

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

October 10, 2016
6:00 p.m.

Conference Room 1E-113
Bellevue, Washington

PRESENT: Mayor Stokes, Deputy Mayor Chelminiak, and Councilmembers Lee, Robertson¹, Robinson, Slatter, and Wallace²

ABSENT: None.

1. Executive Session

Deputy Mayor Chelminiak called the meeting to order at 6:00 p.m., and declared recess to Executive Session for approximately 10 minutes to discuss one item of labor negotiations.

The meeting resumed at 6:21 p.m., with Mayor Stokes presiding.

2. Approval of Agenda

Deputy Mayor Chelminiak proposed adding an agenda item to appoint the members of the Independent Salary Commission.

- Deputy Mayor Chelminiak moved to approve the agenda, amended to add the appointment of the Independent Salary Commission. Councilmember Robertson seconded the motion.
- The motion to approve the agenda, as amended, carried by a vote of 7-0.
- Deputy Mayor Chelminiak moved to appoint the following individuals to serve on the Independent Salary Commission: Suzanne Baugh, Gerald Hughes, Ronald Higgs, Gerald Kroon, and Benjamin Piper. Councilmember Robinson seconded the motion.
- The motion carried by a vote of 7-0.

¹ Councilmember Robertson left the meeting at approximately 8:50 p.m.

² Councilmember Wallace left the meeting at approximately 7:45 p.m.

3. Oral Communications

- (a) Michelle McBeath, speaking on behalf of Bridle Trails Community Club, thanked Parks and Community Services Director Patrick Foran and Scott VanderHyden for working with residents to develop the 140th Avenue NE Park Plan. She encouraged the Council's support of the plan.
- (b) Pamela Johnston, a Bridle Trails resident, thanked the Council and Parks staff. She said Scott VanderHyden was very good about coming to the community club meetings and listening to residents. With regard to Low Impact Development (LID) principles, Ms. Johnston asked the Council to support the Planning Commission's recommendation to not include the tree codes as part of the LID regulations.
- (c) Mike Perry said he owns the property north of the 140th Avenue NE Park. He said his understanding is that the park does not have a Native Growth Protection Area (NGPA) and the wetland delineation has not been completed. He said that, based on his sketch, the delineation and buffer would cut through the large lawn in the park plan. He questioned whether the Council will want to consider that before moving forward with the plan.

Mayor Stokes asked the City Manager to follow up on Mr. Perry's question.

- (d) Alex Zimmerman, StandUP-America, expressed concern about spending \$50 billion to \$100 billion on Sound Transit light rail.

City Clerk Kyle Stannert noted that the Council cannot take testimony on ballot measures.

- (e) Mark Oppfelt thanked the City for its ongoing support of Walk to School Wednesday at Clyde Hill Elementary School. He said members of the Bellevue Fire Department and Clyde Hill Police Department, as well as the Seahawks mascot Blitz, will be at the school on Wednesday, October 12, at 7:45 a.m. He invited the Mayor and Council to attend the event.
- (f) Joe Rosmann recalled that, in May, the Council voiced concerns and input to Sound Transit about the future Kirkland to Issaquah light rail alignment. He received information from Sound Transit through a public disclosure request about how Sound Transit plans to bring that light rail line through Bellevue. He said light rail will run along I-405 and cross the freeway at a high elevation at SE 8th Street, then turn northward at an elevation comparable to the guideway at SeaTac airport, nearly 100 feet above grade. He said the plan takes approximately 20 feet along Surrey Downs Park and 8-10 feet from the width of 112th Avenue. Mr. Rosmann said he does not believe this was anticipated by the Council or the community.

Deputy Mayor Chelminiak said Councilmembers have previously expressed concern about the possible crossing of the line into Bellevue. He observed that the project, if it occurs, will be built a long time into the future. Mr. Chelminiak said the Council is aware of the potential plan and

concerns. Mr. Chelminiak suggested that future City Councils will work with Sound Transit regarding that light rail alignment.

4. Study Session

(a) Council Business and New Initiatives

City Manager Brad Miyake introduced Nathan McCommon who recently joined the City in the second Deputy City Manager position. Mr. Miyake said Mr. McCommon has a great deal of both policy and operational experience. He most recently served as the City Manager of Tonganoxie, Kansas, and prior to that he worked in the City Manager's Office of Kansas City, Missouri.

