

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

January 24, 2018
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair Barksdale, Commissioners Carlson, Laing, Morisseau

COMMISSIONERS ABSENT: Commissioners deVadoss, Malakoutian

STAFF PRESENT: Terry Cullen, Nicholas Matz, Department of Planning and Community Development

COUNCIL LIAISON: Mayor Chelminiak

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER
(6:57 p.m.)

The meeting was called to order at 6:57 p.m. by Chair Walter who presided.

2. ROLL CALL
(6:57 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioners deVadoss and Malakoutian, both of whom were excused.

3. APPROVAL OF AGENDA
(6:58 p.m.)

There was agreement to revise the agenda to move item 8B to the next Commission meeting.

A motion to amend the agenda to move items 8B and 10A to the next regularly scheduled meeting of the Commission was made by Commissioner Laing. The motion was seconded by Commissioner Carlson and the motion carried unanimously.

4. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS
(7:00 p.m.)

Mayor Chelminiak said he looked forward to working with the Commission as Council liaison.

5. STAFF REPORTS
(7:01 p.m.)

Comprehensive Planning Manager Terry Cullen pointed out that the bylaws require filling a vacancy in the Chair or Vice Chair as expeditiously as possible. He said he would put it on the

agenda for the February 14 meeting. Any Commissioner not able to attend that meeting could participate remotely provided the Commission approves doing so ahead of time.

Commissioners Carlson and Morisseau indicated they would not be able to attend the February 14 meeting.

There was agreement to schedule elections for the February 28 meeting instead.

6. ORAL AND WRITTEN COMMUNICATIONS – None
(7:03 p.m.)

7. PUBLIC HEARING – None
(7:03 p.m.)

8. STUDY SESSION
(7:03 p.m.)

A. Comprehensive Plan Amendment Process

Senior Planner Nicholas Matz reminded the Commissioners that a large part of the Commission's time during 2018 would be spent addressing Comprehensive Plan amendments. There are four city initiated amendments will be contemplated, and a handful of privately initiated amendments are expected by the deadline of January 31. He said having a full understanding of the process will help the Commission manage it.

Mr. Matz said the Comprehensive Plan is the city's foundational policy document. It guides the growth and development of the city looking out 20 years and in amending it the focus needs to be on the horizon year.

Mr. Cullen added that in Washington state the Comprehensive Plan serves as the centerpiece of local planning efforts. It articulates a series of goals, objectives, policies, actions and standards that are intended to guide the day-to-day work of local officials and local governments staff. The Growth Management Act establishes the primacy of the Comprehensive Plan, a fact that cannot be overstated. The Commission is the enterprise guardian of the Comprehensive Plan and as such it maintains, protects and furthers the value and integrity of the Planning Commission. As a body of appointed citizens, the Commission establishes and reviews the Comprehensive Plan from the perspective of citizens. The Comprehensive Plan is adopted by the City Council and it carries a lot of force. The City Council sets policy and the Commission debates whether or not changes are consistent with policy, thus adding value and integrity to the Comprehensive Plan and maintains the importance and primacy of the document.

Mr. Matz said there are many ways in which the Comprehensive Plan tool can be used. The online version exists in an interactive magazine format, while the subarea plans are in pdf format. There are also hard copies available. Under the Growth Management Act, the process of amending the Comprehensive Plan must be open, obvious and deliberative in order to engage public participation. It is with deliberative intent that it takes a full year to process an amendment.

The Comprehensive Plan amendment process is a mechanism by which the city can periodically modify its land use, development or growth policies to reinforce the role of the Comprehensive Plan in guiding growth in the community.

By way of example, Mr. Matz used the privately initiated site-specific Eastgate Office Park Comprehensive Plan amendment that came in in 2016. It worked its way through the threshold review process ahead of the Eastgate land use and transportation project. Rather than move the process ahead at that time, it was put on hold until the Land Use Code amendments and rezoning work was completed. The Comprehensive Plan amendment process lends itself to focusing on when is the appropriate timing and the issues that need to be addressed in a very deliberate way. The requirement to look ahead 20 years is behind the issue of geographic scoping and the notion of thinking beyond single sites.

Continuing, Mr. Matz said the deliberative process involves working through the decision criteria. The criteria often feel qualitative in nature and that is appropriate given that all parties will have a different assessment and a shared or not shared understanding of what it means to have significantly changed conditions, to be suitably developed, and to be consistent with the Comprehensive Plan. The role of the Commission is to meld all those various opinions together and make them the basis on which to make policy decisions.

