

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MINUTES

September 24, 2025
6:30 p.m.

Bellevue City Hall
Room 1E-113

COMMISSIONERS PRESENT: Chair Khanloo, Vice Chair Lu, Commissioners Ferris, Goepple, Kennedy, Nilchian, Villaveces

COMMISSIONERS REMOTE: None

COMMISSIONERS ABSENT: None

STAFF PRESENT: Thara Johnson, Kate Nesse, Community Development Department; Matt McFarland, Heather Jones, City Attorney's Office; Nick Whipple, Kirsten Mandt, Kristina Gallant, Reilly Pittman, Development Services Department

COUNCIL LIAISON: Deputy Mayor Malakoutian

GUEST SPEAKERS: Dan Nickel, Facet

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER
(6:30 p.m.)

The meeting was called to order at 6:30 p.m. by Chair Khanloo who presided.

2. ROLL CALL
(6:32 p.m.)

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

3. APPROVAL OF AGENDA
(6:32 p.m.)

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

4. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS
(6:33 p.m.)

Deputy Mayor Malakoutian reported that Commissioner Nilchian had passed the bar exam.

Deputy Mayor Malakoutian praised the Commissioners and staff for their work on the Crossroads, Newport and Downtown neighborhood plans which were unanimously approved by the City Council.

5. STAFF REPORTS

(6:34 p.m.)

A. Planning Commission Meeting Schedule

Dr. Kate Nesse took a few minutes to review the Commission's schedule of upcoming meeting dates and agenda items.

6. WRITTEN AND ORAL COMMUNICATIONS

(6:35 p.m.)

Chair Khanloo took a moment to note that under Ordinance 6752, the topics about which the public may speak during a meeting are limited to subject matters related to the city of Bellevue government and within the powers and duties of the Planning Commission. Additional information about the new rules of decorum governing conduct of the public during meetings can be found in Ordinance 6752.

A. Written Communications

(6:36 p.m.)

Dr. Kate Nesse summarized that eight written communications had been received since the Commission's meeting packet was distributed. All concerned the proposed Land Use Code amendment on critical areas. The comments expressed a wide variety of opinions.

B. Oral Communications

(6:37 p.m.)

Jessica Clawson stressed two basic requirements of Critical Areas Ordinances under the Growth Management Act: regulations must avoid net loss of environmental function and value, and they must rely on the best available science in the context of how it is applied to Bellevue. A concern was expressed that the proposed ordinance expands buffers unnecessarily, which might discourage redevelopment of degraded sites and prevent environmental improvements. The Commission was urged to ensure that redevelopment of non-conforming sites is feasible, and to make sure incentives exist for daylighting creeks rather than leaving them in pipes.

Katie Kendall spoke on behalf of Gaw Capital Partners, the new owners of Bellefield Office Park, and echoed many of the previous speaker's points. The need for a practical approach to managing already developed, non-conforming sites was highlighted. Concerns were raised about whether the new regulations would hinder improvements that could also have ecological benefits. The ordinance should clarify that the ability to repair, maintenance and modification of any non-conforming structure will still be allowed, and flexibility and clarity should be included regarding improvements to existing developed areas like parking lots. Such flexibility would encourage sustainable improvements and align with city goals.

Rebecca Bloom spoke as the Chief Investment Officer for Real Estate Equity at Columbia Pacific Advisors and presented a case study involving a large site at 132nd Spring Boulevard and Bel-Red Road near the light rail station. The site has Goff Creek in a pipe below grade running the entirety of the site north to south. If the creek remains piped, only a 10-foot setback will be

required, allowing for full development of the site. However, daylighting the creek under the current Critical Areas Ordinance would require a 100-foot buffer and setback, rendering much of the site undevelopable. The proposed ordinance, by further enlarging buffers, creates a strong disincentive to environmentally beneficial actions such as daylighting creeks. The Commission was requested to direct staff and the consultant to provide more visual case studies to demonstrate the true impacts of the proposed code.

Mark Hoyt with Trammell Crow Residential, a housing developer specializing in midrise housing, generally middle-income housing. The company recently closed on a new construction project in Eastgate that will create 388 units just north of the Eastgate park and ride lot. Construction has begun and completion is expected in two and a half years. The project utilized the Multifamily Tax Exemption and the company intends to pursue the same program for its next project. Trammell Crow has also partnered with an office building owner at 112th Avenue SE and SE 8th Street, a property developed in 1985 with a large surface parking lot. The plan is not to convert the building but to repurpose the parking lot to create over 300 new residential units. The proposal fits the vision adopted by the city and the Commission in 2021 for the East Main transit-oriented development low-density zone. During the pre-application discussions with city staff, however, the project encountered difficulties under the current Critical Areas Ordinance. Specifically, three small drainage ditches in the parking lot, which function as stormwater channels, have been classified as Class 3 wetlands, despite being degraded and disconnected from larger wetlands for over 40 years. Other jurisdictions and the Department of Ecology allow mitigation in similar circumstances, and the Commission was urged to align with those jurisdictions and guidance from the Department of Ecology. The project would provide multiple benefits, including repurposing underutilized land, creating needed housing density in the East Main TOD zone, and enhancing high-value wetlands by removing invasive species and planting native vegetation. The Commission was asked to direct staff to incorporate amendments into the next draft of the critical areas update.

Kramer Canup, a senior environmental scientist and project manager with Soundview Consultants, noted working to support the Trammell Crow East Main TOD project. The project was described as a “win-win” for the city, offering 321 housing units within a short walk to the new light rail station and providing developer-funded ecological restoration of a large Category 2 wetland and Sturdivant Creek located on the property. The natural features are degraded in that they are dominated by invasive reed canary grass, which blocks stream channels, prevents native tree growth, increases sediment buildup, raises water temperatures, and harms water quality. The degradation has negatively impacted salmon and other species. Both the current ordinance and the draft Critical Areas Ordinance prevents the project from moving forward, because neither allows buffer interruptions or impacts to Category 3 and Category 4 wetlands except in very narrow cases. Without changes to the ordinance, the site will remain underutilized and degraded. The Commission was urged to follow Department of Ecology guidance and the precedent set in cities such as Kirkland and Redmond, as well as King County. Bellevue already allows for wetland impacts in specific situations, primarily for public infrastructure, and already permits buffer interruptions for paved roadways and railroads, but not for paved parking lots. Including such allowances would provide two benefits: the establishment of 321 new housing units near transit and significant ecological restoration, the planting of thousands of native trees and shrubs,

and the removal of invasive vegetation. The Commission was urged to study and adopt the recommendations in the next draft of the ordinance.

