

EAST BELLEVUE COMMUNITY COUNCIL

Packet Materials for
REGULAR MEETING

December 6, 2016



Welcome to Your East Bellevue Community Council Meeting

Community Council meetings offer you the chance to express your opinions to your elected officials. Community Council members welcome your participation and hope that the following information is helpful:

Oral Communications

Public participation is encouraged by the Community Council. On each agenda, Item 4 and 13 are set aside to allow you to speak on any subject you wish, except those subjects listed for public hearing. You must sign up in order to be recognized by the Chair. When you are called upon, stand up, give your name and address for the record, and state your views. Please speak loudly and clearly if you are in the back of the room so that your remarks will be audible on the recorder. If many people wish to speak, the Chair may decide to limit the amount of time allowed for each individual's comments in the interests of conducting the meeting in a reasonable and practical fashion. The Community Council will not respond to comments directly, but will take matters under advisement and will ask for staff to prepare a response when necessary.

Courtesy Public Hearing

A courtesy public hearing on a particular project gives the citizen, the applicant, and Community Council members an opportunity to review a project, ask questions, make suggestions, and express concerns prior to the formal processing of the application and the commencement of the Hearing Examiner process. Community Council members take no formal action at this time.

Courtesy public hearings are also held on proposed legislation, such as changes to the Comprehensive Plan. In this case, citizens have the opportunity to provide input to staff and elected officials in this informal setting. Such testimony does not take the place of an appearance before the Planning Commission, however.

If you wish to speak at a courtesy public hearing, sign your name on the sign up sheet and do as you would for "Oral Communications", i.e., stand up, state your name and address and present your views as briefly as possible. If you have no new information to be considered, simply say that you support or disagree with a previous speaker.

Public Hearing

State Statute allows the Community Council 60 days to approve or disapprove City Council ordinances or resolutions regarding land use matters within its jurisdiction. Disapproval means that the legislation does not apply within the Community Council service area, or that the project is denied. A public hearing is held before the decision is made. First, the staff makes a presentation and Council members ask their questions. Then the hearing is opened and the public is invited to comment. To speak, follow the procedures described above. Everyone who wishes to speak will have the opportunity to do so. After the last person has spoken, the hearing is closed. Then Council members discuss the issue and make their decision. The audience may not comment during the Community Council's deliberations unless invited to do so.

If you have any questions, feel free to call the City Clerk's office at (425) 452-6466.

Agenda

CITY OF BELLEVUE
EAST BELLEVUE COMMUNITY COUNCIL
Regular Meeting

Lake Hills Clubhouse
15230 Lake Hills Boulevard, Bellevue WA

Tuesday, December 6, 2016 6:30 - 8:30 PM

Page No.

1. Call to Order
2. Roll Call
3. Flag Salute
4. Communications: Written and Oral
5. Reports of City Council, Boards and Commissions
 - (a) Community Council Business and New Initiatives
6. Approval of Agenda
7. Department Reports
8. Public/Courtesy Hearings
 - (a) Final Public Hearing: Land Use Code Amendment to Adopt Permanent Regulations Limiting the Siting and Quantity of Marijuana Retailers and Prohibiting Medical Marijuana Cooperatives and Marijuana Research Uses 1
 - (b) Public Hearing re: Ordinance No. 6323 amending the Bellevue Land Use Code to incorporate Low Impact Development Principles intended to reduce stormwater runoff from new development and redevelopment 15
9. Resolutions
 - (a) Resolution 558 adopting permanent regulations regarding marijuana 49
 - (b) Resolution 559 amending the Bellevue Land Use Code to incorporate Low Impact Development Principles 51
10. Committee Reports
11. Unfinished Business

12. New Business

(a) Discussion Regarding Potential Future Agenda Items *

- Eastgate Land Use Code Amendments
- Lake Hills Art Project
- Election of Officers / Resolution Praying for Continuance of East Bellevue Community Council

****The future agenda items are not specific to any date. They will appear on the EBCC Agenda as they become ripe for discussion/action.***

(b) Neighborhood Area Planning Presentation

(Staff will be at the December 6th meeting to present an overview of the Neighborhood Area Plan)

13. Continued Communications

14. Executive Session

15. Approval of Minutes

(a) Summary Regular Meeting Minutes November 1, 2016

16. Adjournment



MEMORANDUM

DATE: November 22, 2016

TO: Chair Capron and Members of the East Bellevue Community Council

FROM: Trisna Tanus, Legal Planner, 425-452-2970, ttanus@bellevuewa.gov
Development Services Department

SUBJECT: Public Hearing: Land Use Code Amendment (File No. 14-130927-AD) to Adopt Permanent Regulations Limiting the Siting and Quantity of Marijuana Retailers and Prohibiting Medical Marijuana Cooperatives and Marijuana Research Uses Pursuant to Bellevue Ordinance No. 6316.

INTRODUCTION

On December 6, 2016, the East Bellevue Community Council (EBCC) will hold a final public hearing on Bellevue Ordinance No. 6316, which amended the Land Use Code (LUC) to limit the siting and quantity of marijuana retailers and prohibit medical marijuana cooperatives and marijuana research uses. The Bellevue City Council adopted Ordinance No. 6316 on November 7, 2016. A copy of Ordinance No. 6316 is included with this memorandum.

Ordinance No. 6316 made permanent regulations that was adopted and in effect through Interim Ordinance Nos. 6286 and 6296. The EBCC approved these interim ordinances by passing Resolution Nos. 556 and 557 on June 7, 2016 and August 2, 2016, respectively.

Ordinance No. 6316 will not be effective within the EBCC area until the EBCC votes to approve the ordinance or the EBCC fails to disapprove the ordinance within 60 days following its enactment by the City Council. LUC 20.35.450.A. Interim Ordinance Nos. 6286 and 6296, which imposed interim measures since May 9, 2016 and June 21, 2016, respectively, were repealed with the adoption of permanent regulations in Ordinance No. 6316 on November 7, 2016.

BACKGROUND

In 2015, Washington Legislature passed three bills that changed and impacted Bellevue's marijuana regulations. They were the Cannabis Protection Act (2SSB 5052), HB 2136, and HB 5121, and they became effective on July 1, 2016. The Cannabis Protection Act allocated four additional retail marijuana licenses in Bellevue, authorized medical marijuana cooperatives, and permitted jurisdictions to create and enforce civil penalties for violations of certain state medical marijuana provisions. HB 2136 allowed cities to reduce the separation distances between marijuana uses and a majority of designated sensitive uses from 1,000-feet to 100-feet. HB 5121 established marijuana research licenses.

Largely in response to these state marijuana laws, on May 5, 2016, the City Council adopted Ordinance No. 6286 as an emergency measure which implemented an interim zoning control requiring a 100-foot separation between single family and multifamily residential land use districts (R-1 – R-30) and any marijuana retailer, and limited the number of marijuana retailers to one per each of these subareas: Bel-Red, Crossroads, Downtown, Eastgate, Wilburton, and Factoria. In addition, on June

16, 2016, the City Council adopted Ordinance No. 6296 which implemented an interim zoning control prohibiting medical marijuana cooperatives and marijuana research uses in the City of Bellevue. This ordinance also established a civil violation that could be enforced pursuant to Bellevue's civil enforcement code, Chapter 1.18 BCC, for which monetary penalty could be assessed and abatement could be required for violation of RCW 69.51A.260, which regulated the maximum number of marijuana plants that may be grown under state law.

These interim ordinances were adopted for a duration of six months to allow the City time to consider, hold hearings, study, and draft, if appropriate, to determine if additional changes should be made to its marijuana regulations based on changes to state law passed in 2015 and experience in Bellevue with administration and operation of the City's regulations.

On June 7, 2016, the EBCC held a public hearing and approved Interim Ordinance No. 6286 by passing Resolution No. 556. On August 2, 2016, the EBCC held a public hearing and approved Interim Ordinance No. 6296 by passing Resolution No. 557.

On October 3, 2016, the City Council held a study session to consider making permanent those interim regulations. In the Study Session, the City Council discussed concerns that marijuana retail stores would not realistically be able to locate in Downtown due to the City's current separation requirements, such that the provision for one marijuana retail store in Downtown would actually be an effective ban. The City Council also raised questions of whether a more appropriate area to accommodate a marijuana retail store would be in the Medical Institution district, straddled in between the BelRed and Wilburton subareas, so that there would be better access for people with medical needs. In essence, the City Council's concerns focused on the limitation on the siting and quantity of marijuana retailers.

To address this issue, on October 17, 2016, at the public hearing, staff presented modification options that would provide additional flexibility for marijuana retailers. At the conclusion of the City Council's discussion following the public hearing, the City Council directed staff to prepare an ordinance consistent with the interim regulations with modification options to allow for up to two marijuana stores in the BelRed subarea and an additional marijuana store in the Medical Institution/BelRed Medical Office-1 districts, with a cap on the total number of marijuana retailers of six city-wide.

Consistent with the City Council's direction, staff prepared an ordinance amending the Land Use Code to adopt regulations limiting the siting and quantity of marijuana retailers and prohibiting medical marijuana cooperatives and marijuana research uses. As noted, this Ordinance No. 6316 was adopted by the City Council on November 7, 2016.

ACTION REQUESTED OF THE EBCC

Following the EBCC public hearing and review of Ordinance No. 6316 implementing permanent regulations limiting the siting and quantity of marijuana retailers and prohibiting medical marijuana cooperatives and marijuana research uses, vote to approve Resolution No. 558 so that Ordinance No. 6316 will become effective within the boundaries of the EBCC. Staff will be present at the December 6, 2016 public hearing to answer any questions you may have.

If you have any questions before the December 6, 2016 meeting, please contact me at ttanus@bellevuewa.gov or 425-452-2970.

Attachment: Ordinance No. 6316.

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6316

AN ORDINANCE amending the Land Use Code regulating recreational marijuana retailers and prohibiting medical marijuana cooperatives and marijuana research uses; amending sections 20.10.440, 20.25A.015, 20.20.535, and 20.25D.070; repealing Ordinance Nos. 6286 and 6296; and establishing an effective date.

WHEREAS, in 2011, Washington adopted E2SSB 5073 amending Chapter 69.51A RCW (the Medical Cannabis Act), which in part authorized collective gardens that allowed certain qualifying patients to produce, grow, and deliver marijuana for medical use; and

WHEREAS, Washington voters approved Initiative 502 (I-502) on November 6, 2012. In relevant part, I-502 legalized the possession of small amounts of marijuana and marijuana-related products for persons age 21 and older, and directed the Washington State Liquor Control Board (LCB) to develop and implement rules to regulate and tax recreational marijuana producers, processors, and retailers by December 31, 2013; and

WHEREAS, the LCB rules became effective on November 16, 2013, and the LCB began accepting license applications for recreational marijuana beginning November 18, 2013; and

WHEREAS, the LCB initially allocated four recreational marijuana retail licenses for the City of Bellevue, and there are no limits on the number of recreational marijuana producer and processor licenses to be issued; and

WHEREAS, after substantial work done by its Planning Commission and taking into consideration public testimony for and against permitting recreational marijuana production, processing and retail uses, the City of Bellevue adopted permanent regulations on August 3, 2015 in Ordinance No. 6253 (which is codified in Bellevue Land Use Code Chapter 20.20.535) providing for regulation of these businesses as permitted uses in the City of Bellevue, prohibiting all marijuana uses from single-family and multi-family land use districts (R-1 through R-30; DNTN-R; BR-R), and prohibiting medical cannabis collective gardens in the City of Bellevue; and

WHEREAS, there are currently three recreational marijuana retail businesses operating in the City of Bellevue located in separate subareas throughout the City and the City has not received complaints that residents have been unable to procure marijuana products due to unavailability from these retail outlets; and

WHEREAS, in July 2015, Washington State Legislature SB 5052, SB 5121, and 2E2SHB 2136 went into effect. SB 5052 renamed the Liquor Control Board the "Liquor and Cannabis Board" and directed the LCB to develop new regulations providing for alignment of the medical cannabis and recreational marijuana sales industries. SB 5121 established marijuana research licenses and directed the LCB to establish rules for marijuana research uses. 2E2SHB 2136 authorized jurisdictions to prohibit the siting of medical marijuana cooperatives; and

WHEREAS, some of the recreational marijuana retail businesses in Bellevue have applied for medical marijuana endorsements with the LCB, which, if granted, will allow these businesses to sell medical marijuana in Bellevue; and

WHEREAS, the establishment of medical marijuana cooperatives and marijuana research uses in Bellevue may allow new uses that are incompatible with nearby existing land uses and lead to erosion of community character and harmony; and

WHEREAS, in January 2016, the LCB adopted new draft regulations for public review and comment which, among other provisions, would double the number of retail marijuana outlets in urban areas, including cities such as Bellevue, based upon a report commissioned by the LCB (known as the "BOTEC Report") for the purposes of estimating the size of the medical cannabis market in the state of Washington; and

