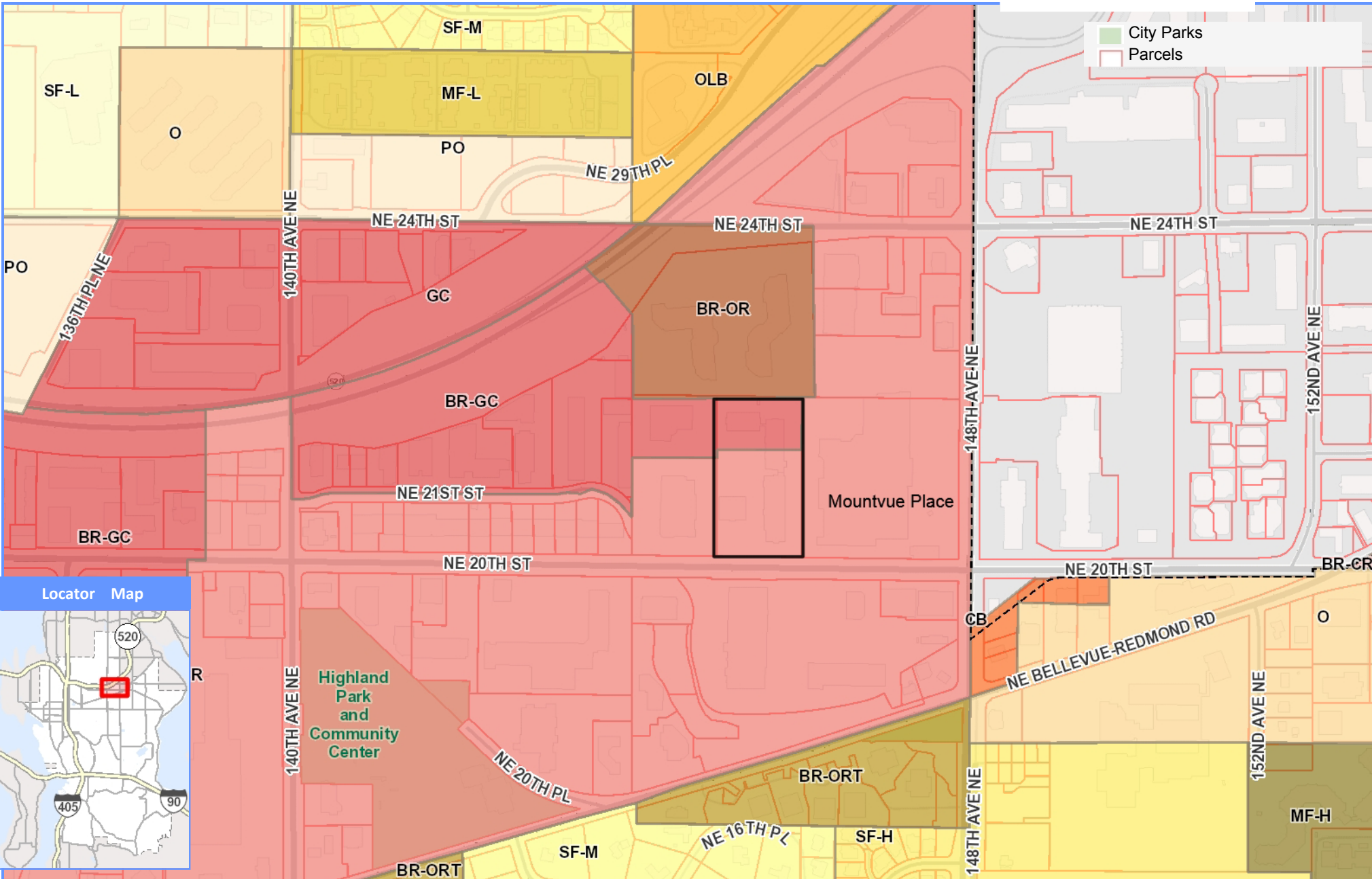
If the CPA were adopted the BR-GC portion of the site—roughly the north one-third of the property—could be rezoned to provide for unified development of the site with a multiple-use mix of housing, retail, office and services envisioned by the BR-CR designation.

#### **NEXT STEPS**

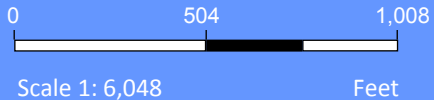
1. Schedule a November 12, 2014, public hearing, with recommendation to Council
2. Council action on the proposal. The Planning Commission chair is asked to present the Commission recommendation at a Council meeting before the end of the year.

#### **ATTACHMENTS**

1. Mountvue Place CPA site map
2. May 14, 2014, Planning Commission minutes



# Mountvue Place CPA





CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
MEETING MINUTES

May 14, 2014  
6:30 p.m.

Bellevue City Hall  
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Tebelius, Commissioners Hamlin, Laing, deVadoss  
COMMISSIONERS ABSENT: Commissioners Carlson, Ferris, Hilhorst  
STAFF PRESENT: Paul Inghram, Nicholas Matz, Department of Planning and Community Development;  
GUEST SPEAKERS: Bjong Wolf Yeigh, Kelly Snyder, UW Bothell  
RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

At 6:45 p.m. Chair Tebelius asked Mr. Bjong Wolf Yeigh to make a presentation regarding University of Washington Bothell while waiting for a quorum to officially call the meeting to order.

2. COMPREHENSIVE PLAN SPEAKING EVENT  
UW BOTHELL CHANCELLOR BJONG WOLF YEIGH

Mr. Bjong Wolf Yeigh, University of Washington Bothell Chancellor, was introduced and welcomed by Chair Tebelius. He explained that the Bothell campus of the University of Washington was founded in 1990 as one of five branch campuses. By 2009 the Bothell branch had an enrollment of less than 2500, but since then enrollment has nearly doubled and Bothell is the fastest growing campus in the state. It is also one of the most diverse campuses in the state. The branch enjoys over 14,000 alumni.

Mr. Yeigh said about half of the student body is drawn from King County, and a quarter from Snohomish County. Within King County, the Eastside, specifically Bellevue, brings the highest number of students. The largest transfer institution is Bellevue College; the fifth largest is the University of Washington Seattle. While the trend for schools on the East Coast and other areas of the United States has been to close programs and downsizing, the University of Washington Bothell campus has been enjoying exactly the opposite. The projection is that over the next three to five years enrollment for the Bothell campus will hit 7500 students.

Every effort is being put into growing smartly, manageably and sustainably. One thrust area has been increasing and celebrating diversity. Five years ago the number of students coming from underrepresented and underserved communities totaled less than ten percent; that number has since risen to 51 percent. Programs are designed to be truly interdisciplinary. The largest program currently is interdisciplinary arts and sciences, but STEM, the second largest program - science, technology, engineering and mathematics - is expected to be the largest program very soon.

Mr. Yeigh said the Bothell branch expects to see a 23 percent increase in freshman class enrollment in the fall. In order to accommodate the enrollment increase, 29 new full-time professors were added in the fall of 2013, and 23 additional faculty will be added in the fall of 2014.

The school's strategic plan was set in motion in 2008. During the first six-year phase, the school met with tremendous success. During the second phase, which covers the next three years, the anticipation is several critical areas will be addressed and the enrollment will push upward toward the 7500 mark. The branch offers two very successful programs at the Eastside Leadership Center, namely the MBA program and a baccalaureate program in business. By 2020 the school anticipates having between 1000 and 2000 FTEs in Bellevue by offering hybrid classes as well as weekend and evening classes tailored to working professionals and others.

Ms. Kelly Snyder, Assistance Vice Chancellor for Government and Community Relations, said during her senior year at the University of Washington she served as an intern in Bellevue's planning department. She said her particular focus was on the South Bellevue annexations as well as the Neighborhood Enhancement Program. She said the University of Washington Bothell operates a very robust program in Bellevue. Growth of higher education campuses does not happen overnight. There are always challenges, not the least of which is funding. The state board of community and technical colleges goes through a rigorous process in submitting projects to the legislature for funding. The University of Washington Bothell goes through a similar process except that it is through the University of Washington that culminates in proposals being forwarded to the governor and from the governor to the legislature for budget approval. The process can take six to ten years and is in no way a sure thing. Instead of building new facilities, leasing space can be done quickly and with much less fuss.

Ms. Snyder said University of Washington Bothell met with local employers in Bellevue to talk curriculum. Specifically they were asked for input on what they see as most important and what they want to see in the employees they hire. The Leadership MBA was created in part from those conversations. The program is housed in Bellevue at the Eastside Leadership Center. Undergraduate MBAs are also offered. The University of Washington Bothell partners with Bellevue College and automatically admits to the program those students meeting the core standards. Many of the international students enrolled at Bellevue College came to the United States wanting a four-year degree and the partnership with University of Washington Bothell is seen as key in making that happen.

Buildings have slowly been added to the University of Washington Bothell campus over time. The first space in Bellevue was leased in 2010. The new science and academic building, Discovery Hall, will open in the fall of 2014 to accommodate STEM students. A new student activity center will also be open soon.

Ms. Snyder said the University of Washington Bothell offers student housing. An apartment complex adjacent to the campus was purchased and it houses 270 students. Residents must sign a code of conduct contract that includes quiet hours between 10:00 p.m. and 8:00 a.m. RAs live in each dorm and are tasked with holding the students accountable, and those who violate the code of conduct can be kicked out of the dorm and out of school. There is a vacant piece of property the school has its eye on; the neighbors are concerned about what might develop on it but they recognize it would be in their best interest for the school to purchase and develop it. Students who commute more than 30 miles to the campus are given preference when it comes to the apartments. Student housing is offered as an auxiliary service and it must pay for itself.



The city of Bothell is currently working to update its Comprehensive Plan. The campus was developed as a planned unit development and any time the university wants to construct a new building it is necessary to go through the hearing examiner. All development must comply with the height restrictions, setbacks and parking requirements. All off-campus buildings, such as the apartments, must comply with the underlying zoning. The leased property in Bellevue is located on a site zoned Office. It houses classrooms and a few faculty offices as well as a few meeting rooms. Growth is anticipated to continue in Bellevue and expansion to a different location may occur.

Mr. Yeigh said the *Seattle Times* education reporting team wrote a very nice story recently about the University of Washington Bothell entitled "Where the Future Goes to College." The article outlined in a very positive light what the school has to offer. In addition to being a part of the University of Washington, the campus intends to become a university for Washington by providing access to students who want a college degree while working hard to control the costs of education. The campus has focused on providing the resources needed by students to make them successful, including the student success center, tutoring services, and academic and other types of counseling.

Mr. Yeigh said University of Washington Bothell is looking forward to celebrating its silver anniversary in the coming school year. The relationships with Bellevue College and the city of Bellevue will continue as a way of providing more and better academic services.

Commissioner Hamlin said he currently is enrolled in the certificate program in urban science at Simon Fraser University in British Columbia, a program not currently offered by the University of Washington. He said the branch campuses are very well designed. The one in Surrey is situated above a mall and the one downtown is a center of activity. He asked if consideration has been given to expanding the University of Washington Bothell campus more in the downtown instead of in the outlying areas. Mr. Yeigh said the University of Washington Bothell long-range planning highlights how critical the Bellevue location is. There have been conversations about retaining the Eastside Leadership Center space and about renting space in the downtown. There are some sticking points associated with locating in the downtown, but the intent is to continue researching the option.

Commissioner deVadoss congratulated Mr. Yeigh on the growth of University of Washington Bothell but commented that with growth comes challenges. He asked what specific challenges associated with rapid growth have been identified. Mr. Yeigh said the real challenge is space. Nationally schools average about 200 square feet per student. In Washington, most schools have above 100 square feet per student. University of Washington Bothell is the most compressed campus in the state with only 83 square feet per student, even with the new Discovery Hall which added 75,000 square feet to the campus and accommodates 1000 students. As enrollment growth continues, additional space will be needed along with focusing on other modes of instruction, including online classes and having four quarters annually instead of three.

Ms. Snyder pointed out that investment in higher education by the state has been steadily decreasing over the last few years. It has fallen from 70 percent state subsidized per student to 30 percent. Overall, the sliver of the state's investment in the entire University of Washington accounts for only four percent of the organization's budget. The university gets more from the federal government and private donors than it does from the state of Washington. University of Washington Bothell, as a member of the East King County Chamber of Commerce Legislative

Coalition, has been working with Eastside legislators to see the importance of investing in education both on the operating side and the capital side.

Chair Tebelius commented that Bellevue College solicits enrollment from foreign students. The college currently has 1000 foreign students but offers no place to house them. That is creating huge problems for local neighborhoods. She asked if University of Washington Bothell solicits foreign students and if so, what is done to provide housing for them. Mr. Yeigh said University of Washington Bothell does not actively recruit international students. The organization has a clear mission to serve students from the state of Washington so recruitment within the state is given top priority. There are, however, international students who are interested in attending University of Washington Bothell; the connection is often made through word of mouth. Currently, 92 percent of the student body comes from the state of Washington. Many of the international students currently on campus live in the residence halls. The organization is seeking to provide more housing options for all of its students, not just international students.

Ms. Snyder noted state funding of educational institutions has been reduced for both two-year and four-year institutions. The state allowed the four-year institutions to increase their tuition rates, and the two-year institutions have been allowed to recruit internationally as a way to survive the budgetary crisis.

Chair Tebelius said it was her understanding that the University of Washington Seattle offers evening and weekend classes to graduates who might otherwise not be able to attend during the day. She asked if University of Washington Bothell might be considering the same approach, possibly as a way to enhance revenues. Mr. Yeigh said the three University of Washington campuses operate independently and as such he was not able to comment on what the University of Washington Seattle offers by way of programs. The Eastside Leadership Program is similar in some ways in that it offers certificates and refresher educational programs to help folks transition from one career to another or to further the development of their chosen professions. He said University of Washington Bothell has also visited the Joint Base Lewis McChord which has a desire to have more of a presence on the Eastside aimed at helping soldiers and airmen transition to civilian life.

Ms. Snyder said University of Washington Bothell assists a number of people in transitioning from one career to another. There are those who have done well in a first career but are interested in becoming teachers; the University has a program that takes about a year in which they learn how to put together a curriculum and how to use their skills in a classroom setting. A computer certification program is also offered that takes about a year. Owing to space issues, the University is working to shorten program times. The registered nurse Bachelor of Science nursing program takes one year with classes held only one day per week. For the electrical engineering program, all of the classes are offered after 3:30 in the afternoon.

Chair Tebelius asked what the University of Washington Bothell's experience has been with regard to students coming out of high school unprepared for college. Mr. Yeigh said the students present with varying degrees of preparation. Generally they are excellent students, but often they lack someone at home they can talk to about how to do certain things, like study and manage their time. University of Washington Bothell has looked at its entry level programs with an eye on being more inquiry based and focused on more engagement. The results have been noticeable in reduced dropout rates and greater student success.

Answering a question asked by Commissioner deVadoss, Mr. Yeigh said different schools have

different needs relative to student housing. He said he has been associated with campuses where all of the students stay on campus, including Dartmouth, Stanford and Princeton, as well as non-residential campuses. The experience of the students clearly is different for residential campuses. For non-residential campuses, a good rule of thumb is to provide housing for about ten percent of the student body. University of Washington Bothell was built as a commuter campus, but providing some level of housing does not mean the mission has changed. To make it work, however, a critical mass of about 500 units is needed.

**\*BREAK\***

Chair Tebelius reported that on May 12 there was a discussion before the Council relative to compliance with the state statutes relative to the sale of marijuana. She asked Councilmember Stokes to bring the Commission up to speed on the issue which the Commission was tasked with addressing.

Councilmember Stokes said the city chose to put an interim ordinance in place to address issues before businesses were allowed by the state to apply for the use. The interim ordinance was developed by staff and approved by the Council. When the state Attorney General handed down his opinion that local jurisdictions could retain the authority to ban the sale of marijuana, the Council considered its options. After a full and complete discussion, the Council concluded that because the voters had approved the legalization of marijuana, the use should be permitted provided there are firm rules in place to control the use. The Council has directed the Commission to take up the issue of drafting an ordinance.

Comprehensive Planning Manager Paul Inghram said the tentative schedule has the Commission reviewing draft regulations in June and conducting a public hearing and forwarding a recommendation to the Council in September ahead of the expiration date of the interim regulations.

Chair Tebelius suggested the Commission would benefit from having someone from the police department share their concerns and suggestions. Councilmember Stokes agreed given that enforcement will be a key issue.

Mr. Inghram said the May 7 forum on diversity in the community was well attended. It was open to all boards and commissions, the Network on Aging, and the East Bellevue Community Council. Five panelists talked about their vision regarding diversity in the city. A summary of the meeting is being drafted for the boards and commissions to consider relative to the Comprehensive Plan update. At the meeting it was pointed out that the barriers diversity sometimes presents initially are often overcome when people get to know each other. Crossroads was held up as a great place to interact with a number of different cultures, and people talked about ways to encourage similar activities in other parts of the city.

Commissioner deVadoss stressed the need to take an expansive view of diversity, a view that goes beyond just language and ethnicity.

With the arrival of Commissioner Laing at 7:50 p.m., a quorum was reached and the meeting was officially called to order by Chair Tebelius.

### 3. ROLL CALL

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

4. PUBLIC COMMENT - None

5. APPROVAL OF AGENDA

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

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

7. STAFF REPORTS - None

8. PUBLIC HEARING

A. Comprehensive Plan Amendment: Mountvue Place 14-123964 AC (14510 NE 20th Street)

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

Senior Planner Nicholas Matz explained that under the annual Comprehensive Plan amendment review process the Commission conducts a hearing on the threshold review and geographic scoping for all applications. At the threshold review stage, the Commission determines whether or not an application should be considered for the Comprehensive Plan amendment process and the work program. The Commission's recommendation is forwarded to the Council which ultimately establishes the work program. Those applications that make onto the work program are reviewed by the Commission in the final review stage where the merits of each are addressed. Under the Growth Management Act, amendments to the Comprehensive Plan can be made only once each year.

Mr. Matz said the privately initiated Mountvue Place application involves the property at 14510 NE 20th Street which currently is split between BR-CR and BR-GC. The proposal is to effect a map change to BR-CR for the entire site. The recommendation of staff is to include the application as part of the 2014 work program but not to expand the geographic scoping. The zoning split is the historical result of subarea planning that was not anticipated through the Bel-Red planning process. The current zoning split is inconsistent with what Bel-Red intends for mixed use redevelopment in the BR-CR district. The stated purpose of the applicant is to eliminate the split so as to permit a unified development that would be difficult to achieve with two different zones on a single property.