Charlie Bauman, a Bellevue resident and aspiring developer working on six acres in the BelRed area near light rail, stated that BelRed is currently a blank slate with vast asphalt surfaces, but it also has degraded and piped streams with no functioning habitat. The goal is to restore ecological function while enabling housing growth. The speaker noted having previously advocated for a performance-based code that ties redevelopment to measurable ecological improvements, but that approach may be too ambitious for the current update. Staff's proposed framework contains some promising concepts, but there is a need for more clarity and collaboration. Three areas are especially in need of attention. First, the stream daylighting incentives must be broadened. While staff has added an incentive for daylighting, it must also apply to channelized streams, and buffer reductions must be larger to be meaningful. Requiring a 100-foot buffer for daylighting is not an incentive; a 25- or 50-foot channel could provide clear environmental benefits while being feasible for developers. Second, there is uncertainty in the new flexibility tools, such as compensatory mitigation and incentives for re-meandering streams; those tools need to be clearly defined and tested with real projects. Third, there is a need for coordination between the Critical Areas Ordinance and the BelRed Land Use Code amendment. Wide buffers combined with new street requirements could render much of BelRed unbuildable. The Commission was asked to ensure that the two processes are aligned. Absent meaningful flexibility, the draft code will simply expand buffers by 50 feet or more, creating major impacts on homeowners and developers. Staff was asked to make the flexibility tools explicit, to continue working with active projects, and to ensure the BelRed LUCA is reviewed before the Critical Areas Ordinance is adopted.

Alex Tsimmerman delivered remarks unrelated to the technical subject matter of the ordinance and used inflammatory and offensive language directed at the Chair, the Mayor and others, accusing city officials of being corrupt, extremist, and oppressive. Derogatory and discriminatory terms were involved in making broad conspiratorial claims about Bellevue's governance and demographics.

Nicole Myers referenced the written comments from the Department of Fish and Wildlife and urged the Commission to retain the "development intensity" section that was deleted from the draft, noting that such provisions are common in the critical areas regulations of other cities, and in fact have existed in Bellevue's code. Because the city recently expanded the housing allowances through the middle housing ordinance to permit six middle housing units plus two accessory dwelling units on eligible lots, the Commission should observe how those changes play out before removing the development intensity section. The recommendations of the Department of Fish and Wildlife included providing more room around underground streams to allow for maintenance; enlarging setbacks to reduce the wildland-urban interface fire risk; reductions that allow for defensible space without encroaching into critical areas; and strengthening protections for trees near streams in order to meet salmon recovery obligations and intergovernmental agreements. The Commission was asked to maintain stronger protections where regulatory frameworks overlap. The letter from the Department of Fish and Wildlife offers useful guidance on that point.

Gabriella, a 17-year-old, spoke in favor of transit-oriented development and expressed concern about future housing affordability, asserting that building more housing units near transit will help reduce costs over time. The speaker emphasized the environmental and safety benefits and argued that transit-proximate housing shifts travel away from driving, which reduces emissions and traffic risks. Personal experiences were shared relating to car travel, including having had two friends who had been struck by cars, and personally having been right-hooked by a car. Expanding transit-oriented development will encourage safer and more sustainable travel choices. Investment in car-centric infrastructure is costly and does not meaningfully contribute to economic growth compared with transit-oriented investment.

7. PUBLIC HEARING – None
(7:05 p.m.)

8. STUDY SESSION

A. Planning Commission Roles and Responsibilities Training
(7:05 p.m.)

Supervising Civil Attorney Matt McFarland said the roles and responsibilities training is provided about every other year and it is often aligned with active Comprehensive Plan amendments and Land Use Code amendments. Prior iterations were given during the work on the Eastgate Comprehensive Plan and the Wilburton Comprehensive Plan and LUCA.

Assistant City Attorney Heather Jones noted having been assigned to assist the Department of Community Development and the Department of Transportation in line with a background in planning and transportation.

The Commissioners were asked what year the city of Bellevue was incorporated and they correctly answered 1953. When asked what the City Council's first legislative action was, Commissioner Ferris correctly answered that it was the formation of the Planning Commission. Matt McFarland produced a copy of Ordinance No. 1, dated April 9, 1953, to illustrate the historic action.

Matt McFarland provided a substantive overview of the Planning Commission's legal status and role in 2025, explaining that Bellevue is an optional municipal code city under RCW 35A and as such can choose to function in several ways, including through a planning director, a planning department, a planning Commission, or a combination. Bellevue uses a combination, and the Planning Commission's primary function is to provide recommendations to the City Council on Comprehensive Plan amendments and on development regulations, commonly referred to as Land Use Code amendments or LUCAs. The Planning Commission is an administrative advisory body and is not a substitute for the City Council, which is the legislative body. Final authority to adopt regulations and ordinances rests with the City Council and cannot be delegated to staff or the Planning Commission.

Because the Commission operates within state law and city code, the Commission must follow

the processes and criteria set out in the code. Referencing a recent discussion in which the Commission had contemplated altering the public hearing structure for a LUCA, Matt McFarland clarified that the Commission must adhere strictly to the legislated process, even if alternative approaches seem preferable or more current. The Commission serves at the pleasure of the City Council, and the City Council, as an elected legislative body, ultimately serves at the pleasure of the electorate. The Planning Commission performs an essential administrative and fact-finding role in shaping land use policy, while the City Council exercises final legislative authority.

The Planning Commission does not represent the public. Only elected officials represent the public. Instead, the Commission is representative of the public in that its members are Bellevue residents who bring to the table subject matter expertise and civic interest. The Commission plays an important fact-finding role by holding hearings, receiving public comments, and processing those comments with staff, but the ultimate public representation rests with the City Council.

The Planning Commission plays the lead role in regard to the Comprehensive Plan amendment process and makes recommendations on both Comprehensive Plan amendments and Land Use Code amendments. The Commission does not supervise city staff or administrative operations; those responsibilities belong to department directors and the City Attorney. The Commission has no role in project-level or quasi-judicial decisions, such as permits for individual developments. Those matters are handled by city staff and, in certain cases like conditional use permits, by the Hearing Examiner. Unlike some jurisdictions, Bellevue does not delegate such authority to its Planning Commission.

Heather Jones added there are specific limitations written into the city code. Commissioners cannot advocate on behalf of the city without express permission from the City Council. For example, they must avoid presenting themselves as Planning Commissioners when expressing personal opinions in other venues. The Commission does not supervise staff, administrative operations or maintenance, though it does receive staff and legal support. The City Council defines the scope of the Commission's work, and the Commission does not consider regional issues unless they are specifically assigned to do so.

