

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

September 25, 2019
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

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

COMMISSIONERS ABSENT: Commissioners deVadoss, Laing

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

COUNCIL LIAISON: Mayor Chelminiak

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER
(6:38 p.m.)

The meeting was called to order at 6:38 p.m. by Chair Barksdale who presided.

2. ROLL CALL
(6:38 p.m.)

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

A. Introduction of New Planning Commissioner – Carolynn Ferris

Chair Barksdale introduced new Commissioner Carolynn Ferris, noting that she had been appointed to a four-year term on July 8. He said she brings an interesting and diverse professional background to the position. She is a former executive vice president of the Washington Academy of Family Physicians and currently serves as a senior associate with Lovell Price and Associates, a company that provides support for non-profit organizations in times of transition and challenge. A Bellevue resident for over 30 years, Commissioner Ferris believes the city's diversity and good schools make Bellevue a great place to live.

3. APPROVAL OF AGENDA
(6:39 p.m.)

A. Election of New Officers

The nomination of Commissioner Morisseau to serve as Chair was made by Commissioner Moolgavkar.

Absent additional nominations, Commissioner Morisseau was elected to serve as Chair.

Chair Barksdale handed the gavel to Chair Morisseau.

The nomination of Commissioner Moolgavkar to serve as Vice Chair was made by Chair Morisseau.

Absent additional nominations, Commissioner Moolgavkar was elected to serve as Vice Chair.

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

4. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS
(6:47 p.m.)

Mayor Chelminiak reported that on the strength of a 6-1 vote the City Council retained the East Main station plan Land Use Code amendments for the Council to consider, and is likely back before the Council in early October. The topic is unlikely to be concluded by the end of the year. The mayor also noted that there is a lot of interest on the part of Council to move forward with the work done by the Wilburton CAC once planning department staffing levels are up to date.

Mayor Chelminiak remarked that some changes need to be made to the temporary encampment code for religious institutions. The Council has retained that issue as well given that it is covered by a Federal consent decree. A public hearing on the topic has been scheduled for November 18 and Council adoption is anticipated before the end of the year.

5. STAFF REPORTS
(6:50 p.m.)

A. Planning Commission Meeting Schedule

Community Development Department Assistant Director Emil King informed the Commissioners that their next meeting was slated for October 23. He said the Commission's annual retreat, scheduled for November 13 at the GIX, would round out the Commission's meetings for the year.

B. Technical Assistance Provided by IT Staff for Commissioners' iPads

IT staff Jeff Chandler provided technical assistance for the Commissioners relative to the use of their iPads.

6. ORAL AND WRITTEN COMMUNICATIONS
(6:58 p.m.)

Ms. Michelle Niethammer, 15897 Northup Way, thanked the Mayor, the Commission and the staff for the work done on the proposed Comprehensive Plan Amendment process Land Use Code amendment on behalf of the residents of Northeast Bellevue. She said neighborhood representatives had reviewed what staff would be sharing with the Commission and were all very excited to see the proposed changes. The changes are exactly what the neighborhood needs to shore up the process and will cause developers to be much more mindful about what they want to do.

7. PUBLIC HEARING – None
(6:59 p.m.)

8. STUDY SESSION

A. Amend the Comprehensive Transportation Project List in Volume 2 of the
Comprehensive Plan
(6:59 p.m.)

Mr. King said the proposed plan amendment to the Comprehensive Transportation Project List was initiated by the Council in June. He noted that as part of tonight's study session, the Commission would be asked to schedule a public hearing for October 23, adding that the Commission would send its recommendation to the Council as part of the annual plan amendment actions for 2019.