Mr. Matz said in the opinion of staff the application meets the decision criteria for threshold review. In particular it addresses the significantly changed conditions criterion. The split designation was not identified during the Bel-Red, nor was it anticipated by the current plan map or text. In final review it will be seen that the application is consistent with general policies that specifically align with Bel-Red purpose and intensities for redeveloping properties.

The property to the west has two designations but in that instance the split follows a clear

property line. To the east is Fred Meyer, so it does not make sense to expand the geographic scope beyond the subject property.

Mr. Joe Tovar, 540 Dayton Street, Edmonds, spoke representing the applicants. He shared with the Commissioners maps showing the split zoning and the uses adjacent to the property. The property currently contains two one-story buildings and two two-story buildings. All access is from a single driveway connecting with NE 20th Street. The uses in the buildings include retail, restaurant and office. He agreed with the findings of the staff report and the recommendation to recommend including the application on the work program. The property owners would like to construct a mixed use project on the property, including a significant residential component. The current split zoning prohibits consolidated site planning.

Chair Tebelius asked if the property owners would proceed toward constructing a mixed use project on the site if the change sought by the application were to be not approved. Mr. Tovar said the zoning on the NE 20th Street side does allow for mixed use, but the back portion does not. Theoretically it can be done but it would be a design challenge to make it work horizontally. The feasibility studies done to date indicate something on the order of 400 units could be constructed along with some combination of retail, office and restaurant uses.

Chair Tebelius asked if the mixed use project would trigger traffic problems. Mr. Tovar said the subarea plan contemplates the addition of thousands of housing units over time. Light rail is coming to the corridor, and there already is bus transit serving the area, which is also walkable.

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

B. Comprehensive Plan Amendment: Bellevue Technology Center 14-123945 ACC  
(2010 156th Avenue NE, 15805 NE 24th Street, 15800 Northup Way)

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

Mr. Matz said the privately initiated application seeks to replace policy S-CR-66 with a policy reading "Encourage potential uses and/or development standards for the property east of 156th Avenue NE between Northup Way and NE 24th Street commonly known as the Bellevue Technology Center, formerly the Unigard campus, additional development on the property compatible with neighboring development that address potential traffic congestion, the preservation of the property's existing open character, tree stands, and views to the site from adjacent streets." The stated purpose of the property owner is to seek a community outreach process to engage the city and Sherwood Forest stakeholders in considering the potential uses of the property in a neighborhood-sensitive context, with a specific focus on enhancing the open spaces, trees, vegetation and views.

Mr. Matz said the recommendation of staff was to not include the amendment application in the 2014 work program. Current policy S-CR-66 has guided the relationship between the Bellevue Technology Center/Unigard site and the surrounding neighborhoods over the years as a sensitive but successful part of the Crossroads community. The application does not establish the appropriateness of addressing policy S-CR-66 through an amendment to the Comprehensive Plan because amending the existing PUD, which is a regulatory solution available to the property owners, has not been thoroughly explored. Significantly changed conditions have not been

demonstrated. The city intentionally did not include areas east of 156th Avenue NE in the original Bel-Red subarea planning process in order to maintain appropriate transitions from Overlake Village and other areas. There are no light rail stations planned within a quarter mile radius of the subject property so it would be difficult to conclude the planning or infrastructure associated with Sound Transit is an unanticipated condition. The sensitivity of the site for the adjacent neighborhood, and special conditions on the office use, continue to be appropriate despite the passage of time. Policy S-CR-66 is a good example of a policy that has stood the test of time in providing both the property owner and the surrounding community with an awareness of what is supposed to be happening on the site.

Mr. Matz said the property is designated Office. If the proposal is advanced there will follow a comprehensive discussion around the redevelopment potential. All available tools would be examined, including amending the existing PUD.

The significantly changed conditions criterion is not met by the application. The pace of growth in the area is not necessarily a significantly changed condition. Pending investments in Sound Transit point to and will benefit Bel-Red, but they are not at play in that they were anticipated. Just because a policy was written a long time ago does not mean it no longer works. It would be inconsistent to concentrate housing and employment growth outside the urban core.

Mr. Jack McCullough spoke representing the applicant. He said Unigard acquired the property in the early 1970s as the location for its campus. It was a completely different time in the history of the city; the PACCAR building was the only tall building in the downtown. The premise of the application is that the restrictions on the Bellevue Technology Center site is a relic of a land use that dates back four decades. In the early 1990s Unigard stepped forward with a desire to expand its campus, the result of which was the second set of buildings. In the 20 years since the property has been an owner-occupied campus responding to the goals and policies of the user rather than the goals and policies of the city. The campus served the needs of Unigard. Unigard was acquired by QBE, an Australian company which later sold the property. The new owners are asking the question of what the property wants to be 40 years after its initial development.

Continuing, Mr. McCullough noted that the application does not seek a particular designation, nor does not seek a particular intensity of traffic use. In essence the application seeks to start a conversation predicated on the fundamental issue of changed conditions. The zoning of the site has not been reviewed in almost 20 years, and really 40 years. Zoning for the site was fundamentally set in the 1970s and since that time there has been huge changes in the city in terms of development and traffic. In terms of transportation, SR-520 was built, the King County Metro park and ride lot was built, RapidRide has begun operations with a stop immediately across the street from the property, and Sound Transit is gearing up to bring light rail through the city. There is zoning in the area with FARs as high as 5.0 while the effective FAR of the subject property, which is maxed out under the existing zoning and agreements, is 0.16, while immediately across 156th Avenue NE to the west is 24 times more intense. Development all around the property has gone on steadily while for 40 years the Bellevue Technology Center site has sat quietly.

The existing subarea policy S-CR-66 requires a conditional use permit and requires that attention be paid to retaining large stands of trees, views to the site from adjacent streets, and the open character of the site. The property owner is not proposing to change any of those things. The proposed Comprehensive Plan amendment seeks to start a 21st Century conversation about what ought to happen to the site. Some additional development should be allowed provided it is

compatible with neighboring development, addresses traffic congestion, and preserves the open character, tree stands and views from adjacent streets.

Mr. McCullough said the property owner has reached out to the neighborhoods with an invitation to sit down and talk about a vision for the site that would be outside the conditions of the existing PUD, which only allows office uses. The predominant use occurring along 156th Avenue NE and 152nd Avenue NE is multifamily. While that may not be the best use for the site, it is one that could preserve significant stands of trees and views. A very polite letter was received from the neighborhood in which it was stated a conversation would not be occurring. While agreeing to a conversation of any kind could imply a willingness to look at change, a conversation is all the property owner wants to have.

Mr. McCullough suggested the significantly changed condition criterion can easily be met when looking all the way back to the 1970s, or even looking back only as far as the 1990s when the site was last touched. Policy S-CR-66 itself has not been considered since 1988. The transition the site is to accommodate can be accommodate with something more than an FAR of 0.16 and with something other than an office use. Even an FAR of 0.3 would be less intense than the single family neighborhoods that surround the property.

All the property owner is seeking is a study. Sooner or later the forces of change are going to end up dictating what happens on the site, and the property owner would prefer to get ahead of that by sitting down with the community and coming up with a plan for reinvesting in the site that will provide for modest additional density while saving the natural features of the site. The property owner is not proposing a large increase in density that will lead to additional traffic. It should be noted, however, that the argument that decries the generation of traffic in an area well served by transit stands the principle of growth management on its head.

Commissioner Laing asked what inconsistency exists between the current policy and the zoning. Mr. McCullough said no inconsistency is being asserted, nor does one need to be asserted in order to amend the Comprehensive Plan. It must only be demonstrated that there are changed conditions, that time has passed, and that there is a general consistency with the Comprehensive Plan otherwise. Commissioner Laing asked what the proposed policy language would allow that the existing policy language does not allow. Mr. McCullough said it has been suggested that the property owner should explore the PUD process, but that must proceed under the existing zoning. It is not clear to the property owner what the position would be should an attempt be made to rezone some portion of the site without laying some foundation, however, abstract, in the Comprehensive Plan. The PUD exercise might work out fine, but fundamentally there is the sense that the current zoning is old.

Commissioner Laing said it would not be permissible to change the zoning on the site to something that would create an inconsistency. He said he did not see anything in the language of the existing policy that speaks to a specific zoning designation. The current policy also does not appear to preclude redevelopment of the site, nor does the policy language limit the zoning on the site to a specific zoning designation. Mr. McCullough said the policy language states that office use, as a conditional use, is appropriate for the property. That could be interpreted as meaning an office use is appropriate but other uses are not necessarily excluded.

Commissioner Hamlin asked if there is a square footage limitation currently in place. Mr. McCullough allowed that there is in the PUD and that the limit has been reached.

Commissioner Laing asked if the PUD restricts uses on the property in perpetuity and if the PUD gives the surrounding community a say over what happens on the property. Mr. McCullough said the property owner would be happy to revisit the PUD; that invitation has been put out there. If the proposed amendment does not proceed, that may be the property owner's next course of action. The likelihood is that the property owner would seek to have the limits lifted along with other elements. Addressing the PUD does not, however, seem like a logical first step because the Office zone is restrictive as to type of use.

Commissioner Laing asked if the city has said that the only allowed use from a zoning standpoint on the site is office, which would indicate the city construes the policy as written to limiting the use on the site to office. Mr. Matz said he would answer that question during the study session rather than during the public hearing. Mr. McCullough said he has received no official view from the city. If the answer is that the policy is not limiting, the entire exercise may not be necessary.

Mr. Bruce Whittaker, 1924 160th Avenue NE, said his property is Lot 9 of the Park Place subdivision, which borders the southeast portion of the site. The subdivision also borders Interlake high school to the north. There are two access points for the subdivision, both of which connect with Northup Way. He said his back yard looks out over a stand of fir trees that is between 100 and 200 feet wide. Any development that might change that would be a significant concern. Page 2 of the staff report indicates that key components of the PUD over the years have been the protection of open space meadow and the large stand of trees in the northwest and southwest parts of the site. There should be no misunderstanding that the concerns regarding trees relate to all edges of the site, particularly the entire east boundary. The meadow is in the northwest part of the site and there are very few trees there. The prime concerns are retaining the trees and the open space, both of which contribute to making the community livable, and traffic which in the morning and evening peak times makes accessing Northup Way very difficult. He agreed with the staff report that 156th Avenue NE has in the past and should continue to serve as a bright line buffer and separator of the residential areas to the north. He asked the Commission to accept the recommendation of the staff.

Mr. Ken Shiring, 16223 NE 28th Street, said he purchased his home in Sherwood Forest when the Unigard site was an active horse farm. After becoming a member of the Sherwood Forest Community Club there were period meetings with Charles Palmer, the president of Unigard, and Richard Chapin, attorney for Unigard. The product of those meetings became the policy S-CR-66. He said he served on the Planning Commission for eight years, leaving in 2003. He said in 2005 he was appointed to serve on the Bel-Red corridor CAC. The staff have done an exceptional job in commenting on the important points of the proposed land use action. The most important points appear on page 3. The Unigard site, now known as the Bellevue Technology Center, is not a relic. It was deliberately not considered in the original Bel-Red subarea planning in order to maintain an appropriate transition from the Overlake Village area to the west to the residential neighborhood to the east. No significant changes have occurred in the area that were not anticipated since the adoption of the Bel-Red plan. The Commission was encouraged to reject the proposed Comprehensive Plan amendment.

Mr. John Haro, 2431 161st Avenue NE, spoke as vice president of the Sherwood Forest Community Club. He read into the record a prepared statement which noted that in 1972 the Club was an active participant with the Unigard Insurance Company and the city of Bellevue in the discussions, negotiations and ultimate creation of the master planned unit development on the site now called the Bellevue Technology Center, which is adjacent to the Sherwood Forest



neighborhood. The PUD adopted by the Bellevue City Council allowed for the development of 325,000 square feet of office space in three phases while preserving the open meadow and wooded area on the southern portion of the site. The meadow and the woods have been preserved, and the intended three phases of development have been completed, and the maximum allowable square footage has been exhausted. In the opinion of the Club, the applicant's proposed amendment to the language of policy S-CR-66 is site-specific to the Bellevue Technology Center property. The Club further believes that the Comprehensive Plan amendment is an attempt to pave the way for additional development on the site. The Commission was urged to reaffirm that the site has been fully developed consistent with the terms and conditions of the adopted PUD and that no further development potential exists for the property.

Ms. Gayle Toney, 1910 160th Avenue NE, said she has owned her home in the Park Place subdivision for over 15 years, and noted that her property faces the eastern border of the Bellevue Technology Center property. She spoke in opposition to the proposed Comprehensive Plan amendment. Over the last 40 years city planners have carefully considered the development of the site and have recognized its importance as a critical barrier and buffer for the homes and schools to the east of 156th Avenue NE. Many homeowners purchased their properties with the knowledge that a PUD is in place that will preserve the site and limit development on it. The buyers of the Bellevue Technology Center site should also have known about the longstanding PUD. The city staff have reached the correct conclusions regarding the proposed amendment. There are numerous reasons why additional development on the site should not be allowed. The primary concern of all who live, work or commute through East Bellevue is the ever-increasing traffic. The impacts resulting from development of the former Angelo's site and the former Group Health site have yet to be experienced, but there is no doubt that traffic congestion will significantly increase. Further development in the area will only increase congestion levels and decrease the livability of the neighborhoods. Accessing Northup Way is becoming increasingly dangerous as well as time consuming. Accessing either the local grade school or the high school from the neighborhoods has become difficult. Over the years, the city as a whole has lost far too much of its tree canopy and natural beauty to development; the very things that have made Bellevue a livable and enticing community are slowly slipping away. It is essential to preserve sites like the Bellevue Technology Center even if they are relics. Relics in fact need to be preserved because they are critical both to the environment and the well-being of the citizens. The Commission was urged to concur with the recommendation of the staff to not include the proposed Comprehensive Plan amendment in the work program.

Mr. David Carls, 173 NE 22nd Street, Redmond, said he works in the Bellevue Technology Center development and his children attend Sherwood Forest elementary school. He noted that the parking garage has had to battle to keep water out of it. The fact that the site has little permeable surface and thus is able to retain rainwater is good for the area and should be considered. The schools in the area are already at capacity and already must contend with heavy traffic to get to and from home; further development will only make that problem worse. The property should be left as it is.

Mr. Manuel Solis, 2447 161st Avenue NE, said those who live near the Bellevue Technology Center site love it because it is open and green, a place everyone can enjoy. More than 2000 units are going to be developed in the next two years to the west of 156th Avenue NE. The schools are already operating at capacity and traffic is already beyond capacity. If the agreement that has been in place for many years is changed, the result will be more congestion and more saturation of the space. The property owner clearly wants to see the agreement changed so the

site can be developed some more. The property owner should do the right thing and follow the agreement. The Commission was encouraged to follow the staff recommendation.

Ms. Michele Neithaumer, 15897 Northup Way, said she serves as president of the Foxborough Homeowners Association which is situated immediately across the street from the Bellevue Technology Center property. She said the area is unique in that it is primarily residential. As one drives Northup Way and crosses 156th Avenue NE an area of homes and large old growth trees is encountered. It is not an office development. The website for the investor that owns the Bellevue Technology Center property indicates 40 percent of the space is not currently occupied. It is questionable why it is necessary to build more office space when what is already there is not rented out. With development comes growth, and with growth too often comes a ripping out of trees and space that is not leased. Longs Drugs sits across the street from the complex; that business folded and the building has been vacant for several years. Trader Joe's moved and their old site is vacant. Precor Fitness moved around the corner, leaving their old space vacant. Top Food and Drugs closed and that location is vacant. After Circuit City folded, their space sat empty for many years. So while there is development going on in the area, there is also existing vacant space. The capacity of 156th Avenue NE has been reached making it very difficult to get around. She said her office is 1.2 miles from her house and often it takes as much as 30 minutes to drive that distance. People in the area are moving toward the lake so as the area develops more and more traffic is being pushed into residential streets, creating safety concerns. The Bellevue Technology Center should be left as it is.

Mr. Don Miles, 15817 Northup Way, said a PUD is an agreement and is not the same as a Comprehensive Plan policy. The fact that the PUD is in place means the city has already agreed to how much development the property can have. The PUD allows for 325,000 square feet, but the site is actually advertised as having nine buildings totaling 326,000 square feet, which exceeds the agreement. The site borders residential to the east and south and any changes in the planning would need to consider increasing the amount of space separating commercial uses from residential. There should be no additional access points onto Northup Way unless the city is willing to create a four-lane configuration.

Ms. Nancy Grinzell, 16814 NE 30th Street, said she has been in her home since the Bellevue Technology Center site was a horse farm. When the property was originally sold to Unigard, the agreement was that most of the site would remain open space and that the trees would be preserved. The agreement that is in place is not irrelevant. The site serves as a transition between commercial and residential. Traffic is clearly an issue and it is as bad as everyone has represented it to be. One of the things that goes along with the increased traffic is increased frustration, and that reduces safety for all concerned. To say the area can handle more traffic is simply not true, and public transit will not solve the problems. It is disturbing to hear the property owner's representative say the policy should be rewritten to allow for mixed use without specifying what kind of development they have in mind. The PUD limits the amount of square footage allowed and those limits should be retained. The Commission was asked to vote down the proposal.

Ms. Pamela Toelle, 14845 NE 13th Street, said for most people the largest single investment they make involves the purchase of their home. All of those who own properties around the Bellevue Technology Center site have made significant investments that they wish to protect. The residents of Sherwood Forest worked closely with Unigard and the city in creating a covenant in the form of a PUD. She said she served on the subarea committee that reviewed the policy in question. The committee wanted to retain the OU designation but because the city had changed

the designation so that was not allowed. The site was originally developed under King County zoning which the city accepted. The PUD and its restrictions has been upheld by the City Council at least twice, and by a hearing examiner who was very specific about the ten percent lot coverage. The Crossroads subarea plan specifically states that multifamily housing is not allowed in Area B, which is where the Bellevue Technology Center site is situated. There are all manner of other policies that call for preserving and protecting residential neighborhoods from more intensive uses. The reasons behind the conditions specified in the PUD have not changed: the Sherwood Forest neighborhood is still there.

Ms. Kathleen Rochet-Zuko, 16205 NE 27th Street, noted that it was stated earlier in the meeting that Crossroads has become a community meeting place. The Bellevue Technology Center site serves the same purpose. Every day people can be seen their walking their dogs and enjoying the area. Hopefully a future generation will not look back and wish the open space had been left undeveloped.