Matt McFarland underscored that in addition to statutory limits, the City Council sets the scope of the Planning Commission's work on any particular item. Where Commissioners raise valid points that are nevertheless outside the scope of a specific project or amendment, staff reminds the Commissioners that certain issues fall outside the framework established by the Council for that process.

The Commissioners were asked what the oldest building in the city is. Various suggestions were made, but the correct answer was noted to be the Burrows Cabin. Built by Civil War veteran Albert Burrows in 1883, the cabin has been relocated several times and currently resides in Chism Beach Park.

Matt McFarland explained that the Washington State Growth Management Act (GMA) requires

local governments to adopt long-range Comprehensive Plans and related policies. A “waterfall” metaphor was used to explain the hierarchy, which is that guidance and mandates flow from the state through the counties and then to the local governments.

At the state level, the GMA sets high-level goals regarding growth, housing, transportation, economic development, and the protection of critical areas. Appeals of Comprehensive Plan amendments or Land Use Code amendments are heard by the Growth Management Hearings Board, which reviews consistency with the GMA.

King County issues county-level planning policies, allocates housing and job targets, and coordinates through regional bodies such as the Puget Sound Regional Council (PSRC) and the Growth Management Planning Council (GMPC). Bellevue has Councilmembers serving as representatives on those bodies. Reports such as the Urban Growth Capacity Report, also known as the Buildable Lands Report, measure development capacity and ensure that local plans meet the regional targets.

At the city level, Bellevue must ensure its Comprehensive Plan complies with the GMA and the Countywide Planning Policies while maintaining internal consistency among its various plan elements. Development regulations, such as Land Use Code amendments, must also align with the Comprehensive Plan.

Heather Jones said Process IV codifies the procedural, substantive, and ethical guardrails for the Planning Commission. Process IV provides the procedural framework for legislative land use decisions, which include CPAs and LUCAs. Title 20 of the city code and subsections I and J contain the procedures and substantive review criteria for CPAs and LUCAs respectively.

Comprehensive Plan and Land Use Code amendments are typically initiated by the City Council, though members of the public may also initiate them. The Planning Commission holds study sessions with staff support, and the staff provide reports and recommendations. The City’s environmental coordinator reviews each amendment under the State Environmental Policy Act (SEPA) as a non-project action. While SEPA determinations are usually issued before the Planning Commission makes its recommendation, the legal requirement is only that SEPA review be completed before the City Council takes final action. Before the Commission can make a recommendation, it must hold a public hearing. The City Council makes the ultimate decision following receipt of the Planning Commission’s recommendation.

Matt McFarland all Comprehensive Plan Land Use Code amendments processed by the Planning Commission are Process IV decisions. The City’s Land Use Code includes five processes in total, but the Planning Commission is only involved in Process IV. Subsections 20.30I and 20.30J of the code provide the specific procedures and the decision criteria for Comprehensive Plan and Land Use Code amendments respectively. When making recommendations, the Planning Commission must consider the proposed amendment itself, the City Council’s direction regarding scope, the applicable policies, all legal requirements, staff expertise, the SEPA environmental review, and the public comments gathered through hearings. Because the Planning Commission is a “creature of statute,” it must apply the decision criteria as explicitly

set forth in the code when making its recommendations.

Heather Jones said the Comprehensive Plan articulates the City's goals, objectives, and policies to guide growth and development over a twenty-year horizon. The plan is updated every ten years, but amendments are considered annually to ensure they can be reviewed together. Failure to secure certification of the Comprehensive Plan by the regional planning body, the PSRC, could have funding consequences.

The policies in the Comprehensive Plan direct City actions and infrastructure investments to accommodate planned growth. The plan determines the nature and intensity of development and forms the framework for development regulations, zoning, and land use designations. In practice, amendments to the Comprehensive Plan and to the Future Land Use Map are prerequisites for zoning decisions and land use district changes.

The Commissioners were asked how many jobs the city must plan for and accommodate between 2019 and 2044, the current planning horizon. Commissioner Goeppel answered 75,000 jobs and 35,000 housing units, which was affirmed to be correct.

Matt McFarland then asked what planning documents identify the housing and job targets. The Commissioners answered that the Comprehensive Plan contains them. Matt McFarland elaborated that the targets originate in the King County Planning Policies, which designate Bellevue and Seattle as the two metropolitan cities in the county. The King County Planning Policies highlight Bellevue's specific allocations. The Bellevue City Council adopted a resolution ratifying both the Countywide Planning Policies and the specific housing and job targets for the city. The targets were then embedded in the Bellevue Comprehensive Plan, specifically in the Land Use Element. Other elements of the plan, such as transportation, flow from that framework and are shaped by the same targets.

Heather Jones explained the process for reviewing Comprehensive Plan amendments under section 20.30I of the city code, noting that the review occurs in two steps: first threshold review, and then final review. Threshold review determines whether a proposed amendment is appropriate and timely for inclusion in the annual work program. Because amendments are considered once per year, the process ensures they are evaluated together. The Planning Commission holds study sessions and must conduct a public hearing to evaluate whether the amendment satisfies the criteria outlined in LUC 20.30I.140. The Commission then makes a recommendation to the City Council, which then decides whether the proposed amendment should be added to the annual Comprehensive Plan amendment work program.

If an amendment passes threshold review, it proceeds to final review. The Planning Commission again holds study sessions and a public hearing, but at that stage it must determine whether the amendment satisfies the decision criteria under LUC 20.30I.150. After the Commission provides its recommendation, the City Council either adopts or denies the amendment.

Guidance on Best Practices for Commissioners

Matt McFarland added perspective by reminding the Commissioners of the phrase “think outside the box but color within the lines.” The Commission must work within the Council direction, the staff’s framing of the policy issues, and the legal guardrails set by statute. The Comprehensive Plan is the foundational planning document for the city and influences many subsequent actions of the City Council. The Comprehensive Plan is not intended to regulate specific development projects or individual properties. Instead, it sets broad policy direction. Stakeholders often focus on the impact of policies on particular parcels, but the Commission must aim to maintain language that provides policy guidance rather than language that resembles development regulations.

The Commissioners were then asked which 2006 literary novel and National Book Award finalist is partially set in Bellevue. The correct answer was *Eat the Document* by Dana Spiotta, then the transition was made to discussing the Land Use Code using the metaphor of gumbo, emphasizing that it is made up of multiple ingredients.

