

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Regular Meeting

June 21, 2022  
6:00 p.m.

Virtual Meeting  
Bellevue, Washington

PRESENT: Mayor Robinson, Deputy Mayor Nieuwenhuis and Councilmembers Barksdale, Lee, Robertson, Stokes and Zahn

ABSENT: None.

1. Call to Order

The meeting was called to order at 6:00 p.m., with Mayor Robinson presiding.

2. Roll Call; Flag Salute

City Clerk Charmaine Arredondo called the roll and all Councilmembers were present. Councilmember Lee led the flag salute.

3. Approval of Agenda

→ Deputy Mayor Nieuwenhuis moved to approve the agenda, and Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 7-0.

4. Oral Communications

- (a) Karen Morris expressed concern about the potential public safety impacts related to homeless services uses. She said people have the expectation that the Bellevue men's shelter will serve only individuals with ties to the community. However, she believes that people will be sent from Seattle to shelters and supportive housing in Bellevue. She encouraged the Council to explore the history of incidents related to homelessness in Seattle. She expressed concern that Councilmembers who should be objectively evaluating and listening to their constituents are serving as advocates for one political activist viewpoint. Ms. Morris said she supports all methods and policies to mitigate the possible public safety and quality of life issues that will arise in Bellevue as they have in Seattle and Portland.

- (b) Betsi Hummer urged the Council to adopt the amendments proposed by Councilmember Robertson regarding permanent supportive housing regulations. She said the proposed requirements guarantee that permanent supportive housing residents are subject to the same standards as shelter residents. She said requiring a security plan, standard operating procedures, code of conduct, and community outreach reflect the best practices followed by Congregations for the Homeless (CFH) and Mary's Place. She said those organizations follow the requirements approved by the Council in the Homeless Services Uses Land Use Code Amendment (LUCA) following input by the entire community.
  - (c) Alex Zimmerman expressed concern that the King County Council limits public comments to one minute per person. He indicated that he does not like Democrats and said that anyone who works for Amazon will never be working for a Republican and they will never be happy. He expressed concern about development and traffic congestion in Bellevue.
  - (d) Chad Vaculin, representing the Eastside Affordable Housing Coalition, encouraged the Council to consider the permanent supportive housing and emergency housing LUCA through an equity lens. He thanked the Planning Commission for their review and community engagement. He expressed concern regarding potential barriers to accessing housing.
5. Reports of Community Councils, Boards, and Commissions: None.
6. Report of the City Manager
- (a) Bellevue Family 4<sup>th</sup> Celebration 2022

City Manager Brad Miyake introduced staff's update regarding the upcoming 4<sup>th</sup> of July celebration in Downtown Park.

Jera Gilmore, Parks and Community Services Department, said she recently joined the City as the program manager for the Northwest Arts Center and the lead planner for the 4<sup>th</sup> of July event. She said the City and its partners are excited to bring back the full event this year.

Mike Ogliore, Bellevue Downtown Association, noted that this is the 30<sup>th</sup> anniversary of the Bellevue Family 4<sup>th</sup> celebration. This year's event begins at 5:00 p.m. with family activities, and free parking will be available in the Bellevue Collection parking garages. He said the Highland Middle School choir will perform the national anthem and the Bellevue Youth Symphony Orchestra will provide entertainment as well.

7. Council Business and New Initiatives

(a) Council Liaison Recommendation for Appointment to Arts Commission

Councilmember Stokes recommended the appointment of Erika Enomoto to the Arts Commission. Ms. Enomoto is a program manager with Microsoft. She has a master's degree in art history and has worked for a number of arts institutions.

→ Councilmember Stokes moved to appoint Erika Enomoto to the Arts Commission for a term expiring May 31, 2026. Councilmember Lee seconded the motion.

→ The motion carried by a vote of 7-0.

8. Consent Calendar

→ Deputy Mayor Nieuwenhuis moved to approve the Consent Calendar, and Councilmember Stokes seconded the motion.

→ The motion to approve the Consent Calendar carried by a vote of 7-0, and the following items were approved:

(a) Council Minutes

Minutes of May 23, 2022 Regular Meeting

(b) Motion to approve payment of claims and payroll for the period May 1, 2022 - May 31, 2022.