WHEREAS, the BOTEC Report stated in the executive summary that "there is considerable uncertainty" in the estimates of the size of the medical cannabis market that were provided to the LCB due to a variety of factors, including the wide variety of responses of local jurisdictions in permitting collective gardens and/or medical cannabis dispensaries; and

WHEREAS, the BOTEC Report did not study any specific city or county with sufficient detail to be able to predict the size of the medical cannabis market or the need for additional retail outlets to serve medical patients in that city or county and in fact cautioned against over-reliance on the study which the authors characterized as a "snapshot in time"; and

WHEREAS, the LCB's decision to double the number of licenses available for retail establishments in Bellevue has in no manner been correlated to a substantial need for previously unavailable medical marijuana products for residents of Bellevue; and

WHEREAS, marijuana is still classified as a Schedule I controlled substance under federal law and crimes related to marijuana remain subject to prosecution under federal law; and

WHEREAS, On August 29, 2013, the United States Department of Justice, Office of the Attorney General (“DOJ”), released updated guidance regarding marijuana enforcement. The guidance reiterates that the DOJ is committed to using its limited investigative and prosecutorial resources to address the most significant threats to public safety related to marijuana crimes in “the most effective, consistent, and rational way.” The guidance directs federal prosecutors to review potential marijuana-related charges on a case-by-case basis and weigh all information and evidence, including whether the operation is demonstrably in compliance with a strong and effective state regulatory system and if the conduct at issue implicates one or more of the eight stated federal enforcement priorities. The DOJ appears to not differentiate application of the guidance between medical cannabis and recreational marijuana; and

WHEREAS, despite providing the updated guidance in 2013, the DOJ continues to investigate and prosecute certain marijuana crimes under federal law, including prosecution of medical marijuana growers and dispensaries; and

WHEREAS, as interim official zoning controls, on May 9, 2016, the City Council adopted Ordinance No. 6286 as emergency measures to further regulate recreational marijuana retailers, and on June 20, 2016, adopted Ordinance No. 6296 to prohibit medical marijuana cooperatives and marijuana research uses in the City of Bellevue, both for a period of six months, to be in effect while the City drafts, considers, holds hearings, and adopt permanent zoning regulations; and

WHEREAS, the City has held public hearings on these interim ordinances, drafted the text of development standards applicable to recreational marijuana retailers and zoning controls prohibiting medical marijuana cooperatives and marijuana research uses, and made the needed revisions to the City Codes to affect permanent zoning regulations for City Council consideration; and

WHEREAS, because of the Planning Commission’s concurrent work on the Downtown Livability Initiative, Eastgate Corridor Study, and LID Principles Project and the fact that the interim controls will expire by their terms on November 9, 2016 if the Bellevue City Council does not take further action, consistent with LUC 20.35.410.A, the City Council finds it necessary to retain the processing of this land use code amendment; and

WHEREAS, the City Council held a study session on the proposed permanent zoning regulations on October 3, 2016 and held a public hearing on the proposed permanent zoning regulations on October 17, 2016 after providing legally required public notice; and

WHEREAS, the City Council finds that the proposed amendments meet the decision criteria of LUC 20.30J.135 and are consistent with the Comprehensive Plan, enhance the public health, safety and welfare, and are not contrary to the best interest of the citizens and property owners of the City of Bellevue; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, BCC 22.02; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 20.10.440 – Uses in Land Use Districts charts of the Bellevue Land Use Code are hereby amended to add as separate entries “Medical Marijuana Cooperative” and “Marijuana Research” as prohibited uses in Bellevue and to add the following corresponding new notes:

The “Medical Marijuana Cooperative” use shall be placed in the Resources – Residential Districts and Resources – Nonresidential Districts use charts immediately below the “Marijuana Processing” listing, and with a new note 7:

(7) Medical Marijuana Cooperatives, as authorized under RCW 69.51A.250, now or as hereafter amended, are prohibited in Bellevue. See LUC 20.20.535 for general requirements applicable to marijuana uses.

The “Marijuana Research” use shall be placed in the Services – Residential Districts and Services – Nonresidential Districts use charts immediately below the “Research, Development and Testing Services” listing, and with a new note 28:

(28) Marijuana Research uses, as authorized under RCW 69.50.372, now or as hereafter amended, are prohibited in Bellevue. See LUC 20.20.535 for general requirements applicable to marijuana uses.

A new citation to note 42 shall be added to Marijuana Retail Outlet listing in the Wholesale and Retail – Nonresidential Districts in columns General Commercial, Community Business, and Factorial Land Use District 1.

The following new note 42 shall be added to Wholesale and Retail – Nonresidential Districts section:

(42) Marijuana Retail Outlet excludes Medical Marijuana Cooperative. Medical Marijuana Cooperatives, as authorized under RCW 69.51A.250, now or as hereafter amended, are prohibited in Bellevue. See LUC 20.20.535 for general requirements applicable to marijuana uses.

Section 2. Section 20.20.535.A of the Bellevue Land Use Code is hereby amended to add medical marijuana cooperatives and marijuana research uses in the purpose statement:

Purpose. The purpose of this section is to regulate marijuana producers, processors, and retailers, medical marijuana cooperatives, and marijuana research regulated under Chapters 69.50 and 69.51A RCW by identifying appropriate land use districts and establishing development and performance standards. Marijuana producers, processors, and retailers shall only be permitted when licensed by the Washington State Liquor and Cannabis Board. The production, sale, and possession of marijuana remains illegal under the federal Controlled Substances Act. Nothing herein or as provided elsewhere shall be construed as authority to violate or circumvent federal law.

Section 3. Section 20.20.535.D of the Bellevue Land Use Code is hereby amended to add definitions for the terms “medical marijuana cooperatives” and “marijuana research”:

....

10. “Medical marijuana cooperatives” means cooperatives authorized by RCW 69.51A.250, now or as hereafter amended, that are formed by qualifying patients or designated providers to share responsibility for acquiring and supplying the resources needed to produce and process marijuana only for the medical use of members of the cooperative.

11. “Marijuana research” means research authorized by RCW 69.50.372, now or as hereafter amended, that permits a licensee to produce, process, and possess marijuana for limited research purposes, including to test chemical potency and composition levels; to conduct clinical investigations of marijuana-derived drug products; to conduct research on the efficacy and safety of administering marijuana as part of medical treatment; and to conduct genomic or agricultural research.

Section 4. Section 20.20.535.E of the Bellevue Land Use Code is hereby amended to add medical marijuana cooperatives and marijuana research uses in the compliance statement:

Marijuana producers, processors, and retailers, medical marijuana cooperatives, and marijuana researchers must comply with all requirements of Chapters 69.50 and 69.51A RCW, Chapter 314-55 WAC, now or as hereafter amended, and all applicable City of Bellevue ordinances, standards, and codes.

Section 5. Section 20.20.535.F of the Bellevue Land Use Code is hereby amended to add limitations on the locations of all marijuana retailers and quantity of marijuana retailers per subarea through adding a new section 2, renumbering the original sections 2 through 6 to sections 3 through 7, adding a new section 8, and renumbering the original section 7 to section 9 as follows:

1. A marijuana producer, retailer, or processor shall not be located within 1,000 feet of the following land uses or any use included in Chapter 314-55 WAC now or as hereafter amended:

- a. Elementary or secondary school;
- b. Playgrounds;
- c. Recreation center or facility;
- d. Child care centers;
- e. Public parks;
- f. Public transit centers;
- g. Libraries; and
- h. Any game arcade.

2. A marijuana retailer shall not be located within 100 feet of the following land use districts: all single family and multi-family districts (R-1 through R-30).

3. No marijuana retailer shall be located within 1,000 feet of any other marijuana retailer.

a. **Areas Where No Retail Marijuana Uses Are Located.** If 2 or more marijuana retail applicants seek licensing from the state and propose to locate within 1,000 feet of each other, the City shall consider the entity who is licensed first by the State Liquor and Cannabis Board to be the "first-in-time" applicant who is entitled to site the retail use. First-in-time determinations will be based on the date and time of the state-issued license or conditional license, whichever is issued first. The Director shall make the first-in-time determination, whether in connection with an application for an Administrative Conditional Use Permit or as otherwise appropriate.

b. First-in-time determinations are location-specific and do not transfer or apply to a new property or site, unless the new site is within the same tax parcel. See subsection G.3 of this section for regulations applying to established retail uses and status of first-in-time determinations.

c. Appeal of Director Determination. The Director's first-in-time determination may be appealed pursuant to LUC 20.35.250, Appeal of Process II decisions.

4. No marijuana producer, processor, or retailer shall be located within 1,000 feet of any park mapped in the City's Geographic Information System.

5. Measurement. All separation requirements shall be measured as the shortest straight line distance from the property line of the proposed business location to the property line of the use listed in this section.

6. No marijuana producer, processor, or retailer shall be allowed in single-family and multifamily land use districts (R-1 – R-30; DNTN-R; BR-R).

7. No marijuana retailer is allowed as a subordinate or accessory use in any land use district.

8. With the exception contained in this section, no more than one marijuana retailer shall be permitted within each of the following subareas: Crossroads, Downtown, Eastgate, Wilburton, and Factoria; and no more than two marijuana retailers shall be permitted within the BelRed subarea; except that up to one additional marijuana retailer shall be permitted in excess of the subarea limits provided above if located within either the Medical Institution (MI) or BelRed Medical Office-1 (BR-MO-1) districts of the BelRed and Wilburton subareas. The number of marijuana retailers allowed pursuant to this section shall total no more than six city-wide.

9. Marijuana shall be grown in a structure. Outdoor cultivation is prohibited.

Section 6. Section 20.25A.015 – Uses in Downtown Land Use Districts charts of the Bellevue Land Use Code are hereby amended to add as separate entries "Medical Marijuana Cooperative" and "Marijuana Research" as prohibited uses in Bellevue and to add the following corresponding new notes:

The "Marijuana Research" use shall be placed in the Services – Downtown Districts use chart immediately below the "Research, Business Incubation, Development and Testing Services" listing, and with a new note 13:

(13) Marijuana Research uses, as authorized under RCW 69.50.372, now or as hereafter amended, are prohibited in Bellevue. See LUC 20.20.535 for general requirements applicable to marijuana uses.

A new citation to note 16 shall be added to Marijuana Retail Outlet listing in the Wholesale and Retail – Downtown Districts in columns Downtown Office District 1, Downtown Office District 2, Downtown Mixed Use District, Downtown Old Bellevue District, and Downtown Office and Limited Business District.

The following new note 16 shall be added to the Wholesale and Retail – Downtown Districts section:

(16) Marijuana Retail Outlet excludes Medical Marijuana Cooperative. Medical Marijuana Cooperatives, as authorized under RCW 69.51A.250, now or as hereafter amended, are prohibited in Bellevue. See LUC 20.20.535 for general requirements applicable to marijuana uses.

The “Medical Marijuana Cooperative” use shall be placed in the Resources – Downtown Districts use chart immediately below the “Marijuana Processing” listing, and with a new note 5:

(5) Medical Marijuana Cooperatives, as authorized under RCW 69.51A.250, now or as hereafter amended, are prohibited in Bellevue. See LUC 20.20.535 for general requirements applicable to marijuana uses.

Section 7. Section 20.25D.070 – Bel-Red Land Use charts of the Bellevue Land Use Code are hereby amended to add as separate entries “Medical Marijuana Cooperative” and “Marijuana Research” as prohibited uses in Bellevue and to add the following corresponding new notes:

A new citation to note 18 shall be added to Marijuana Retail Outlet listing in the Wholesale and Retail – Bel-Red Districts in columns Bel-Red Office Residential Nodes, Bel-Red Residential Commercial Nodes, Bel-Red General Commercial, Bel-Red Commercial Residential, and Bel-Red Residential Transition.

The following new note 18 shall be added to the Wholesale and Retail – Bel-Red Districts section:

(18) Marijuana Retail Outlet excludes Medical Marijuana Cooperative. Medical Marijuana Cooperatives, as authorized under RCW 69.51A.250, now or as hereafter amended, are prohibited in Bellevue. See LUC 20.20.535 for general requirements applicable to marijuana uses.

The “Marijuana Research” use shall be placed in the Services – Bel-Red Districts use chart immediately below the “Research, Business Incubation, Development and Testing Services” listing, and with a new note 14:

(14) Marijuana Research uses, as authorized under RCW 69.50.372, now or as hereafter amended, are prohibited in Bellevue. See LUC 20.20.535 for general requirements applicable to marijuana uses.

