

CITY OF BELLEVUE  
BELLEVUE PLANNING COMMISSION  
STUDY SESSION MINUTES

October 23, 2019  
6:30 p.m.

Bellevue City Hall  
City Council Conference Room 1E-113

Deleted: DATE

COMMISSIONERS PRESENT: Chair Barksdale, Commissioners Carlson, deVadoss, Malakoutian, Morisseau, Moolgavkar

COMMISSIONERS ABSENT: Commissioner Laing

STAFF PRESENT: Emil King, Nicholas Matz, Department of Planning and Community Development; Kevin McDonald, Department of Transportation

COUNCIL LIAISON: Mayor Chelminiak

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER  
(6:35 p.m.)

The meeting was called to order at 6:35 p.m. by Chair Barksdale who presided.

2. ROLL CALL  
(6:35 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Laing, who was excused.

3. APPROVAL OF AGENDA  
(6:36 p.m.)

A motion to approve the agenda was made by Commissioner deVadoss. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

4. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS – None  
(6:36 p.m.)

5. STAFF REPORTS  
(6:36 p.m.)

A. Planning Commission Meeting Schedule

Community Development Department Assistant Director Emil King noted that the Commission would meet next for its annual retreat on November 13 at the Global Innovation Exchange building. He said the meeting will begin at 5:00 p.m. and run to about 9:00 p.m.

Deleted: Department of Planning and

Deleted: 4

## B. Reference Material on Significantly Changed Conditions

Mr. King provided materials to the Commission based on requests made at the September 25 study session for additional information regarding the significantly changed conditions decision criteria of the Comprehensive Plan amendment process.

Senior Planner Nicholas Matz noted that the Commission had made three specific requests for additional information: 1) an analysis of how other jurisdictions approach the issue of significantly changed conditions; 2) how to make the “gray area and qualitative discussion” less gray; and 3) a review of how the Planning Commission voted relative to the criterion in the past.

Mr. Matz referred to the staff memo and noted that on the first page there was a primer outlining the steps the staff take when making a recommendation to the Commission. He said Table 1 in the report consisted of a curated choice of CPAs going back to 2012 that identified the issues and how the Commission voted. He explained that Attachment C included an outline of how significantly changed conditions is applied by other jurisdictions, noting that the criterion is not used by every jurisdiction. He called attention to a memo in the report regarding an MSRC inquiry into how the criterion has been addressed in court cases. The MSRC memo primarily referenced how courts of treated the tool as applicable to rezones, but it also referenced a combined CPA and rezone in Snohomish County where the question of significantly changed conditions, or circumstances, was brought up as part of a legal challenge. The court found the use of changed circumstances in a CPA appropriate and the rezone request was upheld. No cases were found in which the criterion was challenged directly as a matter of comprehensive plan amendment procedure.

Deleted: the

Commissioner Ferris commented that the term “changed conditions” would imply that there has been a change from something previous. She asked what the something previous is. Mr. Matz said the term does not necessarily reference a specific point in time. The criterion is based in part on the issue of something having happened that the existing Comprehensive Plan did not anticipate. The milestone checks utilized are the periodic major updates to the Comprehensive Plan, but the focus continues to be on whether or not something has happened that the Comprehensive Plan did not anticipate or address.

## 6. ORAL AND WRITTEN COMMUNICATIONS (6:43 p.m.)

Ms. Pamela Johnston, 3741 122nd Avenue NE, commented on neighborhood planning and proposed consideration should be given to a win-win situation. It has been stated that the city will engage in two neighborhood planning exercises per year, but that schedule is in adequate given that the Comprehensive Plan will see its next major update in 2023. Ways to speed up the neighborhood planning process should be sought. There are some things in the Comprehensive Plan currently that everyone knows are problematic and instead of switching all the way to visioning, those issues should be addressed first.