(c) Ordinance No. 6664 authorizing execution of an Economic Development Partnership Agreement with the Port of Seattle to accept \$120,000 in grant funding to support the City's cultural and economic development efforts; and (2) amending the 2021-2022 Operating Grants and Donations Fund to increase the appropriation by \$60,000.

(d) Resolution No. 10103 authorizing execution of a Professional Services Agreement with KPFF Consulting Engineers in the amount of \$361,376.53, plus all applicable taxes, to perform alternatives analysis and develop a conceptual design for the 148th Avenue SE at Larsen Lake Flood Mitigation project (CIP Plan No. PW-M-21).

(e) Resolution No. 10104 to approve a change order for the Newcastle Beach Park parking lot repair project to Fidalgo Paving & Construction, LLC, for an amount of \$38,876.45 plus all applicable taxes.

(f) Resolution No. 10105 authorizing execution of a three-year professional services agreement in the amount of \$255,000 with the option to renew for an additional two years at a rate of \$86,000 a year or \$172,000 for both years with Aon Risk

Insurance Services West Inc. The total amount not to exceed \$450,000 plus any applicable taxes for the five-year period, for the purchase of the Aon Risk Insurance Services West Inc. brokerage services.

9. Public Hearing: None.

10. Study Session

- (a) Recommended LUCA regarding Permanent Supportive Housing, Transitional Housing, Emergency Housing and Emergency Shelter

City Manager Miyake introduced discussion regarding the proposed Land Use Code Amendment (LUCA) applicable to permanent supportive housing, transitional housing, emergency housing and emergency shelters. He recalled that this topic was last before the Council on May 23, at which time the Planning Commission recommended a number of amendments.

Liz Stead, Interim Co-Director, Development Services Department, said the LUCA will replace an interim official control (IOC) that the Council first approved in July 2021 and extended in January 2022. The current extension expires in July.

At 6:27 p.m., Mayor Robinson declared a short break to allow staff to address technical issues. The meeting resumed at 6:35 p.m.

Ms. Stead said staff is seeking Council direction to bring back a LUCA ordinance for final action at a future meeting.

Trisna Tanus, Consulting Attorney, Development Services Department, recalled that state law [RCW 35A.21.430] requires cities to allow permanent supportive housing and transitional housing in all land use districts where residential dwellings or hotels are allowed and to allow emergency housing and shelters in all land use districts where hotels are allowed. The law went into effect on July 25, 2021 and the City's current IOC expires on July 12.

Ms. Tanus described three policy tools for implementing the law. The Land Use Code provides regulations for all supportive housing and homeless services uses, and the requirements for siting and development standards must be consistent with state law. The best practices guide provides tools and best practices for community engagement as well as an overview of City resources to assist in that effort. Ms. Tanus said the guide is tailored to specific projects. The third tool is funding agreements to support the development of housing and the services to be provided for each project.

Ms. Tanus summarized the work to date to develop the permanent LUCA regulations since the initial adoption of the IOC in July 12, 2021. The required public hearing was held on August 2, 2021 and the LUCA was initiated by the Council. The Planning Commission process began on

September 8, 2021 and the commission finalized its recommendation on April 27. The Council held its first discussion regarding the recommendations on May 23.

Ms. Tanus recalled that Council discussion of the work program focusing on the mitigation of permanent supportive housing impacts began on July 26, 2021. There was discussion about potential opportunities to create a set of conditions to ensure that future housing owners and operators of supportive housing administer the programs in a manner that is integrated through the community and includes conditions that benefit residents. Conditions for consideration include property maintenance standards, on-site supportive services, minimum ratio of staff or caregivers to residents, a safety and security plan, and neighborhood outreach and engagement. Ms. Tanus said the Council discussed these conditions on August 2, 2021 and directed staff to study two areas: on-site services and neighborhood engagement.

On November 22, 2021, staff recommended that any on-site services requirements should be included in funding agreements and that the City should work on neighborhood engagement as a best practice. The Council affirmed staff's recommendation and staff is currently working on the best practices guide. Ms. Tanus highlighted funding agreements related to the Illahee Apartments, Plymouth permanent supportive housing, the Congregations for the Homeless (CFH) shelter in the Eastgate area, and LifeWire's Hope Starts Here program.