Mr. McCommon thanked the City Manager for this opportunity. He observed that people often feel removed from federal and state government. However, everyone can come to City Hall where representative government is active.

(b) Introduction of the Transportation Commission's Recommendation to Amend the Transportation Development Code to incorporate Low Impact Development (LID) Principles

City Manager Brad Miyake opened discussion regarding recommendations to implement the Low Impact Development (LID) principles. He said the City's National Pollutant Discharge Elimination System (NPDES) Phase 2 stormwater permit requires the City to incorporate LID principles into its codes. This topic was last discussed with the Council in May. At that time, the Council directed staff to use the identified project principles to develop Land Use Code Amendments. Mr. Miyake said the purpose of tonight's agenda items is to present the recommendations of the Transportation Commission and of the Planning Commission regarding the LID principles

Catherine Drews, Assistant City Attorney, introduced Wayne Carlson, Land Use Planner with AHBL consulting firm. She said Mr. Carlson has been instrumental in helping staff with public outreach and the development of the code amendments. Ms. Drews said she would present the Transportation Commission's recommendations, and Mr. Carlson would introduce the Planning Commission's recommendation.

Mr. Carlson said the state and federal 2013-2018 NPDES permit requires cities to make low impact development the preferred and commonly used approach to site development. He said the goals of LID are to reduce impervious surfaces and native vegetation loss. However, the permit does not provide specific metrics. The NPDES permit is administered by the Washington Department of Ecology (DOE) for compliance with the Clean Water Act. The deadline for implementing LID practices is December 31, 2016.

Mr. Carlson said the requirements under the NPDES permit are to mimic pre-disturbance hydrologic functions through engineering practices (Best Management Practices, or BMPs) and land use management practices (LID principles). He recalled that Bellevue's project interest statement supports the objective of making low impact development the preferred and commonly

used approach to site development. The Council-approved principles guiding the project are to establish Bellevue-appropriate LID practices, recognize and seek a balance of competing needs, build on existing programs and information, engage stakeholders, and maintain the City's compliance with the NPDES permit.

Mr. Carlson described the areas of focus under the Land Use Code to reduce impervious surface coverage, preserve and enhance the tree canopy, improve options for clustering development, and evaluate the use of LID principles early in the site design process. The areas of focus under the Transportation Design Code and Standards are to reduce impervious surfaces in rights-of-way and to enhance the tree canopy in transportation facilities.

Ms. Drews presented the Transportation Commission's recommendations for Bellevue City Code Chapter 14.60: 1) permeable surfaces for sidewalks, 2) bioretention within landscape areas along planter strips and medians, and 3) native and adapted vegetation that can survive an urban environment is encouraged.

Councilmember Robinson thanked Mr. Carlson for including illustrations depicting how trees affect water runoff. She observed that many might not appreciate the value of trees and their root systems in managing water runoff.

Councilmember Robertson recalled that when LID principles were initially implemented in a nearby jurisdiction, one project used barrels of compost as the filtration system. She learned that there are no standards in place for what is in compost, and the project created stormwater that was filtered for certain elements but picked up toxic elements. She questioned whether compost filtration is recommended and whether a solution has been found to avoid the toxic elements.

Mr. Carlson said there was an issue with the biofiltration media in a project in Redmond, which resulted in a situation that was exporting phosphorous. He said the DOE and others have been studying that situation and working to refine the bioretention soil mix. His understanding is that the mix will potentially have less organic material and more sand.

Ms. Robertson questioned whether there is a plan to make sure that LID practices do not worsen water quality. She said it would be great, before a City or private project is initiated, to make sure there is a standard in place to ensure the water quality is improved.

Ms. Drews said there are two facets to low impact development: 1) LID principles used for land use and site planning, and 2) engineering standards. She said Ms. Robertson is referring to the latter.