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

## 9. STUDY SESSION

### A. Comprehensive Plan Amendment: Mountvue Place 14-123964 AC (14510 NE 20th Street)

A motion to recommend initiation of the Mountview Place Comprehensive Plan amendment application for the 2014 Annual Comprehensive Plan work program, and to not expand the geographic scoping was made by Commissioner Hamlin. The motion was seconded by Commissioner Laing.

Chair Tebelius voiced concern about the proposal and said if allowed the result will be multifamily housing which will have a huge impact on traffic.

The motion carried 3-1 with Commissioners Hamlin, Laing and deVadoss voting for, and Chair Tebelius voting against.

### B. Comprehensive Plan Amendment: Bellevue Technology Center 14-123945 ACC (2010 156th Avenue NE, 15805 NE 24th Street, 15800 Northup Way)

Commissioner Laing asked if the city has taken the position that no use other than office is allowed for the site under the Comprehensive Plan as it currently exists. Mr. Matz said the city's position is that Office zoning allows the permitted uses allowed under the designation. Commissioner Laing asked if the Comprehensive Plan policy S-CR-66 restricts the zoning on the site to Office and Office alone. Mr. Matz said the policy is specific as to what office should do on the site. Staff does not read the policy as restricting the site to only Office. The policy states a preference as a result of the community conversation, but it does not preclude other uses permitted in the Office district. Commissioner Laing asked if the property owner could rezone the property to a residential use without changing the policy in question. Mr. Matz said rezoning to a residential category would be inconsistent with the Comprehensive Plan designation of Office. In order to rezone to a designation other than office, it would first be necessary to effect a Comprehensive Plan amendment.

Mr. Inghram said no specific interpretation of the policy has been issued by the city. He said it would appear that a change to residential would be inconsistent with the policy that clearly says Office is appropriate. The policy does not, however, on its face preclude changing the zoning.

Chair Tebelius asked if the present owner at the time of purchasing the property was aware of the restriction on the property as described by the community. Mr. Matz said he could not speak to whether or not the present owner was aware of the restrictions. The PUD, however, is clearly a matter of record. The property was purchased in 2010 and in 2012 the property owner sought an interpretation from staff as to what the zoning was and what the PUD was on the site. A reasonable person could conclude it would have been surprising to find the property owner had purchased the site without having done an investigation as to any restrictions.

Chair Tebelius asked if the city has ever thought about purchasing the land for a park. Mr. Matz said that approach has been given consideration. Mr. Inghram added that different people have discussed that option at different times. There is not, however, any official city plan to seek acquisition of the site for use as a park.

Commissioner Hamlin said the task before the Commission is to determine whether or not the application meets the threshold criteria. He added that a vote to approve adding the issue to the work program would not be the same as a vote to change how the site is developed; it would only trigger additional and more thorough review in the final phase. He suggested the application does in fact meet the threshold review criteria. The issue of significantly changed conditions is met by the fact that the area has changed significantly. Additionally, the amendment is not inconsistent with the general policies for the area.

Mr. Matz said the changed circumstances criterion does not equate to no change having occurred but rather whether or not the city's planning has anticipated the change. There has been a great deal of change in the area over the years, all of which has been anticipated by the Comprehensive Plan.

Commissioner Hamlin agreed that 156th Avenue NE should continue to serve as a demarcation line, but the site in question is Office and has been for a long time.

Commissioner Laing echoed the comments of Commissioner Hamlin. He said in working through the criteria he reached the same conclusion, which is not the same thing as endorsing the proposal. Often in talking about long-range planning people tend to go to the end result of envisioning what the end development will look like on at site. Changing the Comprehensive Plan designation or even effecting a rezone is not the same as entertaining a site-specific application. The issues of traffic, tree retention, open space and many others all get dealt with at the project level. Imagining all the bad things that could come about and using them as a reason to reject a long-range planning effort is not appropriate. In the case of the Bellevue Technology Center there is completely different issue, the PUD and the conditions it imposes. The PUD is in fact not a covenant, and there is case law that says it is an improper use of the zoning authority to restrict a property in perpetuity as if it were a covenant. There is, however, a public process for changing a PUD, and it will be an inescapable part of doing anything more with the property. He said for the limited purpose of studying the issue further, he would vote in favor of adding the amendment to the 2014 work program.

Chair Tebelius said she would support the recommendation of the staff. She agreed that the

change that has occurred has all been anticipated and addressed by the Comprehensive Plan. She also agreed that 156th Avenue NE is and has always intended to be the demarcation between uses. The position of staff is consistent with the Countywide Planning Policies. The current property owner likely knew, or should have known, about the restrictions.

A motion to recommend no further consideration of the Bellevue Technology Center Comprehensive Plan amendment application for the 2014 Annual Comprehensive Plan work program, and to not expand the geographic scoping, was made by Commissioner deVadoss. The motion was seconded by Chair Tebelius. The motion failed on a 2-2 tie. (deVadoss/Tebelius for. Hamlin/Laing, against.)

Mr. Inghram said staff would transmit to the Council the fact that the vote on the issue failed and that the issue is therefore not recommended to be included on the work program.

Commissioner Laing left the meeting.

- 10. OTHER BUSINESS - None
- 11. COMMITTEE REPORTS - None
- 11. PUBLIC COMMENT - None
- 12. DRAFT MINUTES REVIEW

- A. February 26, 2014

A motion to approve the minutes was made by Commissioner Hamlin. The motion was seconded by Commissioner deVadoss and it carried unanimously.

- B. March 12, 2014

A motion to approve the minutes was made by Commissioner Hamlin. The motion was seconded by Commissioner deVadoss and it carried unanimously.

- C. March 26, 2014

A motion to approve the minutes was made by Commissioner Hamlin. The motion was seconded by Commissioner deVadoss and it carried unanimously.

- D. April 9, 2014

It was noted the minutes should reflect both Commissioners Carlson and deVadoss were present for the meeting and not absent as indicated.


A motion to approve the minutes as amended was made by Commissioner deVadoss. The motion was seconded by Commissioner Hamlin and it carried unanimously.

- 14. NEXT PLANNING COMMISSION MEETING

- A. May 28, 2014

15. ADJOURN

Chair Tebelius adjourned the meeting at 9:42 p.m.



Paul Inghram  
Staff to the Planning Commission

7/25/2014  
Date



Aaron Laing  
Chair of the Planning Commission

7/30/14  
Date

\* Approved July 9, 2014



September 18, 2014

**SUBJECT**

Major Comprehensive Plan Update – Citizen Engagement and Capital Facilities

**STAFF CONTACT**

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**DIRECTION NEEDED FROM PLANNING COMMISSION**

- Action
- Discussion
- Information

The September 24, 2014, study session is a continuation of the review of the Bellevue Comprehensive Plan with a focus on the Citizen Engagement and Capital Facilities chapters of the plan.

No formal action is requested at this study session. The Commission is encouraged to review the enclosed draft policy tables. Comments on the draft policies at this stage will help staff prepare a draft Comprehensive Plan for the Commission's later review.

**BACKGROUND**

The Planning Commission and the city's other boards and commissions have been systematically reviewing individual policy areas and providing suggestions that will help guide the drafting of an updated plan. The Planning Commission's previous reviews include Land Use, Housing, Urban Design and Economic Development. The Commission began discussion of the Citizen Engagement section of the plan at its July 9 meeting. This study session will begin where that left off. Following the Citizen Engagement discussion information about Capital Facilities will be presented. While a previous version of the Capital Facilities elements was printed for July 23, continued review of the element has led to additional recommendations included here (namely the inclusion of policies related to annexation).

Continued review of draft policy sections, the Community Vision, subarea plans and boundaries are scheduled for upcoming meetings in October with the goal of developing a complete public review draft this fall. A public hearing may be scheduled for this winter.

## **CITIZEN ENGAGEMENT**

The Planning Commission first reviewed the existing Citizen Participation element in June 2013. The element establishes policy for how the public can engage in and influence city planning and development projects. Citizen Participation is the first element in the plan. This feature is noteworthy – many comprehensive plans include no citizen participation element at all – and it signals that engaging our citizens is of prime importance for Bellevue’s government.

The policies in the current element, however, need updating. First, they are overly focused on planning and land use decision making. The element would be stronger if it addressed citizen engagement throughout the city’s functions. Accordingly, staff is working to add several policies that apply citywide to provide an overall framing of community engagement in local government. Second, given the extraordinary increase in the diversity of Bellevue’s population, policies are being developed that emphasize engagement approaches that are more effective in reaching our diverse population. Finally we are looking to clarify and simplify the policies on public engagement in planning and land use.

Due to this change in emphasis, we suggest making a minor change to the chapter title to “Citizen Engagement” to better capture the policy intent of engaging the community throughout city decision making. Draft policy recommendations are enclosed along with a copy of the existing chapter (see Attachment 1).

## **CAPITAL FACILITIES**

The Utilities and Capital Facilities elements were introduced in study session on June 26, 2013, and the city-managed water, waste water and storm water systems were discussed in detail on September 25, 2013. This study session will examine the policies for the Capital Facilities Element.

The Capital Facilities and Utilities elements in the Comprehensive Plan share similar, yet distinct roles in planning for the city’s future. Both are concerned with ensuring that the public and private facilities are developed to respond to the city’s growth and changing conditions. The Capital Facilities Element is focused on financial planning for the provision of public infrastructure, while the Utilities Element is focused on maintaining the level of service of public and private utilities. These two elements help plan for utilities and infrastructure to keep pace with growth. However, the community’s need for utilities and infrastructure varies due to a number of factors, such as increased or reduced demand, aging infrastructure and new technology, in addition to growth and development.

The Growth Management Act (GMA) requires cities to include a capital facilities element that includes an inventory of public facilities and a plan for at least six years for developing needed facilities. It also requires cities to tie land use and capital facilities planning together and to reassess the land use element if funding for new facilities falls short of meeting needs.

Bellevue has a number of types of capital facilities ranging from City Hall, to streets, utility facilities, fire stations and park facilities. There are also facilities operated by other public agencies such as schools. For city facilities, the city maintains facility system plans that provide detailed inventory information and plan for long-term infrastructure development. Examples of



such plans include the Parks and Open Space System Plan and the Pedestrian-Bicycle Plan. Rather than repeat the very detailed information of those individual facility system plans, the Comprehensive Plan includes a summation and references the reader to those plans. As such, it helps tie together multiple facility plans and ensures that they support the city's anticipated growth and ultimate vision. The city also regularly coordinates with the planning efforts by the school districts and other public agencies, even though their plans are not directly part of the Bellevue Comprehensive Plan.

Every other year the city also adopts a Capital Improvement Program (CIP) in conjunction with the budget. The CIP provides a detailed, financially constrained plan for funding and constructing capital improvements over a seven year period. One of the current Capital Facilities policies requires the city to incorporate the CIP into the Comprehensive Plan as it is updated every two years. It is understood that this policy was put into place to satisfy the GMA requirement to plan at least six years in advance even though directly adopting the CIP is not required by the GMA.

In addition to planning for public facilities, the Capital Facilities Element contains the city's policy direction on Essential Public Facilities and Secure Community Transition Facilities. Essential Public Facilities, also known as EPFs, are those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020. Cities (and counties) are required to have criteria for the siting of EPFs and, while conditions can be imposed on EPFs to mitigate their impacts, cities cannot outright ban EPFs. A secure community transition facility is a residential facility for persons civilly committed and conditionally released to a less restrictive alternative pursuant to Chapter 71.09 RCW. City policy and regulations pertaining to them are consistent with state requirements; the current policy is not proposed to be changed.

### **Capital Facilities Topics**

Aging infrastructure (line 2) – As the city ages – it is now 61 years since incorporation – more and more of the infrastructure is reaching a stage of needing replacement or major repair. For the future, planning for maintaining the aging infrastructure will be as important as planning for new infrastructure to support growth. In its initial June 2013 review the Planning Commission asked whether the City's plans for infrastructure support anticipated growth and would be sufficient to maintain aging infrastructure in established neighborhoods. A new policy on line 2 helps address this issue and recognizes the need to consider aging infrastructure as part of our future need.

CIP referencing (lines 3-4) – These suggested changes would clarify recognition of the seven year CIP as the city's primary infrastructure planning and funding tool and remove the requirement to amend the plan concurrently with the CIP every two years.

Facility plans (line 8) – This proposed change would provide a more clear connection and support for the city's facility system plans as the tool for detailed facility inventories and plans.

EPFs (lines 19-27) – Since the last major update, the city has adopted specific Land Use Code procedures and criteria that apply to Essential Public Facilities. Additionally, the Countywide Planning Policies related to EPFs have been updated and streamlined. Therefore the section of EPF policies in the current plan is proposed to be reduced to avoid duplication with the Land Use Code. The suggested draft policy changes retain the city’s current policy direction to work regionally and allow for the siting of EPFs and to mitigate their impacts.

## **NEXT STEPS**

Review of the remaining chapters of the plan and the Community Vision, subarea boundaries and work of other boards and commissions will continue at upcoming meetings.

Fall/winter	Release of full draft plan and hold public hearing on staff recommendation
Winter	Planning Commission review of staff recommendation
February	Present Planning Commission recommended draft update to Council
June	Council action (state deadline: June 30, 2015)

## **ATTACHMENTS**

1. Community Engagement draft policies
2. Capital Facilities Element draft policy table

## Updated Policies under the Citizen Engagement Element

### **I. City-Wide Citizen Engagement**

New Policy CE-1: Inform Bellevue residents on the City's operations, budget allocations, services and policies.

New Policy CE-2: Learn from Bellevue residents, through surveys and outreach, about their perception of City performance, budget priorities, and taxation, and use this information to improve service to the community.

New Policy CE-3: Provide access to the City's programs, services, and events to all Bellevue residents -- including accommodation for disabilities, and populations with limited English language ability.

New Policy CE-4: Conduct outreach on significant civic issues that is designed to reach all of Bellevue's population, including Bellevue's more isolated communities. Recognize that engaging some population groups may require alternative outreach methods and personal contact.

New Policy CE-5: Include businesses, non-profit organizations, and the Bellevue School district along with residents as the targets for outreach efforts.

New Policy CE-6: Invest in training for staff to ensure effective and appropriate communication with a diverse community.

New Policy CE-7: Educate Bellevue residents about pathways for citizen civic engagement, such as service on boards and commissions and volunteer opportunities, to foster civic leadership.

New Policy CE-8: Ensure that citizen engagement on significant public issues is both broad and deep through the use of multiple engagement strategies.

New Policy CE-9: Increase access to City government by conducting meetings and other events in a variety of venues in addition to City Hall.

### **II. Citizen Engagement in Planning and Land Use Projects**

Policy CE -10 (revised CP-1): Encourage and facilitate expanded public participation in all planning processes.

Policy CE -11 (revised CP-1): Design user-friendly processes that inform and educate the public about the substance of issues involved in planning projects.

Policy CE -12 (revised CP-7): Utilize citizen advisory committees or other methods that represent a broad spectrum of viewpoints as part of the public involvement program when updating sub-area plans or other major planning efforts.

New Policy CE -13: Utilize a public involvement program, such as master planning, for large, complex public projects to ensure community engagement and to provide a predictable review process.

Policy CE -14 (revised CP-5): Provide guidance on how to engage in the City's land-use decision making to citizens who are affected by proposed new development.

Policy CE -15 (revised CP-3): Provide opportunities during the Comprehensive Plan amendment process for those in neighborhoods affected by potential new or expanded development to have input.

Policy CE -16 (revised CP-6): Encourage and emphasize open communication between developers and neighbors about the compatibility of proposed development with existing uses in the area

Policy CE -17 (revised CP-8): Utilize a number of forums including commissions, boards, and the community council and newer technologies such as the Internet and email to facilitate citizen participation in the planning process.

New Policy CE -18: Summarize the input given by citizens who participated in planning and land-use decision making projects and identify how citizen input was considered and/or incorporated into the plan. Make this material is available to the citizens who participated.

Policy CE -19 (revised CP-4): Balance the interests of the commercial and residential communities when considering modifications to zoning or development regulations.

Policy CE -20 (revised CP-2): Consider the interests of the entire community and the goals and policies of this Plan before making land use decisions. Proponents of change in land use should demonstrate that the proposed change responds to the interests and changing needs of the entire city, balanced with the interests of the neighborhoods most directly impacted by the project.

Policy CE -21 (revised CP-3): Ensure that Comprehensive Plan amendment decisions are consistent with the Comprehensive Plan.