The “Medical Marijuana Cooperative” use shall be placed in the Resources – Bel-Red Districts use chart immediately below the “Marijuana Processing” listing, and with a new note 4:

(4) Medical Marijuana Cooperatives, as authorized under RCW 69.51A.250, now or as hereafter amended, are prohibited in Bellevue. See LUC 20.20.535 for general requirements applicable to marijuana uses.

Section 8. Section 20.25D.070 – Bel-Red Land Use charts of the Bellevue Land Use Code are hereby amended to allow “Marijuana Retail Outlet” as an Administrative Conditional Use (A) under the “BelRed Medical Office/Node” column, with note 17, a new note 18 as provided above, and a new note 19:

(19) Marijuana retail outlet that is allowed as an Administrative Conditional Use pursuant to this section is permitted in BR-MO-1 only.

Section 9. Section 20.25J.020 – Medical District Land Use chart of the Bellevue Land Use Code is hereby amended to allow marijuana retail outlet as an Administrative Conditional Use (A) by adding a new note 11 for “Health care-related retail (i.e., pharmacy, crutches, etc.) under the “Land Use” column:

(11) Marijuana retail outlet is permitted as a health care-related retail only in Hospital Center and Hospital Perimeter Development Area—DA1 and Medical Office Development Area—DA2.

Section 10. Repeal. Ordinance Nos. 6286 and 6296 are hereby repealed.

Section 11. Severability. Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 12. Effective Date. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

1550-ORD
11/7/2016

Passed by the City Council this 7th day of November, 2016
and signed in authentication of its passage this 10th day of November,
2016.


(SEAL)



John Stokes, Mayor

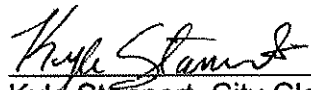
Approved as to form:

Lori M Riordan, City Attorney



Catherine A. Drews, Assistant City Attorney

Attest:



Kyle Stannert, City Clerk
Published _____



MEMORANDUM

DATE: November 22, 2016

TO: Chair Capron and Members of the East Bellevue Community Council

FROM: Catherine A. Drews, Assistant City Attorney, 425-452-6134

SUBJECT: Public Hearing re: Ordinance No. 6323 amending the Bellevue Land Use Code to incorporate Low Impact Development Principles intended to reduce stormwater runoff from new development and redevelopment.

INTRODUCTION

On December 6, the East Bellevue Community Council (EBCC) will hold a public hearing to consider Ordinance No. 6323, which amends the Bellevue Land Use Code to incorporate Low Impact Development (LID) Principles intended to reduce stormwater runoff related to new development and redevelopment. The City Council adopted Ordinance 6323 on November 21, 2016, and a copy of the Ordinance is included as Attachment A to this memorandum. The ordinance is not effective within the EBCC area until the EBCC votes to approve the ordinance or the EBCC fails to disapprove the ordinance within 60 days following its enactment by the City Council. LUC 20.35.450.A.

DISCUSSION

Regulatory Background. The LID Principles Project arises under the City's Phase II NPDES¹ Stormwater Permit (NPDES Permit). The NPDES Permit is a requirement of the Federal Clean Water Act and is intended to protect and restore water for "fishable, swimmable" uses. Bellevue is one of approximately 100 municipalities in Western Washington required to obtain a municipal stormwater discharge permit.

The Environmental Protection Agency delegated their permit authority to the state environmental agencies. In Washington, the NPDES-delegated permit authority is the Washington State Department of Ecology ("Ecology"). Ecology issued the Phase II municipal stormwater permit in January 2007, and revised the permit in August 2013. Under authority of the City Council, the City Manager accepted the revised and reissued Permit from Ecology in 2013.

The NPDES Permit authorizes discharge of stormwater runoff from municipal storm drainage systems into the state's surface waters (i.e.: streams, rivers, lakes, wetlands, etc.) as long as municipalities implement the Stormwater Management Program required by the Permit. The Program consists, in part, of LID principles and best management practices intended to protect water quality and reduce the discharge of pollutants from the municipal storm system to the "maximum extent practicable."

¹ NPDES means National Pollutant Discharge Elimination System, and is codified in the federal Clean Water Act at Section 402.

The NPDES Permit requires Phase II municipalities like Bellevue to review and, if necessary, revise their development-related codes and standards to incorporate LID principles. LID principles are land use management strategies that emphasize conservation, use of on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff. The project must be completed and any amendments effective by December 31, 2016. Ordinance 6323 is one part of this project and will take effect on December 31. The second part includes updates to the Transportation Development Code, which are not before the EBCC, but are included as Attachment B for your convenience.

The LID Principles Project not only meets NPDES Permit requirements, its intended purpose is also consistent with other Council goals and objectives, such as Utilities Stormwater System Plan's Strategic Initiatives – the overarching goal of which is to control damage from storms, protect surface water quality, support fish and wildlife habitat, and protect the environment.

Ordinance 6323 consists of four parts:

1. Reducing the allowed amount of impervious and pervious surface coverage on a lot and adding a new hard surface category, which is a combination of both impervious and permeable surfaces, for certain land use districts;
2. Allowing zero-lot line development in Planned Unit Development provisions; and
3. Minor amendments to certain subareas to incorporate LID Principles;
4. Amendments to LUC definitions for consistent LID terminology and to avoid unintended consequences.

Lot Coverage by Impervious and Permeable Surfaces.

Ordinance 6323 includes an overall limit on the proportion of a site that can be covered with hardened surfaces that limit or prevent rain water from soaking into the ground. These hardened surfaces, called impervious surfaces, impact waterways by changing the nature, amount, and velocity of the runoff entering waterbodies. Limits on the amount of total impervious surface on a site helps minimize impacts by ensuring that some land remains available to absorb water and decrease runoff.

Maximum allowed surface coverage was reduced to levels consistent with existing development, based on GIS analysis, with the goal of not creating nonconforming sites. Encouraging the use of permeable surfaces on sites where feasible and reducing impervious surface limits consistent with what has been historically developed are two techniques to minimize impervious surfaces and retain vegetation, thus reducing stormwater runoff from development and redevelopment.

Ordinance 6323 includes three changes to the dimensional chart in the Land Use Code. The dimensional chart specifies by land use district the allowed setbacks, lot coverage, and impervious surface limits allowed on a lot. Table 1 below is a representation of the dimensional chart for four single-family land use districts. Starting at the top of Table 1, the first proposed change is the addition of a new column “Maximum Hard Surface Coverage,” and corresponding coverage limits. Hard surfaces are the total of allowed impervious surfaces plus permeable surfaces. The second change is the reduction of the “Maximum Impervious Surface Limits”. Finally, a second new coverage limit “Alternative Impervious Surface” was added to address

sites where infiltration is infeasible. Together, these three proposed amendments for impervious and hard surface coverage limits support the use of permeable surfacing materials where feasible without penalizing sites where the practices will not work.

Table 1 below demonstrates amendments to the general dimensional chart (Chart 20.20.010). The changes are italicized to assist the EBCC in its review of the ordinance. Surface coverage limits are expressed as a percentage of total site area. A description of the table and its contents follows. A copy of revised Chart 20.20.010 is included as Attachment C.

TABLE 1: Examples of Amendments for Hardened Surfaces

LAND USE CLASSIFICATION	RESIDENTIAL			
	R-1	R-1.8	R-2.5	R-3.5
DIMENSIONS	(43)	(43)	(43)	(43)
Maximum Lot Coverage by Structures (percent) <i>(13) (14) (16) (26) (27) (37) (39)</i>	35	35	35	35
<i>Maximum Hard Surface Coverage (percent) (37) (39)</i> <i>(47)</i>	<i>75⁽³⁶⁾</i>	<i>75⁽³⁶⁾</i>	<i>75⁽³⁶⁾</i>	<i>75⁽³⁶⁾</i>
Maximum Impervious Surface (percent) <i>(35) (37) (39)</i> [Note: These values are 50% in current code]	45 ⁽³⁶⁾	45 ⁽³⁶⁾	45 ⁽³⁶⁾	45 ⁽³⁶⁾
<i>Alternative Maximum Impervious Surface (percent) (35) (37) (39)(48)</i>	50 ⁽³⁶⁾	50 ⁽³⁶⁾	50 ⁽³⁶⁾	50 ⁽³⁶⁾

Maximum Lot Coverage (No Change – Information Only). The City also regulates maximum lot coverage by structures. For residentially-zoned lots, the allowed lot coverage limits the overall foot print of the house and any accessory structures, such as sheds and garages, to 35% of the total site area. The proposed maximum hard surface coverage limit is 75 percent (for the examples in Table 1 above), allowing for the structure to achieve the maximum lot coverage and still providing for other hard surfaces (like driveways, patios, and walkways). Hard surface limits for commercially-zoned properties also considered allowed lot coverage and required landscaping. In most cases, the area required for landscaping will approximate the amount of land required to be free of hard surfaces. No changes are proposed to maximum lot coverage limits.

Impervious Surface Limits (Changed – Limits Reduced). The goal for the amendment is to minimize impervious surfaces by encouraging the use of permeable surfacing materials where they are technically feasible. Where the use of permeable surfaces are infeasible, property owners will retain the impervious coverage limits currently allowed for the underlying land use district. As discussed above, no reduction in lot coverage is proposed, rather a mix in the type of surfaces that may be used on a lot is proposed.

Maximum Hard Surface Limit (New Limit).

As an alternative to impervious surfaces, a hard surface coverage limit is proposed. “Hard surfaces” are the combination of impervious surfaces and permeable surfaces. The maximum hard surface coverage limit equals the maximum impervious surface limit for the underlying land use district with the remaining balance in permeable surfaces. For example, using the values for the R 3-5 land use district listed in Table 1 above:

R 3-5	Maximum Hard Surface Limit	75%
	Less Maximum Impervious Surface Limit	<u>-45%</u>
	Balance of Permeable Surfaces Allowed	30%

The maximum hard surface coverage limit provides for reduced impervious and pervious surfaces, while providing for a reasonable percentage of permeable hard surfaces. This will allow a property owner to construct desired amenities, such as patios and sports courts. If a site does not infiltrate, the site will qualify for the Alternative Maximum Impervious Surface limit, which is the impervious surface limit available today for the underlying land use district. Thus, a property owner is not penalized if a site is deemed technically infeasible for infiltration, making the Hard Surface limits unattainable. A copy of Utilities’ draft Infeasibility Map is included as Attachment D.

Alternative Impervious Surface Limit (Existing Limit with a New Name).

If a site cannot infiltrate stormwater, then the Alternative Impervious Surface limit applies. The Alternative Impervious Limit is the same limit for impervious surface coverage enjoyed by property owners today. If the use of permeable surfacing is deemed technically infeasible, the applicant may use impervious surfaces up to the maximum impervious surface allotment as it currently exists in the code. An applicant may also choose to use the Innovative Technique provision (LUC 20.20.460.G), discussed below, to use engineered permeable solutions for additional coverage if desired, up to amount of maximum hard surface allowed in the underlying land use district.

A new footnote, note 48, defines the Alternative Maximum Impervious Surface: “Maximum impervious surface limit only for sites where the use of permeable surfacing techniques is determined to be infeasible according to criteria in the 2014 Department of Ecology Stormwater Management Manual for Western Washington, or the City’s Storm and Surface Water engineering and design standards, now or as hereafter amended.”

Other Facts about the Recommendations to Amend Impervious Surfaces

- Innovative Techniques (LUC 20.20.460.G)

The Innovative Techniques provision (LUC 20.20.460.G), has been revised to allow paved surfaces that mimic permeable surfaces, which are designed by a licensed professional engineer and are approved by the Director. These designed surfaces will not be included in the calculation of impervious surfaces; however, these surfaces would be included in the calculation of the hard surface limit. Finally, the Innovative Technique provision cannot be used to exceed the maximum hard surface limit established for the underlying land use district.

- The amendment is designed to avoid creating nonconforming uses.
- No reduction of impervious surfaces in BelRed because of requirements for natural drainage practices and reductions of impervious surfaces required as part of 2009 update.
- No reduction of impervious surfaces in Downtown because of its highly-urbanized character and direct-discharge status.
- Amends footnote 36 to address all new surface types in all applicable single-family residential districts (allows up to 80 percent coverage for allowed non-residential uses, such as schools and religious institutions).
- Adds the following new footnotes to the dimensional chart to alert and advise project applicants:
 - All areas of lot coverage by structures are included in the calculation of maximum impervious surface, and all areas of impervious surface are included in the calculation of maximum hard surface.
 - References (new) section LUC 20.20.425, performance standards for hard surfaces, which is similar to those for impervious surfaces.
 - Includes criteria for when permeable surfacing is infeasible and provides that impervious surfaces may be used up to the maximum hard surface limit.

Other Amendments in Chapter 20.20 LUC:

LUC 20.20.025 Intrusions into required setbacks

- Allows bioretention facilities as improvements that may be located within setbacks.

