

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

October 8, 2014
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

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

COMMISSIONERS ABSENT: None

COUNCIL LIAISON: Councilmember Stokes

STAFF PRESENT: Paul Inghram, Mike Bergstrom, Nicholas Matz, Department of Planning and Community Development; Phyllis Varner, Department of Utilities; Councilmember Stokes

GUEST SPEAKERS: Wayne Carlson, AHBL

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:37 p.m. by Chair Laing who presided.

2. ROLL CALL

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

3. PUBLIC COMMENT

Mr. Warren Halvorson, 13701 NE 32nd Place, said he and his neighborhood appreciate the service provided by the Commissioners. He observed that going forward the United States government will strongly support solar energy. Currently about ten percent of the energy consumed in Germany and Japan comes from solar; in the United States it is only one percent. There is a clear market opportunity, and that will bring with it the opportunity to get away from the current sources of energy. The Commission has the responsibility to be visionary in updating the Comprehensive Plan, and it should support and endorse alternative sources of energy as well as street lighting options that will greatly reduce the amount of energy needed.

4. APPROVAL OF AGENDA

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

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

Councilmember Stokes reported that for the past four years the Bellevue Downtown Association has sponsored trips to various cities to see how they do things. He said he participated in the recent trip to Austin, Texas, along with several staff from Bellevue. He said it was good to learn that Bellevue is doing a lot of things really well when it comes to planning.

Councilmember Stokes noted that the Council had a very good budget discussion at its meeting on October 6. The primary focus was the CIP. He allowed that there is a lot of work to do in Bellevue and the work of the Planning Commission and the city's other boards and commissions is vital to seeing the work completed.

6. STAFF REPORTS

Comprehensive Planning Manager Paul Inghram said the Eastgate/I-90 open house at the Newport library was well attended and there was good interaction with the community. He also reported that on October 7 the Neighborhood Outreach Program hosted the neighborhood leaders meeting, something they do two or three times each year. The meeting brings together neighborhood leaders from across the city to discuss different topics or themes. There were 92 neighborhood leaders present along with the mayor, city manager and others and the focus of discussion was change affecting neighborhoods and neighborhood character.

Commissioner Walter said she attended the meeting and enjoyed it. The videos that were shared with the group were very good. Councilmember Stokes said he attended as well and noted that there was a good mix of seasoned neighborhood leaders and new neighborhood leaders. There was a rich discussion.

7. STUDY SESSION

A. Clean-up Code Amendments

Principal Planner Mike Bergstrom reminded the Commissioners that a study session on the clean-up amendments was held in June and the public hearing was held in September. No public input was received, but because the agenda was full the Commission elected to postpone deliberation and formulating a recommendation to a later meeting.

Answering a question asked by Commissioner Tebelius regarding the stricken paragraphs in 20.20.13.E veterinary services, Mr. Bergstrom said the proposal stems from the fact that no one has been able to determine where the restrictions in paragraphs 7 and 8 came from originally. The existing language could be interpreted to mean that should a veterinarian clinic occupy a tenant space at a strip mall and a restaurant chooses to locate within 100 feet of it, the veterinarian clinic might be forced out.

With regard to the proposal to delete a sentence from 20.20.015 Minimum Lot Size - Shape, Commissioner Walter asked if a rectangular lot measuring 12 by 10 were to be split diagonally, the result would be two 10 by 12 lots; she asked if that was the intended result. Mr. Bergstrom said while that would be an extreme example, that is what can be done under the current language. The concern is that in establishing minimum lot size shape, which is done at the platting stage, it is unknown where the buildings will be sited, making it impossible to apply the rule relative to measuring from the building line.

Commissioner Tebelius called attention to 20.25B.040 Development Standards, paragraph A.1

Building Height Definition, and asked for an explanation for the proposed change. Mr. Bergstrom explained that the current language is not clear as to which ridge and which eave is to be used in measuring the mean height. The change is intended to offer some clarity in that regard. Commissioner Tebelius pointed out the need to include the same language in 20.50.012.B Definitions, Building Height. Mr. Bergstrom agreed.

Chair Laing called attention to the building height definitions in Sections 20.25 and 20.50 and said it was his recollection that the light rail overlay includes provisions that deal with height restrictions and transitions. He asked if the proposed change would affect the allowed or required height of anything within the overlay district. Mr. Bergstrom said it would not. He clarified that the transition relative to the light rail overlay district has to do with separation of landscaping.