The Land Use Code contains “land use districts,” which is the term Bellevue uses to refer to zoning districts. The districts must be consistent with the Future Land Use Map in the Comprehensive Plan. The code also includes development regulations that directly govern how development occurs, as well as information on permits, appeals, and administrative processes. The Planning Commission primarily works with amendments to zoning and development regulations that flow from the Comprehensive Plan.

The criteria for reviewing such amendments are located in section 20.30J.135. The most important decision criterion for the Commission is consistency with the Comprehensive Plan. While the Commission must consider all criteria, consistency with the plan is the Commission’s strongest area of expertise.

In planner jargon, consistent with the Comprehensive Plan is “coexist in a stable fashion without unduly negatively impacting the plan.” In simpler terms, consistency with the Comprehensive Plan means compatibility with the plan, ensuring that land use and development regulations generally conform to the Comprehensive Plan. Uses permitted by the zoning must not be in conflict with the planning policies, and most importantly the zoning cannot be in conflict with the Future Land Use Map. The key question is whether a proposed Land Use Code amendment with compatible with the Comprehensive Plan and furthers the city’s vision, goals, objectives, policies, and planned land use densities and intensities.

The next quiz question was what is the tallest building in Bellevue. Chair Khanloo identified the building near the transit center formerly called the 555 Tower. Matt McFarland said the building is 600 feet tall. The Land Use Code that was adopted in 2017 increased the maximum building height from 450 feet to 600 feet. The change was noted to be a real-world manifestation of how Planning Commission recommendations regarding Land Use Code amendments, once adopted by the Council, can materially reshape the city skyline.

Heather Jones explained that amendments must be considered under the State Environmental Policy Act, or SEPA, which applies to all state and local agencies in Washington. Its purpose is

to disclose environmental impacts and inform decision-making. SEPA does not mandate substantive outcomes. SEPA determinations must be completed before the City Council takes final action on amendments. SEPA is important because it provides transparency to agencies and the public, identifies alternatives that may reduce or avoid impacts, and proposes mitigation measures. Failure to comply with SEPA could result in a city action being deemed illegal, requiring the city to return to the process and complete SEPA review before proceeding.

The Commissioners were asked which federal environmental law functions like SEPA at the national level. Commissioner Ferris correctly gave the answer as the National Environmental Policy Act, or NEPA. Heather Jones said NEPA was enacted in 1970 under President Richard Nixon. NEPA requires federal agencies to identify environmental impacts before taking actions, particularly when projects use federal funds. States such as Washington later adopted their own versions, often called “baby NEPAs,” to extend similar requirements to state and local actions. Not completing a NEPA review early enough can disqualify projects from being eligible for federal funds.

Heather Jones said both public meetings and public hearings are subject to the Open Public Meetings Act (OPMA), which ensures transparency in decision making effecting city business and governance. Different rules, however, underpin the provision of public comments. The Commission’s bylaws allow the public to participate in public meetings and study sessions during oral communications. Public hearings, in contrast to public comments during oral communications, are legally required before the Planning Commission can recommend Comprehensive Plan or Land Use Code amendments. During public hearings, all members of the public must be allowed to speak. Testimony provided during public hearings becomes part of the Planning Commission’s fact-finding role in evaluating amendments and advising the City Council.

Matt McFarland reiterated that all Planning Commission meetings are subject to the OPMA and added that all writings and records related to Commission business are subject to the Public Records Act. Commissioners have a legal duty to preserve public records and to respond to requests. A “record” includes any writing, photo, text, or other communication related to the work of the Commission, regardless of whether it was created on city equipment or a personal device. The Commissioners were advised to recognize that all communications about Commission business are public records, to be mindful of where those records are generated and stored, and to keep them organized and secure so they can be produced efficiently in response to Public Records Act requests.

Matt McFarland stated that the Commission’s bylaws largely mirror the City Council’s rules of procedure and are updated periodically to stay consistent with those rules and with the Planning Commission provisions in city code. Having uniformity across all city boards and commissions primarily ensures compliance with the OPMA, alignment with applicable local codes and personnel policies, and proper meeting conduct under Council rules and Robert’s Rules of Order.

All city boards and commissions are subject to the Code of Ethics. The purpose of that code is to promote confidence in the integrity of local government and to ensure fair and transparent

operations. The code is designed to ensure legal compliance, fairness, service to the public rather than personal gain, and to foster open and transparent government. Chapter 3.92 of the city code includes specifically prohibited conduct, including a ban against disclosing confidential information, which, while rare for the Planning Commission, would both create risk for the city and constitute an ethical violation if it occurs.

Matt McFarland said there is a Planning Commission manual that is available on the Commission's website. It was described as being comprehensive and covering far more detail than the training. Another resource available online is a recording of a recent City Council training on the OPMA and the Public Records Act delivered by outside counsel Pacifica Law Group at the May 6, 2025 Council meeting. The City Clerk's Office plans to make the training available to all boards and commissions in October.

Commissioner Kennedy noted having used artificial intelligence to convert the Commission's online manual into a podcast, which was very helpful.

Matt McFarland called attention to, "The Baker," a nod to the Commission's role in "baking" Comprehensive Plan and Land Use Code amendments, and added that the artwork used on the slide resides in the Portland Art Museum.

Commissioner Goepple asked about the City Council's standard of review when considering Planning Commission recommendations, specifically whether the Council reviews de novo or gives deference to the Commission's fact-finding. Matt McFarland replied that there is no legal standard requiring deference, so the Council may make its decision independently. However, the city strives to align staff recommendations, Planning Commission recommendations, stakeholder input, and public comment so that, by the time the matter reaches the Council, it is well synthesized and likely to be palatable. Although differences among staff, Commission and the Council outcomes do occur, the general practice is to respect the work of the Commission and the staff because of the extensive process undertaken. If the Council wishes to modify a proposal beyond what was reasonably foreseeable from the Planning Commission's publicly noticed hearing, the code requires remanding the issue back to the Planning Commission for another public hearing so the public can comment on the modified version, and so the Planning Commission can process the different version.

****BREAK****

(8:07 p.m.)

B. Critical Areas Ordinance Land Use Code Amendment

(8:13 p.m.)

Code and Policy Planning Manager Kristina Gallant shared with the Commission the full draft of the Critical Areas Ordinance, explaining that it balances the priorities of providing stronger protections for intact natural resources, and increased flexibility for development in areas with degraded conditions. Stressing the importance of establishing baseline provisions in the code, it was stated that what is needed to ensure no net loss is highly dependent on site-specific

circumstances. Mitigation sequencing, applied through critical areas reports, provides a framework for site-specific solutions, and the new draft adds options for greater flexibility within that review.