Paul Bucich, Assistant Director of Engineering, Utilities Department, said the compost mix that is required by the DOE has been an issue of discussion with regard to stormwater for some time. The mix proposed to meet the design criteria releases higher levels of some heavy metals, phosphorous, and nitrogen. From a technical perspective, that could be viewed as violating state water quality standards. However, studies have shown conclusively that dirty stormwater that goes through the compost mix comes out non-toxic to fish. There is a chemical biological process when the stormwater goes through the mix that actually buffers the toxicity of the heavy metals. The fish can survive in the discharge when before they could not.

Mr. Bucich said the City plans to test its own system to determine how effectively the toxicity can be reduced for water going into Kelsey Creek. Mr. Bucich said the water is ultimately less toxic to fish, and the DOE has recognized. He said environmental groups support the usage of the mix because they understand the net benefit of reducing the toxicity of stormwater runoff.

Councilmember Robertson questioned whether the DOE's assessment that the City is in compliance with water standards protects the City from clean water claims by third parties. Mr. Bucich said the DOE has stated that, if a claim comes forward, the DOE would defend everyone, including the City. The desired outcome is reduced toxicity in stormwater. He said research continues to determine whether an alternative mix could be developed. With the new permit pending in 2018, Mr. Bucich said the City continues to raise its concerns with the DOE to ensure that it complies with water quality standards. Ms. Robertson said she wants to be sure the water is cleaner for fish and everyone.

Ms. Robertson noted that pervious surfaces periodically require special cleaning. She hopes that is taken into consideration in implementing the LID principles. She questioned whether it is more expensive to install pervious versus impervious surfaces. Ms. Drews said staff plans to delve into more details during the next presentation to the Council.

Ms. Robertson said there is language in the draft Critical Areas Ordinance update, to be discussed later in the agenda, that refers to exceptions to impervious surface limitations. Responding to Councilmember Robertson, Ms. Drews confirmed that the language in the ordinance is consistent with the LID principles.

Councilmember Slatter questioned whether heavy metals from the compost discussed earlier are ingested by the fish. Mr. Bucich said there are elements in the compost that are dissolved and in a higher concentration than the water from the stormwater runoff. However, there is a chemical biological process that buffers the dissolved metals (i.e., zinc, copper and lead) and does not affect fish.

Mr. Bucich said the metals are at very low levels for humans. He said the DOE has established standards for when the compost should and should not be used. It should not be used as drinking water if the water is discharged after moving through the compost into the ground water table. It also should not be used if it travels through a phosphorous-limited water body (e.g., Lake Sammamish). However, if it travels through a wetland, the wetland has a chance to absorb the phosphorous and to reuse it in a natural process, which makes it suitable for using.

Responding to Ms. Slatter, Ms. Drews said rain gardens are included as a LID best management practice and are considered a type of bioretention facility.

Responding to Ms. Robertson, Ms. Drews said the toxicity of salmon is affected by a number of pollutants in the ocean. Mayor Stokes noted that species of salmon are affected differently by certain pollutants.

Mr. Bucich added that, with regard to metals, the bio-accumulation is not a problem because of the low concentration. However, the problem is that low levels of dissolved copper are toxic for certain salmon species, which affects pre-spawn mortality.

Mayor Stokes directed staff to return with a resolution for final Council action.

(c) Introduction of the Planning Commission's Recommendation to Amend the Land Use Code to incorporate Low Impact Development (LID) Principles

Ms. Drews said the Planning Commission recommended, by a vote of 6-0 (Commissioner Barksdale was absent), that the City Council approve the LID Land Use Code amendments, as modified by the Commission. She said staff had recommended modifications to the City's existing tree retention proposals. However, the Commission voted to not recommend those changes. Based on public comments, the Planning Commission determined that there needed to be a broader conversation about trees citywide.

Mr. Carlson said the Land Use Code's proposed changes establish a limit on hard surfaces, which includes both impervious surfaces and permeable pavement, but the building coverage limit does not change. Mr. Carlson described examples of a residential site and a commercial site, and how LID features could be incorporated with a mix of pervious and impervious hard surfaces. Maximum impervious surface coverage is unchanged if permeable pavement is not technically feasible.

Ms. Drews said the City's Utilities Department has contracted with a party to map the entire city to determine infiltration rates on a gross scale. This information will be available for public and private development and for single-family homeowners.