## Comprehensive Plan Policy Development – Capital Facilities Element 9/24/2014

	Element Goals and Policies	If action proposed, why?	Proposed change
	<p>Goal</p> <p><b>Overview</b>  <b>To provide adequate public facilities which:</b>  <b>1. Address past deficiencies and anticipate growth needs;</b>  <b>2. Achieve acceptable levels of service;</b>  <b>3. Use fiscal resources efficiently; and</b>  <b>Meet realistic timelines</b></p>		
1.	<p>CF-1</p> <p><i>Ensure that necessary capital facilities are provided within a reasonable time of the occurrence of impacts resulting there from.</i></p>	<p>Improve clarity that the need for capital facilities relates to adopted service levels that correlate with future need.</p>	<p><i>Ensure that <del>necessary</del> capital facilities <u>necessary to meet level of service standards</u> are provided within a reasonable time of the <u>identified need</u> <del>of the occurrence of impacts resulting there from.</del></i></p>
2.	<p>NEW</p>	<p>Address the need to plan for aging infrastructure .</p>	<p><i><u>Plan for the long-term renewal or replacement of aging capital facilities as needed to maintain target service levels.</u></i></p>
3.	<p>CF-2</p> <p><i>Use the city's Capital Investment Program to prioritize the financing of capital facilities within projected funding capacities.</i></p>	<p>Adjust language to recognize that the CIP is updated every other year.</p>	<p><i>Use the city's Capital Investment Program, <u>as amended every other year,</u> to prioritize the financing of capital facilities within projected funding capacities.</i></p>
4.	<p>CF-3</p> <p><i>Amend the "Capital Facilities Needs" and "Financing Mechanisms and Revenue Sources" sections of this Element concurrently with adoption of the biennial Capital Investment</i></p>	<p>This is a task and doesn't add to the city's policy framework. Policy CF-2 makes appropriate reference to the adopted CIP, the city's capital planning and</p>	<p>Delete</p>

		<i>Program (CIP).</i>	financing tool.	
5.	CF-7	<i>Ensure that Bellevue's Land Use Element and its Capital Facilities Plan Element are internally consistent.</i>	Move policy ahead of CF-4 to be more closely linked to policies that plan for growth.	No change
6.	CF-9	<i>Reassess Bellevue's Land Use Plan periodically to ensure that capital facilities needs, financing, and level of service are consistent.</i>	Move policy ahead of CF-4 to be more closely linked to policies that plan for growth.	No change
7.	CF-4	<i>Base capital facilities needs on employment and population projections developed by the city in conjunction with county and regional estimates.</i>		No change
8.		NEW	Provide policy support to help standardize a city approach to using system plans as a tool for more detailed planning and to look beyond the seven-year timeframe of the CIP.	<u><i>Use facility system plans to identify and plan for the long-range facility needs for individual city services.</i></u>
9.	CF-5	<i>Use adopted LOS, operating criteria, or performance standards to evaluate capital facilities needs.</i>		No change
10.		NEW	Address the need for long-range facility, system and functional plans to interface with each other through the CIP process to avoid infrastructure conflicts.	<u><i>Coordinate planned capital investments across city business lines to maximize community benefit and avoid conflicts.</i></u>
11.	CF-6	<i>Encourage non-city-managed capital facilities providers to develop, in cooperation with Bellevue, LOS, operating criteria, performance standards, or other forms of standardized measurement to evaluate its capital facilities needs and ensure</i>	Consolidate and shorten CF-6 and CF-8 while maintaining the original intent of seeking other providers (such as the school districts) to align their plans with the city's.	<u><i>Coordinate with other providers to plan for non-city managed capital facilities consistent with Bellevue's Comprehensive Plan.</i></u>

		<i>consistency with Bellevue's Comprehensive Plan.</i>		
12.	CF-8	<i>Coordinate the review of non-city-managed capital facilities plans to ensure that their plans are consistent with Bellevue's Comprehensive Plan.</i>	Combine with CF-6	Delete
13.	CF-10	<i>Coordinate the transfer of capital facility programming from the county to the city prior to the annexation of new areas into the city.</i>	With the annexation of the Eastgate/South Bellevue areas, this policy is no longer needed.	Delete
14.	CF-11	<i>Consider levying impact fees on development in the portion of Bellevue served by a school district upon the request of the district, presentation of its adopted Capital Facilities Plan and demonstration that such facilities are needed to accommodate projected growth in the district.</i>		No change
15.	CF-12	<i>Adopt a City of Bellevue post-disaster Response and Recovery Plan that will structure the city's capability to provide services to facilitate recovery and reconstruction in the event of a disaster.</i>	Update policy to recognize adopted plan.	<del>Adopt</del> <u>Maintain</u> a City of Bellevue post-disaster Response and Recovery Plan that <del>will structure</del> <u>ensures</u> the city's capability to <del>provide services to</del> facilitate recovery and reconstruction in the event of a disaster.
16.		Merge into the Utilities Element from defunct Annexation Element AN-21.	Still necessary. Merge from the defunct Annexation Element.	Support consolidation (by mutual agreement) of those portions of special purpose service districts and King County Flood Control Districts with the city where the service district is providing service within the city's corporate boundary.
17.		Merge into the Utilities Element from defunct Annexation Element AN-22.	Still necessary. Merge from the defunct Annexation Element.	Provide public services and/or utilities within the corporate limits of adjoining cities when there is a service agreement in

				effect or when such temporary service is necessary because of an emergency.
18.		Merge into the Utilities Element from defunct Annexation Element AN-23.	Still necessary. Merge from the defunct Annexation Element.	Recognize existing utility agreements with adjacent cities, towns, and districts, and acknowledge the continuation of such agreements. Ensure that these agreements contain conditions which have the necessary development review authority in order to maintain acceptable service levels to those municipalities.
19.		<b>Identifying Essential Public Facilities (EPF)</b>		
20.	CF-13	<i>Define essential public facilities, consistent with the GMA, as facilities that are difficult to site or expand and that provide services to the public, or are substantially funded by government, or are contracted for by government, or are provided by private entities subject to public service obligation.</i>	These changes to policies CF-13-17 maintain the city's policy direction consistent with the state framework for siting difficult facilities, known as "essential public facilities." Since these policies were put in place the city has adopted a definition and review process into the Land Use Code. Therefore these policies can be significantly shortened while retaining the overall policy direction.	Delete
21.	CF-14	Require land use decisions on essential public facilities meeting the following criteria to be made consistent with the process and criteria set forth in Policy CF-16 : 1. The facility meets the Growth Management Act definition of an essential public facility at RCW 36.70A.200(1) now and as amended; or	The definition of essential public facility is now included in the Land Use Code with reference to applicable state law.	<u>Require essential public facilities to be sited and designed according to city standards and criteria in order to minimize potential impacts to the community, while recognizing the public importance and difficult-to-site nature of such facilities.</u>



		<p>2. The facility is on the statewide list maintained by the Office of Financial Management, ref. RCW 36.70A.200(4) or on the countywide list of essential public facilities;</p> <p>AND</p> <p>3. The facility is not otherwise regulated by the Bellevue Land Use Code (LUC).</p>		
<b>22.</b>		<b>Siting Essential Public Facilities</b>		
<b>23.</b>	CF-15	<p><i>Participate in efforts to create an inter-jurisdictional approach to the siting of countywide or statewide essential public facilities with neighboring jurisdictions as encouraged by Countywide Planning Policies FW-32 (establish a countywide process for siting essential public facilities) and S-1 (consideration of alternative siting strategies). Through participation in this process, seek agreements among jurisdictions to mitigate against the disproportionate financial burden which may fall on the jurisdiction which becomes the site of a facility of a state-wide, regional or county-wide nature.</i></p> <p><i>The essential public facility siting process set forth in Policy CF-16 is an interim process. If the CPP FW-32 siting process is adopted through the Growth Management Planning Council the city</i></p>	<p>Countywide Planning Policy FW-32 no longer exists, but the participating in regional efforts remains important for the siting of potential countywide, regional or state facilities.</p>	<p><del>Participate in efforts to create an inter-jurisdictional <u>efforts</u> approach to the siting of countywide or statewide essential public facilities with neighboring jurisdictions as encouraged by Countywide Planning Policies FW-32 (establish a countywide process for siting essential public facilities) and S-1 (consideration of alternative siting strategies). Through participation in this process, sSeek agreements among jurisdictions to mitigate against the disproportionate financial burden which that may fall on the jurisdiction which becomes the site of a facility of a state-wide, regional or county-wide nature.</del></p> <p><del>The essential public facility siting process set forth in Policy CF-16 is an interim process. If the CPP FW-32 siting process is adopted through the Growth Management Planning Council the city may modify this process to be consistent with the GMPC recommendations.</del></p>

		<p><i>may modify this process to be consistent with the GMPC recommendations.</i></p>		
24.	CF-16	<p><i>Use this interim Siting Process to site the essential public facilities described in Policy CF-14 in Bellevue. Implement this process through appropriate procedures incorporated into the Land Use Code.</i></p> <p><b>Interim EPF Siting Process</b></p> <ol style="list-style-type: none"> <li><i>1. Use policies CF-13 and CF-14 to determine if a proposed essential public facility serves local, countywide or statewide public needs.</i></li> <li><i>2. Site EPF through a separate multi-jurisdictional process, if one is available, if the city determines that a proposed essential public facility serves a countywide or statewide need.</i></li> <li><i>3. Require an agency, special district or organization proposing an essential public facility to provide information about the difficulty of siting the essential public facility, and about the alternative sites considered for location of the essential public facility proposed.</i></li> <li><i>4. Process applications for siting essential public facilities through LUC Section 20.30B — Conditional Use Permit.</i></li> <li><i>5. Address the following criteria in <b>addition</b> to the Conditional Use</i></li> </ol>	<p>The siting process is no longer 'interim' and much of the review process is now documented in the city's Land Use Code. Staff suggests shortening the policy to maintain the process while removing redundancy with the code.</p>	<p><u><i>Impose conditions of approval or other measures within the scope of the city's authority to mitigate environmental, compatibility, public safety or other impacts of the essential public facility.</i></u></p> <p><del>Use this interim siting process to site the essential public facilities described in Policy CF-14 in Bellevue. Implement this process through appropriate procedures incorporated into the Land Use Code.</del></p> <p><b>Interim EPF Siting Process</b></p> <ol style="list-style-type: none"> <li><del>1. Use policies CF-13 and CF-14 to determine if a proposed essential public facility serves local, countywide or statewide public needs.</del></li> <li><del>2. Site EPF through a separate multi-jurisdictional process, if appropriate one is available, if the city determines that a proposed essential public facility serves a countywide or statewide need.</del></li> <li><del>3. Require an agency, special district or organization proposing an essential public facility to provide information about the difficulty of siting the essential public facility and about the alternative sites considered for location of the essential public facility proposed.</del></li> <li><del>4. Process applications for siting essential public facilities through LUC Section</del></li> </ol>

		<p><i>Permit decision criteria:</i></p> <p><i>a. Consistency with the plan under which the proposing agency, special district or organization operates, if any such plan exists;</i></p> <p><i>b. Include conditions or mitigation measures on approval that may be imposed within the scope of the city’s authority to mitigate against any environmental, compatibility, public safety or other impacts of the EPF, its location, design, use or operation; and</i></p> <p><i>c. The EPF and its location, design, use and operation must be in compliance with any guidelines, regulations, rules or statutes governing the EPF as adopted by state law or by any other agency or jurisdiction with authority over the EPF.</i></p> <p><i>6. Use the Process I review and appeal procedures described in the Land Use Code as the public participation component of the siting process.</i></p>		<p><del>20.30B — Conditional Use Permit.</del></p> <p><del>5. Address the following criteria <b>in addition</b> to the Conditional Use Permit decision criteria:</del></p> <p><del>d. Consistency with the plan under which the proposing agency, special district or organization operates, if any such plan exists;</del></p> <p><del>e. Include conditions or mitigation measures on approval that may be imposed within the scope of the city’s authority to mitigate against any environmental, compatibility, public safety or other impacts of the EPF, its location, design, use or operation; and</del></p> <p><del>f. The EPF and its location, design, use and operation must be in compliance with any guidelines, regulations, rules or statutes governing the EPF as adopted by state law or by any other agency or jurisdiction with authority over the EPF.</del></p> <p><del>6. Use the Process I review and appeal procedures described in the Land Use Code as the public participation component of the siting process.</del></p>
25.	CF-17	<p><i>After a final siting decision has been made on an essential public facility according to the process described in Policy CF-16, pursue any amenities or incentives offered by the operating agency or by state law or other rule or regulation to jurisdictions within which such EPF are located.</i></p>	<p>This policy may send an unintended message that the city is open to accepting EPFs provided that the payoff is sufficient.</p>	<p>Delete</p>

26.	CF-18	<p><i>For EPF having public safety impacts that cannot be mitigated through the process described in Policy CF-16, the city should participate in any process available to provide comments and suggested conditions to mitigate those public safety impacts to the agency, special district or organization proposing the EPF. If no such process exists, the city should encourage consideration of such comments and conditions through coordination with the agency, special district or organization proposing the EPF. A mediation process may be the appropriate means of resolving any disagreement about the appropriateness of any mitigating condition requested by the city as a result of the public safety impacts of a proposal.</i></p>	<p>The city is able to require mitigation through the review process defined in the Land Use Code and as addressed by CF-16 above. This policy suggests an inability to address mitigation issues and was written prior to the city having a defined review process.</p>	Delete
27.	CF-19	<p><i>Locate essential public facilities equitably throughout the city, county and state. No jurisdiction or area of the city should take a disproportionate share of essential public facilities. This policy shall not be interpreted to require the preclusion of an essential public facility from locations in the city.</i></p>	<p>Policy needs to be adjusted to clarify the city's role in influencing regional decisions – the city often isn't the one locating the facility, rather is typically responding to some other agency. The policy can also be made more concise.</p>	<p><u><i>Work to site or expand essential public facilities in ways that equitably balance social, environmental and economic impacts on the host community with the need to achieve citywide and regional planning objectives.</i></u></p>
28.	CF-20	<p><i>Locate Secure Community Transition Facilities, as defined by RCW 71.09.020 now or as hereafter amended, outside of Single-family and Multifamily</i></p>		No change

	<i>Residential districts. Provide a separation between Secure Community Transition Facilities and residentially developed property in other land use districts.</i>		
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## Planning Commission Schedule

September 24, 2014

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-2014.htm>

<b><u>Date</u></b>	<b><u>Tentative Agenda Topics</u></b>
<b>Oct 1</b>	<ul style="list-style-type: none"><li>• Annual retreat</li></ul>
<b>Oct 8</b>	<ul style="list-style-type: none"><li>• Comprehensive Plan Update<ul style="list-style-type: none"><li>○ Community vision</li><li>○ Subarea boundaries</li><li>○ Work of other boards and commissions</li></ul></li></ul>
<b>Oct 22</b>	<ul style="list-style-type: none"><li>• Comprehensive Plan Update<ul style="list-style-type: none"><li>○ Complete review of initial drafts</li></ul></li></ul>
<b>Nov 12</b>	<ul style="list-style-type: none"><li>• Annual Comprehensive Plan amendments (Montvue Place) – potential public hearing</li></ul>
<b>tbd</b>	<ul style="list-style-type: none"><li>• Potential joint meeting on Comprehensive Plan update</li></ul>
<b>Dec 10</b>	<ul style="list-style-type: none"><li>• Comprehensive Plan Update – potential public hearing date</li></ul>

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
MEETING MINUTES

June 25, 2014  
6:30 p.m.

Bellevue City Hall  
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Tebelius, Commissioners Carlson, Hamlin, Hilhorst, Laing, deVadoss, Walter

COMMISSIONERS ABSENT: None

STAFF PRESENT: Paul Inghram, Erika Conkling, Department of Planning and Community Development; Catherine Drews, Department of Development Services, Jim Montgomery, Police 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 Tebelius who presided.

2. ROLL CALL

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

New Commissioner Stephanie Walter was introduced. Commissioner Walter said she resides in the Spiritwood neighborhood and works in the field of healthcare finance.

3. PUBLIC COMMENT

Mr. Blaise Bouchand, 1950 130th Avenue NE, owner of Maison de France, spoke regarding the recreational marijuana business set to open at 1817 130th Avenue NE. He indicated he was speaking on behalf of Blue Sky church, 1720 130th Avenue NE, and Gaude Construction as well as himself. The letter he read into the record from the church stated that it is hard to believe the issue of allowing a recreational marijuana dealer to so close to the church is even being entertained. The church has a large number of children and youth, but also nearby is the Little Gym and Girl Scouts, uses that serve children. It is clearly not healthful to the community. People from the medical marijuana establishment have already been selling their product right behind the church building, right outside the youth room doors, to buyers who do not attend the church. The issue has been reported to the police as a recurring problem. Selling marijuana and increasing drug use will only cause problems and deteriorate the wonderful plans Bellevue has made. The letter he read into the record from Gaude Construction stated that the company was not aware of the existence of a recreational marijuana retailer on 130th Avenue NE. The construction company office houses many items, such as computers and power tools, that can easily be sold for quick cash to support drug users. The office and vehicles have been hit in the past. All businesses in the area will in fact be targets for drug users who need a quick \$50 to get

their high. Speaking for himself, he said several business owners on 130th Avenue NE are concerned and opposed to the opening of a recreational marijuana drug dealer on that street. There are public health and safety issues at stake. The Commission should make its recommendations accordingly and wisely to the City Council.

Chair Tebelius asked Mr. Bouchand what he would like to see done with the interim ordinance that is in place and which will remain so until October. Mr. Bouchand said the city could forbid recreational marijuana uses from locating within 1000 feet of uses that involve children. He said his preference would be to simply ban the use in Bellevue like 50 other cities in the state have done. That would reduce the city's liability risks and would mean less work for the police department.

Answering a question asked by Commissioner Carlson, Mr. Bouchand said the list of uses that cater to children in the immediate area of the proposed recreational marijuana retailer include the Little Gym, Girl Scouts, and the Blue Sky church. There is also a park and viewpoint nearby.

Ms. Teri Olson with Unique Art Glass, 1830 130th Avenue NE, said her business is located directly across from the proposed marijuana retail outlet. She noted her opposition to allowing the marijuana business to locate there. In Colorado lawmakers are looking at banning certain types of edible marijuana to protect children who cannot tell the difference between cookies and brownies that have and do not have marijuana. It is just a bad idea all around to allow a marijuana retail store so close to businesses that cater to children, and it is not a good fit with the other businesses along 130th Avenue NE.

Mr. Fred Charb, 1840 130th Avenue NE, Suite 7, objected to the proposed recreational marijuana shop slated to be located across the street from his chiropractic office, about 400 feet away. He said the Washington State Liquor Control Board recommended that all recreational marijuana shops be located in former liquor store locations, which the 130th Avenue NE location is not. The city ordinance in place requires recreational marijuana shops to be located a minimum of 1000 feet from certain facilities that cater to children; the front door of the Little Gym is located in a direct line of sight from the proposed retail use and about 300 feet away, the GungFu martial arts studio across the parking lot from his business has students as young as four, and the Blue Sky church is located down the street and approximately 600 feet from the proposed marijuana retail shop. Colorado law is similar to the law in Washington, and in Colorado there recently have been numerous robberies and burglaries involving medical marijuana stores in the Denver area. The proposed 130th Avenue NE retailer will also be a target and will put the entire neighborhood at risk. The Commission was asked to not allow a recreational marijuana shop to be located as proposed; it should be located in a former state liquor store.

Ms. Ann Lampman, 3806 130th Avenue NE, said she has worked as a commercial real estate broker on the Eastside for almost 20 years. She said during the last year she has received numerous calls from entrepreneurs wanting to locate a recreational marijuana shop in commercial areas on the Eastside. In every single case, her landlord clients have refused to entertain the notion of allowing such a business in their buildings or complexes. In three cases clients surveyed their other tenants about allowing the use and each time all of the tenants opposed allowing the use in their building or business park. Several tenants indicated they would not renew their leases should such a use be allowed. Recreational marijuana shops could be a threat to occupancy rates. She said her home is just up the street from the recreational marijuana business proposed to locate on 130th Avenue NE. The arterial is heavily used by



children during the school year all the way down to NE 24th Street. Many eyes are on Bellevue right now. The city has the chance to get it right or to get it wrong. One way to get it right would be to allow businesses to have a say in where marijuana retailers are allowed to locate by establishing drug free zones.