Commissioner Walter called attention to 20.30D.285 Amendment of an approved Planned Unit Development and specifically the proposal to strike paragraph C.1. She reminded the Commissioners about the Bellevue Technology Center issue and suggested that had the proposed paragraph deletion been in place, the issue would never have come before the Commission. She said she would prefer to see the paragraph rewritten as a standard that can be met. Mr. Bergstrom said the basic concern is the phrase "not foreseen by the applicant or the City." An applicant may in fact have foreseen a natural physical feature but concluded it would not be a problem, but would then have prove they did not see it, which is unlikely. He suggested shortening the paragraph to read "The change is necessary because of natural features of the subject property, and."

There was consensus to make that revision.

Chair Laing called attention to 20.50.020.F, the definition of floor area ratio that counts 16 feet or greater height twice. He said it appeared to him that an FAR of 0.5, which is the residential maximum density, for what is effectively a single story house of 2500 square feet of living area, ceilings of 16 feet or higher would mean the house is actually counted as a 5000 square-foot house. Mr. Bergstrom agreed with that interpretation. Chair Laing said he understood the intent but pointed out that 16 feet is not a two-story house; a two-story house would be 24 feet or more. Space that operates as a two-story space should be counted twice, but the cutoff should be greater than 16 feet. He suggested changing the number to somewhere between 18 and 24 feet.

Commissioner Hamlin voiced concern over increasing the limit to as much as 24 feet. A single-story home with 24-foot ceilings would appear very large. Chair Laing agreed that 24 feet would be too much and would feel comfortable establishing the limit at 18 feet.

Mr. Bergstrom pointed out that the 0.5 FAR is not hard and fast; it can be exceeded under the daylight plane provisions and increased setbacks.

There was agreement to set the number at 18 feet.

Commissioner Hilhorst asked why 20.20.900.E Tree Retention and Replacement, specifically calls out the Bridle Trails subarea. Mr. Inghram explained that several years ago the Bridle Trails community came to the city and asked for a different set of regulations regarding tree retention for their neighborhood. There have been discussion since then about whether or not the regulations should apply elsewhere but to date that determination has not been made. The city does not want to have a different set of tree preservation standards for every individual

neighborhood, so any neighborhood coming forward wanting more protections likely would end up with something very similar to the Bridle Trails regulations. Currently there are only limited tree protection standards in place outside of the Bridle Trails subarea; at the time of development one is required to retain between 15 and 30 percent of the tree diameter inches existing on the site. Homeowners, however, do not have to meet those same restrictions.

A motion to approve the proposed Land Use Code amendment with the changes as noted was made by Commissioner Hamlin. The motion was seconded by Commissioner Carlson and it carried unanimously.

B. Comprehensive Plan Update

Mr. Inghram pointed out that Senior Planner Nicholas Matz was attending the Puget Sound Energy Energize Eastside CAG meeting along with several members of the public interested in the electrical policies in the Utilities Element. There was consensus among the Commissioners to hold off discussion of the policies relating to non-city managed utilities until the October 22 meeting of the Commission.

Paul Andersson, Environmental Stewardship Initiative program administrator, noted that in the presentation made in July 2013 on a range of topics where staff had conducted a gap analysis of the existing Comprehensive Plan and changes that had taken place since it was published in 2004, key performance indicators across different metrics of environmental performance were discussed along with gaps identified in the Comprehensive Plan. Since then there has been a great deal of citizen feedback with regard to environmental topics; there have been some countywide policy changes; and there have been some Council actions. A joint boards and commissions forum was conducted on the environment that engaged a lot of community members as well. All of that background work has resulted in recommendations for new policies that fall into three main categories: edits to existing policy language; new policy editions; and formatting relative to improving readability. The proposed policy additions fall into five categories: tree canopy restoration; public/private partnerships for stewardship projects; lifecycle materials management; greener buildings and infrastructure; and mitigation of greenhouse gas emission.