Nick Whipple, Planning Manager, Development Services Department, said that the LUCA recommended by the Planning Commission addresses two uses: supportive housing and homeless services uses. Facilities providing stays of 30 days or longer are classified as supportive housing and are to be treated as other residential uses. The LUCA requires an on-site kitchen. In single-family districts, supportive housing must be consistent with the residential character of the area and on-site services are provided only for residents. Mr. Whipple said that sites with more than 25 percent of the floor area dedicated to services must register a safety and security plan, code of conduct, and standard operating procedures. Notice of the project will be mailed to property owners within a 500-foot radius.

Mr. Whipple said the Council did not direct changes to the Land Use Code requirements for homeless services uses. Transient emergency housing and indoor emergency shelters with stays of less than 30 days are defined as homeless services uses and are permitted in all districts where hotel uses are allowed. There are no changes related to homeless services uses, which require the conditional use permit (CUP) process.

Mr. Whipple recalled that one of the questions previously raised by the Council was about the CUP requirement for transient emergency housing. He said the State does not distinguish between non-transient and transient emergency housing. However, the City provided the distinction to regulate the intensity of uses. Mr. Whipple said that, under the proposed LUCA, non-transient emergency housing is allowed in more locations than required by state law and will be treated as supportive housing. He said the State acknowledges the difference between emergency housing and supportive housing and restricts emergency housing to land use districts where hotels are allowed.

The Council previously asked how the LUCA addresses intensity of use. Mr. Whipple said intensity of use is based on the duration of stay and the registration requirements. Exempt supportive housing with services using less than 25 percent of the floor area are the least intense uses, and homeless services uses are considered a higher intensity. Non-exempt supportive housing applies to facilities in which more than 25 percent of the floor area is dedicated to supportive services. The proposed registration requirements would apply to the non-exempt facilities.

Mr. Whipple said the Council previously raised the question about whether a lease agreement could satisfy the code of conduct requirement. He said the proposed LUCA requires a code of conduct for non-exempt supportive housing facilities. He said Plymouth and CFH both provided examples of lease agreements for review and they do cover much of the same subject matter as a code of conduct. Mr. Whipple suggested that a lease agreement could be the starting point for drafting a code of conduct.

Staff conducted three modes of public engagement: 1) compliance with Process IV requirements for legal noticing and public hearings, 2) dialogue with service providers and supportive housing operators, and 3) online presence with information regarding the LUCA and staff contacts. The Planning Commission discussed the LUCA during five study sessions: September 8, September 22 and December 8 in 2021 and February 9 (public hearing), February 23 and April 27 of this year.

Mr. Whipple noted that there will be opportunities for future policy discussions with the Council about supportive housing best practices. He requested Council direction to staff to return with the final LUCA ordinance for formal action.

Mayor Robinson thanked staff for the presentation.

→ Deputy Mayor Nieuwenhuis moved to direct staff to prepare the permanent supportive housing, transitional housing, emergency housing and emergency shelter LUCA ordinance, as recommended by the Planning Commission, for final action at a future meeting. Councilmember Stokes seconded the motion.

Councilmember Robertson introduced a number of proposed amendments. She said state law allows that “Reasonable occupancies, spacing and intensity of use requirements may be imposed to protect public health and safety. Any such requirements may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing or indoor emergency shelters necessary to accommodate each code city’s projected need for such housing and shelters.” Ms. Robertson said she likes the City of Redmond’s code.

Ms. Robertson referenced Attachment G which highlights her proposed revisions: 1) treat facilities in single-family districts consistent with the standards for adult family homes, 2) create a separation requirement of one-half mile between housing uses, 3) require a safety and security plan, code of conduct and standard operating procedures, 4) remove exceptions for general performance standards for permanent supportive housing (e.g., density), and 5) limit the number of residents in a permanent supportive housing facility to 100 individuals unless additional

mitigation is provided. She noted that all of the suggested revisions mirror the Redmond code. They have been adopted without significant issues in Redmond, are balanced and consistent with the local authority granted under state law and are less stringent than many jurisdictions.