Commissioner Carlson said it is possible that when Initiative 502 was on the ballot, many of the tenants that were surveyed may have voted in favor. The City Council has taken the position that because the majority of people in Bellevue voted to make it legal for people to possess and use marijuana recreationally in the privacy of their homes, the city should feel obligated to allow for the retail distribution of the product. The curious thing is that when it comes down to it, those who would be affected by the use are generally opposed to it. He suggested it is entirely compatible and intellectually consistent to support the legal right of the people to possess and use marijuana while saying the product should not be allowed to be sold in Bellevue. Ms. Lampman allowed that while the majority of those voting supported the initiative, it was a minority of voters who showed up to vote. To fully understand where the majority stands, it would be necessary to survey all registered voters in the city. She stated that while the Commission has no say over what people do in the privacy of their own homes, it certainly has a voice in saying where uses and businesses are allowed to locate.

Mr. Chris McAboy, 1817 130th Avenue NE, spoke representing The Novel Tree, the retail marijuana business under discussion. He noted that previous speakers had referred to his business as a drug dealer, which by common definition is an unlicensed person selling illegal drugs. He clarified that the business is in the process of being licensed by the state, all plans have been submitted to the city of Bellevue, a lease has been signed, and all systems are pending the proposed Land Use Code amendment addressing recreational marijuana. He noted his support for the regulations based on the recommendations of staff. There are arguments in play at the federal level about the legality of marijuana. The US Attorney General has issued a statement that essentially says that so long as the states abide by set terms the federal government cares about, they will not interfere. Currently marijuana is completely illegal in only 21 states. The Novel Tree will be a heavily taxed business. Marijuana users are not junkies and allowing the use will not turn Bellevue into a city of junkies. Surveys indicate that while 40 percent have tried marijuana, only ten percent actually use it. He noted that the issue of edible marijuana products was addressed earlier in the day by the Liquor Control Board and a rule change has been put into place that states the packaging for all edibles must be approved by the Board. The Board wants to make sure no packaging will resemble kids candies or treats, and that all such products will be sized as individual servings. Heavy security measures will be put in place at The Novel Tree to ensure no on-site consumption and to prevent crime. The truth is that pot shops in Denver are not being robbed or burglarized and the crime rates there dropped by nearly five percent. The direct neighbors to The Novel Tree, while initially opposed, are now on board and supportive. The most dangerous thing about cannabis is prohibitions against it which only fuel the black market. The location on 130th Avenue NE is about as far away from parks and schools as one can get in Bellevue, and nearly every corridor in every city is used by kids. Based on the state regulations, recreation centers are defined as supervised centers that provide a broad range of activities or events intended primarily for use by persons under 21 years of age, owned and/or managed by a charitable non-profit organization, city, county, state or federal government. The site on 130th Avenue NE is primarily industrial with such things as wholesale distribution centers, a brewing company and auto uses.

#### 4. APPROVAL OF AGENDA

A motion to amend the agenda by eliminating item 7C, and to approve the agenda as amended, was made by Commissioner Laing. The motion was seconded by Commissioner Carlson and it carried unanimously.

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

6. STAFF REPORTS

Comprehensive Planning Manager Paul Inghram took a moment to welcome Commissioner Walter. He also urged the Commissioners to review the Item 7C materials and Comprehensive Plan update schedule. He noted that the Council was recently provided with an update and will receive a more detailed check-in with the Council in September while the Commission's process will still be under way. The Council will take the opportunity to identify any specific concerns for the Commission to address ahead of formulating its final recommendation.

Mr. Inghram reported that the Council also recently addressed the fact that members from the Horizon View plat have asked for a rezone from R-3.5 to R-2.5. The Council agreed to move forward with that rezone process so it has been added to the Commission's schedule.

7. STUDY SESSION

A. Land Use Code Amendments to Address Recreational Marijuana

Legal Planner Catherine Drews provided the Commissioners with copies of the emergency rule adopted earlier in the day by the Liquor Control Board addressing the edible marijuana issues.

Police Chief Jim Montgomery explained that over the years the term "zero tolerance" has been used in association with enforcing drug laws. He said the term would seem to imply that no one will be able to get away with anything, but of course that will never be the case. The department has been in contact with colleagues in Colorado, particularly in Denver, Lakewood, Colorado Springs and Boulder, given the notion that they hit the ground first and were further along. That, however, has not turned out to be the case. Most of those cities imposed and have continued with a moratorium, though Denver and Boulder are somewhat ahead of Bellevue. Denver has taken hands-off approach and as a result have experienced a significant increase in certain types of crimes in the neighborhoods where marijuana sales are occurring. That has not been the case in Boulder where the police department says there has not been an increase in crimes; they contribute that result largely to the fact that they put together a fairly aggressive campaign, something Bellevue is likely to emulate.

Continuing, Chief Montgomery said for the short term, Bellevue intends to dedicate a portion of a police staff person's time to get out into the business and residential neighborhoods to make sure everyone has a point of contact. The owners of marijuana retail sales businesses will also be contacted to make sure they understand the rules and all expectations. The police will also be collaborating with the Liquor Control Board which largely has the say-so with regard to governing the retail sales establishments. As a result of the position taken by the federal government with respect to banking, the retail stores will be expected to operate largely on cash only. How that will play out relative to making the stores targets for robberies and the like is not known but will need to be considered; certainly the retailers will need to take special precautions. Chief Montgomery said he does not anticipate a significant problem with people buying product

and openly using it in the parking lot, but a significant police presence will be assigned to discourage such activities. Where such activities are observed, the individuals involved will be cited and prosecuted.

Several cities in Colorado, even some that have moratoriums in place, have dedicated a full-time equivalent police person to spearhead their efforts. The same approach likely will be taken in Bellevue. If it becomes apparent, however, that the approach represents a significant drain on resources, the anticipation is that a conversation with the City Manager will be required to discuss the best use of staff.

Chief Montgomery stressed the need to have everyone on the same page relative to what the voters have actually approved. He showed the Commissioners how much a single ounce of marijuana is. He then said the big issue is marijuana-infused products, including liquid products, and showed the Commissioners brownies that included 16 ounces of marijuana, the amount that can be legally possessed. The liquid product can be infused into virtually anything that is edible and the THC level is up to ten times more potent as the leaves. In addition to legally being able to possess 16 ounces of solid product, it is also legal to possess up to 72 ounces of liquid marijuana-infused product. With marijuana-infused products, there will be no way for consumers to know the potency rate. The liquid product can also be added to leaf marijuana and smoked, significantly elevating the potency.

Commissioner Carlson asked if marijuana-related problems would be less likely, more likely or as likely to occur if Bellevue were to have no retail sales outlets at all. Chief Montgomery said it would be speculative to say. As mobile as the society is, it is likely people would drive to where they could buy products. Proximity certainly makes it more convenient for people to obtain the products. The concerns about locating retail outlets close to schools are absolutely legitimate. Having distance requirements will help but will not completely solve the problems of kids obtaining products.

Commissioner Laing noted that according to the new rule from the Liquor Control Board marijuana-infused products that are designed to be especially appealing to children are prohibited. The list of things that are especially appealing to children includes cookies, brownies and rice crispy treats. Chief Montgomery said it was his understanding that such products will not be allowed to be sold off the shelf at retail establishments. Of particular concern to the police and fire departments is what is the improper use of those products. In fairness, retailers have no control over how their products are used.

Commissioner Laing said the Commission heard during petitions and communications from someone who intends to operate a retail outlet selling marijuana products discuss security measures, most of which are required by the state. The question is why so many security measures will be needed at all if the retail establishments will not impose public health, safety or welfare threats different from any retail establishment selling liquor. Chief Montgomery said only time will tell if the required extra security will be enough. Banks have security measures in place in part to reduce the likelihood of nefarious activities. Banks are not immune from such crimes, and retail marijuana sales establishments will not be either. Both certainly may be attractive targets both when open and closed, so it makes sense extra measures are required. The police department is certainly glad to see the security requirements.

Commissioner deVadoss asked Chief Montgomery what counsel he would give the Commission given the limit of the Commission's mandate and the concerns expressed by the public. Chief

Montgomery said the same question asked a few months or a year down the road would be more easily answered. Bellevue hoped to be able to garner some advice from the experience of cities in Colorado, but most of them are not that much farther ahead. Experience certainly was gained from having state liquor stores and the Liquor Control Board certainly has covered all the bases to the best of their knowledge. It is too early to know whether or not 1000 feet of separation from uses such as churches, schools and daycare centers is sufficient or needed at all. A group comprised of representatives from police, fire, code enforcement, parks, the city attorney's office and the Liquor Control Board has been put together and charged with working collaboratively in sharing information and in reaching out to other jurisdictions. As possible tweaks to existing codes are identified, they will be pushed forward through the proper channels.

Commissioner deVadoss asked if plans have been made to conduct outreach to the youth in Bellevue. Chief Montgomery said Bellevue is blessed by having school resource officers in most of the schools. They will have reaching out to students and their parents high on their list of things to do.

Commissioner Laing said one of the issues the Commission is wrestling with is drawing a distinction between parks or other uses that are privately owned and parks and uses that are publicly owned. He asked if there should be a difference between the way the city regulates the dispersion criteria relative to public or private facilities that are for all intents and purposes the same. Chief Montgomery answered that he did not believe from a law enforcement perspective that the distance requirements will make much of a difference, particularly in such instances. The Commission and the Council will need to sort through that issue. The police will act in all cases of folks misbehaving whether the behavior occurs on public or private land that is open to the public.

Commissioner Hilhorst asked what zoning districts allow recreational marijuana retail outlets in Colorado. Chief Montgomery said he did not have that information but could get it.

Chair Tebelius asked how many cities in the state will be allowing retail recreational marijuana stores. Chief Montgomery said his department has not surveyed that.

Answering a question asked by Commissioner Carlson, Chief Montgomery said he had not met with the Council as a whole to discuss the issues or to provide input. He said his aim is to remain as neutral as possible about the issue.

Chair Tebelius recognized city attorney Lori Riordin. Ms. Riordin allowed that her office will be responsible for enforcement.

Chief Montgomery was thanked for his insights and observations.

Ms. Drews said the Council has not given the Commission direction to consider a ban. The Council has looked at that issue and has decided not to move forward with a moratorium. She sought from the Commission direction to prepare a draft ordinance for consideration and to schedule a public hearing, preferably for July 30. That would allow for getting the permanent regulations in place before the interim regulations expire on October 21.

With regard to the comment made during petitions and communications about the preference for locating recreational marijuana retail outlets in previous state liquor store facilities, Ms. Drews said the Liquor Control Board held that approach up as a model. Jurisdictions are being very

careful with that notion, however, because alcohol stores are allowed in the Neighborhood Business zone and the Council has made a conscious decision not to allow any marijuana operations in residential areas.

Commissioner Walter noted from the staff memo that churches are not necessarily called out because they are primarily located in residential areas. Ms. Drews said the majority of churches in Bellevue are located in single family zones and therefore are without the scope of the marijuana uses. There are, however, churches in Bel-Red, Factoria and the downtown. If separation requirements were to be drafted to include churches, retail marijuana uses could be barred from all areas in the city in direct opposition to the direction given by the Council to balance the protection of neighborhoods without creating an all-out ban.

With regard to hours of operation, Chair Tebelius noted that the state allows the retail sale of recreational marijuana to occur between the hours of 8:00 a.m. and 12:00 a.m., and said the staff proposal was for the city to be consistent with state law.

Commissioner Carlson reiterated his preference to ban completely the sale of recreational marijuana in the city of Bellevue.

The consensus was that the hours of operation in Bellevue should match those allowed under state law.

With regard to the separation requirements, Chair Tebelius pointed out that the Liquor Control Board rules require no less than 1000 feet from certain uses. Ms. Drews clarified that the Liquor Control Board has no separation requirement for liquor sales, though there is a notification requirement to all schools, churches and the like within 500 feet. She said the recommendation of staff was to have the city's separation requirement match that required by the state for recreational marijuana sales. She said the Commission could also consider recommending that retail marijuana operations be monitored to determine if adjustments to the separation distances are warranted. The attention of the Commissioners was called to two maps, one showing the quarter-mile and half-mile radii around every high school in the city, and one showing the quarter-mile radii around every grade and middle school in the city.

Chair Tebelius asked how many applications for recreational marijuana sales have been submitted and approved for Bellevue. Ms. Drews said to date the Liquor Control Board has issued a letter of approval to a single producer, otherwise there have been no applications approved by the Liquor Control Board for operations in Bellevue. The state will allow four retail stores in Bellevue, and the city will permit the siting of them only in accord with the Land Use Code regulations, which includes a 1000-foot separation distance between them to avoid clustering and the de facto creation of a marijuana district.

Commissioner Laing said two things characterize Bellevue: that it is a city in a park, and that it has a great school system. While there is insufficient information to say 1000 feet is better or worse than some other distance, the default position should be to increase the separation to a quarter mile for the two things that best characterize what the community is all about until such time as there is sufficient operating experience to make a more informed decision. A 1200-foot requirement would not impact the Novel Tree site. In fact the only site it would impact would be the Par 4 Investments site to the south of Main Street.

Commissioner Hamlin pointed that including parks in the larger separation could potentially

impact the Novel Tree site.

A motion to increase the separation requirement for schools, both public and private, to one-quarter mile was made by Commissioner Laing.

Mr. Inghram cautioned against making decisions based on motions for items that have not yet been subjected to a public hearing. Commissioner Carlson suggested that nothing gives direction better than a motion.

The motion was seconded by Commissioner Carlson. The motion carried 5-2, with Commissioners Hamlin and deVadoss voting no.

A motion to increase the park separation to 1320 feet was made by Commissioner Laing.

Ms. Drews commented that for ease of administration and enforcement purposes the separation requirements should be the same.

Commissioner Laing withdrew the motion.

Chair Tebelius said she would not object to increasing the separation distance so long as all of the specific uses called out in the staff memo were included and treated the same.

A motion to increase to a quarter mile the separation distance for playgrounds, recreation centers, childcare centers, public parks, public transit, libraries and game arcades was made by Chair Tebelius. The motion was seconded by Commissioner Hilhorst.

Commissioner Hilhorst said it would be helpful to have staff map the areas that would still allow locating a recreational marijuana retail establishment. Councilmember Stokes concurred and suggested there should also be a logical rationale determined.

The motion carried 5-2, with Commissioners Hamlin and deVadoss voting no.

Chair Tebelius stressed that the Commission has been given clear direction from the Council not to establish rules that will effectively ban all retail marijuana sales in the city. If the mapping exercise shows the effect of the motion will be just that, the Commission will need to reconsider.

On the question of whether or not additional uses should be recommended for separation, Chair Tebelius suggested that schools are schools and parks are parks regardless of whether they are private or public and as such should be treated the same.

Commissioner Laing said he felt strongly that the separation requirement should apply to churches and private parks. He agreed parks and schools, whether private or public, should be treated the same. If there is a valid police power reason for regulating the proximity of retail marijuana establishments to a public park, the same reason exists for a private park. The default position should be to require separation from the uses. If going forward the evidence shows the separation is not needed, the separation requirement can be either reduced or eliminated.

Chair Tebelius pointed out the statement of staff that if a separation of 1000 feet is required for all religious facilities, the result will be an effective ban on all marijuana uses from nearly all areas of the city. Commissioner Laing said he would like to see all religious facilities mapped as

well.

Commissioner Carlson suggested that if the public makes no distinction between public and private parks, the city should not either in requiring separation.

Ms. Drews said the public/private park discussion arose in relation to Vasa Park, which is a privately-owned park. With regard to the Bel-Red area, an incentive system is in place that will allow developers to add floor area to their projects by providing park space. All park space thus created will be dedicated to the city and become public parks. Developers choosing to include park space without using the incentive system are free to choose if they want the park dedicated to the city or retained as private.

Commissioner Walter agreed that where there is no distinction made between the use of a private and public park, they should be treated the same. She questioned, however, whether the city actually has a full listing of all private parks in the city, and that could make enforcement of the separation requirement difficult if not impossible. Exactly what constitutes a park is also not spelled out.

Commissioner Laing said it has been his experience that jurisdictions like to require open space and pocket parks, but they also like the idea of not having to pay to maintain them. Developers are often required to create what amounts to private parks and to record easements making them open to the public, while the homeowners association is required to provide all maintenance and upkeep. It would be disingenuous to draw a distinction between those parks and public parks from a police power perspective.

A motion to treat the same all parks open to the public by simply referring to parks in the separation requirement was made by Commissioner Laing. The motion was seconded Commissioner Hilhorst and it carried 6-1, with Commissioner Hamlin voting no.

Chair Tebelius said she had not heard any motion regarding religious facilities and would move forward unless a motion was made. She said the same was true of facility of children.

Chair Tebelius asked for comment on the notion of recommending elimination of the downtown perimeter design district for recreational marijuana retail uses. Ms. Drews said the proposal initially was made by Commissioner Laing. She explained that the purpose of the district is to provide transition between the more intense downtown uses and the residential uses in the areas that border the downtown. The only place where recreational marijuana would be allowed would be on the south end of the district. As a design district, development in it requires a higher level of review focused on design, but not on uses.

Commissioner Laing said he had two reasons for proposing the elimination of the perimeter districts. First, the districts provide a transition function between the higher intensity downtown and the lower intensity single family neighborhoods surrounding the downtown. Second, during the Downtown Livability Initiative CAC meetings, the Committee heard from the Bellevue School District and community citizens that in time it is likely there will be a school located in the downtown.

Commissioner Hamlin pointed out that there is potential for residential and school uses in all

areas, including Bel-Red, so the same argument could be applied. He said he did not buy the argument in the first place.

Commissioner Carlson asked if the Bellevue Downtown Association or the Chamber of Commerce has weighed in on the issue. Ms. Drews allowed that in three public hearings before the Council on the marijuana interim regulations neither organization has offered any comment.

Commissioner deVadoss said the Council has been very clear about what it wants the Commission to do. The Commission can move the pieces around all it wants, but the Council has already made a decision. He agreed the argument for disallowing recreational marijuana uses in the perimeter districts could be made of other land use districts.

Commissioner Carlson noted that recreational marijuana retailers will be the only businesses selling a product that is illegal under federal law. Ms. Drews agreed that new territory is being charted. Councilmember Stokes said the Council considered that fact but concluded it was not a basis on which to make decisions.

Commissioner Hilhorst asked what would happen if the perimeter districts do allow recreational marijuana sale, a retailer chooses to locate there, and then a school gets built in the downtown within the required separation distance. Ms. Drews said the retailer would be grandfathered in.