Commissioner Tebelius observed that many of the proposed policy changes involve verbs that move the policies away from being aspirational toward tying the hands of the Council to do certain things. She said her preference would be to err on the side of being aspirational. Mr. Andersson said there has been some feedback on some of the qualifying and subjective language. Many are opposed to language that does not give clear direction, which includes words such as "encourage" and "promote." Where there is policy language to do some specific thing, the language of the policy should be specific, otherwise the policy is likely not needed at all.

Commissioner Carlson said policy statements by definition are general guidelines. Policies are not code.

There was agreement to work through the matrix line by line.

With regard to line 2, Policy EN-1, Commissioner Hamlin suggested that the revised version of the policy is fairly abstract. The latter part that is proposed to be deleted actually provides needed clarification. Commissioner Hilhorst concurred. Mr. Andersson explained that latter part of the existing policy points out some obligations but not all; there are many more that could

be added and calling out some but not all could be confusing.

Commissioner deVadoss concurred but suggested "in the context of the city's other obligations" should read "in the context of the city's obligations." He also suggested the policy should begin with "balance" rather than "evaluate."

Commissioner Carlson said the language should be simple and straightforward, making it possible for an interested layperson to read it and understand what it means.

There was agreement to have the policy read "Balance the immediate and long-range environmental impacts of policy and regulatory decisions in the context of the city's commitment to provide for public safety, infrastructure, economic development and other obligations."

Turning to line 3, Policy EN-2, Commissioner Tebelius pointed out the need to insert the word "its" ahead of "employees."

Commissioner deVadoss proposed revising the policy to read "...ensures the sustainable use of natural resources...."

With regard to line 4, Policy EN-3, Commissioner Tebelius asked why "where practicable" should be eliminated. Mr. Andersson said practicable is a term that always ends up needing to be defined. Mr. Inghram added that the aspiration is to seek to eliminate. In the capital program and regulations there is more precise definition relative to the means by which the aspiration is carried out.

Councilmember Stokes said the proposed policy language moves the city toward taking a more active role. Phrases such as "where practicable" are vague. It is better to have policy language directing the city to move forward actively.

Chair Laing said he would prefer to see the policy begin with the phrase "Seek to reduce and eliminate...."

Commissioner Walter proposed changing "and the environment" to "or the environment."

Commissioner Carlson pointed out that the policy as proposed could be understood to mean the putting out of poisons to control rodents would no longer be permitted. Chair Laing suggested the city could seek to reduce or eliminate in areas that do not include that specific prohibition. Commissioner Tebelius suggested that in that case the word "seek" might be too strong and "minimize" should be retained. Chair Laing countered that the word "seek" is less active than "minimize" or "eliminate."

Commissioner Hilhorst pointed out that the existing policy language is somewhat clearer with regard to the air, water and soil. Commissioner Carlson proposed combining the existing policy with the proposed policy to read "Minimize and where practicable eliminate the release of substances into the air, water and soil that may have harmful impacts on people, wildlife and the environment."

Chair Laing explained that the policy is really aimed at reducing and eliminating pollution. The existing policy language is a bit of a mouthful and uses plannerese. The proposed policy language uses regular words.

The Commissioners had no comments regarding line 5, Policy EN-4 or line 6, Policy EN-7.

With regard to line 7, New Policy EN-XX, Commissioner Hilhorst proposed changing "take positive actions" to "take corrective actions" and to strike everything after "reduce greenhouse gas emissions."

Answering a question asked by Commissioner Tebelius, Mr. Andersson said in 2007 the Council signed the mayor's Climate Protection Agreement that established a greenhouse gas emission target of seven percent below the 1990 emission levels by 2012. The target is both for municipal operations and for the community as a whole. The target has since more or less expired. The Countywide Planning Policies referenced in the analysis and assessment column directs the establishment of a new target that meets or exceeds the state target, and the Growth Management Planning Council recently adopted a countywide target of a 25 percent reduction by 2020, a 50 percent reduction by 2030, and an 80 percent reduction by 2050. The question is how in practice to get there. The policy does not go so far as to force actions by Bellevue citizens.

Commissioner Carlson said he would like to see micro targets such as goals for enhancing the tree canopy and fuel efficiency. Mr. Andersson noted that line 12, New Policy EN-XX, includes language that talks about tree canopy targets. He said it is possible to measure a number of specific targets and have as the largest number at the end of the day be the greenhouse gas emissions number, which can take dissimilar units of measure and equate it all to a metric ton of CO2 emissions.