LUC 20.20.425 Hard surface (Permeable and Impervious Surfaces)

- Adds purpose and applicability statements for Hard Surfaces similar to those found under LUC 20.20.460 (Impervious surface).
- Adds exemptions to the calculation of hard surfaces for decks/platforms, rockeries, shoreline stabilization measures and landscape features, consistent with those found under LUC 20.20.460.

LUC 20.20.460 Impervious surface

- Amends the exemption for pervious pavement under innovative techniques by specifying that permeable surfaces will be included in the calculation of hard surface and limiting the total hard surface coverage to that allowed for the underlying land use district.

LUC 20.20.590 Parking, circulation and walkway requirements

- Includes permeable pavement as an acceptable surfacing material for walkways

Other LUC Amendments

The remaining proposed amendments relate to the following sections of the LUC:

- Part 20.25 Special Overlay Districts
- Part 20.30 D. Planned Unit Developments
- Chapter 20.50 LUC (Definitions)

Amendments to the Special Overlay Districts include:

- Requires the use of natural drainage practices unless infeasible;
- Requires 50 percent of the plantings within required stream buffers to be native;
- Allows bioretention facilities to be placed within required landscape buffer areas; and
- Allows the placement of bioretention facilities within the planter strips between the curb and sidewalk

Planned Unit Developments. The amendments to the Planned Unit Development provision allows for zero-lot line development. This means that a residence could be sited on its side lot line provided that the separation between the residence and the adjacent residence maintained the same separation as would be required with standard setbacks. For example, two, five-foot side yard setbacks could be made into a zero-lot line adjacent to a 10-foot side yard. The PUD provision allows zero-lot line development only applies to interior side yard setbacks, meaning that the side yard setbacks on the exterior of a project shall be required to comply with the minimum standards in the zoning code (see LUC 20.30D.165.C.1). This will prevent a zero-lot line home from encroaching on an abutting residence.

The definition for impervious surface has been amended to avoid unintended consequences related to solid decks and a new definition is proposed for hard surfaces, which is consistent with the Department of Ecology's Stormwater Management Manual for Western Washington.

ACTION REQUESTED OF THE EAST BELLEVUE COMMUNITY COUNCIL

Following the public hearing re: Ordinance No. 6323, vote to approve Resolution No. 559 so that Ordinance No. 6323 becomes effective within the jurisdiction of the EBCC. Staff will be present at the December 6, 2016 hearing to answer any questions you may have.

Please contact me at 425-452-6134 or at cdrews@bellevuewa.gov if you have any questions before the December 6 meeting.

Attachment A: Ordinance No. 6323 (LUCA)

Attachment B: Ordinance No. 6319 (Transportation Development Code)

Attachment C: Infeasibility Map of Bellevue

Attachment D: Chart 20.20.010

1557-ORD
11/22/2016

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6323

AN ORDINANCE amending the City of Bellevue Land Use Code to incorporate Low Impact Development Principles by amending Chapters 20.20 (General Development Requirements); 20.25 (Special and Overlay Districts); 20.50 (Definitions); and Part 20.30D (Planned Unit Development); providing for severability; and establishing an effective date.

WHEREAS, the City of Bellevue (the "City") is subject to the terms of the National Pollutant Discharge Elimination System ("NPDES") and Phase II Western Washington Municipal Stormwater Permit ("Phase II Permit" or "Permit"), issued August 1, 2012, and modified on January 16, 2014, by the State of Washington Department of Ecology ("Ecology") in compliance with the federal Clean Water Act and state law; and

WHEREAS the Permit requires that the City review, revise and make effective development-related codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development ("LID") principles by December 31, 2016; and

WHEREAS, the intent of the revisions under the Permit are to make low impact development the preferred and commonly-used approach to site development; and

WHEREAS, the City initiated the LID Principles Project in order to review its existing development-related codes, rules, standards, or other enforceable documents in September of 2013; and

WHEREAS, the City's review of its documents followed a process similar to that outlined in *Integrating LID into Local Codes: A Guidebook for Local Governments* (Puget Sound Partnership, 2012), as required under the Permit; and

WHEREAS, in August 2015, following substantial work by the Planning Commission, the City Council adopted updated low impact development policies into the Environmental Element of the Comprehensive Plan; and

WHEREAS, making low impact development the preferred and commonly-used approach to site development to minimize impervious surfaces, native vegetation loss, and stormwater runoff is a goal of the City's Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments beginning on July 27, 2016, and finishing on September 14, 2016, after providing legally required public notice; and

WHEREAS, the Planning Commission, after holding the public hearing, unanimously recommended that the City Council approve the proposed land use code amendments; and

WHEREAS the City Council finds that the proposed amendments meet the decision criteria of LUG 20.30J.135, are consistent with the City's Comprehensive Plan, enhance the public safety and welfare, and are not contrary to the best interests of the citizens and property owners of the City of Bellevue; and

WHEREAS, the City has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, chapter 22.02 BCC; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES
ORDAIN AS FOLLOWS:

Section 1. Chart 20.20.010 (Uses in land use districts, Dimensional) (Residential) requirements, of the Bellevue Land Use Code, is hereby amended as follows:

1. Under the row titled "Maximum Lot Coverage by Structures" insert a new row titled: "Maximum Hard Surface Coverage (percent)".
 - a. To this new row, add the following Maximum Hard Surface coverage limits to each residential land use district column as indicated:
 - i. R-1 through R-4: 75;
 - ii. R-5 and R-7.5: 80; and
 - iii. R-10 through R-30: 90.
 - b. Add footnote (36) to columns R-1 through R-7.5.
 - c. Add footnotes (37), (39), and (47) to the heading row for Maximum Hard Surface Coverage (percent).
2. Amend the existing row titled "Maximum Impervious Surface (percent)" as follows:
 - a. Amend the surface coverage limits for each land use district:
 - i. R-1 through R-4: ~~50~~ 45;
 - ii. R-5 and R-7.5: ~~50~~ 55; and
 - iii. R-10 through R-30: ~~80~~ 65.
3. Under the existing row titled "Maximum Impervious Surface (percent)" insert a new row titled: "Alternative Maximum Impervious Surface (percent)".

- a. To this new row, add the following Alternative Maximum Impervious Surface limits to each residential land use district column as indicated:
 - i. R-1 through R-4: 50;
 - ii. R-5 and R-7.5: 55; and
 - iii. R-10 through R-30: 80.
- b. Add footnote (36) to columns R-1 through R-7.5
- c. Add footnotes (35), (37), (39) and (48) to the heading row for the new row, "Alternative Maximum Impervious Surface (percent)".

Section 2. Chart 20.20.010 (Uses in land use districts, Dimensional) (Commercial land use districts) requirements, of the Bellevue Land Use Code, is hereby amended as follows:

4. Under the row titled "Maximum Lot Coverage by Structures" insert a new row titled: "Maximum Hard Surface Coverage (percent)".
 - a. To this new row, add the following Maximum Hard Surface coverage limits to each residential land use district column as indicated:
 - i. PO, O, OLB, GC, CB, F2 and F3: 85;
 - ii. LI: 90; and
 - iii. NB: 80.
 - b. Add footnotes (37) and (47) to the heading row for "Maximum Hard Surface Coverage (percent)".
5. Amend the existing row titled "Maximum Impervious Surface (percent)" as follows:
 - a. Amend the surface coverage limits for each land use district:
 - i. PO, O, OLB, NB, F2 and F3: ~~80~~, 60;
 - ii. LI, GC and CB: ~~85~~ 65; and
 - iii. NB: 80.
6. Under the existing row titled "Maximum Impervious Surface (percent)" insert a new row titled: "Alternative Maximum Impervious Surface (percent)".
 - a. To this new row, add the following Alternative Maximum Impervious Surface limits by residential land use district:
 - i. PO, O, OLB, NB, F2 and F3: 80; and
 - ii. LI, GC and CB: 85.
 - b. Add footnotes (35), (37), (39) and (48) to the row heading for the new row, "Alternative Maximum Impervious Surface (percent)".

....

Section 3. “Notes: Uses in land use districts – Dimensional requirements following Chart 20.20.010 of the Bellevue Land Use Code are hereby amended as follows:

1. Amend footnote 36 to read: “~~Impervious s~~Surface limits for legally established nonconforming nonresidential uses and for new allowed nonresidential uses in these residential land use districts shall be 80 percent.”
2. Amend footnote 37 to read: (37) Maximum hard surface, maximum impervious surface and maximum lot coverage by structures are independent limitations on allowed development. All areas of lot coverage by structures are included in the calculation of total maximum impervious surface, unless such structures are excepted under LUC 20.20.460.
3. Add a new footnote 47 to read as follows: (47) See LUC 20.20.425 for exceptions and performance standards related to hard surfaces.
4. Add a new footnote 48 to read: (48) Maximum impervious surface limit only for sites where the use of permeable surfacing techniques is determined to be infeasible according to the criteria in the 2014 Department of Ecology Stormwater Management Manual for Western Washington, now or as hereafter amended.

Section 4. Section 20.20.025 of the Bellevue Land Use Code is amended to add a new paragraph F to read as follows:

F. Stormwater BMPs. Where feasible, Stormwater BMPs, as required by the 2014 Department of Ecology Stormwater Management Manual for Western Washington, now or as hereafter amended, may be located within setbacks required in LUC 20.20.010, provided they conform to the setback requirements in the City of Bellevue Storm and Surface Water Engineering Standards, now or hereafter amended.

Section 5. Chapter 20.20 of the Bellevue Land Use Code is hereby amended to add a new section, 20.20.425, as follows:

20.20.425 Hard surface.

A. Purpose.

Limits on the total amount of hard surfaces associated with site development are desirable to minimize vegetation loss and limit stormwater runoff, which are impacted by the increased level of surface flow generated by hard surfaces. Live plant foliage and groundcover intercept stormwater by retaining or slowing the flow of precipitation to the ground, and their roots protect soil from erosion. Preservation of naturally vegetated areas is a passive stormwater management tool that effectively reduces watershed function deterioration.

B. Applicability.

Hard surfaces are defined in LUC 20.50, and shall include all surfaces considered impervious under 20.20.460, as well as permeable pavement surfaces and vegetated roofs. The hard surface limits contained in LUC 20.20.010 and the standards of this section, shall be imposed any time a permit, approval, or review including land alteration or land development including subdivisions, short subdivisions or planned unit developments, a change in lot coverage, or a change in the area devoted to parking and circulation is required by this Code, or by the International Building Code.

C. Exemptions.

The following are exempted from determining maximum hard surface. These exemptions do not apply to any other Land Use Code requirement, including setbacks and limits on maximum lot coverage by structure, building code, utilities code or other applicable City of Bellevue codes or regulations.

1. Decks/Platforms. Decks and platforms constructed with gaps measuring one-eighth inch or greater between boards, so long as the surface below the deck or platform is pervious;
2. Rockeries/Retaining Walls. Rockeries and retaining walls shall be exempt from the maximum impervious surface limits;
3. Stabilization Measures. Shoreline stabilization measures shall be exempt from the maximum impervious surface limits; and
4. Landscape Features. Fences, arbors with lattice or open roof materials and similar structures, individual stepping stones placed in the ground but not cemented or held together with an impervious material, and organic mulch shall be exempt from the maximum impervious surface limits.

D. Performance Standards.

1. Design shall minimize topographic modification. Changes in existing grade outside the building footprint shall be minimized. Excavation shall not exceed 10 feet. Fill shall not exceed five feet subject to the following provisions: all fill in excess of four feet shall be engineered; and engineered fill may be approved in exceptional circumstances to exceed five feet to a maximum of eight feet. Exceptional circumstances are: (1) instances where driveway access would exceed 15 percent slope if additional fill retained by the building foundation is not permitted; or (2) where the five-foot fill maximum generally is observed but limited additional fill is necessary to accommodate localized variations in topography.
2. High-value natural areas, which include, but are not limited to retained significant trees and their understory and areas of native vegetation, shall be identified during site development. Locations of buildings, roads and infrastructure shall not impact high-value natural areas. Retained significant trees and their understory, and areas of native vegetation shall be fenced and adequately protected during construction, consistent with the provisions in BCC 23.76. Native plants should be salvaged from areas to be cleared and transplanted to other areas of the site where feasible.

E. Maintenance and Assurance.

Pervious pavement and other hard surface techniques designed to mimic shall be designed by a professional engineer licensed by the State of Washington and the plans are approved by the Director. The Director may require a maintenance plan and long-term performance assurance device to ensure the continued function of the pervious pavement or other technique.

Section 6. Section 20.20.460 of the Bellevue Land Use Code is hereby amended to read as follows:

A. Purpose.

Limits on the total amount of impervious surfaces associated with site development are desirable to protect critical areas and limit stormwater runoff, which are impacted by the increased levels and rates of surface flow generated by impervious surfaces.

