

**CITY OF BELLEVUE  
ENVIRONMENTAL SERVICES COMMISSION  
MEETING MINUTES**

Thursday  
April 17, 2014  
6:30 p.m.

Conference Room 1E-108  
Bellevue City Hall  
Bellevue, Washington

**COMMISSIONERS PRESENT:** Chair Helland, Vice Chair Swenson,<sup>1</sup> Commissioners Cowan, Howe, Mach, Morin, Wang

**COMMISSIONERS ABSENT:** None

**OTHERS PRESENT:** Asst. Director Operations and Maintenance, Joe Harbour; Utility Water Resources Planning Manager Pam Maloney; Sr. Engineering Technician Dave Perry; Councilmember Jennifer Robertson, Land Use Director Carol Helland.

**MINUTES TAKER:** Laurie Hugdahl

**1. CALL TO ORDER:**

The meeting was called to order by Vice Chair Swenson at 6:30.

**2. ORAL COMMUNICATIONS**

None

**3. APPROVAL OF AGENDA**

Commissioner Wang referred to item 7 on the agenda outline and recommended changing "Commissioners Report Out" to "Commissioners Report."

Operations Manager Joe Harbour commented that staff would be postponing the Wastewater Claims discussion, mostly likely until June.

**Motion made by Commissioner Wang, seconded by Commissioner Morin, to approve the agenda as amended. Motion passed unanimously (6-0).**

**4. APPROVAL OF MINUTES**

April 3, 2014 Regular Meeting Minutes

There was consensus to postpone approval of the minutes to allow time for the Commissioners to review.

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<sup>1</sup> Chair Helland arrived 6:35 p.m.

**Motion made by Commissioner Wang, seconded by Commissioner Howe, to postpone approval of the minutes until the next meeting to allow time for review. Motion passed unanimously (6-0).**

## **5. REPORTS AND SUMMARIES**

- Conservation & Outreach Events & Volunteer Opportunity

Mr. Harbour reviewed the calendar as contained in the packet.

- ESC Calendar/Council Calendar

Mr. Harbour reviewed the ESC calendar as contained in the packet. He noted that the postponed Wastewater Claims Discussion item from tonight's agenda would be rescheduled, but the date is still to be determined.

The Tentative Council calendar was reviewed.

## **6. NEW BUSINESS**

- Shoreline Master Program Update  
*Carol Helland, Land Use Director*

Land Use Director C. Helland provided an update of the completion plan that the Council has endorsed for updating and review of the Shoreline Master Program. The ESC had expressed concerns which were attached to the Planning Commission's transmittal to the City Council. The Council is aware of those concerns and will focus on the areas of the Shoreline Master Program that received the most comment and which were of the most importance to the Planning Commission. Those items are listed on page 17 of the ESC's packet. Director Helland reviewed the process for completion of the Shoreline Master Program (SMP) Update as contained in the packet. She noted that issues expressed by the ESC related predominantly to Phantom Lake. There is not a lot of specificity about Phantom Lake lake levels included in the Shoreline Master Program. There was a recommendation by the Planning Commission to have the Council look into it further, but it is her understanding that the Utilities Department is working with the Phantom Lake homeowners, and this is independent of the SMP. Other issues of concern to the ESC related to shoreline setbacks and buffers, critical areas, and floodplains. She emphasized that the City Council is aware of those comments from the ESC.

Commissioner Wang informed Councilmember Robertson of the ESC's position related to the setback and their support of the 50-foot setback. This would permit Utilities to construct pipelines and pumping stations.

Land Use Director C. Helland noted that the first set of issues the Council will be addressing will relate to public access, lake levels, and non-conforming issues. The ESC's comments will be discussed at the end of May and in June. There will be an opportunity for the ESC to submit further comments.