Principal Transportation Planner Kevin McDonald brought before the Commission a recommendation from the Transportation Commission resulting from a year-long study of the Eastgate Transportation Study aimed at addressing mobility challenges in that area of the city. He said the Eastgate Transportation Study came about at the request of the Council which asked the Transportation Commission to look at existing conditions in the Eastgate/Factoria area using best practices and industry-accepted metrics. The study described existing traffic congestion and forecasted changes for a short-term horizon of 2024 and a longer-term horizon of 2035. The Transportation Commission was asked to identify infrastructure projects that could address the increasing demand on the roadway system in the study area. The Transportation Commission worked with transportation staff, a consultant team and the community in developing the final recommendations, which were transmitted to the Council on July 15, following which the Council directed staff to come before the Planning Commission with Comprehensive Plan amendments to incorporate the project recommendations.

Mr. McDonald said a data-drive approach was used in describing transportation conditions in the study area. While people have qualitative assessments of their experiences of traveling within the area, actual metrics were used to identify intersection levels of service and vehicle travel speeds along the corridors in order to establish a 2018 existing conditions baseline. The same metrics, along with the forecasted land use growth, were used to project conditions out to 2025. Also embedded in the baseline was the assumed transportation network. The assumptions were very conservative and were based on the existing funded infrastructure and transit service.

The volume-to-capacity (V/C) ratio was one of the key metrics used. The adopted standards for all of the intersections in the city are based on V/C ratios. The toggle in the study was whether or not the existing conditions in the 2030 baseline did or did not meet the adopted standards. The locations where the LOS standard was not met were the locations given additional attention to determine the conditions and what could be done about them.

The community expressed a high interest in travel speeds along the corridors. While difficult to experience the average intersection conditions as expressed in the V/C ratio, the speeds traveled along corridors can truly be experienced. The focus was on the evening peak period along the corridors, including the 148th Avenue SE/150th Avenue SE corridor and the Factoria Boulevard/Richards Road corridor.

Mr. McDonald pointed out that the 2018 existing conditions for the 148th Avenue SE/150th

Avenue SE corridor are not terrible, but the 2035 forecast for the corridor are terrible. He allowed that the Richards Road/Factoria Boulevard corridor is already bad and is projected to get much worse by 2035.

Mr. McDonald explained that the Traffic Standards Code in the Comprehensive Plan establishes the level of service standards as expressed as the V/C ratio at intersections. The ratio is determined by averaging all of the approaches to an intersection relative to the capacity of an intersection to accommodate vehicles. The closer the V/C ratio comes to 1.0, the closer an intersection is to the saturation point. The V/C ratio thresholds established by the Council are all less than 1.0. In the study area, there are three different standards that apply. The Factoria Boulevard standard of 0.95 is in recognition of the fact that there is a dense mixed use land use pattern and options other than driving for getting around. In areas where there are fewer transit options and where origins and destinations are farther apart, the LOS standards are set at a lower V/C ratio. Accordingly, to the south of I-90 the LOS standard is 0.85. The corridor travel speed metrics, however, are not adopted into the Traffic Standards Code or the Comprehensive Plan. This latter metric was developed by the Transportation Commission in response to interest on the part of the community for having a way to express travel speeds along corridors.

Mr. McDonald said the Eastgate transportation study was the subject of six study sessions before the Transportation Commission, three of which were conducted in the South Bellevue Community Center to allow for better participation of South Bellevue residents. At the conclusion of its study, the Transportation Commission recommended a series of projects ranging in type from signal operations to lane restriping and actually adding capacity at certain intersections in Factoria and Eastgate, including at SE 38th Street approaching Factoria Boulevard from the east where existing conditions include a right-turn lane, a through westbound left-turn lane, and a single eastbound lane. As proposed, using only paint and rechannelization techniques, the right-turn lane is retained, an exclusive left-turn lane is added alongside the existing through lane, the result of which is a doubling of the outbound capacity of the intersection to accommodate evening peak period trips from the T-Mobile site.

The effectiveness of each of the proposed projects was looked at relative to the V/C ratio of the associated intersection. What the Transportation Commission did was look at the delta between the baseline and the project, rather than the delta between the 2018 existing and the 2035 horizon with the project. In most cases, the Transportation Commission was able to identify improvements to the function of the intersection with the recommended projects. In some cases, the level of service was shown to deteriorate even with a project, but without the project conditions would be drastically worse. Not all of the projects reviewed by the Transportation Commission made it to the final list. A cost-benefit screening was conducted and the projects that were effective but unreasonably expensive did not make the final list, though they are recognized in the final report.