Mr. Carlson said the impervious surface proposals are supported by Comprehensive Plan policies EN-24, EN-43, and LU-13.

Mr. Carlson described a proposal to support the clustering of vegetative areas. Criteria added for PUD (planned unit development) approval will include the conservation of on-site soils and the minimization of impervious surface coverage. Zero lot line development will be permitted on either side of a lot to facilitate the clustering of buildings in order to preserve a wider open space and more vegetation on the opposite side of a house. The combined width of the side yard setbacks must still meet minimum requirements. The clustering proposals are supported by Comprehensive Plan policies HO-16 and EN-49.

Mr. Carlson said LID practices will be incorporated into the site design process through the building permit submittal process.

Ms. Drews said there is a change to the Clearing and Grading Code to amend the permit requirement for clearing trees and to add erosion control requirements reflected in the NPDES (National Pollutant Discharge Elimination System) permit. The Storm and Surface Water Code incorporates mandatory NPDES requirements and makes housekeeping amendments to maintain consistency with other sections of the Land Use Code and with state law.

Ms. Drews highlighted the project timeline. Staff is requesting Council adoption on November 21st or 28th. The LID Land Use Code Amendment must then go before the East Bellevue Community Council for a public hearing on December 6, and be adopted and in effect by December 31, 2016.

Mayor Stokes said staff will come back to the Council on October 24 for further discussion.

Councilmember Robinson asked staff to comment on two questions she raised before tonight's meeting. With regard to the tree canopy, Ms. Drews said there are currently tree retention requirements in the Land Use Code that were adopted in 2007. No changes are proposed at this time. With regard to the zero lot line, Ms. Drews confirmed that this option applies only in planned unit developments (PUDs). The provision allows locating buildings within the PUD on one side of the lots to maintain a larger open space and vegetation buffer on the other side of the lots. It would not apply to existing single-family homes or allow a new house to encroach on the zero lot line.

Responding to Deputy Mayor Chelminiak about the zero lot line proposal, Mr. Carlson said that, if attached units were allowed in a PUD, it is possible that there could be attached housing units with the common wall along the property line. Mr. Carlson said the intent of the amendment is to provide flexibility in configuring the PUD lots. The total width of the side setbacks would still be required on the lot (i.e., 10 feet on one side if the typical setback is 5 feet on each side).

Responding to Mr. Chelminiak, Ms. Drews said the Planning Commission did have a conversation about the zero lot line provision, and Commissioners asked essentially the same questions that the Council is asking. Ms. Drews said there was a question by an individual at the open house about whether it affects the back property line, and it does not.

Mayor Stokes suggested that the Council discuss whether to incorporate any tree canopy amendments, even though the Planning Commission recommended against it at this time. Ms. Drews said staff will discuss next time. Councilmember Robinson said it would be helpful to have more details about the Commission's discussion and decision.

Responding to Councilmember Wallace, Ms. Drews said the BelRed and Downtown Subareas are excluded from the LID principles for impervious surfaces. Mr. Carlson said there was not a way to reduce the level of hard surfaces without removing buildable areas and changing the goals for those areas. The LID principles do not reduce the amount of building coverage and/or the floor-area ratio (FAR) allowed.

In further response to Mr. Wallace, Ms. Drews said the LID provisions are intended to minimize the loss of vegetation rather than to dictate landscaping requirements.

Councilmember Wallace said he has concerns about the potential cost implications, unintended consequences, and/or potential conflicts with other goals (e.g., affordable housing). He said the Newport Hills Shopping Center redevelopment might make a good case study to illustrate how the development might be impacted by the LID regulations.

Mr. Wallace questioned the impact of LID practices on the Transportation Department's budget. He questioned whether they will drive up the costs of large infrastructure projects.

Responding to Councilmember Lee, Ms. Drews said there are currently no setbacks in the Downtown so the provisions to reduce hard surfaces do not apply. In that type of urbanized environment, there are other ways to deal with stormwater and water quality through best management practices. The BelRed Plan adopted in 2009 already contains LID standards and requirements. In further response to Mr. Lee, Ms. Drews said staff will present examples during the next Council discussion.