The metrics for success of the Comprehensive Plan amendment process includes not only the resulting amendments but also the procedural steps taken, documenting and transmitting the decisions made from the Commission to the Council, and the obligation the city has to report Comprehensive Plan changes to the state for validation. The state not only looks to make sure all T's are crossed and all I's are dotted, it also looks at the depth of the policy conversations. The decision criteria fall into the content category. One measure of success will involve articulating the difference between policy and code where there are parallel policy and code amendments. One hallmark of the Growth Management Act is the cumulative effect of the decisions made.

Commissioner Barksdale sought comment on the question of what the Commission wants the Comprehensive Plan process to be.

Commissioner Laing during all his time on the Commission he has called the amendment process needlessly cumbersome, repetitive and confusing to both the public and the Commission. It is unlike the process literally anywhere else in the state. In order to get to what the Commission wants the Comprehensive Plan to do and be, it will be necessary to fix the process of getting it to do and be. The fact that there is a threshold review for geographic scope, a non-substantive threshold review and a recommendation to the Council about whether or not the Council should recommend to the Commission going forward with a substantive review, which is followed by a review by the Commission before it is sent again to the Council is exhausting for the stakeholders and the Commission. It is confusing about what questions are to be answered by the public and the applicant during most of the steps, and it is confusing about what questions the Commission can appropriately ask at different phases of the process. Looking to change the process has been on the Commission's work plan for many years. The process is broken and the Council should direct staff and the Commission to look at how the process can be improved.

Commissioner Carlson augmented those comments by saying there is an extra step in the process that does not need to be there and which should be removed. The Commission would be far more productive without that step. He said his work as a Commissioner became easier once he realized that the Commission's work is to fulfill the will and intent of the Council.

Commissioner Barksdale said he was hearing from the Commissioners a desire for the Comprehensive Plan amendment process to be clear, simple, streamlined and transparent.

Commissioner Morisseau concurred but added that the issue of clarity needs to extend to being clear about the process as a tool to implement the Comprehensive Plan.

Mr. Cullen said the issue was raised several months ago by Commissioner Barksdale and was discussed with the former Council liaison who indicated the process issues were worth considering by the Commission. At that time it was explained that no amendments to the process could be made in time to affect any of the work in 2018. What has evolved is an approach that involves dynamically auditing the process while in the process. Staff does not have the bandwidth to entertain a code amendment in 2018 in regard to the Comprehensive Plan amendment process itself, but the Commission's observations while addressing the 2018 slate of amendments will help inform what if any types of changes should be considered.

With regard to the question of when is something a policy or a project, Commissioner Laing said nothing is a project when in front of the Commission. The Commission is focused only on the Comprehensive Plan. Bellevue has a funny system that establishes a virtual identity between the Comprehensive Plan designations and the zoning designations. Under state law, all zoning must be consistent with the Comprehensive Plan and that makes it virtually impossible in Bellevue to rezone a property without also amending the Comprehensive Plan. At the project stage, the focus is on the zoning and subzoning levels and what ends up happening, especially on more controversial issues, is people come to the Commission seeking a Comprehensive Plan change, which is allowed only once a year. Zoning can literally be changed as quickly as all the steps can be followed. Proposed amendments brought before the Commission may trigger an outcry from the public wanting to see the project stopped, but the Commission must look at whether or not the geographic scope should be expanded. Under threshold review, the public may again be calling for the project to be stopped while the Commission must operate as though what the public deems to be a project is not actually a project. The Commission understands, however, that those who are pushing for Comprehensive Plan amendments are ultimately wanting to do a project, but the project is never in front of the Commission as a matter of fact and as a matter of law. In the case of the Newport Hills Comprehensive Plan amendment, the entire focus of the public discussion and much of the discussion by the Commission was on what the developer planned to build, which is not one of the criteria. There is clearly a disconnect between the Commission's process and what the public believes to be before the Commission.

Mr. Matz said the Eastgate Office Park Comprehensive Plan amendment was exactly the kind of thing the Commission has dealt with successfully in terms of not having a project on the table. The entire focus of the amendment was rightly on the types of projects that could occur down the road. That amendment centered on anticipating changes that needed to be made in order to realize the future vision. He also pointed out that five other cities in Washington use the two-step Comprehensive Plan amendment process.

Commissioner Morisseau asked staff for comment on when something is a policy and when it is a project. Mr. Matz said the question was formulated to prime the discussion pump. He said the comments of Commissioner Laing were absolutely appropriate in addressing the question. The Comprehensive Plan amendment process does not exist in isolation and it is usually only the first step in a process that leads to something. Staff is fully cognizant of the fact that the public does not make a distinction between policy and project, yet the conversation about what things should look like 20 years out must start with a policy framework.