## 7. PUBLIC HEARING (6:47 p.m.)

### A. Amend the Comprehensive Transportation Project List in Volume 2 of the Comprehensive Plan

Principal Transportation Planner Kevin McDonald, Department of Transportation, staff liaison to

Deleted: 4

the Transportation Commission, indicated he was representing the Transportation Commission's recommendations relative to the Eastgate Transportation Study and updating the Comprehensive Transportation Project List to include the projects identified in that study. He said the request for the Transportation Commission to conduct the Eastgate Transportation Study came from the City Council. The study involved use of the available metrics regarding traffic congestion on the arterial roadways in the Eastgate and Factoria areas to forecast out to 2035, and to identify any projects that could provide some congestion relief, both near-term and toward the end of the planning horizon for the project. The Transportation Commission enlisted the help of transportation staff and consultants relative to forecasting, modeling and identification of projects. After a year of study, the Transportation Commission submitted its recommendations to the Council on July 15. The Council accepted their recommendations and initiated a Comprehensive Plan amendment to embed the project list into the Comprehensive Transportation Project List. The Comprehensive Transportation Project List was added to the Comprehensive Plan as part of the 2015 major update. It serves to consolidate all of the transportation projects from eight separate planning documents into a single list which can be referred to more easily, maintained and updated through a single Comprehensive Plan amendment.

Mr. McDonald said the proposal was to amend the Comprehensive Transportation Project List in three ways: to add projects identified by the Transportation Commission; to modify the description of any existing projects already in the Comprehensive Transportation Project List; and to repeal or eliminate projects on the list that through the analysis were deemed no longer necessary for mobility in the Eastgate area.

Deleted: the

The Eastgate Transportation Study included a review of signalized intersections, most of which have congestion issues currently or anticipated within the 2035 timeframe. The Commission did not recommend projects for each intersection, rather for a subset of them for which a determination was made that a congestion relief project would make a big difference. The study began by looking at existing conditions using the metrics established in the Comprehensive Plan and the Traffic Standards Code. The forecasts out to 2035 are based on land use projections provided by the Department of Community Development, and the assumed transportation network that would be in place by the horizon year. The assumed transportation network includes projects that are currently funded for design and construction, and any further transit service enhancements that are anticipated by 2035.

Deleted: were

In comparing the 2035 forecasts with the level of service standards that are in place, the Transportation Commission identified certain intersections as candidates for capacity improvements that would help mobility in the Eastgate and Factoria areas. The associated projects are those the Transportation Commission has recommended by added to the Comprehensive Transportation Project List. Adding the projects to the list because until they are adopted they have no real standing to compete for funding through the Capital Investment Program. By being included on the list, staff can require certain portions of the projects to be developed as conditions of approval for private sector development projects. In addition to including the proposed projects on the Comprehensive Transportation Project List, the Transportation Commission will in 2020 add the projects to the Transportation Improvement Program project list.

Commissioner deVadoss asked for comment regarding [transportation project review of development proposals when using the CTPL](#). Mr. McDonald said when a private sector project is proposed, it is reviewed by staff in several different departments, including the transportation department. In conducting their review, transportation staff look at the impact of private sector

Deleted: ....

Deleted: 4

projects on the immediately adjacent public sector infrastructure. Often there is a resulting requirement for a sidewalk to be added or widened in accord with the standards adopted in the plan. At other times there is a requirement for a bike lane to be added to a street. In the case of intersection capacity projects, there could be a requirement to include a turn lane to an adjacent intersection. The private sector project must adjust their development proposal to accommodate the infrastructure that is in the adopted plan.

Mr. Matz reiterated that the proposed Comprehensive Plan amendment was initiated by the City Council for action in 2019. The materials and recommendation were published October 3 and has been presented to the Commission in study session. He confirmed that the proposed amendment meets Final Review decision criteria, and that the recommendation of the staff was to approve the amendment, finding it to be consistent with the Comprehensive Plan; address the interests and changed needs of the entire city; address significantly changed conditions; in general conformance with adjacent land use and surrounding development; and demonstrate a public benefit and enhance the public health, safety and welfare.

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

(6:57 p.m.)