The baseline starting point for streams is established through standard stream buffers. While the standard buffers are expanded under the draft, they apply only to intact streams where best available science demonstrates the necessity of wider buffers. The expanded standard stream buffers represent a compromise and stop short of the widest buffers possible under the tree height methodology. Alternative best available science has been suggested by commenters, but no specific references were provided. The draft also introduces smaller buffers for altered streams, such as daylighted or armored streams, and it includes an expanded innovative mitigation pathway for projects unable to use the standard buffer reductions. The proposal is consistent with other jurisdictions and in some cases less restrictive, which counters claims that it exceeds state law. The Commissioners were reminded that while critical areas rules limit development in encumbered areas, other city land use amendments, such as those for housing opportunities and subarea planning, expand possibilities in non-encumbered areas.

Code and Policy Senior Planner Kirsten Mandt recapped the Commission's July 23 study session where support was voiced for the staff's focus on maximizing flexibility, particularly regarding degraded streams and the reasonable use exception section. There were concerns voiced about the cumulative impacts of development and specific impacts to areas such as BelRed. There were also concerns noted around the engagement work and its timing.

With regard to the public engagement activities, Kirsten Mandt shared that over the summer months staff met with development stakeholders, the general public through workshops in June, July, and August, and with state and tribal agencies, including the Department of Fish and Wildlife, the Department of Natural Resources, and the Snoqualmie Tribe. Staff also coordinated with other city departments whose work overlaps with land use, including the watershed, surface water, and wastewater teams. Work was done with specific city groups such as the "stream team" and the "beaver team," both of which focus on habitat and stream health. Beavers, like salmon, are a keystone species. The city's renewed interlocal agreement with the WRIA 8 group is focused on Chinook salmon recovery. Although the timing of the watershed planning efforts does not align with the Critical Areas Ordinance deadline, staff has studied the preliminary documents from that effort and found similar priorities expressed, including from the public.

State law requires the use of best available science when updating critical area codes. The most significant scientific update came from Department of Fish and Wildlife recommendations regarding stream buffers. State law also requires special consideration for fish species that migrate between freshwater and the ocean. Peer-reviewed science must underpin any adopted standards, which is why agency recommendations carry weight.

Kirsten Mandt said the draft ordinance includes proposals to remove development restrictions that previously limited density and intensity in critical areas. The draft ordinance removes the floor area ratio limits, lot coverage restrictions, and barriers to middle housing on parcels. Some changes to the Reasonable Use Exception (RUE) are also proposed, including simplified and

streamlined provisions that apply more directly to site-specific conditions. Up to two dwelling units are allowed as an RUE, along with some limited commercial and office uses. The maximum limits of disturbance in the current code are streamlined in the draft ordinance.

Kirsten Mandt stressed that the expanded buffer standards are intended only for streams in intact natural conditions, not those in degraded conditions, where it is warranted to implement a more standardized buffer. The recommended buffer width for Type F streams is set at 150 feet, an increase from the current 100 feet but less than the 190 to 200 feet suggested by the tree height method. The compromise balances protection with practicality. The recommendation is to differentiate between perennial and seasonal streams, with larger buffers for perennial streams. The proposal eliminated the unusual Type O stream category, which essentially regulates ditches without hydrological connections. One major change in the draft ordinance involves where the buffers are measured from. The current code uses the top of bank, but the proposal is to switch to the ordinary high water mark, which is more consistent with other jurisdictions and with scientific standards. The draft retains provisions to allow adjustments in cases such as floodplains or steep slopes.

With regard to the provisions for degraded stream conditions, Kirsten Mandt explained that the latest draft ordinance includes allowances for daylighting, which permits buffer reductions down to 50 feet. The reductions can be further modified through buffer averaging, allowing reductions to 75 percent of 50 feet in certain areas, provided the total buffer area remains the same. The flexibility is intended to accommodate site geometry and redevelopment needs, while still requiring improvements to stream functionality. Larger daylighting projects may qualify for streamlined review. An oversight in the draft code was acknowledged which had omitted reductions for other degraded streams such as armored or channelized streams; the change will be included in the public hearing draft, ensuring that manipulated streams reconfigured into more natural conditions can also qualify for buffer reductions if the performance criteria are met.

With regard to wetlands, Kirsten Mandt said there are few changes, though the habitat scores were updated in line with the Department of Ecology requirements. New vegetative buffer standards are added, and corridor requirements for higher-scoring wetlands are also included. The draft strengthens the provisions relative to mitigation timing and ratios. To provide flexibility, the allowances allow for additional flexibility for lower quality wetlands. The allowances include an easier process for filling small Category 4 wetlands under 4000 square feet and a complete buffer exemption for Category 4 wetlands under 1000 square feet. The provisions are standard exemptions drawn from Department of Ecology guidance.

Expanding on the innovative mitigation section, which in the current code is small and does not say much, Kirsten Mandt explained that the section in the draft code allows applicants with existing improvements, such as buildings or impervious surfaces, to use those conditions in proposing alternative mitigation approaches. Applicants must document why an alternative method is appropriate and demonstrate compensatory mitigation that maintains the functional value equivalent to what standard buffers would provide. Mitigation can occur onsite, offsite, or through participation in mitigation banks. The new language also supports coordinated projects involving multiple applicants or partnerships with community organizations, reflecting the public

interest in collaborative environmental restoration. The provisions were highlighted by showing examples from BelRed and Goff Creek where impervious surfaces lie close to stream channels and innovative mitigation could offer practical redevelopment opportunities while still improving ecological conditions.

The draft code includes the addition of critical aquifer recharge area provisions. Bellevue does not have sole-source aquifers, but the code will cover wellhead protection areas. The rules are intended to prohibit hazardous uses such as gas stations in sensitive areas, and to require compliance with stormwater and low-impact development standards. The provisions were reviewed with the Department of Health to ensure they align with water quality protections.

Kirsten Mandt said the draft streamlines buffer setbacks by replacing the current array of standards with a single 20-foot setback. The change allows for structural intrusions, such as decks, and flexibility depending on a structure's height and location. Alternatives of 10 or 15 feet are also under consideration, and setbacks could extend up to the buffer edge if the Commission so chooses.

For steep slopes, the draft code clarifies that only one buffer standard applies, rather than both a buffer and a setback. The revisions also add an exemption for minor work that poses no hazard and creates a pathway for buffer reductions when warranted.