Chair Laing pointed out that technically greenhouse gas emissions are not reduced by increasing the tree canopy, rather sequestration of greenhouse gasses is increased by having more trees.

Commissioner deVadoss observed that the use of vehicles that operate without producing greenhouse gasses should be encouraged. As such the phrase "reduce vehicle dependency" should be revised to clarify that what needs to be reduced is dependence on vehicles that do contribute greenhouse gas emissions. Mr. Andersson pointed out that there are transportation policies focused on vehicle dependence in general which call for an overall reduction of the number of vehicles on the roads. He also pointed out that the proposed policy language talks specifically about reducing energy consumption and vehicle emissions before going on to reference enhancing land use patterns that will result in reducing vehicle dependency.

Councilmember Stokes commented that while broad policy statements are helpful to the Council, to the extent that the policy language can help inform or give specific direction, the Council will also be benefited.

Chair Laing observed that while many Bellevue citizens likely would support policy language aimed at reducing energy consumption and vehicle emissions, a good many likely would not support policy language that essentially argues against living in a single family home where it is necessary to have a car in order to get around.

Commissioner Carlson proposed deleting from the proposed language "and enhancing land use patterns to reduce vehicle dependency." Mr. Inghram pointed out that one of the city's strategies for reducing emissions involves the way it plans for growth, which is focused on encouraging growth in those areas that are pedestrian friendly, have better access to transit, and which will result in fewer vehicle trips and therefore fewer vehicle emissions.

The Commission agreed with the proposal not to change line 8, Policy EN-8.

With regard to line 9, Policy EN-9, Commissioner Carlson proposed having it read "Educate the public about environmental issues and demonstrate how individual actions can benefit the environment." Commissioner Walter agreed but said she would use "illustrate" in place of "demonstrate." There was agreement to use "illustrate."

Commissioner deVadoss suggested that in addition to individuals the policy should also encourage entities or organizations. Commissioner Hamlin pointed out that "individual actions" is not necessarily a reference to individuals, it could refer to corporations.

Commissioner Carlson called attention to line 10, Policy EN-28, and suggested that "utilize" should be changed to "use."

Commissioner Tebelius asked what a life cycle cost analysis is. Mr. Andersson said it will be defined in the glossary, but one example would be factoring in the operating costs, resale value and environmental impacts when buying a city vehicle. The city has purchased several hybrid vehicles which have lower life cycle operating costs and higher resale values, so while they might be more expensive up front, the life cycle cost analysis shows they are actually financially and environmentally a better value.

Answering a question asked by Commissioner Tebelius regarding line 11, new Policy EN-XX, Mr. Andersson said the context could be a stream restoration project where the city has acted to create better habitat for fish but where just upstream there are scouring flows and no shade on a private property. The intent of the policy is to support partnerships that will enable private parties to upgrade the habitat on their properties. Mr. Inghram explained that the city does not do public projects on private lands. Policy language can, however, establish a mechanism that allows private property owners to partner with the city, thus opening the door to investing city dollars. The Mountains to Sound Greenway is an example of a private/public partnership.

~~Councilmember Stokes left the meeting.~~

Referring to line 12, New Policy EN-XX, Commissioner Walter asked if the reference to tree canopy refers to all trees or just those that are congregated to form an actual canopy. Mr. Andersson said it refers to all trees, both individual trees and trees growing together that form a forest.

Commissioner Carlson asked if by including a reference to residential uses in the policy the city will be given the green light to restrict the cutting down of trees on private residential properties. Mr. Andersson said that would not necessarily be the case. The focus of the policy is on establishing an action plan for maintaining tree canopy while recognizing that there are many different types of land use types having different sensitivities. The city has the power it needs to establish tree canopies along rights-of-way, and by consulting with neighborhoods and residents the city can determine the preferred option for growing the tree canopy in residential spaces.

Answering a question asked by Commissioner Tebelius, Mr. Andersson said the city has lost about 20 percent of its tree canopy since 1986 when measurements were first made. Currently there is about a 36 percent tree canopy coverage citywide. The Arbor Day Foundation recommends a tree canopy of 40 percent for Tree City USA status.