Ms. Pamela Johnston, 3741 122nd Avenue NE, said she heard nothing in the staff presentation about levels of service being changed in any way. She suggested the Commissioners should clarify that point. She said Bellevue College and Airport Park are areas being considered for a regional swimming pool, making capacity projects even more important. The Eastgate Transportation Study identified specific projects for reducing congestion. Eastgate residents are highly in favor of the study and the projects, which are needed as soon as possible to reduce vehicular traffic in the areas. At a public forum, the vast majority of the attendees were in favor of reducing congestion first above other modes. They also voiced a desire to see the studies subjected to a public hearing before the Transportation Commission, the body that is better prepared to address transportation issues. There are other neighborhoods that are also facing poor traffic conditions, especially Northeast Bellevue, and they need to see the same level of transportation studies done. Traffic studies should be done in concert with neighborhood studies.

Ms. Michelle Niethammer, 15897 Northup Way, said she had done a lot of reading and studying of the transportation project list and on how the transportation studies are done. She said effort was put into tying them to the Comprehensive Plan and the neighborhood area plans. One of the gaps that exist when the plans come together is the transportation areas are not the same as the neighborhood subareas. The real issues come about where there is an intersection of neighborhood areas and transportation areas. Transportation throughput is based in intersections that are in turn attributed to only one transportation area. For example, trips through the intersection of 156th Avenue NE and Northup Way are counted in the Crossroads transportation area. There have been talks with the transportation team about changing that. One of the issues that needs to be addressed when it comes to planning is the alignment of neighborhood area plans with transportation subareas.

Ms. Heidi Dean, 1161 SE 56th Street, voiced support for the comments made by the previous speakers. She said her neighborhood is not even on the list to be studied, which is concerning.

A motion to close the public hearing was made by Commissioner Moolgavkar. The motion was seconded by Commissioner Ferris and the motion carried unanimously.

Deleted: the f

Deleted: r

Deleted: . It has been found

Deleted: es

Deleted: es

Deleted: is

Deleted: s

Deleted: s

Deleted: Deen

Deleted: 4

8. STUDY SESSION  
(7:04 p.m.)

A. Amend the Comprehensive Transportation Project List in Volume 2 of the Comprehensive Plan

Commissioner deVadoss said it was his understanding that the Council had directed focusing on vehicular transportation, but pointed out that the Transportation Commission had also reviewed multimodal issues. Mr. McDonald said the Council directed the Transportation Commission to look at congestion reduction projects. The work that was done for the Eastgate Transportation Study was funded entirely by the transportation levy, specifically the neighborhood congestion portion. The focus was entirely on trying to understand vehicle mobility through the Eastgate and Factoria areas, and on identifying projects that address congestion issues. The Transportation Commission was, however, always mindful of the multimodal approach to mobility in line with what the city has adopted in the Comprehensive Plan. Although there were no specific recommendations made by the Transportation Commission for pedestrian, bicycle or transit facilities or service, they wanted to ensure that no project on the recommended list would diminish the level of service for any of those modes, and would not preclude the enhancement of level of service for any of those modes.

Deleted: while

Commissioner deVadoss asked why the Council chose to restrict the focus merely to vehicle mobility. Mr. McDonald explained that the request from the Council stemmed from the land use changes that were identified in the Eastgate/I-90 land use and transportation study. The direction from the Council was for the Transportation Commission to punctuate that work by making sure land use and transportation were synched to the 2035 timeframe in the current Comprehensive Plan. Accordingly, the focus was on congestion at intersections.

Commissioner deVadoss asked if the Transportation Commission overreached their mandate by looking beyond the directive from the Council. Mr. McDonald said the directive from the Council was to identify congestion reduction projects with respect to vehicles only. However, the overarching Comprehensive Plan says that in order to address mobility it is necessary to take a multimodal approach. The Transportation Commission recommended to the Council in 2018 that there be specific standards and guidelines for modes other than vehicle modes. Embedded in the Transportation Commission's recommendation, supported by the policy, was the notion of not wanting to diminish the level of service for any mode of travel by precluding the eventually enhancement of the other modes. That was made clear in the transmittal memo to the Council, which the Council accepted.

Commissioner deVadoss said there appeared to him to be some level of ambiguity between the original ask from the Council and the work done by the Transportation Commission with respect to the constraints. He suggested there are implications to that. Mr. McDonald said there were a number of touchpoints with the Council, the first of which was the establishment of the scope and budget for the project, which the Council approved. Another touchpoint occurred when the Transportation Commission submitted its recommendation, which the Council approved. The Council then directed the specific projects be studied for inclusion in the Comprehensive Plan.