F. Existing Impervious Surfaces.

Impervious surfaces legally established on a site prior to ~~August 1, 2006~~ [insert effective date of ordinance], and which exceed the limits set forth in LUC 20.20.010 and Chapter 20.25 LUC shall not be considered nonconforming. Proposals to increase impervious surface on a site shall conform to the limits of LUC 20.20.010 and Chapter 20.25 LUC; where a site already exceeds the allowed amount of impervious surface, the additional impervious surface shall not be approved unless an equal amount of existing impervious surface is removed such that the net amount of impervious surface is unchanged.

G. Innovative Techniques.

Surfaces paved with ~~pervious~~ permeable pavement or other innovative techniques designed to mimic the function of a pervious surface shall not be included in the calculation of impervious surface areas, so long as the technique is designed by a professional engineer licensed by the State of Washington and the plans are approved by the Director. These surfaces, however, shall be included in the calculation of maximum hard surface areas. The Director may require a maintenance plan and long-term performance assurance device to ensure the continued function of the ~~pervious~~ permeable pavement or other technique

Section 7. Section 20.20.590.K.8.c.i of the Bellevue Land Use Code is hereby amended to read as follows:

K. Parking Area and Circulation Improvements and Design.

Parking of vehicles for all uses is only permitted in parking areas that meet the requirements of this section; except that, vehicles on residential lots may also be

parked in areas that meet the requirements of LUC 20.20.720 and 20.20.890 relating to the storage of recreational vehicles and trailers.

....

8. Internal Walkways.

a. When Required. The property owner shall install internal walkways in each new development or substantial remodel of existing development in R-10, R-15, R-20, R-30, NB, PO, O, OLB, OLB-OS, CB, LI, GC, MI or Downtown Land Use Districts. In addition, schools in all land use districts shall install internal walkways in each new facility or substantial remodel of an existing facility.

b. Location. The property owner shall provide internal walkways around the building to the extent necessary to assure safe access to the building from parking areas, adjacent properties, and public sidewalks or street rights-of-way and to assure consistency with the requirements of Part 20.25A LUC. All required internal walkways must be located and constructed as an integrated part of existing sidewalks and pedestrian trails, and must coordinate with City plans for pedestrian circulation, including, but not limited to, the Comprehensive Plan, formed or planned Local Improvement Districts, and approved Capital Improvement Projects.

c. Design Criteria. Except as otherwise specified in Part 20.25A LUC, internal walkways provided pursuant to this section must be designed and installed in conformance with the following:

i. Surface Materials. Internal walkways must be paved with hard-surfaced material such as concrete, asphalt, stone, brick, tile, permeable pavement, etc. Only nonskid paving may be used in walkway construction.

....

Section 8. Section 20.25A.060.A of the Bellevue Land Use Code is hereby amended as follows:

A. Walkways and Sidewalks – Perimeter.

1. Minimum Width.

a. The minimum width of perimeter walkway or sidewalk on the streets identified in this paragraph is 16 feet plus a 6-inch curb. Included within that 16 feet and adjacent to the curb, there shall be a planter strip or tree pit as prescribed by Plate A of this section:

- i. NE 6th between 110th Avenue NE and 112th Avenue NE; and
- ii. 106th Avenue NE between NE 4th and NE 8th; and

- iii. 108th Avenue NE between NE 4th and NE 8th; and
- iv. 110th Avenue NE between NE 4th and NE 8th; and
- v. Bellevue Way between Main and NE 12th; and
- vi. NE 4th between 100th Avenue NE and 112th Avenue NE; and
- vii. NE 8th between 100th Avenue NE and 112th Avenue NE.

b. Along any other street not listed in subsection A.1.a of this section, the minimum width of a perimeter walkway or sidewalk is 12 feet plus a 6-inch curb. Included in that 12 feet and adjacent to the curb, there shall be a planter strip or tree pit as prescribed in Plate A of this section.

c. Within the width of the walkway or sidewalk, at least six feet of unobstructed travel path shall be maintained for safe pedestrian access.

d. Planter Strips and Tree Pits.

Planter strips shall be at least five feet wide and as long as the street frontage, excluding curb cuts, driveways and spacing for utilities. Planter strips and tree pits shall be located adjacent to the curb unless precluded by existing utilities which cannot be reasonably relocated. Tree pits may shall be covered with protective grate or pavers. Where stormwater facilities are used in conjunction with tree pits, removable gates shall be utilized.

2. Street Trees and Landscaping – Perimeter.

a. Tree Species. The property owner shall install street trees, in addition to any landscaping required by LUC 20.25A.040, according to the requirements of Plate B of this section as now or hereafter amended and this section.

b. Installation. Street trees, at least 2.5 inches in caliper or as approved by the Director, must be planted at least 3 feet from the face of the street curb, and a maximum of 20 feet for small trees, 25 feet for medium trees, and 30 feet for large trees. The size of the tree shall be determined by Plate B of this section, as now or hereafter amended. A street tree planting area may also include decorative paving and other plant materials except grass that requires mowing. The use of planter strips for stormwater treatment is encouraged. Installation shall be in accordance with the Parks and Community Services Department Environmental Best Management Practices and Design Standards, as now or hereafter amended.

c. Irrigation. A permanent automatic irrigation system shall be provided at the time of installation of street trees and sidewalk planting strip landscaping located in a required planter strip or tree pit. The irrigation system shall be served by a separate water meter installed by the applicant and served by City-owned water supply with 24-hour access by the City. The use of rainwater to supplement irrigation is encouraged. Irrigation system shall be designed per the Parks and

Community Services Department Environmental Best Management Practices and Design Standards, as now or hereafter amended.

d. Street Landscaping. Street trees together with shrubbery, groundcover and other approved plantings are required in a planter strip along the length of the frontage. Vegetation included in the planter strip shall be able to withstand urban conditions, shall be compatible with other plantings along the same street, and shall reflect the character of the area within which they are planted, as approved by the Director.

Section 9. Section 20.25A.090.D.4 of the Bellevue Land Use Code is hereby amended as follows:

4. Landscape Development.

a. General. The standards of this paragraph supplement other landscape requirements of this Part 20.25A and LUC 20.20.520 for development in the Perimeter Design District.

b. Linear Buffers.

i. General. Any development situated within Perimeter Design District – Subdistrict A shall provide a “linear buffer” within the minimum setback adjacent to the Downtown boundary required by paragraph D.2 of this section. The purpose of this feature is to produce a green buffer that will soften the visual impact of the relatively larger buildings. These design standards are minimum requirements for the size and quantity of trees, shrubs and other “linear buffer” elements. The specific design of the “linear buffer” for each project site will be determined through the Design Review Process. Design considerations include but are not limited to the placement of elements and their relationship to adjacent property as well as to the proposed development. Different sets of design standards apply to each of the locational conditions.

ii. Where the Downtown boundary falls within the Main Street, 100th Avenue NE or NE 12th Street right-of-way, the minimum setback from the Downtown boundary shall be landscaped according to the basic requirements and either Alternative A or B of the supplemental requirement.

(1) Basic Requirements (applicable in all cases):

(a) Must have a minimum width of 20 feet;

(b) Must abut and be within three feet in elevation of a sidewalk, so as to be visually and physically accessible;

- (c) Must provide at least one sitting space for each 200 square feet of the perimeter setback area;
- (d) May not be used for parking; vehicular access drives shall be kept to a minimum;
- (e) Must be readily accessible to the public at all times;
- (f) Must include seasonal color in an amount of at least 10 percent of the perimeter setback area.
- (g) Must utilize native species for at least 50 percent of the plantings located within the perimeter setback area.

(2) Supplemental Requirements:

(a) Alternative A:

- (i) Three deciduous trees, with a minimum caliper of three inches, per each 1,000 square feet of the perimeter setback area; and
- (ii) Two flowering trees, with a minimum caliper of two inches, per each 1,000 square feet of perimeter setback area; and
- (iii) Ten evergreen shrubs, minimum five-gallon size, per 1,000 square feet of the perimeter setback area; and
- (iv) Any paved surfaces shall be no more than 10 percent of the perimeter setback area; and
- (v) Planting area must either be raised or sloped. If raised, the planting area shall be surrounded by a wall with a minimum height of 18 inches and a maximum height of 24 inches to allow for sitting.

(b) Alternative B:

- (i) Three deciduous trees, with a minimum caliper of three inches, per each 1,000 square feet of the perimeter setback area; and
- (ii) Lawn greater than five feet in width or ground cover on at least 25 percent of the perimeter setback area; and
- (iii) Any paved surfaces shall be no more than 75 percent of the perimeter setback area; and
- (iv) Paved areas shall use pervious pavement, brick, stone or tile in a pattern and texture that is level and slip-resistant; and

(v) Opportunities for pedestrian flow from the sidewalk shall be frequent and direct. Changes in grade between the linear buffer and sidewalk shall be accommodated by steps or terraces, rather than walls.

iii. Where the Downtown boundary abuts property outside the Downtown other than right-of-way described in paragraph D.4.b.ii of this section, the minimum setback from the Downtown boundary (or perimeter property lines when the setback has been relocated pursuant to Note 10 of subsection 20.25A.090.D.2) shall be landscaped as follows:

(1) The entire setback (20 feet) shall be planted. No portion may be paved except for vehicular entrance drives and required mid-block pedestrian connections.

(2) The setback must incorporate a berm having a minimum height of three and one-half feet.

(3) The setback must be planted with:

(a) Evergreen and deciduous trees, with no more than 30 percent deciduous, a minimum of 10 feet in height, at intervals no greater than 20 feet on center; and

(b) Evergreen shrubs, a minimum of two-gallon in size, at a spacing of three feet on center; and

(c) Living ground cover so that the entire remaining area will be covered in three years.

c. Street Trees. Street trees required by LUC 20.25A.060.C along Main Street, 100th Avenue NE or NE 12th Street must be at least four inches in caliper.

....

Section 10. Section 20.25A.110.B.4.B of the Bellevue Land Use Code is hereby amended as follows:

B. ~~Encourage~~ Require retention of significant existing vegetation, where it can be incorporated into efficient site design and maintained in a safe and healthful condition.

Section 11. Section 20.25B.040.C.2 of the Bellevue Land Use Code is hereby amended as follows:

C. Landscaping, Open Space and Buffers.

1. Landscaping. All landscaping shall comply with standards set forth in LUC 20.20.520. The provisions of LUC 20.20.520.J (Alternative Landscaping Option) are applicable and, in addition, may be used to modify up to 10 feet of required street frontage landscaping.

2. Buffer.

a. A landscaped buffer, at least 20 feet in width, shall be provided along the entire street frontage where any portion of the street frontage is abutting a district receiving transition and along the interior property line abutting the district receiving transition. Where feasible, bioretention swales and planters may be located within landscaped buffers.

....

Section 12. Section 20.25D.150.B.4 of the Bellevue Land Use Code is hereby amended as follows:

4. Protect and Enhance Surface Water Resources.

a. Intent.

Conserve water quality, natural hydrology and habitat, and preserve biodiversity through protection of water bodies and wetlands.

b. Guideline.

Natural water systems regulate water supply, provide biological habitat and may provide recreational opportunities. Undeveloped ecosystems absorb the precipitation and convey only a small portion of rainfall as surface runoff. New and infill development should minimize disturbances to the on-site, adjacent, and regional natural water systems. Use of natural drainage practices are required unless infeasible.

c. Recommended.

i. Grading and plan layout that captures and slows runoff.

ii. Pervious or semi-pervious surfaces that allow water to infiltrate soil.

~~iii. On-site landscape-based water treatment methods that treat rainwater runoff from all surfaces, including parking lots, roofs and sidewalks.~~

....

Section 13. Section 20.25F.040.C.4 of the Bellevue Land Use Code is hereby amended as follows:

4. Drainage.

The applicant must submit a drainage plan consistent with the development standards of the City of Redmond and the City of Bellevue which produce the more protective drainage system as determined by the Redmond Public Works Director and the Bellevue Utilities Director. The use of LID stormwater management techniques is required unless infeasible.

Section 14. Section 20.25F1.070 of the Bellevue Land Use Code is hereby amended as follows:

A. Perimeter Sidewalks.

1. Minimum Width. The minimum width of perimeter street sidewalks shall be 12 feet inclusive of the planter strip plus six inches for curb, except as necessary to retain mature trees pursuant to paragraph A.2.e below.