In reviewing corridor travel speeds, the Transportation Commission found that the recommended projects for the 148th Avenue SE/150th Avenue SE corridor will yield a 48 percent improvement in the northbound morning peak, and a near doubling of the travel speed in the southbound evening peak. That metric resonated with the community. There was less opportunity to increase travel speeds on Factoria Boulevard, largely because of the congestion to the south of the study area between Coal Creek Parkway and SE 38th Street. It was found that anything done to the north would only collide with the existing congested conditions further south. The Transportation Commission recommended that a full Factoria Boulevard corridor study should be done at some future point, possibly in the next budget cycle.

Mr. McDonald stated that until adopted into the Comprehensive Plan, projects are just ideas on a list and have no standing. Inclusion on the Comprehensive Transportation Project list gives projects standing to compete for funding and can be tapped as conditions of development approval. In addition to the Comprehensive Plan, the projects will be added to the Transportation Improvement Program, the purpose of which is to make the projects eligible for future funding as determined through the screening process associated with the Transportation Facilities Plan.

Commissioner Ferris asked how it is determined which projects will be funded as they compete for dollars. Mr. McDonald said the Transportation Commission is responsible for making recommendations to the Council regarding projects that would be funded. The Transportation Commission has established and fine-tuned criteria it uses to screen and evaluate projects. There are multiple categories of criteria, including the V/C ratio metric and things like safety and the provision of missing system links. The Council, of course, controls the purse strings and is the ultimate authority in determining which projects are to be funded.

There was consensus from the Commission to set a formal public hearing on October 23 for the proposed plan amendment package of projects.

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

(7:22 p.m.)

Mr. King noted that the Commission would be asked to initiate an amendment to the Land Use Code and to set a public hearing for October 23, after which the Commission will send to the Council a recommendation for formal action on the amendment.

Senior Planner Nicholas Matz commented that the proposed Land Use Code amendment was foundational to the work the Commission does as part of the annual Comprehensive Plan amendment process. He allowed that there had been a lot of frustration expressed by stakeholders, the Council and the Commission in regard to the plan amendment process. Specific direction was provided by the Council in June this year when presented with the 2019 Threshold Review recommendations. Behind the proposal are the changing conditions or needs of the city raised by policy issues, particularly in regard to the plan amendment process, and application to privately initiated amendments.

In a special review discussion, the Council identified some immediate concerns related to the plan amendment process. While similar issues have been raised in past years, the issues were crystallized by some of the applications that were submitted in 2019, including Vision Zero for Gun Safety and the Bellevue Technology Center proposals. The main concerns involve use of the three-year limitation criterion in practice; expressed neighborhood frustration about the disruptive frequency of plan amendments; and acknowledging the uncertainty caused by reviewing site-specific plan amendment proposals when specific neighborhood work is either expected to be underway soon or already underway.

The Growth Management Act (GMA) requires amendments to the Comprehensive Plan to be clearly stated, cumulatively analyzed, limited to once per year, and covered in an extensive and transparent engagement process with obvious entries to participation. In short, everyone needs to understand what is on the table, what will happen as a result of a proposed amendment, and an understanding of when and where to come into and engage with the process. The events of 2019 uncovered a breakdown in the shared understanding of how the process is supposed to work.

Mr. Matz noted that the Planning Commission had been involved in conducting real-time auditing of the plan amendment review process beginning in 2017. In addition to reviewing how the process currently works, staff has been researching the plan amendment processes of other jurisdictions. Bellevue is alone in terms of the three-year limitation, but other jurisdictions have variations in the timing of the application process. Even though there are differences in the way other jurisdictions tackle the process, each jurisdiction is operating under the general GMA premise.