A motion to exclude the Downtown Perimeter A design district from the table of downtown districts that allow recreational marijuana sales was made by Commissioner Laing. The motion was seconded by Commissioner Carlson and the motion carried 4-3, with Commissioners Hamlin, Carlson and Walter voting no.

With regard to whether or not the Commission should recommend administrative condition use permits for recreational marijuana uses, Chair Tebelius noted the recommendation of staff was to not go in that direction.

Commissioner deVadoss commented that because recreational marijuana sales is a gray area and involved unchartered territories, and because the state has acknowledged that there may be special issues associated with the businesses, it makes sense to utilize the conditional use permit process. The conditional use permit exists to allow for placing conditions on uses to mitigate the impacts of the use. It may very well be that compliance with all state regulations will be sufficient to mitigate the impacts, but if a process is not put in place up front that looks at potentially adding mitigation above and beyond strict compliance with state law, the city will lose the opportunity. Churches, parks and a variety of other uses are required to obtain a conditional use permit.

Answering a question asked by Commissioner Hamlin, Ms. Drews said the city uses the conditional use permit process where impacts and compatibility issues are not fully known. The conditional use process is the highest level of review the city does and the decision is appealable to the Council. Between the rigorous state law, the interim city regulations, and what is known about how retail uses operate, the staff believes the conditional use approach is not warranted. Mr. Inghram added that the type of things typically addressed through the conditional use process include traffic, parking and landscaping. Churches are required to obtain a conditional use permit because they are often located in single family neighborhoods. Under the interim regulations, recreational marijuana outlets are allowed outright, although a building permit must be obtained for all tenant improvements. It is a change of use so the building permit undergoes



land use review where conditions can be imposed. Mr. Inghram clarified that from a land use perspective recreational marijuana retail outlets are just another retail operation, and other retail uses are not required to obtain a conditional use permit.

Commissioner Walter pointed out that there are some key difference between most retail uses and the recreational marijuana use. The recreational marijuana uses are cash only, require a much higher level of security, and are limited in total number, which may trigger increased traffic for each of the outlets.

Commissioner Hamlin asked if in fact the recreational marijuana uses will be cash only. From the audience, Mr. McAboy explained that his business has a banking account and will be able to accept debit and credit cards.

Mr. Inghram noted that banks house lots of cash and extra security but as a use they are not required to obtain a conditional use permit for that reason alone.

Commissioner Laing commented that there are things in the state regulations that are incompatible with the land use district requirements. Recreational marijuana uses will, for instance, be required to have a certain amount of transparency and window glazing that will not necessarily constitute pedestrian-oriented frontage. Ms. Drews allowed that anyone seeking to establish the use in the downtown will have to meet all the requirements of the Land Use Code in the same way all other retail uses there must. Commissioner Laing pointed out that one of the requirements of the city's code relative to the perimeter design districts is that retail uses cannot have tinted windows that prevent pedestrians from looking in. The Council has raised questions as well that could be addressed through the administrative conditional use process.

A motion to require recreational marijuana uses to obtain an administrative conditional use permit was made by Commissioner Laing. The motion was seconded by Commissioner Hilhorst and the motion carried 6-1, with Commissioner Hamlin voting no.

Councilmember Stokes said the Council has consistently said the city has an obligation to allow for recreational marijuana sales while protecting the community. To that end it would be helpful to know what Boulder has done differently from Denver. He voiced concern over applying special rules to a private business entrepreneurs that are not applied to others. The extra hoops the entrepreneurs must jump through will create barriers for those who are only seeking to do what is legal to do.

Chair Tebelius questioned whether or not the Commission is ready to hold a public hearing on the topic. Mr. Inghram encouraged the Commission to hold the public hearing as scheduled. The city can update the interim ordinance with the proposed changes. The Commission is under no obligation to reach a final decision immediately following the public hearing, and if a follow-up study session is needed one could be scheduled.

There was agreement to conduct the public hearing on July 30.

**\*\*BREAK\*\***

A motion to amend the agenda to move item 9, Other Business, election of chair and vice-chair, to follow item 7A was made by Commissioner Hilhorst. The motion was seconded by Commissioner deVadoss and it carried unanimously.

## 9. OTHER BUSINESS

### A. Election of Chair and Vice-Chair

Commissioner Carlson nominated Commissioner Laing to serve as chair.

There were no other nominations.

The nomination of Commissioner Laing to serve as chair carried unanimously.

Chair Tebelius handed the gavel to Commissioner Laing.

Commissioner Tebelius nominated Commissioner Hilhorst to serve as Vice-Chair.

There were no other nominations.

The nomination of Commissioner Hilhorst to serve as Vice-Chair carried unanimously.

## 7. STUDY SESSION (Continued)

### B. Eastgate/I-90 Related Subarea Plan Amendments

Answering a question asked by Chair Tebelius, Senior Planner Erika Conkling explained that the Eastgate/I-90 CAC did not specify changes to the Eastgate subarea plan. The Eastgate subarea plan has not been changed for 20 years or so and there certainly are some things in it that no longer apply. In particular, the recommended approach toward land use in the subarea plan is inconsistent with the vision of the CAC. The staff memo outlines minimum number of changes necessary to effect the CAC's plan; none of the proposed changes are unnecessary.

Ms. Conkling asked the Commissioners to consider during the discussion whether or not the proposed changes capture the recommendations and implement the vision of the CAC. She noted that at the previous meeting the focus was on policies specific to the three subareas but pointed out that some policies cross subarea lines, including those relating to the Mountains To Sound Greenway. Policies are therefore included in both the Eastgate and Factoria subareas focused on developing the trail with pleasant, safe and non-motorized facilities that provide local and regional connections.

Chair Laing asked Commissioner Hamlin and Councilmember Stokes, both of whom served on the Eastgate/I-90 CAC, if anything in the memo was inconsistent with the recommendation of the CAC. Commissioner Hamlin said the only thing that stood out to him was the additional work related to the Factoria subarea. He allowed that while the proposal fits with the spirit of what the CAC intended, it goes beyond the CAC's actual recommendation. Councilmember Stokes agreed with Commissioner Hamlin and said nothing in the packet substantially changes the recommendation of the CAC.

Commissioner Tebelius called attention to Policy S-EG-LU1 and suggested the word "compact" is not necessary and should not be used, and proposed leaving out the reference to greater height and intensity. The policy should call for focusing Eastgate growth into a mixed use center adjacent to the Eastgate transit center.

Councilmember Stokes said the CAC purposely discussed increasing heights in the area near the transit center. Developers and others addressed the CAC and supported the notion. Commissioner Hamlin added that the CAC held the view that the area is the right choice for greater height and intensity given its proximity to good transit and Bellevue College. He pointed out that the 15-member CAC, comprised of local community members, was in agreement with the final plan.

Commissioner Tebelius called attention to Policy S-EG-LU2 and said she did not support using the term "main street," and pointed out that the specific mixed use center mentioned is not identified. Ms. Conkling said the reference is to the mixed use center adjacent to the transit center. She agreed to include a modifier to make it clearer.

Commissioner Hamlin added that the CAC had not used the term "main street" but did talk about pedestrian access.

There was agreement to have the policy refer to a pedestrian-oriented street.

Commissioner Tebelius asked if Policy S-EG-1 also refers to the area near the transit center. Ms. Conkling said the policy is existing but is proposed to be modified. The policy speaks to the location of Eastgate as having good transportation access, but in the existing plan the reference is only to freeway access. The language revision is intended to link land use to more forms of transportation.

Chair Laing noted that he had previously suggested using throughout the document the phrase multimodal mobility instead of referring specifically to freeway access, transit service and non-motorized transportation alternatives, except where the reference is to a single form of transportation.

Councilmember Stokes suggested that somewhere in the document it should be spelled out clearly exactly what multimodal means.

Mr. Inghram allowed that generally using the word "multimodal" makes sense. However, the original intent of Policy S-EG-1 was to recognize the inherent advantage the subarea has by virtue having access to the I-90 freeway. He suggested making sure the policy language is less generic by specifically referencing freeway access, the park and ride, and the Mountains To Sound Greenway trail. The Commissioners concurred.

Commissioner Tebelius asked why Lake Sammamish was not listed in Policy S-EG-4. Ms. Conkling said the existing policy calls for protecting Phantom Lake and the intent of the proposed change is to make the language stronger and clearer.

Commissioner Hamlin said the Phantom Lake folks closely tracked the work of the CAC and provided a great deal of testimony. Lake Sammamish is outside the study area, though that does not mean it is unaffected. Commissioner Tebelius said there is runoff from the area into Lake Sammamish. Commissioner Hamlin said he did not recall that issue coming up but would not oppose adding a reference to Lake Sammamish and Lake Washington. There was agreement to include those lakes in the policy.

Answering a question asked by Commissioner Tebelius regarding Policy S-EG-ND-1, Ms.

Conkling said the specific recommendation is to consider the transfer of development rights (TDRs). She said it was her understanding that the notion came from the Mountains To Sound Greenway Trust as a way of preserving resource lands outside of urban areas. Staff are currently undertaking an economic analysis on TDRs so "consider" and "if feasible" are used to couch the issue as broadly as possible. Commissioner Tebelius suggested eliminating the policy altogether. If the Council decides it wants to move ahead with TDRs, the specific policy language will not be necessary to make it happen.

Commissioner Hamlin said the CAC did discuss the TDR issue. He agreed, however, that the policy could be deleted. Councilmember Stokes confirmed that the Council is discussing the issue of TDRs separate from the Eastgate/I-90 recommendation.

There was agreement to remove the policy.

Commissioner Tebelius called attention to the staff comment regarding the proposed deletion of policies S-EG-5 and S-EG-6 and asked who determined that the segregation of uses supported by the policies had led to the current auto-oriented development that is no longer an attractive environment for employees. Ms. Conkling said the major change comes from the vision as a whole. Policy S-EG-5 calls for consolidating retail and commercial development into the Community Business and General Commercial boundaries, which is directly opposed to the CAC's vision for the subarea, which calls for commercial and retail uses mixed in with the office areas.

Mr. Inghram said the proposal is to create a new set of land use designations. The currently policy language would be inconsistent with putting commercial and retail uses in any new district that gets created.

With regard to Policy S-EG-10, Commissioner Tebelius allowed that while housing may be appropriate, the word "encourage" is not.

Councilmember Stokes pointed out that the discussion on that point was large at the CAC level. Commissioner Hamlin agreed and noted that the sentiment of the CAC was to encourage multifamily housing.

Chair Laing proposed striking "as a primary means of travel" from Policy S-EG-9.

Commissioner Tebelius asked what the idea is behind Policy S-EG-12. Ms. Conkling said if a project at the development review stage can make the case for having reduced parking by virtue of the fact that parking can be accommodated on-site or by leveraging transit, consideration should be given to reducing the parking requirements.

Chair Laing said his preference was to strike Policy S-EG-12 altogether given that it addresses a zoning level or design review level regulation. Project-related demand can always be accommodated on-site and in fact every developer is required to do just that. The policy is not appropriate at the subarea plan level.

Councilmember Stokes suggested using the far more general language of the second sentence of staff comment CoB14 for the policy instead. Chair Laing said that would make sense.

Chair Laing said Policy S-EG-14 is another policy in which use of the term "multimodal

mobility" should be used in place of calling out a variety of transportation modes.

Answering a question asked by Commissioner Tebelius regarding Policy S-EG-T-1, Commissioner Hamlin said the CAC was very specific about the issue. Traffic in the area is horrendous and part of the answer is addressing the state-controlled entrances to the freeway. The policy language as proposed does a good job of capturing the view held by the CAC that relieving the congestion created by vehicles entering and existing I-90 is critical. The city cannot tell the state what to do so the word "collaborate" is used.

There was agreement not to change the language of the policy.

With regard to Policy S-EG-15, Commissioner Tebelius asked why the policy is needed at all. Commissioner Hamlin said the policy is aimed at getting people to think about alternatives to cars for getting around. There was agreement to retain the policy.

Turning to Policy S-EG-18, Commissioner Tebelius said she has never warmed to use of the term "sense of place." Commissioner Hamlin agreed that the policy as drafted is not clear. What the CAC wanted was policy language aimed at leveraging the Mountains To Sound Greenway. Councilmember Stokes added that the CAC was focused on wanting to see Eastgate turned into a true gateway into the city.

Mr. Inghram proposed simply deleting the "sense of place" phrase from the draft policy. There was agreement to go in that direction.

Answering a question asked by Commissioner Tebelius, Commissioner Hamlin said it was his understanding that Policy S-EG-CD-1 is focused on the transit-oriented development area of the subarea. Ms. Conkling said in fact the policy is not limited just to that area, though it could be. The idea is that design review should be used for every new building that goes in. The type of in-fill development likely to happen in the corridor will involve the land currently used for surface parking; there likely will be much less surface parking along with some structured parking. Design review is very helpful in those situations.

Mr. Inghram said in order to support a code a requirement for design review, it will be necessary to include policy language in the Comprehensive Plan highlighting the need for design review.

Commissioner Hamlin said comment CoB23 captures what the CAC talked about relative to an incentive system. He said the issue of incentives came up several times.

Chair Laing said he continues to have a concern regarding for form-based codes and incentive systems in that they can be used as tools for mischief. Form-based codes are highly prescriptive. The Council should not tie its hands relative to how it chooses to implement the Comprehensive Plan. It is not necessary to specifically mention form-based codes or design review for the city to choose to adopt either, or even an incentive system. However, if the policy language is included in the Comprehensive Plan, it becomes the way the Council must act. There are a variety of tools cities can use to get to the same place. He recommended against including policy language specifically directing the city to apply design review. He suggested the policy should be redrafted to allow for or consider design review.

Mr. Inghram allowed that the policy language could be written in accord with the suggestion of Chair Laing. He noted that the run-on of items is intended to capture what the CAC talked

about, which was that when design review is done, the design features spelled out in the draft policy should be looked for.

Councilmember Stokes said the Council will be looking for any redevelopment in Eastgate to involve more than just boxes. The policy is intended to serve as a heads-up for developers about what the city would like to see.

A motion to extend the meeting by 15 minutes was made by Commissioner Tebelius. The motion was seconded by Commissioner Hamlin and it carried unanimously.

Commissioner Tebelius observed that Policy S-EG-22 is very specific as drafted. Ms. Conkling said the language of the policy comes from the section of the vision that talks about design and fitting into the city's larger idea of a city in a park. Specifically, the Mountains To Sound Greenway is more than just a trail, it is a theme around which to organize. The specific examples spelled out in the policy are examples of ideas that come from the greenway. The existing policy simply encourages the preservation of sufficient natural vegetation to assure amenable views.

Commissioner Hamlin agreed that the policy could be written to be less prescriptive.

Councilmember Stokes suggested, and the Commissioners agreed, that the policy should be rewritten using the more descriptive language used in comment CoB26.

Chair Laing proposed striking "by applying design guidelines" from Policy S-EG-26 to avoid being prescriptive. There was agreement to do that.

Commissioner Tebelius questioned the need to include support for public art in Policy S-EG-28. Ms. Conkling said the list of items in the policy, including public art, includes things that could be included as part of the incentive system. Mr. Inghram added that the policy focus is on art that is part of a development. Art is an element that helps to create a sense of place.

Commissioner Tebelius said she did not understand use of the term "place-making" as used in Policy S-EG-CD-2. Staff agreed to take another look at the language in an effort to simplify it.

Commissioner Tebelius said she also did not understand the intent of Policy S-EG-CD-3. Ms. Conkling said the policy essentially encourages auto dealers to embrace the greening of the corridor. Absent a development permit requiring a land use review, any measures auto dealers take to follow the policy will be discretionary.

Chair Laing questioned the need to include the policy at all.

Commissioner Hamlin said the policy involves a bit of a stretch. What the CAC wanted to do was support the auto dealers that are in Eastgate.

Councilmember Stokes added that there are those in the community who do not want the existing auto dealers to expand. The request by an auto dealer to be allowed to locate on 148th Avenue SE encountered a lot of pushback and the preferred approach was to avoid having rows of autos facing the street by having the dealer utilize a garage.

Chair Laing said at the Planning Commission level the use table was amended requiring auto

dealers to go through design review.

Ms. Conkling allowed that auto dealers will be subject to the umbrella policy calling for a general greening of the corridor, obviating the need for Policy S-EG-CD-3.

With regard to Policy S-EG-CI-1, Chair Laing proposed replacing "development partnerships" with "coordinate." He also suggested replacing "regional transit agencies" with "regional agencies" to increase the scope of the policy.

Answering a question asked by Commissioner Tebelius regarding Policy S-EG-35, Mr. Inghram explained that there are three single family zoning classifications, Single Family-Low, Single Family-Medium and Single Family-High. The Single Family-High referenced in the policy would be R-4 or R-5. He noted that the policy already exists and there is no call to change it, even though using policy language to indicate what color to paint the land use map is not the normal approach. Ms. Conkling added that the site in question is in fact outside of the Eastgate/I-90 study area.

Commissioner Tebelius referred back to Policy S-EG-P-1 and voiced concern about including issues relating to health. She suggested the city should not be in the business of telling its citizens they need to be healthy.

Commissioner Hamlin suggested the policy could leave off everything after the word "subarea." The Commissioners concurred.

Answering a question asked by Commissioner Tebelius, Ms. Conkling noted that Policy S-EG-D2-4 is also in the Factoria subarea. The policy is intended to support the potential for an incentive system. She said staff took direction from the Commission's previous study to redraft the policy to be less specific and to use the word "consider" in place of "develop."

Councilmember Stokes said the language of comment CoB49 could work very well as the policy.

Commissioner Hilhorst asked if Policy S-EG-D2-2 is really needed given that the same sentiment is expressed in other policies. Ms. Conkling agreed the policy language is very similar to other policy language.

Councilmember Stokes said the intent of the CAC was to indicate its desire to see a mixed use area between Bellevue College and I-90.

Chair Laing pointed out that the city will not in fact be the developer so the word "encourage" should be used in place of "develop."

Chair Laing said his preference for Policy S-EG-D2-3 would be to have it read "Retain neighborhood-serving commercial uses through flexible zoning." Councilmember Stokes agreed the draft policy is somewhat prescriptive and limiting.

8. COMMITTEE REPORTS - None

10. PUBLIC COMMENT - None

11. DRAFT MINUTES REVIEW

A. May 14, 2014

B. May 28, 2014

Action to approve the minutes was not taken.