Councilmember Robertson noted that the operating agreement prioritizes individuals who are either homeless in Bellevue or have ties to Bellevue. She said the Planning Commission received hundreds of public comments, many of which requested additional standards that will help everyone be more supportive about the housing facilities. She suggested that the operating agreement will make housing facilities better neighbors and will create a sense of cooperation and collaboration between the housing providers and the City and the Bellevue Police Department.

→ Councilmember Robertson moved to amend the Planning Commission's draft LUCA to adopt the changes presented by Attachment G. Deputy Mayor Nieuwenhuis seconded the motion.

Councilmember Zahn said she was interested in understanding how the proposed regulations might affect the ability to provide sufficient permanent supportive, transitional and emergency housing. Ms. Stead said that some of the suggestions would add more time and potential costs to the process and there would be impacts on staff. She said staff did not conduct a full analysis of the impacts of the suggested revisions.

Responding to Ms. Zahn, Ms. Stead said the best practices guide is being drafted based largely on input through the public engagement process. Ms. Stead said the guide will be able to be modified for specific projects. Ms. Zahn referenced the letter from the Eastside Affordable Housing Coalition, which represents 34 organizations, and asked what percentage of the organizations are not expected to receive any funding from the City. Ms. Stead said she did not have information on the percentage of organizations not receiving funding.

Councilmember Barksdale asked about the types of residents anticipated to receive services. Ms. Stead said the individuals represent a varied population including those moving from domestic violence situations or recovering from substance abuse. She said Plymouth Housing serves certain populations, and Mary's Place primarily serves families. She said permanent supportive housing could include residents from transitional housing who are nearly able to move into independent market-rate housing.

Responding to Mr. Barksdale, Councilmember Robertson clarified that her proposed revisions apply to housing with stays of 30 days or longer.

Responding to Mr. Barksdale, Ms. Stead said the homeless services uses conditional use permitting process is more intensive than the provisions suggested by Councilmember Robertson. She said that homeless services uses require a good neighbor agreement and advisory committee. She said multiple public meetings were required as well, which added time and complexity to the process. Ms. Stead noted that staff's support of the good neighborhood process was quite extensive and involved staff from multiple departments.

Deputy Mayor Nieuwenhuis thanked Councilmember Robertson for her proposed revisions to the LUCA. He said he is also a fan of the Redmond code. He thanked all of the residents who engaged in the public process and provided input and feedback. He noted his commitment to common sense requirements while providing a path to permanent supportive housing for Bellevue residents experiencing homelessness. Mr. Nieuwenhuis spoke to the need for accountability for housing providers. He said Bellevue is fortunate to have Congregations for the Homeless, The Sophia Way and LifeWire providing housing and other services. Deputy Mayor Nieuwenhuis commented on the effectiveness of public engagement related to the men's homeless shelter. He expressed support for Councilmember Robertson's proposed revisions to the LUCA.

Councilmember Lee said he supports Ms. Robertson's proposed revisions as well. While homelessness and affordable housing are regional issues, he supports the priority of serving Bellevue residents. He complimented the City's approach to working with residents related to the men's homeless shelter. He said the operating agreements provide the City with the flexibility and opportunity to make sure that requirements and practices are right for Bellevue. He said it is important to hear from the public and he looks forward to the discussion regarding the best practices guide.

Councilmember Stokes expressed support for the LUCA as drafted by staff and the Planning Commission. He expressed concern that the revisions proposed by Councilmember Robertson could create barriers to the development of urgently needed housing options. He said the Planning Commission's recommended LUCA is widely supported in the community. Similar provisions are used by The Sophia Way and Mary's Place, and both organizations worked closely with the community in their development of emergency and supportive housing. Mr. Stokes said he feels the City of Redmond is actually behind Bellevue in terms of housing-related efforts. He said he supports the LUCA as presented without further revisions. He expressed concern about potentially missing out on housing opportunities.

Mr. Stokes noted comments from a former Councilmember stating that CFH supports Councilmember Robertson's proposed amendments. Mr. Stokes said that David Bowling from CFH submitted written comments indicating that CFH supports the LUCA developed by the Planning Commission and staff.