Deleted:

Deleted:

Commissioner Malakoutian pointed out that all of the modes of travel are interrelated. He said it is not possible to look at reducing vehicle congestion without taking into account pedestrian and bicycle movements.

Chair Morisseau noted that during public testimony there was a question asked about the level of

Deleted: 4

service change. Mr. McDonald said the standards for level of service relate to the level of congestion at intersections as measured in terms of the volume to capacity (V/C) ratio. As the V/C ratio approaches 1.0, there is equilibrium between the demand for the intersection and the supply of service the intersection can provide change. It was discussed that there are transportation-specific geographic areas in Bellevue called Mobility Management Areas (MMAs), which of which has standard for the maximum level of service for the intersections within the MMA. It is true that the MMAs do not necessarily overlap with neighborhood subareas, and that is true in the case of the Factoria, Richards Valley, Eastgate and Southeast Bellevue MMAs and subareas. The MMAs were mapped in the 1980s and the level of service standards have remained consistent for the large part. In the Transportation Commission's work on Eastgate, the adopted standards were used to measure existing conditions and the 2035 conditions. The toggle was simply where or not the level of service standard was met or not. Where the standard was not met, attention was given to determining what could be done in terms of capacity improvements to raise an intersection to the point of meeting the standard. Given that there are different standards for each of the MMAs, it was necessary to be fairly precise in conducting the analysis. Where things got complicated was along arterials that pass through multiple MMAs. In those cases, two metrics were considered: the metrics of the specific intersections, and the travel speeds along the corridors. The Transportation Commission used both metrics in evaluating project concepts for areas not quite meeting the level of service standard. The results of the study are all available on the transportation department website.

Chair Morisseau asked if the Transportation Commission held a public hearing on the recommendation. Mr. McDonald said it did not, pointing out that the Transportation Commission does not typically hold hearings on matters such as technical analyses. However, the Transportation Commission did seek to ensure involvement by the community that lives in and travels through the study area. Of the six study sessions held by the Transportation Commission on the topic, three were held at the South Bellevue Community Center.

A motion to approve the recommendation as provided by the Transportation Commission was made by Commissioner Ferris. The motion was seconded by Commissioner Moolgavkar and the motion carried unanimously.

#### 7. PUBLIC HEARING (7:19 p.m.)

##### A. Amending the Land Use Code for the Annual Comprehensive Plan Amendment Process at LUC 20.30I

Senior Planner Nicholas Matz commented that the Commission's recommendation would be forwarded to the Council at its November 4 study session. Action by the Council on the [separate](#) 2019 plan amendments is scheduled to occur in December.

Mr. Matz noted that the annual Comprehensive Plan amendment process, and how it affects stakeholders, citizens and property owners, has reached a tipping point in terms of the ongoing discussion. The Commission has participated in real-time auditing of the annual process as a way of identifying where things could be improved. A lot of data and information has been provided by the staff to the Commission and it has led directly to the recommendations presented in draft form in September.

At the Council's [Threshold Review](#), there was a general policy discussion that identified some

Deleted: how

Deleted: t

Deleted: r

Deleted: 4

immediate concerns about the process, namely the use of the three-year limitation decision criterion in practice; acknowledgment of the uncertainty caused by reviewing site-specific plan amendment proposals during the Great Neighborhoods work; and expressed neighborhood frustration about the disruptive frequency of plan amendments. The study included taking a look at what the proposed revisions would mean in terms of transparency, stability and community expectations for the annual plan amendment process. The Comprehensive Plan amendment process is not intended to be something that is happening all the time. It requires thoroughly and patiently working through questions that arise. That is why it takes a full year for the process to play out. The outcome involves putting in place the city's long-range plan both locally and across the whole city.

Staff researched and identified new process elements and shared the results with the Commission on September 25. It was stressed at the time that any changes to the process should be to improve transparency and stability. It was also stressed that the proposed amendments should be guided by continuing to meet the Growth Management Act framework for plan amendments, while reinforcing a process that educates on how the city manages growth; reinforcing process transparency as communities self-select on how they engage; and resetting the timing of the amendment process to make the plan itself more stable, while projecting stability to communities and neighborhoods.