2. Street Trees And Planter Strip Design.

a. Installation. The property owner shall install street trees and planter strips, in addition to any landscaping required by LUC 20.25F1.050, pursuant to the City of Bellevue Environmental Best Management Practices and Design Standards, now or as hereafter amended. Street tree and planter strips shall be irrigated. Appropriate tree species will be determined through the Master Development Plan process.

b. Location. The area in which planter strips are installed must be located between the street and the sidewalk unless precluded by existing utilities which cannot reasonably be relocated or as necessary to retain mature trees pursuant to paragraph A.2.e below.

c. Design. Required street trees should be placed in predominantly continuous planter strips together with shrubbery, ground cover and other plantings approved by the Director. The area in which street trees are planted must be at least four feet wide by six feet wide. Vegetation approved for a planter strip must be compatible with the F1 Design Guidelines for the development area within which the planter strip is located. A street planter strip may also include decorative paving and other plant materials except turf. Where feasible, bioretention swales and planters may be located within the planter strip.

d. Size and Spacing. Large growing deciduous street trees, at least three inches in caliper or as approved by the Director, shall be planted at least three feet from the street curb, and a maximum of 30 feet on center, and shall conform to the sight distance requirements of BCC 14.60.240.

e. Mature Tree Retention. The existing mature street trees located on the perimeter street frontages shall be maintained to the extent feasible. Sidewalks and planter strips may be reduced and/or relocated to the back of sidewalk if necessary to accommodate retention of the mature trees.

B. On-Site Sidewalks.

1. Minimum Width. The minimum width of on-site street sidewalks shall be 12 feet inclusive of the street tree planting wells.

2. Street Trees and Plantings.

a. Installation. The property owner shall install street trees and plantings, in addition to any landscaping required by LUC 20.25F1.050, pursuant to the City of Bellevue Environmental Best Management Practices and Design Standards, now or as hereafter amended. Street trees and required landscaping shall be irrigated. Appropriate tree species will be determined through the Master Development Plan process.

b. Location. Street trees shall be planted in a continuous, rhythmic pattern. Street trees must be located between the street and the sidewalk.

c. Design. Required street trees shall be planted in tree pits with grates. The area in which street trees are planted must be at least four feet wide by six feet wide. Where stormwater facilities are used in conjunction with tree pits, removable grates shall be utilized.

d. Size and Spacing. Small growing pedestrian-scale deciduous street trees, at least three inches in caliper or as approved by the Director, shall be planted at least three feet from the street curb, and a maximum of 25 feet on center, and shall conform to the sight distance requirements of BCC 14.60.240.

....

Section 15. Section 20.25H.080.A of the Bellevue Land Use Code is hereby amended as follows:

A. General.

Development on sites with a type S or F stream or associated critical area buffer shall incorporate the following performance standards in design of the development, as applicable:

1. Lights shall be directed away from the stream.
2. Activity that generates noise such as parking lots, generators, and residential uses shall be located away from the stream or any noise shall be minimized through use of design and insulation techniques.
3. Toxic runoff from new impervious area shall be routed away from the stream.
4. Treated water may be allowed to enter the stream critical area buffer.
5. The outer edge of the stream critical area buffer shall be planted with dense vegetation to limit pet or human use. Preference shall be given to native species.

6. Use of pesticides, insecticides and fertilizers within 150 feet of the edge of the stream critical area buffer shall be in accordance with the City of Bellevue's "Environmental Best Management Practices," now or as hereafter amended.

Section 16. Section 20.25J.070.A.2 of the Bellevue Land Use Code is hereby amended as follows:

A. Sidewalks.

1. Minimum Width. The minimum width of sidewalks located on NE 8th Street, NE 12th Street, 116th Avenue NE and NE 10th Street east of East Campus Drive is eight feet plus four feet in which street plantings are to be installed plus six inches of curb along any street.

2. Street Trees and Plantings.

a. The property owner shall install street trees and plantings, in addition to any landscaping required by LUC 20.25J.060. Appropriate tree species will be determined through the Master Development Plan or Design Review where Master Development Plan approval is not required.

b. The area in which street plantings are installed must be located between the street and the sidewalk unless precluded by existing utilities which cannot reasonably be relocated. Required street trees together with shrubbery, groundcover and other approved plantings must be placed in a planter strip along the length of the frontage. Where feasible, bioretention swales and planters may be located within the planter strip. The planter strip must be at least four feet wide unless a smaller strip is approved by the Director. Vegetation included in the planter strip shall be urban in character, shall be compatible with other plantings within the property and along the same street, and shall reflect the character of the area in which they are planted. Designs should prioritize the selection of native species.

c. Street trees, at least three inches in caliper or as approved by the Director, must be planted at least three feet from the street curb, and a maximum of 25 feet on center, unless upon request of the applicant minor modification of this requirement is approved by the Director, and conforms to the sight distance requirements of BCC 14.60.240. A street tree planting area may also include decorative paving and other plant materials except turf.

d. Street trees and plantings shall be irrigated.

....

Section 17. Section 20.30D.150 of the Bellevue Land Use Code is hereby amended as follows:

The City may approve or approve with modifications a Planned Unit Development plan if:

- A. The Planned Unit Development is consistent with the Comprehensive Plan; and
- B. The Planned Unit Development accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development. Net benefit to the City may be demonstrated by one or more of the following:
1. Placement, type or reduced bulk of structures, or
 2. Interconnected usable open space, or
 3. Recreation facilities, or
 4. Other public facilities, or
 5. Conservation of natural features, vegetation and on-site soils, or
 6. Reduction in hard surfaces, or
 - ~~6-7.~~ Conservation of critical areas and critical area buffers beyond that required under Part 20.25H LUC, or
 - ~~7~~ 8. Aesthetic features and harmonious design, or
 - ~~8-9.~~ Energy efficient site design or building features, or
 - ~~9~~ 10. Use of low impact development techniques; and

....

Section 18. Section 20.30D.165 of the Bellevue Land Use Code is hereby amended as follows:

A. Density and Floor Area Ratio.

1. General. The applicant may request a bonus in the number of dwelling units permitted by the underlying land use district or the maximum FAR (see general dimensional requirements contained in LUC 20.20.010), and district-specific requirements contained in Chapter 20.25 LUC.
2. Bonus Decision Criteria. The City may approve a bonus in the number of dwelling units allowed by no more than 10 percent over the base density for proposals complying with this subsection A.2. Base density shall be determined on sites with critical areas or critical area buffers pursuant to LUC 20.25H.045. Base density on all other sites shall be determined based on the gross land area of the property excluding either that area utilized for traffic circulation roads or 20 percent, whichever is less. The bonus allowed by this section may be approved only if:
 - a. The design of the development offsets the impact of the increase in density; and

b. The increase in density is compatible with existing uses in the immediate vicinity of the subject property.

3. Senior Citizen Dwelling. An additional 10 percent density bonus may be approved for senior citizen dwellings if the criteria in subsection A.2 of this section are met and if the average dwelling unit size does not exceed 600 square feet.

B. Height.

The applicant may request a modification of height from that allowed by the land use district, provided topography and arrangement of structures does not unreasonably impair primary scenic views (e.g., mountains, lakes, unique skylines) of the surrounding area, as compared to lot-by-lot development. Proposals earning bonus density pursuant to this section or LUC 20.30D.167 may only receive an increase in height if the requirements of subsection A.2 of this section are met, considering the impact of increased height.

C. Zero Lot Line. This is a configuration where the house and/or garage is built up to one of the side lot lines, providing the opportunity for more usable space in the opposing side yard.

1. General. The applicant may request a reduction in the required side setback from that required by the land use district and district specific requirements. Zero lot line setbacks are not permitted for side yards along the perimeter of the PUD.

2. Setback Reduction Decision Criteria. The City may approve a reduction in the setback of up to one side setback. The reduction in side setback shall be approved only if:

a. The opposing side setback shall be at least 10 feet.

b. In order to maintain privacy, no windows, doors, air conditioning units, or any other types of openings in the walls along the zero lot line wall, except for windows that do not allow for visibility into the side yard of the adjacent lot.

G-D. Other.

The City may approve a modification of any provision of the Land Use Code, except as provided in LUC 20.30D.170, if the resulting site development complies with the criteria of this part.

Section 19. Section 20.30D.167 of the Bellevue Land Use Code is hereby amended to read as follows:

The following provisions of the Land Use Code may not be modified pursuant to LUC 20.30D.165:

A. Any provision of this Part 20.30D, Planned Unit Development; or

- B. Any provision of LUC 20.10.440, Land Use Chart, and district-specific requirements contained in Chapter 20.25 LUC, except where district-specific requirements would prohibit Zero Lot-Line development, as provided for in section 20.30D.165.C (Zero Lot-Line); or
- C. Any provision of Part 20.25E LUC, the Shoreline Overlay District; however, requests for modifications to the requirements of Part 20.25E LUC, where allowed under the provisions of that part, may be considered together with an application for a Planned Unit Development; or
- D. Any provision of the Land Use Code which specifically states that it is not subject to modification; or
- E. The procedural, enforcement and administrative provisions of the Land Use Code or any other applicable City Code; or
- F. Any provision of Part 20.25H LUC, the Critical Areas Overlay District, except as specifically provided for in that part; however, requests for modifications to the requirements of Part 20.25H LUC, where allowed under the provisions of that part, may be considered together with an application for a Planned Unit Development.

Section 20. Section 20.50.024 of the Bellevue Land Use Code is hereby amended as follows:

....

Hard Surface. An impervious surface, permeable pavement, or a vegetated roof.

....

Section 21. Section 20.50.026 of the Bellevue Land Use Code is hereby amended as follows:

Impervious Surface. Any structure or other ~~hard~~ non-vegetated surface affixed to the ground that prevents or retards the entry of water into the soil layer, or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow rate prior to addition of such surface. "Impervious Surfaces" include, without limitation: structures, including eaves; vehicular, bicycle, pedestrian or other circulation facilities constructed of solid surfaces, including pavement, concrete, u grouted brick or stone; solid decks, patios, sport courts, swimming pools, hot tubs and similar recreation facilities; and landscape features, including sheds, arbors, and play structures.

Section 22. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

1557-ORD
11/22/2016

Section 23. This Ordinance shall take effect and be in force on December 31, 2016.

Passed by the City Council this _____ day of _____, 2016
and signed in authentication of its passage this _____ day of _____,
2016.

(SEAL)

John Stokes, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Catherine A. Drews, Assistant City Attorney

Attest:

Kyle Stannert, City Clerk

Published _____

1553-ORD
11/17/2016

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6319

AN ORDINANCE amending the City of Bellevue Transportation Development Code, Chapter 14.60, to incorporate Low Impact Development Principles by amending Sections 14.60.110 (Street frontage improvements); 14.60.120 (Landscaping in right-of-way, easements and access tracts); and 14.60.170 (Street ends); providing for severability; and establishing an effective date.

WHEREAS, the City of Bellevue (the "City") is subject to the terms of the National Pollutant Discharge Elimination System ("NPDES") and Phase II Western Washington Municipal Stormwater Permit ("Phase II Permit" or "Permit"), issued August 1, 2012, and modified on January 16, 2014, by the State of Washington Department of Ecology ("Ecology") in compliance with the federal Clean Water Act and state law; and

WHEREAS the Permit requires that the City review, revise and make effective development-related codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development ("LID") principles by December 31, 2016; and

WHEREAS, the intent of the revisions under the Permit are to make low impact development the preferred and commonly-used approach to site development; and

WHEREAS, the City initiated the LID Principles Project in order to review its existing development-related codes, rules, standards, or other enforceable documents in September of 2013; and

WHEREAS, the City's review of its documents followed a process similar to that outlined in *Integrating LID into Local Codes: A Guidebook for Local Governments* (Puget Sound Partnership, 2012); as required under the Permit; and

WHEREAS, in August 2015, following substantial work by the Planning Commission, the City Council adopted updated low impact development policies into the Environmental Element of the Comprehensive Plan, in August, 2015; and

WHEREAS, making low impact development the preferred and commonly-used approach to site development to minimize impervious surfaces, native vegetation loss, and stormwater runoff is a goal of the City's Comprehensive Plan; and

WHEREAS, the Transportation Commission held a public hearing on the proposed amendments on July 14, 2016, after providing legally required public notice; and

WHEREAS, the Transportation Commission, after holding the July 14, 2016 public hearing, unanimously recommended that the City Council approve the proposed amendments; and

WHEREAS, the City has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, chapter 22.02 BCC; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 14.60.110.B of the Bellevue City Code is hereby amended as follows:

A. The installation of street frontage improvements is required for all new development, subdivisions, and short subdivisions as a condition of development approval in order to incorporate transportation improvements that are reasonably necessary to mitigate the direct impacts of the development. Installation of street frontage improvement is also required when necessary for the mitigation of adverse environmental impacts identified pursuant to the State Environmental Policy Act. For additions and remodels to existing buildings see LUC 20.20.560 and 20.25D.060. This requirement shall not apply to single-family dwellings.