Mayor Robinson said she supports the LUCA as presented by the Planning Commission and staff. However, she thanked Councilmember Robertson for her proposal and suggested that at least some of the topics could be addressed in the best practices guide and/or through a funding agreement. She looks forward to discussing the best practices guide. She noted that she sent a summary of the approach by Mary's Place to Councilmembers for future conversation. She does not want to delay the permitting of an essential service.

Responding to Councilmember Robertson, Ms. Stead said it is unlikely that anyone would site multiple housing facilities on one street or block. Ms. Tanus confirmed that the Land Use Code would not prevent that from happening. In further response to Ms. Robertson, Ms. Tanus said there is nothing preventing housing providers from buying land in one area of Bellevue and



placing all of the supportive or emergency housing in that one location or neighborhood. Ms. Robertson reiterated the need for a separation requirement between facilities.

Responding to Councilmember Lee, Ms. Stead said that one delay resulting from Councilmember Robertson's proposed revisions would be the time needed to conduct a legal and equity analysis of the code amendments. The requirements would also involve additional time for processing specific projects.

Responding to Councilmember Lee, City Attorney Kathy Gerla commented that the time required for a legal and equity review would depend on the scope of the amendments to be considered.

Deputy Mayor Nieuwenhuis said he wished the best practices guide was available now as it would have been helpful to this discussion. He said no one is trying to cause delays and everyone cares about the unhoused individuals in the community. He said he frequently hears concerns about the concentration of lower income housing in the Lake Hills, Factoria and Eastgate areas. He said all types of housing should be distributed throughout Bellevue and he expressed support for a required separation between facilities of one-half mile. Mr. Nieuwenhuis expressed an interest in the Bellevue Police Department's review of safety and security plans.

Councilmember Zahn cautioned against creating unintended consequences and expressed support for an equity analysis of Councilmember Robertson's proposed amendments.

Mayor Robinson said she lives downtown in a building with ARCH (A Regional Coalition for Housing) units and there is Section 8 senior housing around the corner. She said lower income housing exists community-wide but perhaps is not recognized by most residents.

Councilmember Barksdale said it would be helpful to clarify the overall goal to continue discussion in the future about different ideas. He said his primary concern with the Redmond code is that it has not yet been implemented and the impacts on housing residents is unknown.

→ The motion to amend based on Councilmember Robertson's proposed revisions [Attachment G] failed by a vote of 3-4, with Deputy Mayor Nieuwenhuis, Councilmember Lee and Councilmember Robertson in favor.

Councilmember Robertson indicated that she would propose specific separate amendments before future action on the LUCA.

At 7:43 p.m., Mayor Robinson declared a short break. The meeting resumed at 7:55 p.m.

Councilmember Barksdale proposed an amendment applicable to emergency housing and the distinction between transient and non-transient housing.

→ Councilmember Barksdale moved to remove the distinction between transient and non-transient emergency housing. As a result, emergency housing would not be subject to the

CUP process required by the Homeless Services Uses LUCA. Councilmember Stokes seconded the motion.

Councilmember Barksdale said emergency housing is in part intended to help individuals who recently became homeless or are at risk of becoming homeless. He expressed concern about the impact of the CUP process for CFH and private development.

Responding to Councilmember Barksdale, Ms. Stead said staff was not aware of any other city in the region that makes a distinction between transient and non-transient emergency housing.

Councilmember Stokes expressed support for the proposed amendment.

Responding to Councilmember Lee, Mr. Barksdale said his proposed amendment applies to emergency housing but not to emergency shelters.

Ms. Tanus said the LUCA defines four housing types: 1) permanent supportive housing, 2) transitional housing, 3) emergency housing, and 4) indoor emergency shelter. Emergency housing is separated into transient (less than 30 day stays) and non-transient (stays of more than 30 days). Transient emergency housing is subject to the Homeless Services Uses LUCA, as are indoor emergency shelters.