Responding to Councilmember Slatter, Ms. Drews said the code already contains tree retention requirements. However, alternatives may be suggested by the Council.

Ms. Drews said staff would be back for continued discussion on October 24.

At 7:32 p.m., Mayor Stokes noted the public hearing scheduled for 8:00 p.m. and suggested moving to Agenda Item (e) next.

(e) 140th Avenue NE Neighborhood Park Plan in Bridle Trails Neighborhood

City Manager Miyake recalled that the 2008 Parks levy provided funding for neighborhood parks in the Bridle Trails area. The City developed and opened the Bridle Trails Corner Park in fall 2014. The Ginzburg property was acquired in October 2014 to develop the 140th Avenue park.

Patrick Foran, Director of Parks and Community Services, thanked the Bridle Trails community for its support of the 140th Avenue Park Plan. He thanked Pamela Johnston and Loretta Lopez for serving on the Bridle Trails park committee, and the Bridle Trails Community Club for working with City staff and supporting the plan.

Glenn Kost, Parks Planning and Development Manager, said the parks levy identified \$5 million for neighborhood park development in Bridle Trails and other neighborhoods. The City acquired the Ginzburg parcel in 2014 to complete the 140th Avenue NE park. The initial community meeting was held in May 2015 and an online survey was held from May to July 2015. Community meetings were held in October 2015 and February 2016, and staff discussed the park plan with the Bridle Trails Community Club in March 2016. The Parks and Community Services Board completed its recommendation in May.

Mr. Kost said Scott VanderHyden, the project manager, worked extensively with the community and other City staff. The most popular features for the park identified in an online survey were a playground, trails, nature and interpretive elements, an open lawn area, and picnic shelter/area. Additional items requested were sports courts, pedestrian crosswalk, adequate parking, bathrooms, and others.

Mr. Kost said staff presented several plan options during the second community meeting. Residents requested the following items for the final plan: adequate parking, pedestrian access, moderate-sized picnic shelter, older kids' play equipment, interpretive elements and benches, security of nearby homeowners, and a walkway along 140th Avenue. The preferred park program includes play areas for multiple ages, picnic shelter, 12 parking spaces, flashing crosswalk,

picnic tables and benches, hard and soft surface pathways, interpretive signage, open lawn area, native plantings and wildlife viewing, and right-of-way frontage improvements. Mr. Kost said the Transportation Department will analyze whether a flashing crosswalk is feasible for the location.

Mr. Kost said staff is requesting Council approval of the preferred plan.

Councilmember Robinson said she and Mr. Stokes were on the Parks Board when there were discussions about acquiring parks property in Bridle Trails. She questioned whether there was any discussion about incorporating Inspiration Playground type of equipment in the park. Mr. Kost said the topic was not specifically discussed, but that all Bellevue parks have accessible playground elements. He said there will be more detailed discussions in the design phase and equipment selection.

Councilmember Slatter thanked staff and the community for their work, noting that she lives in the area around the park. Responding to a question from Ms. Slatter about the wetlands issue raised during oral communications, Mr. Kost said he was not aware of the issue. However, a wetland delineation will be required when the project moves forward with design.

Responding to Councilmember Robertson, Mr. Kost said the park will have 12 parking spaces, and the existing corner park has five spaces. He said there is no street parking along 140th Avenue. Mr. Kost said the plan attempts to balance parking capacity with adequate space for the primary park features.

Responding to Deputy Mayor Chelminiak, Mr. Kost said that, conceptually, the flashing crosswalk is supported by Transportation staff. However, it could be years before the park is developed and it is hard to predict how conditions might change.

Mr. Chelminiak expressed support for the park plan and acknowledged the community's support and involvement.

Mayor Stokes said Deputy Mayor Chelminiak was the Council liaison to the Parks and Community Services Board when Mr. Stokes and Councilmember Robinson were on the Parks Board.

Mayor Stokes thanked everyone for their work and expressed support for the park plan.

At 7:50 p.m., Mayor Stokes declared a brief recess until the 8:00 public hearing. City Clerk Kyle Stannert referred the public to the sign-up sheet if they wished to speak during the hearing.

The meeting resumed at 8:00 p.m.