Kirsten Mandt said the draft code is currently in the final drafting stage. The next step will be to schedule a public hearing in October. The schedule calls for bringing the proposed Land Use Code amendment to the City Council for adoption before the state's deadline at the end of the year.

Commissioner Ferris raised a concern about degraded streams that might remain unimproved if redevelopment is constrained by strict standards. Kirsten Mandt responded that mitigation is not required by the code to be entirely onsite; it can occur offsite or through mitigation banks, providing developers with multiple pathways to meet the requirements. Dan Nickel, consultant with Facet, said there are mitigation banks available as well as offsite mitigation and flexible pathways designed to address such challenges.

Commissioner Ferris asked if reducing the buffer to 50 feet is sufficient in degraded stream situations to allow for redevelopment to occur. Kirsten Mandt said the stormwater team has cautioned against going below that threshold because excessively small buffers can undermine stream protection even when daylighting produces an obvious net ecological gain compared with a piped condition. Low-impact development is only one component of stream health. Riparian zones provide multiple functions that require a minimally adequate width. The proposed framework will not fit every site. The draft code is designed to offer flexible pathways, including innovative mitigation and other tools, while recognizing that some locations may remain infeasible if protection goals cannot be met.

Commissioner Kennedy asked how a development that does not fit within the standard buffers could practically navigate the various exceptions and flexible tools. Kirsten Mandt answered that

the typical path begins with a site evaluation and a pre-application meeting to review existing conditions and to discuss potential options.

Environmental Planning Manager Reilly Pittman added that the code allows existing buildings to be torn down and rebuilt with the same footprint in most situations. Under the proposed code, the thinking is that anyone wanting to completely scrape a site and start over again should meet all code requirements. The bulk of the applications received involve minor projects, such as additions, a deck or a patio that bump into a buffer. The draft code adds a nonconforming section, something that has been largely absent to date, in order to provide clearer parameters for major site changes. Opening a piped stream is environmentally preferable, but buffers remain necessary for functions such as stormwater control, safety, floodplain management, and habitat. Tools like buffer averaging and meandering alignments allow for site-specific tailoring rather than imposing a uniform 50-foot buffer everywhere. A variance remains an available but more difficult path that requires a distinct showing of need, and it is typically used in reasonable use situations where compliance is otherwise impossible.

Commissioner Kennedy expressed the understanding that the draft code allows for buffer reductions below 50 feet through several mechanisms, and that each path carries a burden of proof and an overarching objective to leave conditions improved or at least no worse from an environmental standpoint. Reilly Pittman agreed in principle while noting that details will shift under the new code language.

Commissioner Goepple asked about the citywide effects of enlarging buffers for intact streams, especially in regard to the magnitude of land that could be thus removed from development potential and the need to seek balance with the broader housing needs. Kirsten Mandt offered no specific number in terms of the potential impact, but stressed that the issue is something considered as part of every project and the holistic scope. The best available science drives the need for larger buffers in intact systems and there are certain guardrails that simply must be respected. The draft code proposes flexibility elsewhere in the code base, including removing the density-intensity calculation, easing the lot coverage limits, and opening critical-area parcels to middle housing where feasible, along with parallel initiatives like HOMA and work in BelRed. The intention is to protect critical areas while expanding the development potential outside of encumbered zones.

Commissioner Goepple asked about the performance criteria for degraded streams, specifically the standards for armored or straightened streams. Kirsten Mandt clarified that the criteria are specific to manipulated channels that could be reconfigured into more natural conditions. Although the text was omitted from the current draft, it will be included in the public hearing version to ensure those degraded systems can qualify for buffer reductions when they meet the performance benchmarks.

Commissioner Goepple sought clarification regarding the minimum buffer for degraded streams and asked whether a developer must maintain a minimum 50-foot buffer on both sides of a stream and also meet all performance criteria in order to qualify for the reduced buffer. Kirsten Mandt responded that the intent is not to call it a smaller 50-foot buffer but rather a buffer that

may be reduced to 50 feet if the applicability criteria and performance standards are met. Additional flexibility is available through buffer averaging in daylighting projects, which can allow a reduction of the buffer down to approximately 38 feet in certain places, provided the overall buffer area remains consistent.

Commissioner Goepple expressed concern that the combination of the criteria and the minimum buffer size seems like a heavy lift for redevelopment, even for degraded streams. Kirsten Mandt pointed out that most of the performance criteria are relatively standard and not particularly onerous. Dan Nickel added that from a scientific standpoint, some dimension of buffer must remain in order to preserve functions and values. If buffers are reduced too far, they cease to perform their ecological purpose and the stream may as well remain piped. The proposed performance requirements are consistent with common practice and are not designed to be unusually difficult to meet.

A motion to extend the meeting to 10:30 p.m. was made by Commissioner Ferris. The motion was seconded by Commissioner Kennedy and the motion carried unanimously.

Commissioner Nilchian agreed with the comments made by Commissioner Goepple and emphasized that housing availability is a personal priority before asking how the proposed environmental protections can be reconciled with the city's housing needs. Also asked was if the 50-foot buffer with its slight allowance for averaging down to 38 feet represents a scientific minimum below which compliance would no longer be legally defensible. Dan Nickel replied that while there is no formal scientific conclusion declaring buffers under 50 feet meaningless, the research demonstrates that buffers below 100 feet yield rapidly diminishing ecological returns on water quality. The FEMAT curve shows exponential increases in effectiveness as buffer widths expand until the benefits plateau, and conversely shows rapid losses in ecological function when widths are reduced. Although the precise lower limit is not universally defined, buffers narrower than 25 feet have proven to be largely ineffective for vegetation growth, habitat quality and filtration, based on field observation. While larger buffers provide greater protection, there is a clear need to balance the requirements with the housing objectives.

Commissioner Nilchian asked why the proposed setback adjacent to buffers had been set at 20 feet rather than 10 or 15. Kristina Gallant allowed that the figure of 20 feet essentially is a starting point rather than a scientific conclusion. Different jurisdictions use varying standards and the Commission can decide to adjust the number. Kirsten Mandt added that the setback concept serves the same purpose as traditional building setbacks, namely to provide light, air and space, as well as to prevent development from being pressed directly against critical areas. Setbacks help account for everyday residential activity near homes, such as yard use, thereby offering both environmental and livability benefits.