12. NEXT PLANNING COMMISSION MEETING

A. July 9, 2014

13. ADJOURN

A motion to adjourn was made by Commissioner Hilhorst. The motion was seconded by Commissioner Hamlin and it carried unanimously.

Chair Laing adjourned the meeting at 10:20 p.m.



CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
MEETING MINUTES

July 9, 2014  
6:30 p.m.

Bellevue City Hall  
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Tebelius, Commissioners Hamlin, Laing, Walters

COMMISSIONERS ABSENT: Commissioners Carlson, Hilhorst, DeVadoss

STAFF PRESENT: Paul Inghram, Scott MacDonald, Andrew Kidde,  
Department of Planning and Community Development;

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 with the exception of Commissioners Carlson, Hilhorst and DeVadoss, all of whom were excused.

3. PUBLIC COMMENT

Ms. Irene Fernandz, 1705 146th Avenue SE, thanked the city's code compliance staff along with Principal Planner Mike Bergstrom and Land Use Director Carol Helland for the new draft of permanent regulations for controlling single-room rentals in single family neighborhoods. She said she and her neighbors had read the draft and were pleased with the new definition of rooming houses and the statement that rooming houses will not be allowed in single family neighborhoods but will be allowed in multifamily and mixed use land use districts.

Mr. David Payter, 1614 144th Avenue SE, supported the comments made by Ms. Fernandz and praised the draft language, especially the restrictions on rooming houses to multifamily and mixed use. Clearly city staff have heard the testimony from the public regarding the impacts single-room rentals have on single family neighborhoods.

Mr. Steve Kasner, 1015 145th Place SE, welcomed Commissioner Walter to the Planning Commission. He noted that he had worked with her as a neighborhood activist. He said the Comprehensive Plan should be the controlling document and neighborhoods should be what they are intended to be. He thanked the Commissioners for their hard work.

Mr. Ron Merck, 14824 SE 18th Place, highlighted the comment made that the administrative conditional use must be consistent with the Comprehensive Plan. He noted that after suggesting to staff that the application for a single family home that eventually will turn into an assisted living was not consistent with the Comprehensive, he was told by staff that they do not pay any

attention to the Comprehensive Plan. He said he found that quite disturbing. An awful lot of time is spent talking about the Comprehensive Plan and the staff comment was out of sync. He referred to the provision for amortization of certain legally established uses and leases that do not conform to the permanent regulations and said he would like to know who controls the amortizations and how. He said he would like to know what constitutes proof of familial relationships. He said he also would like clarification of what is meant by allowing the rental of an entire dwelling to a self-identified group, all unrelated, or some combination of related/unrelated persons.

Comprehensive Planning Manager Paul Inghram explained that where a state law requires the city to do something, which is the case with adult family homes, Comprehensive Plan policy direction can be overruled. Chair Laing added that generally speaking, permitting activity involves compliance with the underlying zoning and design guidelines; to the extent there is a conflict between the zoning or the design guidelines and the Comprehensive Plan, which there should not be, the zoning or the design guidelines trump the Comprehensive Plan.

Ms. Kathleen Bell, 1409 159th Avenue SE, voiced concern over how the single-room rental ordinance would apply to someone with a large house choosing to have a non-romantic roommate who might from time to time invite someone over. She said she does not want to live in fear that her neighbors will start monitoring all activities at her home and report her. Home ownership should afford some rights, privileges and freedoms.

Ms. Meredith Robinson, 3070 124th Avenue NE, said she had just earlier in the day heard about the single-room rental issue. She said she is the owner of a six-bedroom house and recently took on a couple of tenants to help make ends meet. She said she registered with the city and will be paying the business and occupation tax to the city on the tenant income. She said she is a single mother with a special needs child whose access to special education services is predicated on her Bellevue address. There are probably other women in similar circumstances in the city who face the economic reality of rising rents. Employers are bringing in people from out of the area to fill the available jobs and those people will need to find housing. It is reasonable to expect the city impose reasonable regulations and to tax the income generated from single-room rentals, and it is reasonable for the city to direct the property owner to accommodate tenant parking. The city should not, however, put limits on the number of persons who can occupy a house without first knowing how many rooms and bathrooms the house has.

Commissioner Tebelius asked Ms. Robinson if her intent is to rent out each of her six bedrooms. Ms. Robinson replied that she would like to have three tenants. She said in addition to six bedrooms her house has four bathrooms. Two of the bedrooms are in basic mother-in-law apartments.

#### 4. APPROVAL OF AGENDA

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

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

#### 6. STAFF REPORTS

Mr. Inghram reported that at its meeting on July 7 the City Council adopted the Transit Master Plan. They recognized the Planning Commission for its work on the plan.

## 7. STUDY SESSION

### A. Single Family Rental Housing Code Amendments

Mr. Bergstrom said the comments made by the public make it clear that there are all manner of different living situations with different combinations of people occurring in the city. He reminded the Commissioners that the proposed code amendments deal only with the issue of individual-room rentals where the property owner is not present. Property owners who want to rent out a couple of rooms in their houses are free to do so provided they live in the room; the practice is called a boarding house and up to two rooms can be rented out, parking must be made available, and a home occupation permit is required.

Mr. Bergstrom noted that the Council will be conducting a public hearing on August 4 to extend the interim regulations for a six-month period. Once the permanent regulations go into effect, the interim regulations will be repealed. The interim regulations limits the number of unrelated persons from six to four within the definition of family. The interim regulations allow more than four unrelated persons to share a house provided they operate as a functionally equivalent family. The draft ordinance that was before the Commission on May 28 retained the limit of four unrelated persons but dropped the functionally equivalent concept and proposed adding high-occupancy dwelling allowing five or more unrelated persons through an administrative conditional use permit.

Continuing, Mr. Bergstrom commented that based on feedback from the Commission and the community the determination was made to take a step back and determine what the permanent regulations are intended to accomplish relative to single-room rentals, which the new draft refers to as rooming houses. A definition of family is included in the new draft ordinance that allows a maximum of six persons unless all of them are related; the current code defines family as any number of related persons plus up to X of unrelated persons, and the family is counted as one toward the maximum. The problem with that is that any one of the unrelated persons could have people who are related to them and they would only be counted as one, resulting in a large accumulation of persons that in theory would only count as four or so. Under the proposal, a family of eight could not add in another unrelated person because the limit of six has been exceeded. The proposal places no restrictions on traditional families renting homes. Self-defined groups of unrelated individuals are limited in the proposal to a maximum of six persons operating under a single lease and living together as a single housekeeping unit. The draft also includes a definition for single housekeeping unit.

Under the current regulations, property owners are permitted to rent out one or two rooms as a bed and breakfast or boarding house, provided the property owner occupies the house. No changes are proposed to those standards or to the process for allowing them, which is a home occupation permit, which by definition is a business operated in a home. The draft defines a rooming house as a non owner-occupied dwelling that is rented to individuals on an individual room basis. The standards applied to the use are similar to those applied to the high-occupancy dwelling that was outlined in the previous draft, including not allowing them in multifamily and mixed use districts only, except that the downtown area is excluded given that the use must also be located in freestanding single family dwellings, of which there are very few in the downtown. Rooming houses as defined are subject to a maximum number of rooms and/or people. The draft

allows the use through an administrative conditional use permit, and revises the definitions for bed and breakfast and boarding house to reflect owner occupancy, and rooming house is excluded from those terms. The draft also revises the definition of family to mean six persons total unless all are related; discards the functional equivalent concept; creates a new definition for single housekeeping unit; and provides for amortization of legally established uses that do not conform to the proposed regulations.

Mr. Bergstrom noted that allowing the rooming house use only in single family dwellings in multifamily or mixed use districts will drastically reduce the number of opportunities. The draft sets a limit on the number of rooms that can be rented out and the number of persons rooms can be rented to, and dictates that all rooms rented must be legally established bedrooms. A local owner, landlord or registered agent must be identified. Legal on-site parking must be provided equal to the number of bedrooms rented. The draft includes provisions for exterior property maintenance and refuse collection.

Commissioner Hamlin asked why the draft should require a local owner when neither the landlord or registered agent would need to be. Mr. Bergstrom said the underlying notion is that there needs to be a responsible party that is readily findable. The name of the owner, landlord or registered agent will be attached to the administrative conditional use permit and will become the responsible party in the event of a land use violation. He clarified that the intent is for the responsible party to be local whether it be the property owner, the landlord or a registered agent. Commissioner Hamlin suggested rewording that section to make that point clearer.

Mr. Bergstrom said as part of the administrative conditional use review the city can impose conditions to address impacts on the residential character of the neighborhood or the cumulative impacts in relation to other city approved rooming houses.

Chair Laing asked how the requirements for a local owner, landlord or registered agent differ from the requirements for an apartment complex. Mr. Bergstrom said there is no such requirement for apartment developments.

Answering a question asked by Commissioner Tebelius, Mr. Bergstrom said the key to the new draft ordinance is that the rooming house use would no longer be allowed in single family districts. However, because even in multifamily and mixed use districts the use can have impacts, the associated restrictions and requirements are necessary.

Commissioner Walter noted that she has been active in the Spiritwood neighborhood on the single-room rental issue. She said while she came to the Commission with a particular view regarding the issue, she can be completely impartial with regard to the overall issue. Chair Laing thanked Commissioner Walter for disclosing that fact.

Commissioner Hamlin commented that the new draft regulations generally are on the right track. He said they are somewhat simpler. He said he was not completely clear as to how the current violations in the single family areas will be addressed. He said his preference would be to set the limits at four rooms and five persons to allow for the possibility of a couple renting a single room. He agreed there should be a registration and permitting process.

Commissioner Walter agreed that the proposed regulations generally take the right approach. She called attention to section 20.20.700.B in Attachment A and suggested the word "may" should be replaced with "shall" or "will." The other Commissioners concurred.

Commissioner Walter asked if staff had any concerns about testing family relationships. Mr. Bergstrom said the term related as used in the draft refers to marriage, adoption or blood. In the case of an enforcement action, the city would need to ask for proof. Mr. Inghram said the filing of a complaint by a member of the public would trigger some level of investigation aimed at determining if there is some level of reasonable cause to proceed with enforcement.

Answering a question asked by Commissioner Walter, Mr. Bergstrom said remodeling work requires permits, and that is the stage the city checks to make sure all proposed work will meet current codes. Under the code, all bedrooms must have windows of a certain size, must have closets, and must have their own access.

Commissioner Walter said if including a requirement for an administrative conditional use permit, which takes up to six months to process, means people will just find ways to operate until getting caught, the requirement should be left out. She said something like the home occupancy permit, which is far less onerous, would be better.

Commissioner Tebelius said the proposed regulations are getting very close to where they need to be. She noted especially her support of limiting rooming houses to multifamily and mixed use districts. The maximum number of rooms and unrelated occupants should be four. She asked if there is a permitting process other than administrative conditional use that would allow the city to gather all the needed information from the applicant but in a shorter period of time. Mr. Bergstrom said there is no such permitting process in place; one would have to be created. The home occupation permit would not work in instances where the home is not owner occupied, and the criteria for home occupation uses are much different.

Councilmember Stokes asked if staff had any information about the number of homeowners in the city who currently rent out a room or two. Mr. Bergstrom said the city does not have any reliable information in that regard. Technically, those who choose to take in a student for a quarter should register as a boarding house and obtain a home occupation permit, but enforcement would be by complaint only and there has never been such a complaint filed. Councilmember Stokes asked what the cost of obtaining an administrative conditional use is for the applicant. Mr. Bergstrom said the applicant must put down deposits that add up to about \$3000; staff time is billed against the deposit and the amounts not used are refunded.

Chair Laing praised the staff for the exceptional materials and presentation. He agreed the draft is moving in the right direction and said he was particularly impressed with the definition of rooming house and the notion of not allowing them in single family districts. In order to avoid some of the gaming, however, the rooming house definition should include a reference to a non owner-occupied dwelling unit that is subject to multiple leases. With regard to the maximum number of occupants, he said he liked the notion of limiting it to the number of bedrooms plus one given that it would not be inconceivable that a couple might want to rent a single room. Referring to section 20.20.700 A he suggested all references to "will" and "may" should be changed to "should," and paragraphs one through three should simply be part of the definition or footnotes describing the use.

He suggested that in place of requiring the onerous administrative conditional use process it would be better to incorporate the various restrictions and allow the use outright.

Commissioner Tebelius asked how that approach would address the need to collect contact

person information. Chair Laing suggested it should be possible to obtain that information outside of the administrative conditional use process. Conditional use is more of a process than anything else; the city could simply elect to allow the uses outright provided a list of specific criteria are met and the results would be the same. At the end of the day, an ordinance is not needed for those who are technically breaking the letter of the law but who are not causing any problems. There is a lack of accountability. The complaints that have been registered have not been predicated on having six unrelated persons sharing a home but rather because of what those people have done.

Commissioner Tebelius suggested the same argument could be made about those who are cooking meth: their actions do not matter to anyone until they blow up the house.

Mr. Inghram agreed that many of the criteria listed in the draft could be written as standards applicable to a permitted use, or they could be written to be conditions to be fulfilled through the administrative conditional use.

Commissioner Hamlin said his preference would be for a less onerous process provided all identified issues can be addressed. There other Commissioners concurred.

There also was consensus around the notion of limiting the number of rooms to four and the total number of occupants to one.

Chair Laing asked if there is a need to be careful in drafting the rooming house definition to certain the use will not be confused with group homes. Mr. Bergstrom said the bed and breakfast and boarding house definitions are clear in that they do not include rooming houses. Where the protected classes come into play is in the definition of family, which has been detained. As such it is not necessary to say a rooming house is also not a boarding house, a fraternity or an adult family home.

There was consensus to schedule the issue for public hearing on September 10.

## B. Comprehensive Plan Update

Mr. Inghram briefly reviewed the work to date done to update the Comprehensive Plan.

Assistant Planner Scott MacDonald noted that the Commission had previously directed staff to review the policies in the Urban Design Element with a focus on extracting their general intent and redrafting them to be simpler and broader. He sought feedback on the draft policy language and identification of those areas in need a more effort.

Mr. MacDonald said the Urban Design Element is intended to define the citywide character and to guide the design of both public and private development. It also supports the arts and arts programs in the city as well as historic preservation. The element should respond to the evolution of the city as it grows from being a bedroom community to having a top-notch downtown to having a full city landscape with growing mixed use areas with a new emphasis on the pedestrian experience. There is a desire to elevate the arts policies and house them in a separate section. There has also been discussion regarding changing the name of the element to something like Community Character to better reflect its intent.

Mr. Inghram pointed out that one of Bellevue's longstanding vision points has been being the arts

and culture center of the Eastside. The Urban Design Element is the part of the Comprehensive Plan that speaks to that notion, but it tends to get lost in the name of the element and the element's primary function of serving as the design review guide. Creating a new and separate chapter for arts and culture would certainly allow those policies to stand on their own. Urban design and the arts certainly work together and should possibly be housed together in the Comprehensive Plan as they are currently, but there should be recognition that the Urban Design Element is about more than just building design.

Commissioner Hamlin said he liked the idea of changing the name of the element to community character. It is less of a planning title.

Commissioner Walter suggested that community character as a title could be taken to mean just about anything. She said something like community design would be more appropriate.

Commissioner Tebelius said she knows what urban design means but not what community character means at first blush. She said her preference would be to retain the current title for the element.

Chair Laing voiced his preference for community design over urban design. The word urban connotes the downtown more than the city as a whole. The vast majority of the city would not fall under the definition of urban.

Mr. MacDonald referred to the table in the packet and pointed out that it included a number of new policies, including policies that address solar panels and their role in the design and construction of buildings; various environmental policies that address things such as green roofs and green walls; blank walls from the perspective of the pedestrian experience; and arts and arts programs.

Mr. Inghram explained that blank walls are permitted in areas where buildings can be constructed immediately adjacent to each other. However, some policy direction is needed relative to the design of blank walls to assure they will have some design character.

The Commissioners worked their way through the policy matrix line by line. With regard to line 2, Policy UD-19, Commissioner Tebelius argued against using the word "enhance." She said the city's tree canopy is greatly improved from where things stood in 1950 because the city has had policies about increasing the tree canopy. The recent losses in the tree canopy can be tied to major roadway construction projects. The language of the current policy should be retained.

Commissioner Hamlin noted his support for the proposed language that includes the word "enhance."

Mr. Inghram asked if it would be better to include language clarifying that it is the city working to enhance the tree canopy. Commissioner Tebelius said she could accept that approach in that the onus would be on the city rather than individual property owners.

Commissioner Walter questioned why the language was changed from referencing preserving trees to preserving the tree canopy. Mr. Inghram explained that over the last few years the focus has changed from focusing on individual trees to preserving the cumulative effect of the tree canopy. Commissioner Walter commented that trees planted down a boulevard do not constitute a tree canopy. The tree canopy is only one facet of preserving trees.

Chair Laing voiced support for the suggestion of Mr. Inghram to make it clear enhancement efforts will be done by the city.

There was agreement to retain the current policy language.

With regard to line 3, Policy UD-20, Commissioner Walter noted that since the policy is intended to replace line 4, Policy UD-22, the word "encourage" should be changed to "foster and value." There was consensus to make that change.

Commenting on line 6, Policy UD-24, Commissioner Tebelius suggested the city has already taken aggressive steps to protect waterfronts and make them more accessible to the public through the Shoreline Master Program and the critical areas ordinance. She proposed deleting the policy.

Commissioner Hamlin agreed the language is a bit strong and agreed it could be eliminated. Chair Laing and Commissioner Walter concurred as well.

Commissioner Tebelius reiterated that "sense of place" is not an easily understood term. She asked if it refers to meeting places and the like. Mr. MacDonald said it refers more to general identity and unique attributes. Mr. Inghram said the original policy language was focused on entry designs, such as gateways to neighborhoods. Over the last decade or so, however, the focus has changed to elements other than entry signs and the proposed language seeks to broaden the intent to promoting a sense of identity for neighborhoods.

Commissioner Hamlin suggested the proposed policy language is broadened to the point of losing the original focus.

Commissioner Tebelius noted that the current language calls out signs and landscaping in keeping with the character of the neighborhoods. Mr. MacDonald suggested the current policy limits the applications neighborhoods and designers can come up with to just those two elements, whereas the broader language proposed could include public art, light standards and other elements.

Commissioner Hamlin commented that the updated language should retain a tie to residential identity. As drafted the language can be interpreted to be much broader.