Commissioner Hilhorst commented that in her neighborhood many lots that have only a single house and plenty of trees are being redeveloped with eight houses and no trees. Setting tree canopy targets is one thing, but allowing development of that sort is working directly against the targets. Mr. Andersson said the policy may force the city to recognize what the left hand and right hand are doing. The city requires maintaining a certain percentage of significant trees as part of the development permit process, but what is happening is a lot of prospective clearing. Any property owner can simply clear their properties of trees with the full intent of later getting a permit to develop. The policy would promote a study of what is happening, where and how the tree canopy is being lost, and what can be done to stem the tide.

Commissioner Tebelius commented that the city wants affordable housing but will only get it if there is more development. Development requires the removal of trees. Trees grow so there should be a requirement to replant after development occurs. Mr. Inghram allowed that the city is struggling with that very issue. He said when the Bel-Red standards were adopted they included standards focused on increasing on-site vegetation hand in hand with development, resulting in a net gain. Additionally, there is more green in the downtown than there was 10 or 20 years ago specifically because the city has actively sought to make that happen. By the same token, allowing for adequate root space, trees will be able to grow much larger, will last longer, and will have much larger canopies. There are competing objectives, but policy language can help address them.

Chair Laing pointed out that the Growth Management Act has 13 competing goals and policies. The courts and the Growth Management Hearings Board have repeatedly recognized there is no hierarchy, that all are equal, and that they are competing. The devil is in the details when it comes to implementing the Comprehensive Plan through the CIP or the zoning code, and it is anticipated that recommendations made at the Comprehensive Plan level will result in direct conflicts. He said he would like to see a standalone policy included about linear transportation projects. The light rail project will decimate the city's tree canopy more than all of the residential and commercial development that will occur over the next 30 years. The most impacted stretch will be between I-90 and Surrey Downs Park.

Commissioner Walter said the ~~said same~~ circumstance is associated with Energize Eastside. That linear project will remove all trees 130 feet on either side of the transmission lines.

Mr. Inghram said staff would draft a policy for the Commission to review.

With regard to line 13, there was consensus to name the section Waste and Materials Management.

Commissioner Tebelius referred to line 14, Policy EN-5, and asked how the city is going to prevent waste. Mr. Andersson said the concept behind materials management is looking upstream. Materials management is a circular process that begins with upstream design and production, moves on to consumption and use, and finally concludes with end of life management, which feeds back into the first element. The city has been focused on the end of life component. A lot of cities have bans on specific materials which puts some of the onus on upstream design and production. In some instances excessive packaging associated with products is taken back by the producers of the product.

Commissioner Hilhorst suggested that to avoid confusion the policy should read "Reuse and

recycle materials and dispose of all wastes in a safe and environmentally responsible manner." Mr. Inghram said that language does not get at the creation of waste at the production end. Mr. Andersson agreed that if the reference to preventing waste is confusing, making the change will not be productive. He allowed that the policy as proposed by Commissioner Hilhorst would not prevent the city from addressing upstream design and production waste reduction.

There was consensus to keep the current language for Policy EN-5 and to accept the new wording for line 15, Policy EN-6.

Answering a question asked by Commissioner Walter regarding line 16, New Policy EN-XX, Mr. Andersson said the city has received a lot of feedback with regard to purchasing bottled water for city uses and the need for more pesticide-free parks. The policy is intended to walk that fine line.

Chair Laing suggested the policy, if retained, should clarify that it is addressing municipal operations. He said his preference would be to eliminate it.

Commissioner Hilhorst expressed the view that line 16 is covered by line 15 and as such there is no additional benefit to having line 16.

Mr. Inghram proposed revising line 16 to call for using alternatives to materials and products that are determined to have negative ecological impacts. That would move the policy away from any perceived outright prohibition on the use of such goods. Mr. Andersson allowed that line 17, New Policy EN-XX, actually is preferable to line 16.

There was agreement to eliminate line 16 and to reword line 17 to read "Engage in environmentally preferable purchasing practices and support product stewardship."

Commissioner deVadoss stressed the need to be consistent throughout the policies in using words such as prioritize, minimize and balance.

Mr. Andersson explained with regard to line 18, New Policy EN-XX, that the city has a high percentage of residential waste diversion, currently about 68 percent. There is, however, no policy encouraging that trend to continue and to include businesses and multifamily. Multifamily recycling rates currently are close to 19 percent.