Commissioner Villaveces stressed that buffers are a tool, not the ultimate objective; they are a means to an end. The real legal and policy mandate is to achieve no net loss of ecological function, and ideally to achieve net gain. Coal Creek and other pristine streams deserve robust buffers, but there is no net loss that can occur with degraded systems where ecological function is already deeply compromised. Rigid buffer requirements in degraded areas do not provide a

reasonable development path. The 50-foot figure is arbitrary, a simple conversion of 15.24 meters, and should not be treated as sacred. Instead, the city should create a dual approach. For some projects, a prescriptive option with clear buffer rules will allow for straightforward compliance. For sites where buffers consume too much of the developable area, there should be an alternative path. One approach would be for developers to work with environmental consultants to propose site-specific solutions that demonstrate no net loss, and ideally net ecological, economic, cultural, or public space gains. While Bellevue has not undertaken such approaches before, they are practiced elsewhere and supported by case studies, some of which have been referenced in the correspondence. Focusing on outcomes rather than rigid measurements will better align with the city's goals for environmental protection, economic vitality, and community livability. Kristina Gallant explained that flexibility is precisely the reason for including the Innovative Mitigation Project pathway in the draft code. Unlike the standard provisions, the section does not prescribe a fixed buffer width but allows developers to use the edges of existing improvements as their effective buffer, provided they demonstrate compensatory mitigation. Such mitigation could take place onsite or offsite, thereby providing multiple options for compliance.

Commissioner Villaveces acknowledged that when initially reading the draft code, the innovative mitigation section was not as clear as it was when it was presented verbally. A request was made to refine the language so that developers can better understand how to apply it in practice. Kristina Gallant explained that the section was inherently difficult to write with strict specificity because it is meant to serve as a custom option for challenging sites. The intent of the section is to provide precisely the flexibility sought. Kirsten Mandt shared examples showing how the edge of existing structures or impervious surfaces could be used as buffer lines with mitigation banking or onsite restoration making up the balance. After the clarification, Commissioner Villaveces expressed satisfaction.

Vice Chair Lu asked why the draft code only provided flexibility for filling in Category 4 wetlands and not Category 3 wetlands. Dan Nickel explained that Category 4 wetlands are the lowest quality; they are often small and degraded, and typically they are isolated from larger ecological systems. The areas provide little ecological function and can sometimes be as minimal as patches of reed canary grass in backyards. By contrast, Category 3 wetlands usually exhibit greater plant diversity and higher ecological value and thus merit stronger protections. Reilly Pittman acknowledged that some public comments requested pathways for Category 3 wetlands, and that could be considered during further refinements.

Vice Chair Lu voiced appreciation for the decision to remove language restricting the reasonable use exception to single-family homes, opening the option more broadly. The current standard applies only when all economically viable uses of a property are denied. The question asked was whether the pathway could be extended to cases where development potential was severely constrained even if not entirely eliminated. Kirsten Mandt said that would need to be reviewed with the legal staff. The reasonable use exception arises from constitutional takings law which requires a high threshold in order to apply. It is generally used only where sites are completely or nearly completely encumbered. There were comments received from the Department of Fish and Wildlife suggesting that a minimum developable area standard could be added, and internally

there have been discussions about raising the allowance from two units to four units to align with citywide middle housing policy. While such changes could be considered, the fundamental legal framework limits how flexible the reasonable use exception can be made.

Chair Khanloo raised a question about setbacks and their scientific and practical justification. The staff were asked if case studies or examples exist from other jurisdictions, such as Bothell, that could provide concrete evidence of how different setback standards have functioned over time. A concern was voiced that decisions were being made without sufficient grounding in either best practices or worst-case examples. There is a clear need to balance the Comprehensive Plan's housing goals against the responsibility to protect water quality, particularly in the BelRed area. Kirsten Mandt clarified the distinction between buffers and setbacks. Buffers are based on best available science and are required to meet the no net loss of ecological function standard. Setbacks, by contrast, are additional areas outside the buffer that are less strictly regulated and are intended to provide space for light, air, and access around structures. In Bothell the standard setback is 15 feet, which works effectively. Bellevue's proposed buffers are consistent with regional practice and best available science. Setbacks are more flexible and are largely a matter of local choice rather than strict scientific requirement.

Chair Khanloo requested actual case studies and examples, noting a preference for tangible examples over policy references. The wish is to avoid making a decision that might harm water quality in the future. Visual or documented examples from other cities showing the outcomes of different setback widths would be helpful.

Commissioner Villaveces clarified that setbacks serve a different purpose than buffers, functioning mainly to provide light, air, and construction space around buildings. Smaller setbacks of five to ten feet are sufficient in urban areas because the buffer itself already protects the ecological resource. Smaller setbacks are reasonable in such contexts, though it was acknowledged that different parts of the city might require different approaches.

Commissioner Ferris voiced comfort with having a 15-foot setback from the buffer. Commissioner Villaveces suggested that in some cases the underlying zoning setbacks might make more sense over adopting a universal number.

Commissioner Nilchian asked if other jurisdictions utilize a predominant standard for setbacks. Kirsten Mandt said there is no single standard; practices vary from 10 to 20 feet. A smaller setback might be appropriate for commercial projects where the space would not be used as yard area, while larger setbacks might make sense in residential areas. Reilly Pittman added that smaller setbacks often lead to incremental encroachments, with property owners pushing further into the buffer area over time. To address that, cities often establish firm boundaries with fencing and signage.

Commissioner Kennedy voiced support for determining setbacks based on specific neighborhoods, such as a BelRed, Cougar Mountain or Newport, and also noted comfort with 15 feet in the appropriate places.

Chair Khanloo asked if a range of setbacks could be adopted, such as 15 to 25 feet, but staff cautioned that most applicants would simply choose the smallest number allowed. For that reason, Kirsten Mandt urged the Commission to select a single standard rather than a range.

There was consensus in favor of a 15-foot setback.

Vice Chair Lu voiced support for bringing in economic viability into the innovative mitigation pathway. The reasonable use exception allows development when a property has no economic viability under the existing restrictions. The concept could be adopted in cases where a property has substantially diminished economic viability, thus qualifying it for the innovative mitigation pathway. The idea is not to merge the reasonable use exception with innovative mitigation but rather to clarify the applicability of the latter by providing an additional threshold.

Commissioner Kennedy asked if the proposal was to create a trigger before innovative mitigation can be applied. Vice Chair Lu clarified the idea was more about defining applicability and ensuring that developers with significantly impaired economic viability could use innovative mitigation as a pathway. Kirsten Mandt said staff would need to examine closely how such a standard might function. Commissioner Kennedy cautioned that the implications and limitations need to be better understood before the Commission commits to it.