Commissioner Barksdale suggested there is a clear need to more fully communicate to the public that everything before the Commission is a policy and not a project.

With regard to the concept of changed circumstances, Commissioner Laing said the concept arose in the common law of rezoning, which is not the same as Comprehensive Plan amendments. Under common law in Washington and some other states, in order to have a rezone of a property approved, changed circumstances must be shown. There is case law that addresses changed circumstances, though there is no case law that talks about what changed circumstances are not. It might be helpful for the Commission to have a set of examples of things that have been recognized in Washington to be changed circumstances. Mr. Matz pointed out that there is almost an entire page in the procedures guide in the Comprehensive Plan that outlines what constitutes changed circumstances, and specific examples from past actions taken in Bellevue are cited. It would also be easy enough for staff to research the issue on a statewide level and bring the information back to the Commission.

Commissioner Morisseau recognized that the procedures guide addresses what constitutes changed circumstances, but said the section is not clear. The sentences are long and convoluted, making them difficult to follow. The examples are helpful but it would be more useful to have a set of criteria based on cases decided in Washington. The Commission and the public alike need to be clear as to what constitutes changed circumstances. Mr. Matz asked if there is some middle ground between dense legalese to breaking apart the criterion. Commissioner Morisseau suggested having bullet-point items of the different steps would help.

Mr. Cullen suggested it would be of use to everyone when beginning a plan amendment to first have a conversation about the range of policy issues and how they might work with respect to the amendment. It is not uncommon for plan policies to compete with each other and to appear to contradict each other. In working through the plan amendment, it would help to look at how to balance the application of the policies in the plan to the case in question. Conversations of that sort would add enterprise guardian value to the Comprehensive Plan by giving it further meaning in terms of interpretation and use.

Commissioner Barksdale observed that the text addressing what constitutes changed circumstances specifically refers to the subject property. That could be interpreted as referring to the property/project level. He said he did not know to what lengths the Commission could go toward changing the language of the criteria and the policies. Mr. Matz said that certainly could be done, but not during 2018.

Commissioner Carlson commented that a project is a direct application of policy.

Commissioner Morisseau noted that one criterion refers to changes related to the pertinent plan map or text where such change has implications of a magnitude that needs to be addressed for the Comprehensive Plan to function as an integrated whole and asked what that means. Mr. Matz explained it in terms of the Eastgate Office Park amendment. He said the changes that happened were the Eastgate land use and transportation project which reframed the environment going forward 20 years for the whole area. The owner of the Eastgate Office Park property felt that they were not positioned to take advantage of something that had happened through the plan amendment process and they wanted their turn to talk about that. In order to do that, the change had to be of a magnitude that the entire plan could talk about; office zoning does not work anymore for a lot of people, whereas the new OLB zoning does.

Mr. Cullen reiterated that throughout the Comprehensive Plan amendment process, staff will have regular check-ins with the Commission and will hear the Commission's observations firsthand and in real time about what works well and what does not work well.

11. ORAL AND WRITTEN COMMUNICATIONS

(7:44 p.m.)

Ms. Pamela Johnson, 3741 122nd Avenue, suggested that if changes are going to be made to the process, they should be made to apply beginning in 2019, not to the process that is ongoing. That would only confuse things even more. She also suggested that the examples staff brings forward should be housed in a separate document to make them easy to locate and refer to.

9. OTHER BUSINESS

(7:47 p.m.)

Mr. Cullen said the city attorney has pointed out that should the Commission take a walking tour related to the East Main station area Comprehensive Plan amendment it will in essence be conducting official business and thus a quorum would be required. He said absent a quorum, there can be no walking tour at all. A walking tour would also need to be noticed to the public.

Mr. Cullen said the Commission will be coming out of the gate in February and by the end of that month will be in full discussion about the East Main area policies. Given that, a walking tour should be conducted as soon as possible.

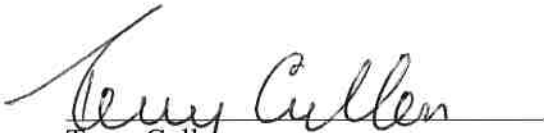
There was agreement to schedule a walking tour on Friday, February 9 at 10:30 a.m.

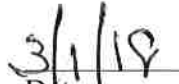
12. EXECUTIVE SESSION – None

13. ADJOURN

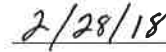
A motion to adjourn was made by Commissioner Laing. The motion was seconded by Commissioner Morisseau and the motion carried unanimously.

Commissioner Barksdale adjourned the meeting at 7:53 p.m.


Terry Cullen
Staff to the Planning Commission


Date


Jeremy Barksdale
Acting Chair of the Planning Commission


Date