Commissioner Tebelius commented that one of the best ways to encourage people to recycle is to not charge them for doing so.

****BREAK****

There was agreement not to make any changes to lines 20 through 24.

With regard to line 25, Policy EN-36, Commissioner Walter suggested that the words "littoral" and "riparian" are not commonly used by the general populace. Commissioner Carlson suggested the proposed change to the policy to add those words was not needed given that a healthy riparian zone will enhance aquatic life.

There was agreement to retain the current language of Policy EN-36, and to not make any changes to line 27, Policy EN-38.

Chair Laing asked why "watersheds" was proposed to be changed to "basins" in line 28, Policy EN-38. Mr. Andersson said the change was made for reasons of consistency. Lake Washington and Lake Sammamish are not recognized necessarily as watersheds. The word "basin" is more reflective of the terminology used by the utilities department. Mr. Inghram pointed out that Lake Sammamish and Lake Washington are in fact both in the same watershed. The current policy language implies the lakes are in separate watersheds.

There was agreement to make the changes to line 27, Policy EN-38, and line 28, Policy EN-39, and to make no changes to lines 29 through 33. There was agreement to accept the change to line 34, Policy EN-46; to make no change to lines 35 and 36; to delete line 37; and to make no changes to lines 38 and 39.

There was consensus to replace "utilize" with "use" in both line 40 and line 42.

With regard to line 41, Policy EN-54, Chair Laing commented that structure setback can be modified and even eliminated with a geotechnical report under the critical areas ordinance. To require a setback in the Comprehensive Plan would set up a conflict. The policy language should be consistent with the zoning ordinance. The policy as it exists is very prescriptive and allows for no relief. If retained, the policy should reflect that setbacks are not hard and fast lines. All that is really needed, however, is Policy EN-52. Mr. Inghram agreed to reconsider Policy EN-53 in light of making it consistent with actual practice.

There was agreement not to make any change to line 42, Policy EN-54; to accept the change to line 43, pen55; and to make no change to lines 44 through 49. There was also agreement to place line 44, Policy EN-56, first in the Earth Resources and Geologic Hazards section in order to set the tone.

There was agreement to relative to line 47 to use the title "Low-Impact Development and Green Buildings."

With regard to line 48, Policy EN-17, Commissioner Walter pointed out that in fact regulations that limit the amount of impervious surface area in new development are already on the books. Rather than use the word "establish," the policy should use "maintain." The Commissioners concurred.

Commissioner Walter said the same argument could be made relative to line 49, Policy EN-18. Mr. Inghram allowed that there may still be new ways to create incentives. He suggested using "provide" in place of "implement" and the Commissioners agreed.

Answering a question asked by Commissioner Tebelius, Mr. Andersson said the proposed change to line 50, Policy EN-27, seeks to remove the language referencing critical areas functions.

Chair Laing suggested line 51, New Policy EN-XX, needs to include "where feasible" to match the state standard for implementing low-impact development. He also proposed eliminating the phrase "minimize impervious surfaces" because it is redundant. Mr. Inghram explained that the proposed language is intended to reflect the federal National Pollution Discharge Elimination System (NPDES) requirements.

Phyllis Varner, NPDES Permit Coordinator with the Department of Utilities, explained that the Department of Ecology has split low-impact development into best management practices where feasible, and low-impact development principles. The latter are considered by the city to be land use policies the Clean Water Act did not address. The state has combined the federal Clean Water Act permit and the state water pollution law into a single permit. The federal government has delegated permit authority to the states, and the states are allowed to exceed the federal standards. The principles specify minimizing impervious surfaces and native vegetation loss. Combined with the best management practices, the intent is to make low-impact development the common and preferred approach to site development. The best management practices have metrics to be met, but the principles are more focused on philosophy. There is no metric for what minimizing impervious surfaces, so the decision is left to local jurisdictions. Bellevue already has impervious surface limits in the codes and standards, and the NPDES permit requirement is to review and revise where appropriate all land use-related codes, standards and policies by January 1, 2017.

With regard to the city's appeal of the permit, Ms. Varner said the Pollution Control Hearings Board upheld the position of the Department of Ecology. While the city does not agree with that finding, it is now in the federal permit and all Phase II municipalities are required to review and revise their land use codes for low-impact development principles. The process has been started, beginning with an opportunity analysis of the Comprehensive Plan policies, codes and standards.