Chair Morisseau asked for specific examples of timing variations. Mr. Matz noted that King County has a three-tier process for its annual plan applications. Their annual process is used for housekeeping-type fixes to their comprehensive plan. In addition they have a four-year or mid-range update where larger questions and policy issues are addressed. Finally, they conduct a major plan update every ten years. Kirkland addresses plan amendments biennially. Sammamish has an annual process that includes a detailed pre-application process that involves far more demand for information from the applicants. Redmond also has an annual process and is rich in terms of what they ask for and what they tell people about the process and what can be expected.

Mr. Matz commented that the Commission had looked at frequency, comparable processes, the three-year rule, and the application decision criteria. He said there has been a perennial discussion about the significantly changed condition criterion. All of Bellevue's peer communities under the GMA use some form of that criterion, though they use it in different ways. That specific issue, he stressed, had not been placed by Council on the table for discussion.

At the top of a lot of lists is the issue of withdrawing a privately initiated amendment in light of the three-year limitation rule. Over the last ten years there were 60 plan amendment applications, of which 46 were privately initiated. Twenty-seven of the privately initiated plan amendment applications were withdrawn.

The Commission's real-time auditing has included a plan amendment process overview at the threshold review stage; maintaining a standard staff report format with a site address and a map link; seeking a threshold review public hearing date as early as possible with a sufficient engagement process; maintaining appropriate information and notice requirements across multiple engagement platforms; continuing to evolve a robust use and discussion of the decision criteria; and encouraging individual Commissioner site visits for the privately-initiated applications.

Mr. Matz said the opinion of the staff was that the proposed work would build on the Commission's auditing work and strengthen the general framework elements. He said the staff hold the view that proposed code amendments should be guided by continuing to meet the GMA framework for plan amendments, while reinforcing a process that educates on how the city manages growth; reinforcing process transparency as communities self-select on how they engage; and resetting the timing of the amendment process to make the plan itself more stable, while projecting stability to communities and neighborhoods.

Mr. Matz drew the attention of the Commissioners to LUC 20.30I.140.B, the threshold review decision criterion for the three-year limitation. He explained that Bellevue's three-year rule dictates that a proposed amendment relative to a specific property, policy topic or land use issue cannot be entertained more frequently than every three years. For other communities, the question is asked when a proposal was last presented or analyzed and is more of a guide than an on/off switch. Nothing has pointed toward throwing out the criterion, rather the focus has been

on refining it to create a more robust sense of expectation for applicants, property owners and communities. As proposed, LUC 20.30I.140.B would read: "Three-Year Limitation. A specific property, policy topic or land use issue shall not be the subject of a comprehensive plan amendment proposal by the public and reviewed by the City more frequently than once every three years. This three-year limitation applies when an application is submitted for Process IV review." Additionally, the staff proposal would strike all of paragraph (i) and revise paragraph (ii) to read "Property added to an original proposal through expansion of the geographic scope by the City is also subject to the three-year limitation in this circumstance."

Answering a question asked by Chair Morisseau about the current application of the three-year rule, Mr. Matz said the rule applies when the Council makes a decision on threshold review and on final review. The Council can decide at the threshold review stage to either send a proposal forward into final review, or not send it forward. In either instance, the three-year rule applies. If in final review the Council elects not to legislate an ordinance, the three-year rule also applies. The process gives a proposal the ability to go all the way through while acknowledging the steps the Council may or may not take to either advance or not advance it. The way to do away with those graduated points is to have the three-year trigger simply apply at the beginning of the process.

Chair Morisseau pointed out that the current language of paragraph (i) covers properties that become part of the process through geographic expansion by the city and states that those properties are not subject to the three-year rule. She asked why the paragraph was written that way. Mr. Matz explained that under the current approach, a proposal involving a single property that through geographic scoping is expanded to four properties, if denied by the Council in final review the expanded properties could still come back and seek a change the next year while the original property could not. The owners of properties caught up in geographic scoping have the right to opt out, but as proposed if they elect to go forward, they will be barred from taking another bite of the apple by the three-year rule.