Ms. Tanus stated her understanding that Councilmember Barksdale's proposal is to remove the distinction between transient and non-transient housing and for emergency housing to be treated like permanent supportive housing and transitional housing, which do not require the CUP process. In addition, emergency housing would be allowed in all of the land use districts where residential and hotel uses are allowed.

Councilmember Lee suggested that the impacts could be significant. He noted the lack of public outreach regarding the proposal and asked whether there is an example of a similar regulation in another jurisdiction.

Ms. Tanus said the Planning Commission received the same suggestion from the public. She said the distinction between transient and non-transient already exists in other areas of the Land Use Code for residential uses. The commission ultimately decided to not make that recommendation.

Responding to Deputy Mayor Nieuwenhuis, Mr. Whipple said the suggestions were made by affordable housing providers and advocates.

Mr. Nieuwenhuis concurred with Councilmember Lee's interest in more information about the impact of the proposed amendment. Mr. Nieuwenhuis said he would consider Councilmember Barksdale's proposal following additional analysis and review.

Responding to Councilmember Zahn, Ms. Stead said there is always the possibility that any CUP application could be denied. The Director provides a recommendation to the Hearing Examiner, who ultimately makes the decision regarding the CUP. In further response to Ms. Zahn, Ms.

Stead acknowledged that the Homeless Services Uses LUCA involves a somewhat extensive process.

Councilmember Robertson said she would need to consider the proposal within the context of the code to understand the potential impact. She said Bellevue's code for homeless services uses defines an overnight shelter as a facility that is constructed for the primary purpose of providing shelter for people experiencing homelessness in general or for specific populations experiencing homelessness. The code states that services might not necessarily be provided. Ms. Robertson said the Planning Commission discussed the issue and subsequently concurred with staff. She noted that the proposal is supported by housing providers but it might not be supported by the broader community.

Mayor Robinson concurred with Councilmember Robertson, noting that the Planning Commission thoroughly studied the LUCA regulations. Ms. Robinson said permanent supportive housing has been successful in helping individuals remain in stable housing. She encouraged a strong focus on providing permanent supportive housing.

Councilmember Barksdale withdrew his motion and suggested further discussion when staff is able to provide more information.

Councilmember Zahn suggested exploring other ways to streamline the process for emergency housing.

→ The main motion to direct staff to bring back the LUCA ordinance recommended by the Planning Commission for future action carried by a vote of 6-1, with Councilmember Lee opposed. Councilmember Robertson abstained from the vote which, pursuant to Council rules, is counted in the affirmative.

Mayor Robinson indicated that the Council will be able to consider additional amendments if desired before final action on the ordinance.

- (b) Proposed LUCA to remove references to the East Bellevue Community Council (EBCC) from the Land Use Code and to Provide Regulatory Consistency Citywide by Adopting Previously Disapproved Ordinances within the EBCC Jurisdiction

City Manager Miyake introduced discussion regarding revisions to the Land Use Code to remove references to the East Bellevue Community Council and to adopt previously disapproved ordinances within the EBCC jurisdiction. He recalled that House Bill 1769 amended RCW 35.14.060 to sunset the community councils. Mr. Miyake said staff is seeking Council direction to enter a finding of necessity for the Council to process the LUCA and to direct staff to schedule the public hearing.

Ms. Tanus said the EBCC was created by voters in 1969 when the area was annexed by the City of Bellevue. The council had approval/disapproval authority over certain zoning ordinances and

land use controls. It is one of two community councils in the state and they will no longer exist after July 8.

Mr. Whipple said there are inconsistencies in the Land Use Code due to different EBCC decisions over the years on certain issues. The LUCA will remove references in the code to the EBCC and EBCC-specific provisions, including those involving dimensional or design standards. Mr. Whipple said the Homeless Services Uses process will go into effect in the EBCC area and the EBCC will be removed from review procedures. All review and appeal procedures will now apply citywide.

Mr. Whipple highlighted the substantive amendments reflected in the LUCA. Rezones to R-7.5 will now be available in the EBCC area, and the land use tables in the code will now apply citywide. The minimum parking requirement for residential uses within one-half mile of frequent transit will replace the one-quarter mile threshold previously approved for the EBCC jurisdiction. Mr. Whipple said that regulations for RVs, watercraft and utility trailers and related definitions will be consistent citywide.