- (d) Public Hearing regarding Critical Areas Overlay Update needed for consistency with the State Growth Management Act under RCW 36.70A.040

Mayor Stokes introduced the staff report regarding the Critical Areas Overlay Update needed for consistency with the State Growth Management Act. He said the Council would then take public comment on the proposed amendments.

City Manager Brad Miyake recalled that staff presented this topic to the Council during the August 1 and September 12 meetings.

Carol Helland, Land Use Director, said staff recommends narrowly tailored code amendments to the Critical Areas Overlay in order to comply with the State Growth Management Act (GMA) requirements. She recalled that the Comprehensive Plan Update was adopted in August 2015. The Council held a public hearing on April 18, 2016, and adopted Resolution No. 9094 on May 2, 2016 to document GMA compliance of all City development regulations except for critical areas.

In June, the State Department of Commerce acknowledged the City's completion of the Comprehensive Plan Update and noted that critical areas regulations still needed to be updated. Ms. Helland said that the rationale for the Critical Areas Overlay Update is to support state and local interests in maintaining GMA requirements, ensure that communities are consistently protecting environmental resources state-wide, and to maintain eligibility for certain grants.

Ms. Helland said the City's consultant updated the best available science information and prepared a gap analysis earlier this year in support of the CAO Update. On August 1, the Council directed staff to conduct a narrowly tailored code amendment and to advance the code package for tonight's public hearing. The Council was briefed on the best available science and the gap analysis on September 12. Staff issued its report on the code amendment on September 22, and conducted enhanced public notification, including mailing 8,400 postcards to property owners adjacent to streams and wetlands. A briefing was held before the East Bellevue Community Council on October 4.

Ms. Helland summarized the public comments received to date. Property owners expressed concerns that the code update could create new impacts on private property. She said a grandfathering provision allows private property owners to rely on previously issued Native Growth Protection Easements and on Critical Areas Land Use Permits for the purpose of defining buffers from existing critical areas.

Ms. Helland said that, in response to more recent public comment, staff added a provision exempting lake fringe wetlands from buffers if they are Category III or IV wetlands with a habitat score of 5 or less and are less than 2,500 square feet in area. Ms. Helland said this is a departure from the Department of Ecology's guidance. However, staff believes they can justify the provision to the DOE when it reviews the City's Shoreline Master Program (SMP).

→ Deputy Mayor Chelminiak moved to open the public hearing, and Councilmember Robinson seconded the motion.

→ The motion carried by a vote of 6-0.

The following citizens came forward to comment:

1. Mike Perry read language from The Watershed Company's report and said he agreed that possibly a Category III wetland with a high habitat score needs to be addressed for clarity. However, he expressed concern about the doubling of the setback from 110 feet to 225 feet. He suggested lowering the buffer, which he believes meets the State's regulations. Mr. Perry referred to code language addressing trails and expressed concern that property owners might not be able to establish trails due to the proximity to a wetland or stream.
2. Linda Nohavec commented that mapping is essential to locate and designate critical areas within existing plats. She said City planners are unaware, when homeowners apply for permits, of the actual conditions that would restrict or deny disturbance based on critical areas regulations. She said enforcement is critical, and she is currently taking legal action against a neighbor who has had 14 violations and enforcement actions, with two pending. She said her property value has decreased due to the lack of enforcement. She said it is important to document critical areas in plats.
3. Laurie Lyford said the shoreline is fully developed and the only development activity is rebuilding on existing properties. She has participated in the Washington Sensible Shorelines Association's efforts for eight years and is now president of the WSSA Board. She expressed support for staff's recommendation regarding the lake fringe wetlands. She said this is an important correction to ensure that regulations make sense for properties already developed. She asked Council to support staff's recommendation.
4. Diane Tebelius said the Planning Commission approved the Shoreline Master Program in recent years, which was then finalized by the Council and forwarded to the State DOE. She believes that staff's recommendation regarding small lake fringe wetlands will advance the goals set by the Council and the Planning Commission in the SMP. She thanked staff for working with property owners and asked the Council to support the recommendation regarding small lake fringe wetlands.
5. Judy Layton said she has lived on Lake Sammamish, working as a real estate broker, for 39 years. She said the lake has been fully developed for many years. She has participated in WSSA's efforts for seven years, serving on the Board for most of that time. She said WSSA encourages the City to keep the SMP review process with the DOE moving forward as quickly as possible. She expressed support for staff's recommendation regarding lake fringe wetlands.
6. Scott Sheffield, a member of the WSSA Board, expressed support for staff's recommendation described in Attachment C of the meeting packet materials. He thanked staff for recognizing the problem related to lake fringe wetlands and for working with property owners. He said the provision is not an exemption because the small wetlands are still to be regulated by the SMP regulations. He said WSSA would like the City to pursue a comprehensive review of the Critical Areas Overlay (CAO) in the future.
7. Charlie Klinge, representing WSSA, reiterated residents' support for staff's recommendation regarding lake fringe wetlands. He and residents appreciate staff for