Wayne Carlson with the consulting firm AHBL stressed that there is no standard for minimizing impervious surface and native vegetation loss. As such, getting at native vegetation retention and impervious surface thresholds can be accommodated in a variety of ways. Staff have looked for opportunities to integrate the principles into the Comprehensive Plan, following which they will be incorporated into codes and standards. Line 51, New Policy EN-XX, has to do with the principles.

Commissioner Tebelius asked if the state will need to approve what the local cities do relative to establishing standards. Ms. Varner said the city put that very question to the Department of Ecology and the answer given was that the state wants to see good-faith efforts. They have established a process that includes public involvement and a full review of all policies, codes and standards. To date no jurisdiction has accomplished that task. Legal Planner Catherine Drews has been tapped to serve as the manager for a project team that has been set up; the team involves a number of other jurisdictions. The team started with a review of the Comprehensive Plan policies and a consultant has reviewed the findings and has offered some recommendations. There are 36 existing policies that support the low-impact development principles; there are four policies for which amendments have been recommended; and there are six proposed new policies. Line 51, New Policy EN-XX, represents a recommendation by the project team for an umbrella policy to get at what is required by the NPDES permit.

Commissioner Hamlin agreed with Chair Laing that the reference in the policy to stormwater runoff would capture the concept of minimizing impervious surfaces, so in that respect the phrase is not needed. However, given that the phrase is included in the NPDES permit, it make sense to include it.

Chair Laing proposed wording the policy to minimize native vegetation loss and stormwater runoff through techniques such as minimizing impervious surfaces. To simply require developers to minimize impervious surfaces becomes a problem because no specific impact

having to do with water quality or quantity is being mitigated. The practice does, however, have a profound impact on the viability of a project. The Comprehensive Plan should not blindly call for reducing impervious surface for the sake of reducing impervious surface.

Commissioner Hamlin said the point is well taken but does not address the fact that the NPDES permit specifically uses the reference to impervious surfaces.

Chair Laing reiterated his desire to see "where feasible" included in the language. Ms. Varner said the "where feasible" language applies to the best management practices. She said it will be necessary to use the phrase in that regard.

Mr. Inghram stressed that the policy is aimed at making low-impact development the preferred and commonly used approach to site development. The upshot of the language will be that the principle must be considered for every site to be development, not that a specific technique will have to be implemented. He agreed to have staff take another stab at drafting the policy language.

Turning to line 52, New Policy EN-XX, Commissioner Tebelius asked why new city facilities should exceed the required development standards. Mr. Inghram said there is no need to include a policy that simply calls for meeting the standards. The proposed policy language calls for going above the mere basics. The policy does not apply to existing buildings given the challenges that would bring to bear. Commissioner Tebelius argued against including the policy, saying that if the city wants to go above and beyond it is free to do so but there should not be a policy requiring that approach.

Chair Laing said he was pleased to see language that would have government stepping up and setting an example. Mr. Andersson said Bellevue has a policy to maintain regional leadership on environmental issues and line 52 represents one way to do that. The common standards for buildings in the city already exceed the code requirements; by some calculations downtown Bellevue is the second greenest zip code for new residential living in the nation, not because of the codes but because that is what the market wants.

There was agreement in favor of line 53, New Policy EN-XX, and line 54, New Policy EN-XX. There also was agreement to make no changes to lines 56 through 59. There was agreement to take another look at line 60, Policy EN-82, given that vehicle emissions testing will be going away before 2020.

Commissioner deVadoss proposed using an actionable word in place of "investigate" in line 61, pen83. There was agreement to use the word "evaluate."

There was agreement to accept the proposed change to line 62, Policy EN-84.

With regard to line 63, pen-85, Commissioner Hilhorst suggested that the issue is covered by line 7, New Policy EN-XX.

Chair Laing allowed that while line 63 is specific to air quality, it does feel redundant to line 7. Mr. Andersson agreed the specific issues are covered elsewhere. There was agreement to delete the policy.

A motion to extend the meeting to 10:00 p.m. was made by Commissioner Hilhorst. The motion

was seconded by Commissioner Hamlin and it carried unanimously.