Turning to the issue of addressing certainty around doing site-specific plan amendment proposals during Great Neighborhoods work, Mr. Matz allowed that while Great Neighborhoods work occurs on a different level of review, a level of frustration was felt on the part of citizens who were getting mixed messages about participating in the annual plan process as well as the long-range planning process. The result was confusion for both property owners and communities. Accordingly, the staff proposal seeks to amend LUC 20.30I.110 by adding a fourth paragraph reading "Amendments proposed by the public in a specific neighborhood subarea may not be proposed for any amendment cycle in which the City Council initiated a Great Neighborhoods Comprehensive Plan amendment for that specific neighborhood subarea (Neighborhoods Element Map N-1) under LUC 20.30I.130.B.3."

Commissioner Moolgavkar asked how long the Great Neighborhoods process takes during which someone would be precluded from submitting a site-specific plan amendment. Mr. Matz said both processes occur within a single year, which aligns with the intent of the GMA.

Mr. Matz said the third part of the staff recommendation was focused on the disruptive frequency of plan amendments. Withdrawing and frequently applying again has led to a frustration and communities saying they must constantly be on guard against the plan amendment process. They believe the approach runs counter to the GMA intent. By comparison with peer jurisdictions, Bellevue has a relatively low number of applications but a higher percentage of them are withdrawn. The use of non-annual application periods that are employed by other communities appears to be appropriate. The Commissioners were offered two alternative approaches. The first

was amending LUC 20.30I.110 to eliminate the reference to an annual process and allowing amendments to the Comprehensive Plan to be proposed by the public every other year, in odd-numbered years. The annual amendment process would still be undertaken, but every other year.

Commissioner Barksdale asked how the biennial process would align with the three-year rule. Mr. Matz said some applications would need to be held off for an additional year.

Mr. Matz said the second alternative applied to LUC 20.30I.130.A.2.a and was focused on moving the application period back. Currently applications are allowed to be submitted within a 60-day window, December 1 to January 31, for the following year. Everyone seeks to submit their applications on January 31. Some peer communities move the timeline back to May 15 or September 15, and Mr. Matz said either date would work in the opinion of staff. Moving the submission date back allows for more time to analyze the issues and to look for the data and information the Commission needs to reach a decision.

Commissioner Moolgavkar asked when staff envisioned applying the approach outlined in the second alternative. Mr. Matz said it likely would apply to 2021, meaning applications for that year would need to be submitted by either May 15 or September 15 of 2020.

Chair Morisseau commented that one feeling the Commission has had over the years is being rushed to get amendments to public hearing and to the Council on time. She said she feared having to address two years of Comprehensive Plan amendments would add more to the Commission's workload and stress the timeline even more so. Mr. Matz said the point was well taken and was worth considering. As part of either alternative, a pre-application conference will be required rather than suggested as is currently done. That could help smooth the process but there would still be a concern about pent-up demand that triggers a large number of applications.

Commissioner Moolgavkar asked if there were any concern that the biennial process would slow down economic development in certain areas. Mr. Matz said the annual amendment process is intended to tweak the Comprehensive Plan rather than to introduce new concepts. The Comprehensive Plan update that occurs every eight years is the format in which the big ticket issues are to be addressed. He also stressed that none of the staff proposals touch city initiated applications, so where the Council believes something needs to be addressed, that can happen on an annual basis.

Commissioner Malakoutian concurred with the first two staff proposals. He agreed the three-year rule should apply from the moment of application, and that the Great Neighborhood plan should take precedence over applications affecting the same area. He stated, however, that he did not see how the first alternative, making the process biennial, would help anyone. He said it ultimately would not save any time for the staff, the Commission or the neighborhoods. He said the second alternative, changing the submission date, makes perfect sense.

Chair Morisseau suggested staff should come back to the Commission with an outline of how the biennial process would be of benefit in light of how the approach is used by peer jurisdictions. Mr. Matz said he would be happy to do that. He pointed out that Kirkland is the only jurisdiction that has the biennial approach.