Mr. Inghram said the revised language primarily seeks to get rid of the "such as" statement. The current language is really about incorporating entry designs for residential neighborhoods. The proposed draft language seeks to broaden the policy to make it clear that it is all about neighborhood identity. He allowed that staff could take another stab at blending the old and the new together in a way that retains the original intent. The Commissioners agreed to direct staff to do that.

Chair Laing argued in favor of including the word "enhance" in line 9, Policy UD-63. The cities corridors have been largely denuded of vegetation and some enhancement is needed. There was agreement to make the change and to also substitute the word "landscape" for "vegetation."

With regard to line 11, Policy UD-66, Commissioner Walter suggested the proposed language is too vague. She agreed with the need to delete "especially those that are older" but held that the



proposed language is not specific enough.

Mr. MacDonald suggested the phrase "in need" allows for flexibility and for being more site specific. Chair Laing argued against use of "in need" to avoid the negative connotation of identifying neighborhoods as being in need. He suggested going with the proposed language absent "in need."

Commissioners Tebelius and Walter proposed retaining the current policy without the phrase "especially those that are older." Mr. Inghram asked if their recommendation included retaining the "such as" statement to provide clarity. Commissioner Walter said that would be her preference because it might benefit those reading the policy.

Chair Laing commented that examples were included in the packet showing how the policies will ultimately be formatted. He said he found the information to be very helpful, particularly the example of who images will be incorporated with the text. He suggested the format argues in favor of shorter policy statements. Commissioner Tebelius pointed out, however, that from a legal standpoint it is all about the words and any images that get incorporate will not really matter.

There was agreement to adopt the suggestion made by Commissioners Tebelius and Walter.

Focusing on line 13, Policy UD-69, Chair Laing suggested that as worded one could conclude it references the impacts of views, building scale and land use. Mr. MacDonald said that was the intent and proposed clarifying that by having the last part of the policy read "considering the through-traffic, view, building scale and land use impacts."

Commissioner Walter asked if the policy should be broadened to include all of the city's commercial and mixed use centers rather than just the downtown. Mr. MacDonald pointed out that the downtown is unique in that it faces circumstances the other commercial and mixed use areas do not. As such it is not always necessary to fold in references to all commercial and mixed use areas wherever the downtown is mentioned. Commissioner Walter argued that in fact the plans for the city include some robust commercial and mixed use areas that should have the same harmonious flow with adjacent neighborhoods as the downtown has. There was agreement to revise the policy to read "develop a functional and attractive Downtown and other mixed use centers...."

Chair Laing proposed adding the word "safe" to line 14, Policy UD-73 to have it read "enhance and support a safe, active, connected and functional...." There was agreement to make the change.

Turning to item line 15, New-1, Commissioner Tebelius questioned whether the city should be involved in encouraging art and arts programs that create understanding and respect among the city's diverse population.

Commissioner Hamlin commented that diversity is both good and healthy and the policy language honors that fact. Encouraging art and arts programs that create respect is certainly a legitimate thing for the city to be involved in.

Mr. Inghram noted the Commission had previously had discussions about diversity and its increasing social relevance in the community. The discussions have centered on how to

encourage and support diversity in a healthy way and not in a way that mandates or sets quotas. The policy does not dictate that the city will fund all art programs but rather calls for encouraging them as a way of addressing diversity.

Commissioner Walter suggested that line 16, Policy UD-36, is very similar to New-1, but would be differentiated if the word "culture" were added to New-1.

Commissioner Tebelius observed that none of the policies are aimed at encouraging art and arts programs that celebrate the American culture. Commissioner Walter commented that art certainly is a good way to bring cultures together. The city's diversity is changing and participating in arts and culture activities brings people together and helps them understand one another, and that certainly is a role the city should play.

Chair Laing suggested "support" and "encourage" are two different concepts. He said for the city to encourage art and arts programming would be different from saying the city should support them. He agreed with Commissioner Walter that the city should be encouraging art and arts programs but said he would avoid using "support" like in New-2 in that it could imply funding on the part of the city.

Commissioner Hamlin indicated his support for policies New-1 and Policy UD-36 as proposed.

Commissioner Tebelius reiterated her preference for keeping the city out of the business of art and arts programming.

There was agreement to revise the language of proposed New-1 to read "...the city's culturally diverse population."

Chair Laing called for replacing "support" with "encourage" in line 17, New-2 and line 18, New-3.

Commissioner Tebelius said she did not understand what New-3 even means. Mr. MacDonald said it is intended to broaden support for arts programs beyond just the entry level to include all skill levels. Mr. Inghram added that the target of the policy is arts education, which is different from the purchase and installation of public art. Giving people the opportunity to engage in arts education is common in the city in the school districts, in the Bellevue Youth Theatre, and in the community centers. Commissioner Tebelius said in her opinion the city should not be in the business of providing art education.

There was consensus to change "support" to "encourage."

Commissioner Tebelius commented that the line 19, Policy UD-35, line 20, Policy UD-37, and line 21, New-4, all seem repetitive. She said her desire not to see the city involved in arts programming or education extended to the three policies. With regard to New-4 specifically, she argued against singling out one group of people to support, namely artists and arts groups. There are people in all manner of work categories, including lawyers and accountants, that are struggling but there are no policies aimed at supporting them. Mr. Inghram allowed that the general notion of supporting art and arts programming is a competitive theme running through the policies in the arts and culture section. Each specific policy, however, is intended to cover the facets of the city's art program that is addressed by the Bellevue Arts Commission. The Arts Commission actively and on an annual basis supports artists and arts groups in the city.

Commissioner Tebelius argued against using the word "expand" in line Policy UD-37, and against supporting a variety of artwork in public places as outlined in Policy UD-35. She noted that nothing is said about what the art is, who will pay for it, and where it should be sited.

Commissioner Hamlin said the word "support" does not automatically translate into "mandate." He voiced his support for Policy UD-35, Policy UD-37 and New-4 as proposed. Commissioner Walter agreed and added that "support" does not always mean financial support.

Mr. Inghram pointed out that the policies are focused on the arts program that is in place. The program is endorsed by the City Council and has been for many years, and the Council has shown no inclination toward doing away with the program. The Commission can make its own recommendation, but it should be remembered that the City Council supports and funds the program that supports public art, supports buying art to expand the public art collection, and supports artists and arts groups.

Chair Laing indicated his support for the proposed language of Policy UD-37. He said his preference with regard to Policy UD-35 would be to strike out "to build community and transform the character of a place from the ordinary to the special" as unnecessary.

Commissioner Tebelius asked staff to explain line 24, New-5. Mr. MacDonald said the creation of iconic visual reference points is tantamount to creating places that are easily recognizable. The pond in Downtown Park and Compass Plaza are both iconic visual reference points.

Chair Laing said it was his belief that the iconic visual reference points will sometimes be created by the city and sometimes by private development. He proposed revising the policy to read "Encourage the creation of iconic visual reference points...."

Commissioner Walter suggested the notion of building design avoiding stark spaces should be utilized in one of the policies. Mr. MacDonald commented that it could be easily incorporated into line 22, Policy UD-1. There was agreement to do that.

Answering a question asked by Commissioners Tebelius and Walter about why the reference to water had been deleted from line 28, Policy UD-13, Mr. MacDonald said the intent was to broaden the tools available to designers and to avoid just focusing on water.

With regard to line 29, Policy UD-21, Commissioner Walter suggested replacing "promote" with "invite," "encourage," "welcome," "beckon" or "allow."

Chair Laing proposed rewording the policy to read "Integrate high-quality inviting public and semi-public open spaces into major development." Mr. MacDonald suggested the term "major development" is relatively vague and difficult to accurately define. Chair Laing commented that projects of a sufficient scale can absorb including publicly accessible open spaces; not all development can do that. One way to address the issue would be to replace "integrate" with "encourage."

There was consensus to word Policy UD-21 to read "Encourage the integration of high-quality and semi-public open spaces into major development that invite people to use them."

Chair Laing proposed having line 32, Policy UD-8, read "Integrate rooftop mechanical

equipment screening with building architecture." The Commissioners agreed.

With regard to line 33, New-6, Commissioner Walter noted that because solar panels are a new technology the word "foster" should be used in places of "encourage." She said fostering can be achieved through training, education and promotional materials. Mr. Inghram added that the city is set to launch a solarize Bellevue campaign that is aimed at fostering the use of solar.

Chair Laing questioned what "other environmental technologies" as used in New-6 means. Mr. Inghram said solar panels and green roofs were not issues ten years ago. It is likely that in the future there will be new techniques come along that the city will want to encourage people to do, but those techniques cannot be spelled out because no one knows yet what they are. Chair Laing proposed referring to them as "other renewable energy technologies." Commissioner Tebelius said she would prefer to use "energy efficient technologies" and the Commissioners accepted her suggestion.

With regard to line 34, New-7, Commissioner Walter commented that while green roofs are good ideas, green roofs with concrete and glass is an assault to the eye. She said she would prefer to see the policy deleted. At the very least the policy should encourage aesthetically pleasing green roofs in keeping with the character of the building.

Chair Laing said it has been his experience that green roofs are massively expensive and do not reduce heating and cooling costs. They can be successful in slowing the rate of runoff from buildings. He said he would be happy to see the policy deleted.

Commissioner Hamlin indicated his support for the policy.

Mr. MacDonald observed that beyond the technology and the costs and their ability to reduce runoff, green roofs offer benefits for building tenants and improves the view for tenants of nearby buildings. A green wall adds a great deal of interest to the pedestrian experience.

Chair Laing said he could accept having the policy read "Encourage green roofs and green walls where they may enhance the character of Bellevue as a city in a park." There was consensus to accept the suggestion.

Chair Laing suggested the word "provide" should be replaced with "encourage," and the word "viewable" should be replaced with "visible" in line 35, New-8. He said there are instances where it would make no sense at all to gussy it up because the building next door will also have a blank wall.

Chair Laing commented that the draft language in line 37, Policy UD-11, is going in the wrong direction in terms of keeping things at the policy level. He also suggested the term "rain cover" would be broader as "weather protection."

Commissioner Hamlin said he would be okay with "encourage" but said he saw no need to change "rain cover." He pointed out that such changes would take the policy back very nearly to where it is currently.

Chair Laing proposed having the policy read "Encourage both weather protection and access to sunlight in pedestrian areas using architectural elements." The Commissioners concurred.

Commissioner Walter suggested changing the first part of line 38, Policy UD-39, to read "Include clearly visible and accessible walkways...." The Commissioners agreed to make the change.

With regard to line 39, Policy UD-9, Commissioner Hamlin highlighted the issue of service docks that can be seen from public areas. He said they are always ugly and should be added to the policy as something for which the visual impact should be reduced. There was agreement the policy should read "Reduce the visual impact of parking lots, parking structures and loading docks to public areas...."

Commenting on line 40, Policy UD-12, Commissioner Walter suggested that excessive glare from building glass should also be minimized. Mr. Inghram agreed to raise the issue with some of the architects on staff if the notion could be added to the policy without effectively banning glass buildings.

With regard to line 46, Policy UD-70, Commissioner Tebelius asked what the reason was for the change in language given that in essence the proposed policy language is the same as the existing policy language. Mr. MacDonald said policies are supposed to lead with an action word. Additionally, he said the policy has been broadened to include urban design elements. Mr. Inghram said any time a single family neighborhood is adjacent to a commercial area, the commercial area must provide a 20-foot landscape buffer. The same is true in the downtown in the perimeter districts. The requirements are an outgrowth of the policy. Commissioner Tebelius accepted the proposed language change.

Chair Laing pointed out that "through connections" should read "through-block connections" in line 47, Policy UD-72. There was agreement to make the change.

Commissioner Tebelius asked what impact line 48, Policy UD-74, has had. Mr. Inghram said as a matter of policy the city does not allow signs on the upper parts of buildings, though there have been specific exceptions allowed. He said the intent of the proposed policy language is to clean up the wording more than to change the policy direction. He allowed, however, that a change in focus aimed at limiting signs and ensuring design compatibility rather than discouraging them would be in order.

Commissioner Hamlin agreed the focus should be on limiting rather than discouraging in the policy language.

Commissioner Walter suggested the use of bright colors in signs would hurt the skyline and should not be allowed. Chair Laing noted that the design guidelines require signs to be below the top of buildings. Mr. Inghram added that there are also lighting limitations on signs.

There was agreement that the policy should in fact be housed in the signs and wayfinding section.

Commissioner Tebelius asked if the focus of line 59, New-10, is on all buildings and homes. Mr. Inghram said it probably is. The city provides educational materials to homeowners and builders. He allowed that "encourage" could be used in place of "promote" and the Commissioners concurred.

With regard to line 66, Policy UD-33, Commissioner Hamlin commented that in many public

spaces there is a bad wind effect. It is really bad at the transit center. He suggested that as public spaces are created consideration should be given to wind effect. Mr. Inghram allowed that there may be a way to include the issue in Policy UD-33.

Chair Laing agreed and suggested the problem is such that it would warrant a standalone policy addressing it.

Addressing line 70, Policy UD-38, Commissioner Tebelius commented that nothing is worse than running on cement. She asked if asphalt sidewalks could be considered instead of concrete. Along SE 26th Street everything from the pine trees falls on the cement sidewalk and gets blown into the street from where it washes into the gutters and flows out into the lake. Porous asphalt or some way to capture the runoff debris would improve things greatly. Mr. MacDonald added that the roots of street trees often conflict concrete sidewalks by pushing them up in a search for water. He said the city has given notice to proceed with a study aimed at developing a toolkit of options to address and solve those issues.

Mr. Inghram suggested the issue of porous asphalt or other approaches would better serve as a policy separate from Policy UD-38. He said he would take the issue back to staff for suggestions of how to address it.

There was agreement to use the word "walkways" in place of "circulation" in line 76, Policy UD-43.

A motion to extend the meeting by 15 minutes was made by Commissioner Hamlin. The motion was seconded by Commissioner Tebelius and it carried unanimously.

With regard to line 82, Policy UD-49, Chair Laing said he would like to see non-motorized trails added to the list. The Commissioners agreed.

Chair Laing said he also would like to see a policy included that addresses operation and maintenance facilities. Mr. Inghram made note of the suggestion and proposed holding the issue in the wings for a few days to see how things play out.

**\*\*BREAK\*\***

Mediation program manager Andrew Kidde said in the course of working to update the Citizen Engagement Element he reviewed the programs in place in other cities, but found that none of them have their participation elements front and center. He noted the name change from Citizen Participation Element to indicate more active involvement. The current element is very focused on planning and land use; while an important area for citizens to be engaged in, it is not the only one by any means. The desire is to have citizens engaged in everything the city does so the first section of the draft element maps out policies that are about the city as a whole.

Mr. Kidde said over the years he has found that many citizens do not know exactly what functions Bellevue plays. New Policy CE-1 is aimed at emphasizing the importance of informing Bellevue residents about the city's operations, budget allocations, services and policies. On the flip side, Policy CE-2 is focused on learning from residents through surveys and outreach about their perceptions of the city, its performance, budget priorities, taxation, and how the information is used to improve services to the community.

Continuing, Mr. Kidde explained that polices CE-3 through CE-6 all have an element of dealing with diversity. Citizen involvement is always complicated where there are wide diversities involved. Some of the issues have to do with access and the provision of translation and interpretation services. The work to translate all city documents and to provide interpretation services at every city meeting in each of the myriads of languages spoken by Bellevue residents would clearly be cost prohibitive. There are, however, there are large groups of people speaking languages such as Korean, Chinese, Russian and Spanish and resources could be and often is focused on those groups.

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

Commissioner Hamlin said he had only a few suggested wording change to the policies and would provide them in writing to staff.

With regard to Policy CE-3, Commissioner Walter suggested changing "populations with limited English language ability" to "populations with limited language ability" in order to include sign language. She also proposed adding to Policy CE-5 all the school districts in Bellevue and Bellevue College. Chair Laing suggested a broad reference to educational organizations.

Commissioner Tebelius expressed the view that the current Citizen Participation Element is fine. She said she could see no reason to include the proposed new policies given that the focus of each is already encompassed in the existing policies. She indicated, however, that if the desire of the Commission is to include the new policies, she would want to take the time to focus on each one and seek an explanation of why each is needed.

Chair Laing suggested that several of the policies could be significantly shortened.

Mr. Kidde reiterated that the existing policies are primarily focused on planning and land use. There are in fact many other functions the city undertakes and as a result there are many other opportunities for citizen involvement. The city as a whole will benefit from policies that will guide behavior in terms of engaging the population. Mr. Inghram added that each of the new policies addresses a facet that is not addressed in the current policies.

Commissioner Tebelius asked if the staff would do any of what is outlined in the new policies if the new policies were not included in the element. Mr. Inghram said the city would still regulate development and build roads if there were no Comprehensive Plan policies in place. The argument can be made, however, that those actions can be carried out better and more efficiently because there are policies providing guidance.

8. OTHER BUSINESS - None
9. PUBLIC COMMENT - None
10. DRAFT MINUTES REVIEW
  - A. May 14, 2014

Commissioner Tebelius called attention to page 15 of the minutes and noted that the motion relative to the Bellevue Technology Center Comprehensive Plan amendment failed on a 2-2 vote

without indicating which Commissioners voted for and which voted against. She said it was her recollection that she and Commissioner DeVadoss voted for the motion, and Commissioners Hamlin and Laing voted against the motion.

A motion to approve the minutes as amended was made by Commissioner Tebelius. The motion was seconded by Commissioner Hamlin and it carried without dissent; Commissioner Walter abstained from voting.

B. May 28, 2014

Commissioner Tebelius submitted to staff the comments she had made about retiring Commissioner Hal Ferris and asked to have them included in the minutes on page 5.

A motion to approve the minutes as amended was made by Commissioner Tebelius. The motion was seconded by Commissioner Hamlin and it carried without dissent; Commissioner Walter abstained from voting.

C. June 11, 2014

Commissioner Tebelius called attention to the sixth paragraph on page 10 of the minutes and suggested the first sentence should be changed to read "Chair Tebelius pointed out that traffic in that part of Factoria is heavy."

A motion to approve the minutes as amended was made by Commissioner Tebelius. The motion was seconded by Commissioner Hamlin and it carried unanimously.

11. NEXT PLANNING COMMISSION MEETING

A. July 23, 2014

12. ADJOURNMENT

A motion to adjourn was made by Commissioner Tebelius. The motion was seconded by Commissioner Walter and it carried unanimously.

Chair Laing adjourned the meeting at 10:10 p.m.