Continuing, Mr. Matz said on September 25 the Commission looked at the three different pieces and indicated comfort with the recommendation related to the three-year limitation decision criterion in practice. The Commission also looked at the uncertainty caused by reviewing site-specific amendment proposals during Great Neighborhoods and directed staff to move forward with the recommendation. Staff presented two alternatives to the Commission around addressing the disruptive frequency of plan amendments, a biannual approach and an early submittal deadline. Some additional research was subsequently done on the biannual process and it was discovered that the timing of the biannual process in terms of other decisions that have to be made and where people would be asked to step into the plan would be far too cumbersome. Kirkland uses the biannual process but is more deliberate about when issues will not be taken through. A lot of sorting goes on before issues are presented to their planning commission which makes it easier to anticipate what will happen.

The staff recommendation that went out on October 3 was in favor of the extended submittal deadline approach. One reason was to give more opportunity to get the data and information needed to develop a fully formed Comprehensive Plan amendment and bring it to the Commission. It is hoped that by having a September 15 deadline for the following year there will be ample time to set up things well ahead of the threshold review phase.

Mr. Matz reviewed the specific recommendations, beginning with an amendment to the initiation of amendment proposals section to address the three-year decision criterion limitation. He explained that as proposed the three-year decision criterion would be measured from when an application for a proposed plan amendment is submitted. The measuring would continue to apply to property added through geographic scoping. Second, with regard to the scope and background section, he said the amendment would prohibit amendments proposed by the public within a Great Neighborhoods area while a Council-initiated plan amendment process is under way in that area. Third, with regard to the initiation of amendment proposals section, the timeline would be amended to require applications for proposed amendments to be submitted by September 15 of the year preceding the annual review year.

Mr. Matz said in the opinion of the staff, the proposed amendments meet the decision criteria for

amendments to the text of the Land Use Code and as such it should be approved. The proposal is consistent with the Comprehensive Plan, enhances the public health, safety or welfare, and is not contrary to the best interests of the citizens and property owners of the city of Bellevue.

A motion to open the public hearing was made by herb. The motion was seconded by Commissioner Ferris and the motion carried unanimously.

Mr. Ian Morrison, 701 5th Avenue, Seattle, a land use attorney at McCullough Hill Leary, said he was generally in support of the proposal. He said he appreciated the clarity in regard to the Great Neighborhoods process, which triggered some confusion when he Bellevue Technology Center site was before the Commission. He said he also supported the early application date in that it also provides additional clarity and will make things easier on the staff. With regard to the three-year limitation, he said he understood where the Commission and the staff were coming from and allowed that there have been problems with serial applications. While there can be differences of opinion about what is driving those components, he said it is clear the real time auditing and feedback process drove things to where things are. As a friendly amendment, he suggested the Commission should put a real time auditing element into the new three-year lockout component by suggesting the Council add a look-back review a set period of time after the next major Comprehensive Plan update to determine if the approach is serving the goals.

Deleted: Commission

Ms. Cindy O’Sullivan, 15871 Northup Way, said she was excited upon hearing the Council had suggested amendments should be made to the policy regarding the Comprehensive Plan amendment process. The intent of the plan was to allow one application every three years. She said a few years ago her community was painfully made aware of loopholes in the process that allowed resubmittal every year should an application simply be withdrawn. The changes proposed by the staff will realign the policy back to the three-year period and close the loophole. She urged the Commission to adopt the proposed amendments.

Mr. Emmanuel Solis, 2447 167th Avenue NE, said his property is near the Bellevue Technology Center and said he is painfully familiar with the loophole that needs to be closed. In general the Comprehensive Plan is the long vision for where the city wants to go. The yearly attempts by developers to change the Comprehensive Plan are just ways to introduce their own interests. The idea that they are buying properties near where the Comprehensive Plan draws limits and thresholds, and then trying to change the Comprehensive Plan in their favor, is motivated by profit. He encouraged the Commission to adopt the recommendations of the staff. The approach will force the developers to work with the city instead of against it, and it will save staff and Commission time and resources from going over the same proposals every year. It would also be good to make the new approach retroactive so that developers who applied last year cannot apply again next year.