Chair Brad Helland asked when the Cumulative Impact Analysis would be available. Land Use Director C. Helland said it was still being internally reviewed through the legal department right now, but she briefed Kit Paulsen today. Chair Brad Helland then asked about Ecology's informal review. Land Use Director C. Helland said that Council directed staff not to negotiate with Ecology, but in light of the informal review and staff's review of those comments it was clear that Ecology had some misunderstandings about some of the provisions of Bellevue's codes. This is mainly related to the fact that staff didn't draft the code for the benefit of Ecology; instead, it was drafted in a form that would be usable for city clients into the future. Staff had two meetings with Ecology to clarify, discuss, and narrow comments. Ecology also reserved judgment on some of the parts of the plan. Staff will continue to work with Ecology throughout the process. It is important to understand what the Council will do with regard to balancing its choices on policy issues. Following Council's decision there will be a period of negotiation with Ecology.

Commissioner Morin referred to the Process for Completion and asked if there is a chance that the Council will address more than three topics at the May 12 meeting. Land Use Director C. Helland replied that for the first meeting on May 12 the Council would only address the first three items.

Vice Chair Swenson referred to the setback issue and asked if there is a conflict on the boards or staff on that particular issue. The ESC's position is that the 50-foot setback should be maintained. Land Use Director C. Helland said there is no issue with the commissions, but the different groups come at the issue from different perspectives. The Planning Commission understood those perspectives, but was balancing them with property rights and zoning perspectives. The Planning Commission is ultimately the body that will make the recommendations to the City Council regarding Land Use codes; however, the ESC's concerns were included via the attached letter.

Commissioner Wang asked if someone had protested the 50-foot setback. Land Use Director C. Helland explained that in 1974 when the Shoreline Master Program was originally adopted, the setback was 25 feet. In 2006, through the Critical Areas Code, that was converted to a 25 foot buffer and a 25 foot structure setback. It was still capable of being reduced to 25 feet if the circumstances on the lot warranted that development needed to occur in that area to give people full use of their property. The Planning Commission revisited the change in the Critical Areas Code adopted by Council in 2006. Land Use Director C. Helland emphasized that the purpose of the Shoreline Master Program is not to protect the City's easements. The purpose of the Shoreline Master Program is to protect shoreline functions and values while

also allowing recreation and appropriate use of the shoreline. Commissioner Wang thought recreation would not be a problem, but a permanent structure over the 25 feet could be a problem for any future pipeline. Land Use Director C. Helland concurred. She reiterated that the Council has the information provided by the ESC and will balance the fiscal, environmental, and property rights implications and ultimately determine if the Planning Commission struck that balance in the right place. Asst. Director Harbour added that wherever the lakeline ends up, it will not be easy. Land Use Director C. Helland concurred.

Commissioner Morin asked about the potential for an increase in the tax revenue base if people were to build on that space. Director Helland was not sure, but noted that if property values go up because of property improvements the taxes would also go up. Councilmember Robertson commented that if the line of the buffer goes back and reduces the buildability of people's lots, property owners could seek redress from the assessor's office because of the reduced value of the property.

Vice Chair Swenson expressed concern about how what happens on the shoreline affects all the rest of the community, especially with respect to Utilities funding. He spoke to the importance of protecting the overall interests in the community irrespective of the so-called property rights and tax base.

Land Use Director C. Helland summarized that Utilities staff will be tracking this issue as it goes through the Council and will keep the ESC informed. She commented that staff will be identifying issues that the ESC had previously and formulating a message for the ESC to consider sending forward. Chair Brad Helland asked for details about the Cumulative Impacts Analysis (CIA). Land Use Director C. Helland said the goal is to have it publicly released by the end of next week. Chair Brad Helland requested an electronic copy of that when it is ready. Land Use Director C. Helland indicated it would be forwarded to the ESC when it goes out publicly.

Commissioner Mach asked how the Council would take action on the items listed on page 17. Land Use Director C. Helland commented Council will provide direction to staff if they wish any changes made, but at meeting #7 the Council will adopt the final package.