working with them. He said property owners would like the City to conduct a comprehensive review of the CAO in the future, especially to address steep slopes, wetlands, the review process, and other issues. Mr. Klinge expressed support for the City's efforts to keep the State's review of the SMP and CAO Update moving forward. Mr. Klinge said the SMP is scheduled for the DOE hearing on October 18.

- Deputy Mayor Chelminiak moved to open the public hearing, and Councilmember Robinson seconded the motion.
- The motion carried by a vote of 6-0.

Councilmember Lee complimented staff and residents for working together to reach a solution. He expressed support for the proposed code amendments.

Deputy Mayor Chelminiak referred to the comment during the public hearing regarding the change in buffer width for Category III wetlands with high habitat scores. He questioned whether 150 feet would be sufficient.

Ms. Helland said the meeting packet materials regarding the code amendment address the critical areas buffer and structure setback. Generally, in order to develop on a property with a critical area, the property owner is required to hire an expert to rate the wetland. She said the language reflects a change from the buffer width of 110 feet to 190 feet. Ms. Helland said the City is not aware of any natural heritage wetlands or bogs that would be categorized and subject to the 190 feet or 225 feet buffer requirements.

Responding to Councilmember Robinson, Ms. Helland said the Mercer Slough and Larsen Lake do not meet the natural heritage wetlands criteria.

Responding to Mr. Chelminiak, Sarah Sandstrom, The Watershed Company, referred to Mr. Perry's comments regarding Category III wetlands with high habitat scores. She said it is highly unlikely that a Category III wetland would have a high habitat score. Ms. Helland said that, as unlikely as that would be, there is flexibility in the code to accommodate different buffers for wetlands (e.g., buffer averaging, etc.).

In further response to Mr. Chelminiak, Ms. Helland said that all rated wetlands in Bellevue fall within the buffer requirement of 110 feet. However, the City has not rated every wetland. Ms. Helland said the buffer requirements align with the ratings provided by DOE guidance.

Responding to Deputy Mayor Chelminiak, Ms. Helland said Ms. Nohavec's comments relate to a property owner with a code enforcement history with the City. She said Ms. Nohavec is correct that there has not been a comprehensive mapping of Bellevue. Ms. Helland said that would be extremely expensive to do. The current practice is to generalize the locations of critical areas. When development occurs, specific mapping is completed as part of the project.

Responding to Mayor Stokes, Ms. Helland said the issues raised by Mr. Perry and Ms. Nohavec can be appropriately addressed through a future comprehensive and more substantive CAO Update.

Responding to Councilmember Robertson, Ms. Helland said existing private trails will be allowed. In further response, Ms. Helland said the next comprehensive update of the CAO is not currently scheduled. Staff plans a discussion with the Council within the next month or two regarding the 2017-2018 work program.

Councilmember Robertson suggested that the City notify the residents in attendance tonight when the next CAO Update is initiated. Responding to Ms. Robertson, Ms. Helland said the “reasonable use exception” still exists in the code. Councilmember Robertson thanked staff for working with the property owners.

Responding to Ms. Robertson, Ms. Helland said the Council may adopt the resolution regarding the CAO Update tonight, if desired. Ms. Helland said the resolution will indicate to the State Department of Commerce that the City has taken the action necessary to maintain its grant eligibility. The resolution will also acknowledge that the CAO Update will be transmitted to the DOE to be considered with the SMP review. Once approved, the Council will adopt all of the code amendments by ordinance.