Mr. Whipple noted that a public hearing is required before Council adoption of the LUCA. Next steps in the process include providing information on the City's web site and receiving public comment. Staff is requesting direction to enter a finding of necessity for the Council to process the LUCA and to schedule the public hearing.

→ Deputy Mayor Nieuwenhuis moved to enter a finding of necessity for the Council to process the LUCA and to direct staff to prepare the recommended LUCA for a public hearing and final action in July. Councilmember Stokes seconded the motion.

Deputy Mayor Nieuwenhuis, liaison to the EBCC, thanked all of the EBCC members who served over the past 50 years. He invited the public to a reception for the EBCC on June 23. He expressed support for the LUCA to provide a consistent code across Bellevue.

Councilmember Robertson expressed support for the motion. She asked whether the Council could direct the Planning Commission to consider whether certain parcels or areas within East Bellevue should have a Comprehensive Plan designation that allows R-7.5 zoning in the future. Ms. Tanus said she believed that would be possible. However, she indicated that Community Development Department staff would be better suited to answer that question.

Ms. Robertson recalled that, long before she lived in Bellevue, she represented the EBCC as their attorney for a period of time in the 1990s. She said the EBCC has been a part of the community for a long time and many members have moved on to additional leadership positions. While she agrees with the sunseting of the community councils, she said she did not want to dismiss the historical importance of the EBCC as liaisons and advocates for neighborhoods. Ms. Robertson thanked Betsi Hummer for her service, including two terms as the EBCC Chair, and for working to improve the EBCC process and to foster better relationships with the City Council, Boards, and Commissions.

Mayor Robinson thanked Ms. Hummer for attending tonight's meeting and for her longtime service to the community. Ms. Robinson said she appreciated the EBCC's work related to the single-family room rental ordinance. She encouraged Ms. Hummer to stay engaged with the City. Ms. Robinson expressed support for the motion.

Councilmember Lee thanked all of the EBCC members who served since 1969. He thanked them for representing both the neighborhoods and the overall interests of Bellevue residents.

Councilmember Stokes thanked the EBCC for their involvement in the community. He said he supported the sunset of the community councils due to his interest in consistent codes across Bellevue. He said EBCC residents will continue to have a big influence by working directly with the City and the Council. Mr. Stokes said he looks forward to continued partnership with the community.

Councilmember Zahn thanked Ms. Hummer and the EBCC for their dedicated public service and said she looks forward to their continued engagement.

Councilmember Barksdale expressed support for the LUCA. He noted that, as a member of the Planning Commission, he enjoyed his interactions with Ms. Hummer and other EBCC members and appreciated their level of commitment.

→ The motion carried by a vote of 7-0.

11. Land Use: None.

12. Other Ordinances, Resolutions, and Motions

- (a) Ordinance No. 6665 establishing permitting requirements to remove Landmark Trees; providing for severability; establishing an effective date; and providing for sunset of this Ordinance.

City Manager Miyake introduced discussion regarding Ordinance No. 6665 establishing permitting requirements for the removal of landmark trees.

Ms. Stead said staff was seeking direction to bring back the landmark tree ordinance for adoption. She recalled that during the June 6 discussion, the Council provided direction to staff to amend the Clearing and Grading Code to require a permit application and approval to remove any landmark trees. She recalled that Councilmembers previously raised questions regarding who is allowed to remove landmark trees, the height threshold, public information efforts and the data to be gathered with the implementation of the ordinance.

Ms. Stead said the proposed ordinance states that landmark trees must be removed by a licensed contractor and the permit applicant must provide information regarding the specific contractor prior to the issuance of the permit. She noted that height thresholds are not typically provided in tree regulations, in part because height is difficult to measure without special equipment. She said most regulations refer to diameter at breast height, which can be measured easily and

accurately. Landmark trees are 24 inches or greater in diameter and the diameter should be measured at 4.5 feet above grade. Ms. Stead said the ordinance provides the future opportunity to incorporate variations for specific species or other considerations. She said staff will begin working on permanent regulations during the third quarter of this year.