- CIP Update: Present Preliminary CIP & Request Endorsement  
*Pam Maloney, P.E. Water Resources Planning Manager*  
*Dave Perry, Sr. Engineering Technician*

Ms. Maloney commented that there were changes to three of the items that were talked about before. Project W-103 is to add drinking water storage for the west side of Bellevue for the population employment growth that is projected. New storage won't be needed within this CIP window so construction has been deferred beyond this CIP window. S-60, the

Wilburton Sewer Capacity Upgrade Project, will not need to bore under the freeway because it appears that the pipeline that is there now was constructed with a casing around it that is big enough to accommodate new pipe. This results in about a \$1 million savings to the project. D-94, Flood Control Program, had an incorrect number shown for the carry forward money left at the end of 2014. It was corrected from \$600,000 to \$1.3 million. Chair Helland asked if the reduction of the \$1 million on S-60 was all off the first year. Ms. Maloney explained that the amount shown previously in 2015 was \$1 million higher.

Ms. Maloney went on to discuss the CIP Inflation Indices. She reviewed what had been considered and what is proposed. The proposed numbers use 3% in 2015, 2.7% in 2016, and 2% in years after that. Chair Helland asked where the other numbers (from the budget manual and WSDOT) came from. Ms. Maloney explained that the WSDOT data are for Washington projects. They have escalation factors going forward over decades. The City's budget office also analyzes other cost indices, but the City looks at it more broadly because they are providing budget guidance for fire, transportation, parks, etc. Ms. Maloney's recommendation is more relevant to Utility construction.

Vice Chair Swenson asked what numbers were used several years ago. Ms. Maloney explained that there was a period of really intense escalation for a while and the City had trouble catching up so they escalated costs sharply several years ago. Almost immediately after that happened, the economy stagnated and Utilities ended up adjusting numbers downward by 8% going forward. She explained that this is revisited every two years with the budget update, so it can be adjusted if necessary.

Next, Ms. Maloney reviewed the Proposed 2015-21 Utility CIP Rate and Staff Implications. If the proposals in this CIP are fully adopted it appears that the numbers are aligned with the early outlook forecast as presented at an earlier meeting by Lucy Liu, Assistant Director for RMCS. Another aspect to consider is that staff believes in order to fully implement the CIP as proposed Utilities will need two additional FTE Sr. Engineers and one LTE Sr. Engineering Tech. An additional Senior Inspector will also be needed in each year of 2015, 2016, and 2017 for the growth of the CIP. The numbers proposed to the ESC include the dollars that would be required to pay for the staffing costs.

**Motion made to support the direction proposed by staff for the Utilities 2015-21 CIP, subject to further review with the rest of the budget, by Commissioner Morin, seconded by Vice Chair Swenson, to support the proposal.**

Commissioner Wang commented it would be better to wait to approve this until they are further along in the process. He felt it was too early to take action on this.

**Motion carried 5-0 with Councilmember Wang abstaining.**

- Wastewater Claims Discussion (postponed)

**7. COMMISSIONERS REPORT**

Chair Helland reported that the Downtown Livability Committee met last night and had interesting discussions about amenities. Vice Chair Swenson asked if the committee has been focusing on discussions about the entryway corridors into downtown. He stated that those corridors are less than attractive, unsafe, and not functional. Chair Helland replied that it has been discussed generally, but not specifically. He encouraged Vice Chair Swenson to attend the meetings and provide public comment on that topic.

Commissioner Wang asked what was happening with the Bellevue College Vehicle Leak Check item which was on the previous calendar, but not on this one. Asst. Director Harbour stated staff would get that information to the ESC.

**8. DIRECTOR'S OFFICE REPORT**

Asst. Director Harbour commented that the budget development and proposal writing efforts are in full swing. Proposals are due to the Results Teams on April 28. Staff is working diligently to get those prepared.

**9. CONTINUED ORAL COMMUNICATIONS**

None

**10. ADJOURNMENT**

The meeting was adjourned at 7:36 p.m.