Commissioner Villaveces elaborated the purpose of the reasonable use section by comparing the steep slope code, which explicitly allows exceptions if a geotechnical engineer demonstrates safety, to the innovative mitigation language, which does not provide the same level of clear applicability. The intent of innovative mitigation is sound but the language should be refined to allow developers to demonstrate no net loss or even net gain through performance-based design.

Commissioner Goepple said the reasonable use exception and innovative mitigation serve different purposes; the former deals with hardship on entirely encumbered sites while the latter offers flexibility for larger developments where buffer adjustments are needed.

Vice Chair Lu stressed not trying to merge the two, only to provide a pathway for accessing the innovative mitigation.

Kirsten Mandt said the way code application generally applies is that one must provide evidentiary support to demonstrate qualifying for something. In the critical areas code, it typically looks like mitigation sequencing. Developers can hire a consultant to conduct an on-site evaluation and use that data to determine available pathways. The mitigation sequencing starts with avoiding all impacts. With a prescriptive pathway, it must be clear what must be done, while the flexible pathway allows for bringing forward a proposal based on on-site analysis.

Vice Chair Lu reiterated that the intent of allowing an economic assessment to qualify for innovative mitigation. The Commissioners concurred.

Kirsten Mandt said staff would explore the possibility further.

Commissioner Villaveces emphasized that compensatory mitigation should not be needed in order to demonstrate performance. One could develop a project in such a way as to restore a stream and yield a net gain all without applying for compensatory mitigation. Mitigation, restoration, repair and enhancement can be applied in different ways to development projects. The actions could include adding vegetation, enhancing habitat or incorporating woody debris.

Dan Nickel commented that in all instances where a stream is opened and the functions are improved, there will inherently be a net gain. The scale will vary widely depending on the site characteristics. Having and maintaining functional buffers is very important in terms of the overall downstream ecological conditions. Compensatory mitigation can involve different types of enhanced vegetation on different types of habitat.

Commissioner Villaveces pressed the point that long-term success should be measured against clear criteria. If a project demonstrates compliance with the criteria and provides a net gain, it should be approved. That may be the intent of innovative mitigation, but the current language is not sufficiently clear.

Commissioner Goepple asked if compensatory mitigation must always be a strict square-foot-for-square-foot replacement of lost buffer area, or whether it could be satisfied through other types of improvements that enhance stream conditions. Dan Nickel allowed that things can tend toward the gray, but often compensatory mitigation varies depending on the situation. Vegetation is the most straightforward form because impacts and mitigation can be measured in square footage. Sometimes a one-to-one ratio is applied, but in other cases the mitigation must be larger depending on the severity or location of the impact. Mitigation ratios are commonly used for wetlands and the size of mitigation can exceed the impacted area. Mitigation banking is another tool available in certain situations.

Chair Khanloo asked if more clarity should be added to the code in regard to innovative mitigation, or whether the flexibility should remain intact. Kristina Gallant commented that while clear criteria in the code can be helpful, too much specificity can exclude projects that offer benefits in unexpected ways. The value of the innovative mitigation pathway is its flexibility and customization, even though it creates uncertainty about any guaranteed approval.

Commissioner Ferris suggested moving toward a recommendation for a public hearing, leaving to future presentations focusing on the BelRed neighborhood, which has degraded conditions but also strong development potential. Showing how developers could proceed with development under the new code in BelRed would be more useful than general examples.

Chair Khanloo reiterated the desire to see various case studies. Commissioner Kennedy supported the request, adding that the critical areas ordinance covers not only stream buffers but also steep slopes and flood zones, which are crucial for public safety. The case studies should include how the proposed code protects people and property in Bellevue, particularly given the increasing number of flood events. Visuals and maps are helpful in understanding the provisions. Specific scenarios are needed that show how a developer would apply the new code, especially in neighborhoods like BelRed, and how the rules would overlay with neighborhood Land Use

Codes.

Commissioner Goepple asked about the justification for increasing buffers on non fish-bearing streams given that some are seasonal or intermittent, and asked for an explanation of both the benefits and the development impacts of such increases. Kirsten Mandt said the state's best available science does not differentiate buffer methodology by stream type and uses site potential tree height as the standard measure. Commissioner Goepple acknowledged that but argued that the state standard may not be realistic for a city, which must balance multiple objectives.

Commissioner Goepple questioned the requirement for 50-foot buffers for degraded streams, particularly in areas like BelRed and suggested that either the innovative mitigation pathway should be strengthened, or more flexibility should be introduced into the buffer standards. Without that, redevelopment could be very limited. Kirsten Mandt responded that the intention of the redevelopment maps is not to discourage development but to highlight how impervious surfaces can serve as buffers when paired with compensatory mitigation.

Commissioner Villaveces raised the issue of wetlands affecting the Trammel Crow property, noting familiarity with the site. In the parking lot, the landscaped medians are classified as wetlands, and those isolated fragments are preventing the larger project from advancing. The small legacy wetlands are no longer connected to the main wetland system. The developer is offering to restore the larger wetland and stream located behind the property. The situation illustrates how small, disconnected wetland remnants can block important development opportunities, including transit-oriented housing. It is a prime example of where a performance-based design approach can allow consultants to demonstrate that a project would achieve a net ecological gain while still advancing development. Kirsten Mandt clarified that much of the stream and wetland system at the site fall under the shoreline jurisdiction. Accordingly, the proposed code update under discussion does not apply there. Commissioner Villaveces said the main concern was with the small wetland islands in the parking lot that are creating barriers to development. The situation highlights the importance of having an alternative compliance pathway.

A motion to direct staff to schedule a public hearing was made by Commissioner Ferris. The motion was seconded by Commissioner Goepple.

Commissioner Villaveces asked if there would be opportunity to continue discussing the issues after the public hearing. It was confirmed by Chair Khanloo that the Commission can indeed continue the discussion after the public hearing.

Dr. Kate Nesse said the public hearing was tentatively set for October 22. If the Commission delays beyond that date, it might be necessary to add an additional November meeting in order to meet the year-end deadline for adoption by the City Council. The Commission will conduct a study session on the topic immediately following the public hearing. The Commission can also recommend changes to the draft code during the hearing process.

The motion carried unanimously.

9. OTHER BUSINESS – None
(9:54 p.m.)

10. APPROVAL OF MINUTES – None
(9:54 p.m.)

11. EXECUTIVE SESSION – None
(9:54 p.m.)

12. ADJOURNMENT
(9:54 p.m.)

A motion to adjourn was made by Commissioner Ferris. The motion was seconded by Commissioner Kennedy and the motion carried unanimously.

Chair Khanloo adjourned the meeting at 9:54 p.m.