Councilmember Robertson said she is prepared to take action on the resolution tonight, if desired by the Council.

Councilmember Slatter thanked staff and the community for working together. She expressed support for a comprehensive review of the CAO in the future. She expressed support for taking action on the resolution tonight.

Councilmember Robinson concurred with taking action on the resolution. She expressed concern about making rules for areas that have not been mapped. She said this makes the City reliant on the public, and she hopes that staff stays engaged with the property owners.

Mayor Stokes commended staff for working with property owners. He thanked staff and The Watershed Company for their work in support of the effort.

→ Councilmember Lee moved to approve the resolution regarding the completion of the required periodic update to the City of Bellevue’s development regulations for consistency with the requirements of the Growth Management Act, pursuant to Chapter 36.70A RCW [Attachment C in meeting packet], and to ameliorate the effects and unintended consequences of the wetland rating system with regard to lake fringe wetland buffers. Councilmember Robinson seconded the motion.

→ The motion carried by a vote of 6-0.

(f) Update on the Grand Connection Visioning Process and Work Schedule

City Manager Miyake opened staff’s update on the Grand Connection visioning process.

Bradley Calvert, Community Development Program Manager, highlighted recent activities related to the Grand Connection project. An online open house was initiated in August to gather

feedback on the designs presented to the Council in July. Staff participated in the Bellevue Downtown Association breakfast and with the BDA study tour of San Jose, California.

Mr. Calvert said staff is currently developing the scope of work for the land use and urban design consultant. The project is entering the second sequence of work for the Grand Connection visioning, which is the I-405 crossing.

Mr. Calvert described anticipated project elements including raised intersections, art, pedestrian walkways, and flexible spaces and programming. He said an underlying concept of the project is “lighter, quicker, cheaper” in terms of being able to be nimble and to quickly influence and change public space through inexpensive ways. He described Cesar Chavez park in San Jose which includes flexible seating areas, an amphitheater, water features, and an area for food trucks. Musical swings were in the park when they visited as a temporary art installation.

Mr. Calvert said staff would like to return on October 24 with proposals for the Downtown Park, NE 6th Street Pedestrian Corridor, and Transit Center. The consultant has been asked to draft three scenarios for the I-405 crossing (i.e., high/medium/low with regard to cost, complexity, and constructability).

Mr. Calvert said the City and King County are bringing in an expert from Copenhagen for a meeting on November 1. Mr. Calvert described a “lighter, quicker, cheaper” example of activating space in an alley in Vancouver, B.C, for public recreation and gatherings.

Mr. Calvert said the City, King County, and REI are preparing a tactical installation for the November 1 meeting, which is a T/Railside Café on the Eastside Rail Corridor in the Wilburton area. The purpose is to demonstrate the potential for transforming spaces and engaging the public.

Councilmember Lee said he likes the creativity and innovation in this effort, and he likes seeing what other cities have done. The Grand Connection is an opportunity for new features in Bellevue. Mr. Lee encouraged the project team to look for examples around the world as well. He thanked staff for the examples in the presentation and said it is important to determine what works best for Bellevue.

Councilmember Robinson expressed enthusiasm for the project, which she sees as a gift to the community and an asset for tourism as well. She said the Grand Connection will make the downtown accessible to individuals who do not work downtown. She looks forward to the raised intersections, which improve pedestrian safety.

Mayor Stokes thanked staff for the presentation and said he looks forward to the November 1 event.

5. Discussion of Upcoming Items: None.

6. Continued Oral Communications

Pamela Johnston commented on the Planning Commission’s recommendation to not address tree retention with low impact development (LID) principles at this time. She encouraged a

comprehensive review of tree retention policies, including a program that goes beyond City staff counting trees and taking fees. She observed that many residents are not aware of the regulations and impacts. With regard to the zero lot line issue in planned unit developments (PUDs), Ms. Johnson questioned how that would impact future redevelopment.

Mayor Stokes declared the meeting adjourned at 9:13 p.m.

Kyle Stannert, CMC
City Clerk

/kaw