Commissioner Ferris asked when the pre-application meeting would occur, before or after the submittal dates outlined in the second alternative. Mr. Matz said the meeting would occur prior to submittal and he stressed that would be made clear as the Comprehensive Plan amendment process is posted online.

Commissioner Barksdale said he would appreciate having more information about the timing issues relative to the biennial process and the three-year rule.

Mayor Chelminiak strongly urged consideration of going with an even year rather than an odd year approach to the biennial process to avoid putting anyone running for office in the crosshairs of a neighborhood issue. Additionally, he suggested it would be more honest under the biennial approach to say the three-year rule is really a four-year rule. He added that he could see no downside to the biennial approach in terms of economic development. Going to a biennial approach could put more pressure on the decision points and the rationale behind not saying that a proposed amendment has not met the significantly changed conditions criterion. He said there has always been a bit of a mystery in using that criterion, adding that in the case of one, not the Bellevue Technology Center, he could make a very strong case for significant change and that it should go forward no matter how loud the public is and how many people show up for it.

Commissioner Moolgavkar said her opinion was that the significantly changed conditions criterion is working correctly. She said as a new Commissioner she felt compelled to vote a certain way because the more established Commissioners had previously decided there was no significant change. The criterion should in fact be analyzed in light of the potential changes to the process. It is a bit arbitrary and should be better defined. She said she also was not clear about how the proposed approach would have affected the Vision Zero for Gun Safety proposal. The application appeared to not actually fit in anywhere and to have been forced into the Comprehensive Plan amendment process.

Chair Morisseau said she also would like to see the changed conditions criterion analyzed as part of the process. She said during her four years on the Commission she has seen the criterion implemented differently in different instances. It should be clarified. She said the Commission would also benefit from hearing more from stakeholders and the community about the proposed changes. Mr. Matz said the proposal would be published on October 3, three weeks ahead of the planned public hearing. He added that an effort will be put into making sure people who have made applications in the past will have access to the information.

Commissioner Malakoutian asked Chair Morisseau if her desire to see the changed conditions criterion clarified was aimed at seeking a simple binary response of yes or no. She responded by saying she simply wanted the staff to include in the study an analysis of the criterion based on how other jurisdictions approach the issue.

Mr. Matz pointed out that staff was following the very clear instructions handed down by the City Council, which did not include analyzing the significantly changed conditions criterion. He said he was confident that the criterion is in fact working in Bellevue and in other communities. The criterion is a standard across all of the different communities. He allowed that the criterion involves a gray area and a qualitative discussion.

Commissioner Malakoutian said if possible he would like to see what is a area less gray. Mr. Matz said he would provide the Commission with additional information at the next meeting. Commissioner Moolgavkar suggested the additional information should include a review of how the Commission has voted relative to the criterion in the past.

Mr. King said he had heard concurrence from the Commission to bring back the two recommended staff changes as well as the two alternative ideas, with more information about the biennial approach, along with additional information on the significantly changed conditions

criterion.

9. OTHER BUSINESS – None

10. APPROVAL OF MINUTES

A. October 24, 2018

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

B. November 7, 2018

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

C. February 27, 2019

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

D. March 13, 2019

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

E. April 24, 2019

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

F. May 22, 2019

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

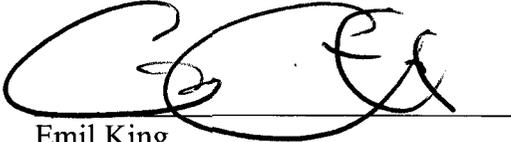
11. CONTINUED ORAL COMMUNICATIONS – None

12. EXECUTIVE SESSION – None

13. ADJOURN

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

Chair Morisseau adjourned the meeting at 8:11 p.m.



Emil King
Staff to the Planning Commission

1.22.2020
Date



Anne Morisseau
Chair of the Planning Commission

1.22.2020
Date