Ms. Marilyn McGuire, 16223 NE 25th Street, said the Sherwood Forest residents are quite pleased with the recommendations before the Commission. She said citizens do their best work together with the city on a number of initiatives. Sherwood Forest has been actively involved in regard to the Bellevue Technology Center property as well as in the Great Neighborhoods process. It is clear the Commission recognizes how much time and energy has gone into the serial application process. The community strongly supports closing the loopholes and the actions being taken relative to Great Neighborhoods. By ensuring that the neighborhoods will be able to go through the Great Neighborhoods process of visioning without having to face a lot of amendments, the outcomes will be much better.

Ms. Nancy Whitaker, 1924 160th Avenue NE, referred to the numbers in Table 1 of the

Deleted: 4



September staff memo and said they were striking. She noted that 27 of the 46 privately initiated CPA applications had been withdrawn, and 11 of them were resubmitted for the same four sites. The proposed amendment will have the three-year limitation criterion apply as soon as the application is filed, regardless of its fate during the review process. It is a much better interpretation of the intent of the criterion. The Council directed that changes in density should not be addressed during the Great Neighborhoods process. A limited number of volunteers the driving force behind any major undertaking. Many who are involved in opposing the latest Bellevue Technology Center CPA application are also key contributors to the Great Neighborhoods process for Northeast Bellevue. Having to work on both of those projects at the same time resulted in many late nights and volunteer burnout. Not allowing privately initiated CPAs for neighborhoods going through the Great Neighborhoods process is a great idea. It will allow both residents and city staff to give their full attention to the projects at hand.

Ms. Michelle Neithammer, 15897 Northup Way, thanked the Commission for taking up the important issue on behalf of the city. She noted that following the last Commission study session, Commissioner Moolgavkar asked if the proposed changes would slow down development in the city. The question was a good one to ask in search of unintended consequences. She suggested, however, that the proposed changes will actually speed up development in ways the city wants it sped up. They will get developers to think carefully about making investments in ways that are aligned with the city's goals for growth. The current process that allows for changing things on the perimeter is slowing down the focus on where growth is intended to occur and redirects city resources that would otherwise be spent on other initiatives. The Great Neighborhoods process the neighborhood was involved in got stalled because staff did not have the resources to carry it out along with all the Comprehensive Plan amendments. The human cost involved in the 59 percent of applications that were ultimately withdrawn and resubmitted is huge. The citizens want to be engaged, but they want to be engaged in ways that will allow them to have an impact.

Ms. Pamela Johnson, 3741 122nd Avenue NE, thanked the staff for recognizing the problem. She also pointed out that Northeast Bellevue and Northwest Bellevue residents have had to suffer the most as a result of the process that allowed for applications to be withdrawn and resubmitted every year. Those neighborhoods recognize the amount of work that takes. What the neighborhoods are seeking is stability and stabilized growth. The current process raises fear in the neighborhoods, a fear that growth will be allowed willy nilly. There are plans in place for growth, but they become circumvented in people's minds under the current loophole. The Great Neighborhoods process can be thought of as a needs assessment for a neighborhood. Businesses often also need a needs assessment. The Wilburton commercial area was addressed separately. Consideration should be given to doing commercial areas separately as a planning opportunity. The city can help developers assess the needs of neighborhoods from the business standpoint as well as the residents' standpoint. The Pikes Peak water tower utility project triggered a bit upset from the start. The engineers told the neighborhoods not to try doing their design work, but the neighborhoods had a different vision for how they wanted to see the project worked out. By coming together and learning about each other's needs, the end result was good.

Ms. Heidi Dean, 11661 SE 56th Street, voiced support for the comments made by the previous speakers. She said in explain the CPA process to others she uses the phrase "wear and tear." The current process has resulted in a lot of wear and tear on the staff and on the Commission. The question is who the current approach actually benefits, and the clear answer is the property owners making application and their legal representatives. It is also good the proposal will not allow such amendments during the Great Neighborhoods process, which will keep the focus on the neighborhoods.

Deleted: e

Deleted: 4

A motion to close the public hearing was made by Commissioner Malakoutian. The motion was seconded by Commissioner Moolgavkar and the motion carried unanimously.