There was agreement not to make changes to lines 64 through 76; to accept the clarification to line 77, Policy EN-62; and to make no change to line 78.

With regard to line 79, Policy EN-64, Mr. Andersson explained that "protection zone" is associated with critical areas. It is for the most part interchangeable with critical area though there are some nuanced overlays where it would be interpreted as protection zone. Mr. Inghram added pointed out that the term is not included anywhere in the Land Use Code.

There was agreement to have the policy read "Preserve and enhance native vegetation in critical area buffers."

There was agreement to make no changes to lines 80 through 83.

Relative to line 84 that while the city does not certify specific wildlife; there are other certifications out there which the city leverages. There was agreement to have the policy read "Promote urban backyard wildlife habitat programs."

There was agreement to make no changes to line 85.

It was noted that line 81, Policy EN-66, and line 86, Policy EN-71, say essentially the same thing. There was consensus to delete line 81 and to redraft line 86 to read "Minimize habitat fragmentation, especially along existing corridors and in patches of native habitat."

There was agreement to make no change to lines 87 and 88; to delete line 89 as proposed; and to make no change to lines 90 through 94.

Answering a question asked by Commissioner Hilhorst regarding line 95, Policy EN-11, Mr. Andersson said the second part of the policy ties back to the consistency issue raised previously by Chair Laing regarding the toe and top of a slope being accounted for in other policies. The policy offers the example of a site-specific critical areas study to provide a science-based approach to development that will achieve all goals. There was agreement to make no changes to the policy.

There was agreement to make no changes to lines 96 through 100. Staff allowed that the proposal to roll line 101, Policy EN-22 into line 102, Policy EN-23, was in error and that no change was needed. There was agreement to make no changes to lines 101 through 103.

Commissioner Tebelius asked if line 104, Policy EN-25, applied to shorelines. Chair Laing said it would not because the shoreline is not a critical area. He proposed having the policy read "Allow for limited building footprint expansion options for existing single family structures in critical areas, protective buffers and setbacks only in a manner that does not degrade critical area functions." There was agreement to make that change to the policy.

There was agreement to make no change to lines 105 to 109.

With regard to line 109, Policy EN-91, Chair Laing proposed having the policy read "Require a noise analysis for transportation projects in or near residential areas...."

There was agreement to make no changes to line 110.

Commissioner Hilhorst called attention to lines 111 and 112, Policy EN-92 and Policy EN-93, and asked how they are put into practice. She noted that on the western edge of her neighborhood there is a significant amount of green space separating the neighborhood from I-405. The city has approved the construction of 50 homes which will mean all of the green space will be gone. That will make the noise coming from the freeway worse for the local homeowners. The policies are both existing but have not made a difference.

Chair Laing explained that the code requires new residential development in areas where the ambient noise levels exceed the interior and exterior standards to be designed so as to avoid exposing residents to noise levels above the standards. Vegetation does not actually mitigate noise. The reality is that cutting down a swath of trees and building a bunch of houses between a noise source and existing residential homes, the new homes will in fact mitigate the noise for the existing residents. That is because the structures will provide a solid barrier. Trees provide only psychological barriers.

Commissioner Walter challenged that statement. She noted that in her neighborhood she never knew there were buses operating on the adjacent arterial until all the vegetation was removed and a wall was constructed. Chair Laing suggested the hardscape wall is reflecting the noise.

Mr. Inghram said the policy is intended to keep a developer from building a development in which the residents would immediately be subject to a noise impact. He said staff would take another look at the issue and return with suggestions.

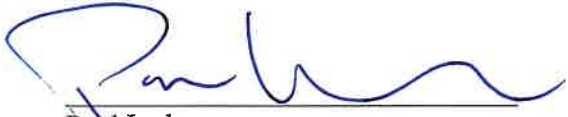
8. OTHER BUSINESS - None
9. PUBLIC COMMENT - None
10. DRAFT MINUTES REVIEW
 - A. June 25, 2014
 - B. July 9, 2014
 - C. July 30, 2014

No action was taken to approve the minutes.

11. ADJOURN

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

Chair Laing adjourned the meeting at 10:07 p.m.



Paul Inghram
Staff to the Planning Commission

2/25/2015
Date



Aaron Laing
Chair of the Planning Commission

2/25/15
Date

* Approved as corrected January 28, 2015