Ms. Stead said information regarding tree removal is provided on the City's web site and will be updated upon the adoption of the landmark tree ordinance. Information will also be provided in the City's newsletters and social media. Staff will be trained to work with applicants and the City's permitting and submittal requirements will be clearly articulated.

Ms. Stead said data will be gathered regarding the location/neighborhood of a tree removal, the number and size of the trees removed, critical areas on the site and any clearing and grading activity. The ordinance states that the regulations will sunset or be replaced with permanent code regulations by the end of 2023.

Ms. Stead requested Council action on Ordinance No. 6665.

→ Deputy Mayor Nieuwenhuis moved to adopt Ordinance No. 6665, and Councilmember Stokes seconded the motion.

Councilmember Robertson expressed support for the proposed ordinance. However, she suggested adding a height threshold of 20 feet for determining whether a clearing and grading permit would be required. She would prefer to not require a permit to remove a tree stump, for example. Ms. Robertson suggested referencing tree circumference and using a measurement 4.5 feet above grade instead of referring to diameter at breast height.

Councilmember Zahn suggested simplifying the measuring and permitting process. Responding to Ms. Zahn, Ms. Stead said the cost of a permit is \$464 to remove up to two trees and \$857 to remove three or more trees. The fee covers permit review and an inspection following the tree removal. Ms. Zahn expressed an interest in reducing the permit cost, noting that she does not want the cost to discourage property owners from obtaining a permit.

Councilmember Barksdale concurred with simplifying the code and adding height to the definition.

Mayor Robinson concurred with defining a landmark tree as 24 inches or greater in diameter and taller than 20 feet. She expressed support for providing specific guidance for measuring trees.

Deputy Mayor Nieuwenhuis expressed support for the ordinance. He thanked Ms. Stead for the presentation and for incorporating previous Council input. He concurred with Councilmember Zahn's concern about the permit cost and whether it would create a hardship and/or discourage a person from obtaining a permit. Mr. Nieuwenhuis wondered whether it would be possible for a property owner to receive hardship assistance, as the City does with utility bills. He recalled Mayor Robinson's interest in safety when she originally proposed the regulations. He encouraged robust outreach to educate the public about the new ordinance.

Mayor Robinson suggested adding a section on trees to the MyBellevue app.

Councilmember Lee expressed support for Deputy Mayor Nieuwenhuis' comments and for Mayor Robinson's emphasis on safety.

Councilmember Stokes expressed support for the ordinance and concurred with Mr. Nieuwenhuis' suggestion about potential hardship assistance.

→ Councilmember Robertson moved to amend the ordinance to change the first sentence to read as follows: "Removal of any landmark tree, defined as any tree 20 feet or more in height with a diameter of 24 inches or greater (or a circumference of over 75 inches) when measured from 4.5 feet above grade, shall be..." Deputy Mayor Nieuwenhuis seconded the motion.

Matt McFarland, Assistant City Attorney, said the Land Use Code does refer to height in prioritizing significant trees that are 60 feet or taller. He said he would draft language to address Councilmember Robertson's interests.

Mayor Robinson indicated that she wanted to adopt the ordinance tonight.

At 9:11 p.m., Mayor Robinson declared a brief break to allow staff to draft the additional language. The meeting resumed at 9:18 p.m.

Mr. McFarland read the following proposed language: "Removal of any landmark tree, defined as any tree 20 feet or more in height with a diameter at breast height of 24 inches or greater (measured four feet above existing grade) or a circumference of more than 75 inches, shall be subject to the permit requirements and the same provisions applicable to projects listed in the City's Clearing and Grading Code."

Councilmember Robertson accepted the proposed language for her motion to amend.

→ The amendment carried by a vote of 7-0.

→ The motion to adopt Ordinance No. 6665, as amended, carried by a vote of 7-0.

Councilmember Robertson thanked staff for their work.

13. Unfinished Business: None.

14. New Business: None.

15. Executive Session

At 9:22 p.m., Mayor Robinson declared recess to Executive Session for approximately 30 minutes to discuss one item of pending litigation.

16. Adjournment

The Executive Session concluded at 9:48 and the meeting was adjourned.

Charmaine Arredondo, CMC  
City Clerk

/kaw