B. Complete street frontage improvements shall be installed along the entire street frontage of the property at the sole cost of the developer as directed by the review engineer. Street frontage improvements may include curb, gutter, sidewalk, storm drainage, street lighting, traffic signal equipment, public utility relocation, franchise utility relocation, landscaping strip, street trees and landscaping, irrigation, street pavement widening, bicycle lanes, safety railings, street signs, pavement marking, and channelization. Storm drainage may include bioretention swales or other vegetation-based LID BMPs. For additional requirements regarding franchise utility relocations, see BCC 14.60.230. Beyond the property frontage, the developer shall provide ramps or other appropriate transition from the new sidewalk or walkway to the existing shoulder, and pavement and channelization tapering back to the existing pavement and channelization as needed for safety. The street frontage improvements shall be continued off-site if, and to the extent, deemed necessary by the review engineer in order to provide a safe condition.

Section 2. Section 14.60.120.C.1 of the Bellevue City Code is hereby amended as follows:

A. Applicability. The requirements of this section apply when street frontage improvements are required as part of any development by BCC 14.60.110 or the Land Use Code, as may be hereinafter amended.

B. Required Review. The city shall review proposed street frontage improvements for compliance with this section and other applicable city policies and codes.

C. Preservation of Existing Street Trees and Landscaping.

1. Retention of existing vegetation may be required along city streets. When retention is not feasible, native plant species, or species with a proven ability to survive in an urban environment are preferred for landscaping.

Section 3. Section 14.60.170.C of the Bellevue City Code is hereby amended as follows:

A. All dead-end public streets and private roads greater than 150 feet in length shall be constructed with a turnaround facility per the Transportation Department Design Manual Standard 7 – Street End Designs, as currently adopted or hereafter amended. The street or road may extend up to 150 feet beyond the approved turnaround facility.

B. Streets that temporarily dead-end and will be extended in the future need not have a turnaround facility unless determined necessary by the review engineer and the fire marshal. When no turnaround facility is provided, street-end barricading shall be installed and must conform to the most recent edition of the Manual on Uniform Traffic Control Devices.

C. Where the turnaround facility is a circular turnaround, a landscaped island delineated by curbing shall be provided in the circular turnaround by the developer. Bioretention swales or other vegetation-based LID BMPs may be located in the landscaped island. The landscaping shall be maintained by the homeowners' association or adjacent property owners. The developer shall record an agreement to ensure maintenance of the landscaping, either with the recording of the final plat or as a separate document if the development is occurring outside a plat.

Section 4. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 5. This Ordinance shall take effect and be in force on December 31, 2016.

1553-ORD
11/17/2016

Passed by the City Council this _____ day of _____, 2016
and signed in authentication of its passage this _____ day of _____,
2016.

(SEAL)

John Stokes, Mayor

Approved as to form:

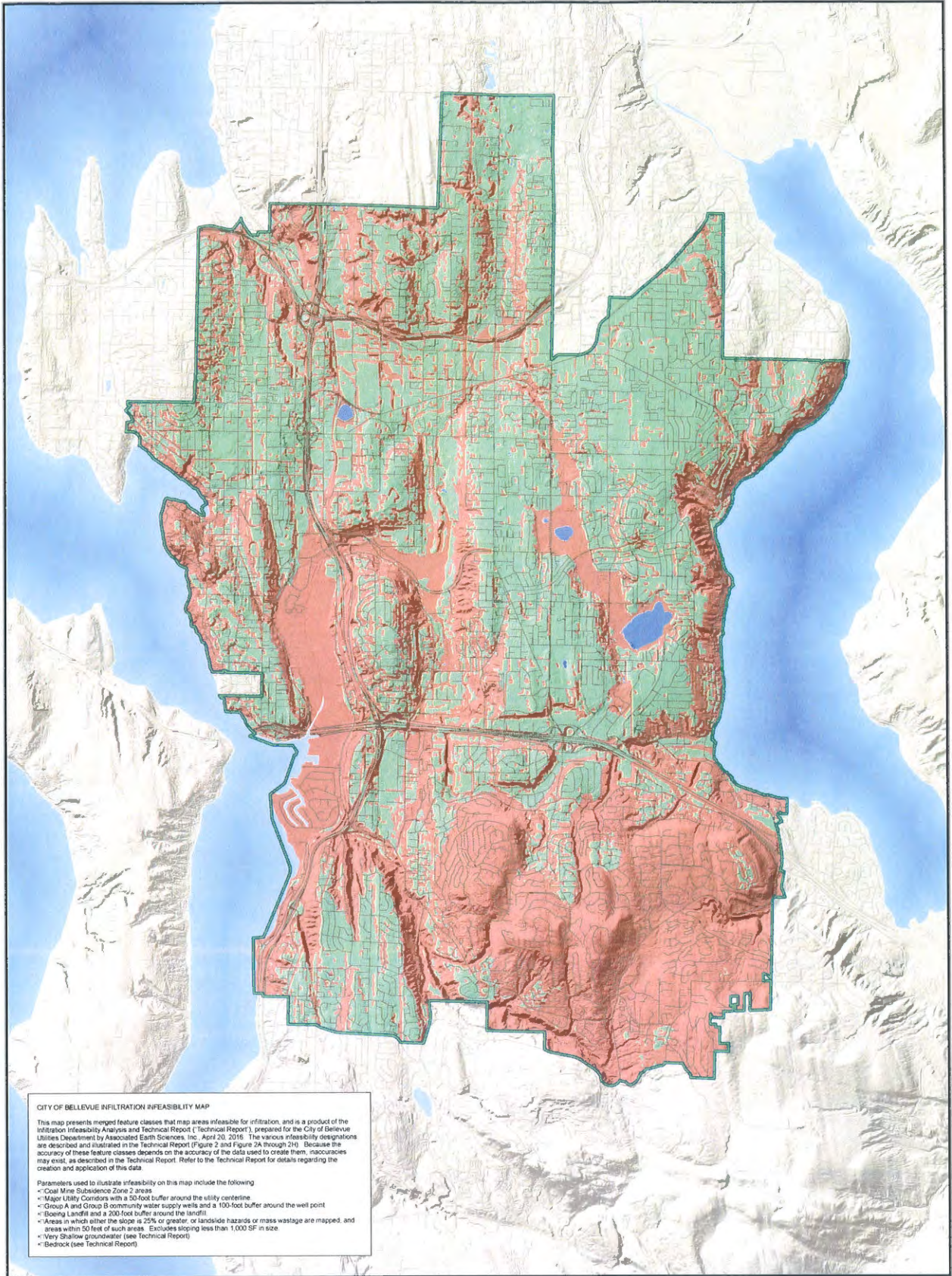
Lori M. Riordan, City Attorney

Catherine A. Drews, Assistant City Attorney

Attest:

Kyle Stannert, City Clerk

Published _____



CITY OF BELLEVUE INFILTRATION INFEASIBILITY MAP

This map presents merged feature classes that map areas infeasible for infiltration, and is a product of the Infiltration Infeasibility Analysis and Technical Report ("Technical Report"), prepared for the City of Bellevue Utilities Department by Associated Earth Sciences, Inc., April 20, 2016. The various infeasibility designations are described and illustrated in the Technical Report (Figure 2 and Figure 2A through 2H). Because the accuracy of these feature classes depends on the accuracy of the data used to create them, inaccuracies may exist, as described in the Technical Report. Refer to the Technical Report for details regarding the creation and application of this data.

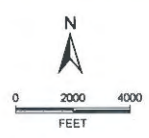
Parameters used to illustrate infeasibility on this map include the following:

- Coal Mine Subsidence Zone 2 areas
- Major Utility Corridors with a 50-foot buffer around the utility centerline
- Group A and Group B community water supply wells and a 100-foot buffer around the well point
- Boeing Landfill and a 200-foot buffer around the landfill
- Areas in which either the slope is 25% or greater, or landslide hazards or mass wastage are mapped, and areas within 50 feet of such areas. Excludes sloping less than 1,000 SF in size.
- Very Shallow groundwater (see Technical Report)
- Bedrock (see Technical Report)



LEGEND:

- Potentially Feasible For Infiltration, Additional Study Required
- Infeasible For Infiltration Without Additional Study

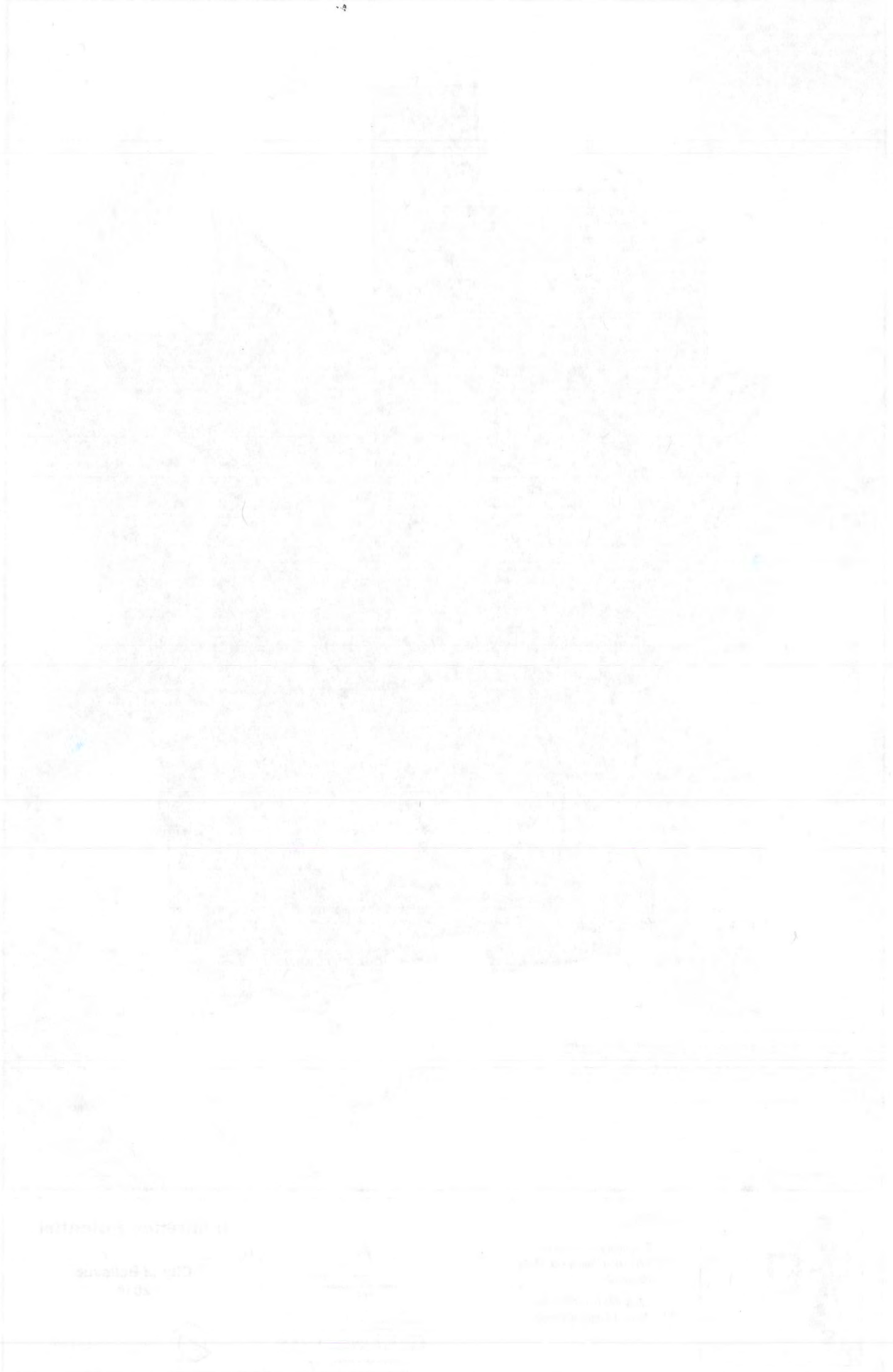


Infiltration Potential

City of Bellevue
2016

DATA SOURCES & REFERENCES:
PRIC LEVEL 900/200 GRID CELL SIZE IS 6'
KING COUNTY 2013 7
NAD 83 STATE PLANE NORTH NAD83/MAIN/11NAD83 US SURVEY FEET
CITY OF BELLEVUE, STREETS HYDRO 2016
LOCATIONS AND DISTANCES SHOWN ARE APPROXIMATE





Low Impact Development Principles Project



Planning Commission Recommendations
October 10, 2016 Council Work Session

Chapter 20.20 General Development Requirements.