## 8. STUDY SESSION

### B. Amending the Land Use Code for the Annual Comprehensive Plan Amendment Process at LUC 20.30I

Commissioner Ferris asked what would be involved in conducting an audit at some point after the proposed change is made. Mr. Matz said the audit can be framed in terms of how the Commission has been operating in terms of the real-time auditing process. He said the Commission simply spends a little time at each meeting thinking about the process and commenting on whether or not it is working as desired. What the staff really want to see is the Commission being deliberate and intentional while using the process.

Commissioner deVadoss noted his support for the auditing process. He said it is a step in the right direction. The existing code in effect creates a tax on the public and the community in terms of time, energy and focus. He voiced his concurrence the proposed changes.

Chair Morisseau asked if the Commission will need another directive from the Council two or three years down the line if the look-back shows the need to make additional tweaks to the approach. Mr. Matz said procedurally the Commission should have a few years of the new process under its belt before the look-back exercise. He pointed out that the staff was not proposing making the new process retroactive, so the current practice will still apply next year. As proposed, the deadline for all 2021 applications will be September 2020. In the years leading up to a look-back process, the Commission should be intentional about monitoring what works and what does not work.

Mayor Chelminiak said it was unclear to him what would be audited every three years. Mr. Matz said the suggestion made by Mr. Morrison was to have a look-back in three years to gauge whether or not the proposed approach is working. He said it likely will take at least three years to get the data needed to determine how the process works.

Mr. Morrison was allowed by the Chair to comment. He said his suggestion was to schedule a look-back review three years after the next major Comprehensive Plan update. That would allow for a longer range of time from which to gather relevant data. Something should be put into the record so that future Commissioners and staff will know a check-in is needed.

Mayor Chelminiak said it sounded reasonable to him to take a look at the process to determine how well it is working and if it is fair.

Commissioner deVadoss pointed out that the Commission does not schedule look-back review for other amendments and asked why it should be done for the proposal at hand. He said he also was unclear if success would be rated in terms of the developers or the neighborhoods. He said he could see the look-back as a method for possibly rolling back the proposed process at some future point. Chair Morisseau said she did not have in mind doing a review at a future point in time for the purpose of considering rolling back the change, rather to determine if additional tweaks are needed in terms of how it works for the community and developers alike. She noted the Commission has in the past taken a similar approach to other amendments.

Commissioner Moolgavkar commented that it would make sense going forward to schedule a look-back review for all amendments involving a process change. If the Commission had not undertaken the real-time audit process, the current issue would not have been brought up at all. She suggested raising the issue for further discussion at the retreat.

Commissioner Barksdale agreed a look-back should be scheduled. The same was done for the Bel-Red policies.

Commissioner deVadoss said it appeared to him the approach simply would create more work for the Commission and the staff. As outlined, the look-back is focused on a particular amendment, not all amendments, and that is not right. There should be no back door in the process.

Commissioner Ferris agreed a review should be done down the line. She said wherever big changes are made, there should be a way to make tweaks to process.

Commissioner Moolgavkar said her understanding was that the review would simply entail paying attention to how the process works and suggesting changes where they are needed necessary.

Mr. King said the staff monitor and track all code provisions. There is no need for a separate directive to monitor the proposed changes. If after a certain period of time the staff believes the Council should direct additional work for the Commission, that will be sought just like for any other code or policy amendment.

A motion to approve the resolution recommended by staff was made by Commissioner Malakoutian. The motion was seconded by Commissioner deVadoss and the motion carried unanimously.

#### 9. OTHER BUSIENSS

Chair Morisseau took a moment to thank Commissioner Barksdale for his leadership and guidance as Chair of the Commission for two years. She stated that he had done an excellent job to the benefit of the community and the staff.

#### 10. APPROVAL OF MINUTES

##### A. September 25, 2019

A motion to approve the minutes as submitted was made by Commissioner Ferris. The motion was seconded by Commissioner Moolgavkar and the motion carried without dissent; Commissioner deVadoss abstained from voting.

#### 11. CONTINUED ORAL COMMUNICATIONS – None

#### 12. EXECUTIVE SESSION – None

#### 13. ADJOURN

Chair Morisseau adjourned the meeting at 8:08 p.m.