20.20.010 Uses in land use districts dimensional requirements.

Chart 20.20.010

Uses in land use districts Dimensional Requirements

LAND USE CLASSIFICA- TION	RESIDENTIAL										
	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
DIMENSIONS	(43)	(43)	(43)	(43)	(43)	(43)	(43)				
...											
Maximum Lot Coverage by Structures (percent) ⁽¹³⁾ <small>(14) (16) (26) (27) (37) (39)</small>	35	35	35	35	35	40	40	35	35	35	35
<u>Maximum Hard Surface Coverage (percent)</u> ⁽³⁷⁾ <small>(39) (49)</small>	<u>75</u> ⁽³⁶⁾	<u>75</u> (36)	<u>75</u> (36)	<u>75</u> (36)	<u>75</u> (36)	<u>80</u> (36)	<u>80</u> (36)	<u>90</u>	<u>90</u>	<u>90</u>	<u>90</u>
Maximum Impervious Surface (percent) ⁽³⁵⁾ <small>(37) (39)</small>	<u>50</u> <u>45</u> ⁽³⁶⁾	<u>50</u> <u>45</u> ⁽³⁶⁾	<u>50</u> <u>45</u> ⁽³⁶⁾	<u>50</u> <u>45</u> ⁽³⁶⁾	<u>50</u> <u>45</u> ⁽³⁶⁾	<u>55</u> <u>50</u> ⁽³⁶⁾	<u>55</u> <u>50</u> ⁽³⁶⁾	<u>80</u> <u>65</u>	<u>80</u> <u>65</u>	<u>80</u> <u>65</u>	<u>80</u> <u>65</u>
<u>Alternative Maximum Impervious Surface (percent)</u> ⁽³⁵⁾ <small>(37) (39) (50)</small>	<u>50</u> (36)	<u>50</u> (36)	<u>50</u> (36)	<u>50</u> (36)	<u>50</u> (36)	<u>55</u> (36)	<u>55</u> (36)	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>

[...]

Low Impact Development Principles Project

Planning Commission Recommendations
October 10, 2016 Council Work Session

Uses in land use districts Dimensional Requirements

LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Office/Limited Business 2	Light Industry	General Commercial	Neighborhood Mixed Use	Neighborhood Business	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
	PO (21)	O (21)	OLB (21)	OLB 2 (21)	LI (21)	GC (21)	NMU (21)	NB (21)	CB (21)	F1 (28)	F2 (21, 31)	F3 (21, 32)
...												
Maximum Lot Coverage by Structures (percent) (13) (14) (16)	35 (24)	35 (24)	35 (24)	35	50		35	35 (24)			35 (24)	40 (24)
<u>Maximum Hard Surface Coverage</u> (37) (49)	<u>85</u>	<u>85</u>	<u>85</u>	<u>85</u>	<u>90</u>	<u>85</u>	<u>80</u>	<u>80</u>	<u>85</u>		<u>85</u>	<u>85</u>
Maximum Impervious Surface (percent) (35) (37)	<u>80</u> <u>60</u>	<u>80</u> <u>60</u>	<u>80</u> <u>60</u>	<u>80</u> <u>60</u>	<u>85</u> <u>65</u>	<u>85</u> <u>65</u>	<u>80</u> <u>60</u>	<u>80</u> <u>60</u>	<u>85</u> <u>65</u>		<u>80</u> <u>60</u>	<u>80</u> <u>60</u>
<u>Alternative Maximum Impervious Surface (percent)</u> (35) (37) (50)	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>	<u>85</u>	<u>85</u>	<u>80</u>	<u>80</u>	<u>85</u>		<u>80</u>	<u>80</u>

[...]

**EAST BELLEVUE COMMUNITY MUNICIPAL CORPORATION
OF THE CITY OF BELLEVUE, WASHINGTON**

Resolution No. 558

A RESOLUTION of the East Bellevue Community Council approving City Council Ordinance No. 6316 amending the Land Use Code regulating recreational marijuana retailers and prohibiting medical marijuana cooperatives and marijuana research uses; amending sections 20.10.440, 20.25A.015, 20.20.535, and 20.25D.070; repealing Ordinance Nos. 6286 and 6296; and establishing an effective date.

WHEREAS, on May 9, 2016, the City Council of the City of Bellevue, Washington passed Ordinance No. 6286 adopting interim official zoning controls regulating recreational marijuana retailers for a period of six months, to be in effect while the City drafts, considers, holds hearings and adopts permanent zoning regulations, to be effective immediately upon adoption; scheduling a hearing on the maintenance of the interim zoning ordinance; and declaring an emergency;

WHEREAS, on June 7, 2016, the East Bellevue Community Council held a public hearing and voted to approve City Council Ordinance No. 6286; and

WHEREAS, on June 20, 2016, the City Council of the City of Bellevue, Washington passed Ordinance No. 6296, 1) adopting interim official zoning controls prohibiting medical marijuana cooperatives, marijuana research uses; 2) imposing civil penalties and abatement actions for violations of certain provisions of Chapter 69.51A RCW for a period of six months, to be in effect while the City drafts, considers, holds hearings and adopts permanent zoning regulations; 3) setting an effective date; and 4) scheduling a hearing on the maintenance of the interim zoning ordinance; and

WHEREAS, on August 2, 2016, the East Bellevue Community Council held a public hearing and voted to approve City Council Ordinance No. 6296; and

WHEREAS, the subject matter of said Ordinance falls within the jurisdiction of the East Bellevue Community Council pursuant to RCW 35.14.040; and

WHEREAS, following the public hearing held before the East Bellevue Community Council on December 6, 2016, the Community Council voted to approve Bellevue Ordinance No. 6316;

NOW, THEREFORE, BE IT RESOLVED by the Community Council of the East Bellevue Community Municipal Corporation of the City of Bellevue:

Section 1: Ordinance No. 6316 of the Bellevue City Council is hereby approved.

Section 2: The Clerk is hereby directed to certify the original of this Resolution, to file the same and to keep the same on file in the Clerk's office. The Clerk is further directed to distribute certified and conformed copies of the Resolution to the Bellevue City Council, the Planning Department, and the Development Services Department.

Passed by a majority vote of the East Bellevue Community Council on the 6th day of December, 2016, and signed in authentication of its passage this 6th day of December, 2016.

(Seal)

William Capron, Chair

ATTEST

Karin Roberts
Deputy City Clerk

**EAST BELLEVUE COMMUNITY MUNICIPAL CORPORATION
OF THE CITY OF BELLEVUE, WASHINGTON**

Resolution No. 559

A RESOLUTION of the East Bellevue Community Council approving City Council Ordinance No. 6323 amending the City of Bellevue Land Use Code to incorporate Low Impact Development Principles by amending Chapters 20.20 (General Development Requirements); 20.25 (Special and Overlay Districts); 20.50 (Definitions); and Part 20.30D (Planned Unit Development); providing for severability; and establishing an effective date.

WHEREAS, on November 21, 2016, the City Council of the City of Bellevue, Washington passed Ordinance No. 6323 amending the City of Bellevue Land Use Code to incorporate Low Impact Development Principles by amending Chapters 20.20 (General Development Requirements); 20.25 (Special and Overlay Districts); 20.50 (Definitions); and Part 20.30D (Planned Unit Development); providing for severability; and establishing an effective date; and

WHEREAS, on December 6, 2016, the East Bellevue Community Council held a public hearing and voted to approve City Council Ordinance No. 6323; and

WHEREAS, the subject matter of said Ordinance falls within the jurisdiction of the East Bellevue Community Council pursuant to RCW 35.14.040; and

WHEREAS, following the public hearing held before the East Bellevue Community Council on December 6, 2016, the Community Council voted to approve Bellevue Ordinance No. 6323;

NOW, THEREFORE, BE IT RESOLVED by the Community Council of the East Bellevue Community Municipal Corporation of the City of Bellevue:

Section 1: Ordinance No. 6323 of the Bellevue City Council is hereby approved.

Section 2: The Clerk is hereby directed to certify the original of this Resolution, to file the same and to keep the same on file in the Clerk's office. The Clerk is further directed to distribute certified and conformed copies of the Resolution to the Bellevue City Council, the Planning Department, and the Development Services Department.

Passed by a majority vote of the East Bellevue Community Council on the 6th day of December, 2016, and signed in authentication of its passage this 6th day of December, 2016.

(Seal)

William Capron, Chair

ATTEST

Karin Roberts
Deputy City Clerk

East Bellevue Community Council
Summary Minutes of Regular Meeting

November 1, 2016
6:30 p.m.

Lake Hills Clubhouse
Bellevue, Washington

PRESENT: Chair Capron, Vice Chair Hummer, and Councilmembers Gooding, Hughes, and Kasner

ABSENT: None.

STAFF: None.

1. **CALL TO ORDER**

The meeting was called to order at 6:33 p.m. with Chair Capron presiding.

2. **ROLL CALL**

Assistant Director Charmaine Arredondo called the roll. All Councilmembers were present.

3. **FLAG SALUTE**

Chair Capron led the flag salute.

4. **COMMUNICATIONS: WRITTEN AND ORAL:** None.

5. **REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS**

(a) Community Council Business and New Initiatives

Councilmember Kasner said he has been participating in the Bellevue Essentials class, which will hold its graduation on November 16 in the City Council Chambers. The guest speaker will be James Whitfield, Executive Director of Leadership Eastside.

Mr. Kasner reported that he and Vice Chair Hummer attended a meeting regarding the proposed Eastgate homeless shelter.

Mr. Kasner said he attended the first Movies that Matter film, which focused on the environment and is sponsored by a coalition of churches. The second film, Fix It, addresses the healthcare system and will be presented on the second Tuesday of November. Discussion is scheduled to follow the movies.

Vice Chair Hummer said she attended the Planning Commission meeting to convey the East Bellevue Community Council's support for keeping the Larsen Lake restrooms open year-round. Ms. Hummer provided formal comments to the City Council during the October 17 Regular Session as well.

Ms. Hummer commented on the removal of approximately twenty five 100-year-old trees near Bellevue College related to the development of student housing. She expressed concern that this conflicts with the City's goal of retaining the tree canopy. Ms. Hummer said a representative of the college responded to her regarding her concern. Construction is scheduled to begin in January. The college is also developing new soccer fields.

Ms. Hummer said she attended the meeting regarding the proposed Eastgate homeless shelter, as noted earlier by Councilmember Kasner. She was disappointed that the Eastgate/I-90 Citizen Advisory Committee (CAC) and the Planning Commission, as well as residents, were not aware of the shelter plan until August. Ms. Hummer said the shelter will be located near Bellevue College, other schools, and residential areas.

Responding to Irene Fernandes in the audience, Ms. Hummer said Bellevue College has been very responsive to neighbors' concerns regarding campus projects. Ms. Hummer said one resident sold their home at market price for the projects.

Ms. Hummer said the college is zoned as R-5 (Residential - 5 units per acre). She feels property should be zoned according to its use. Ms. Hummer said parks are in residential zoned districts as well. She expressed concern that part of Enatai Beach Park will be used as a staging area for I-90 light rail construction. Ms. Hummer said she is concerned that parcels on Larsen Lake could ultimately be converted to a non-park use.

Ms. Hummer referred to the church parking lots to be used by Sound Transit and Metro during light rail construction and noted that each church will receive \$100,000 over 4-5 years.

Councilmember Hughes said he attended the candidates forum, which had approximately 40 attendees.

Mr. Hughes said he recently read an article about a petroleum pipeline in another state that exploded during maintenance work. He said the pipeline is similar to the one through Bellevue that carries jet fuel.

Mr. Hughes said students have returned to Odle Middle School, although the contractors are working to complete the project.

Mr. Hughes said he was appointed to the independent salary commission established to review the City Council's compensation.

Councilmember Hughes noted that Bellevue College held a community meeting to receive input from residents regarding the type and configuration of lighting to be used for the new soccer fields.

Councilmember Hummer said she uses the MyBellevue app (www.publicstuff.com) to submit photos of concerns (e.g., clogged drains, vegetation, sidewalks, etc.) to the City, and she always receives a good, quick response.

Chair Capron expressed support for the development of affordable housing. However, he would like to see better planning by the City and King County, as opposed to the recent urgent acquisition of Highland Village. He observed that the parties overpaid for the development, and it will be costly to complete necessary renovations. He expressed concern that many of the residents might not be able to stay in the housing for the long term. He said it is important to implement projects that are designed to provide a hand up versus a handout.

Mr. Capron said the 148th Avenue traffic light project is ongoing. City staff notified him that the project will be completed by Thanksgiving. Don Boettiger, a meeting attendee, said he was told that the light poles will not be delivered for two to three more weeks.

Councilmember Hughes expressed concern about the impact of the project on local businesses. He said the Hearing Examiner's report indicated there would be no impacts on commerce. Mr. Capron said October sales at his gas station were down 700 gallons per day compared to last year.

Councilmember Hummer said she took a photo of the big ditch by the Samena Club and sent it to the City inquiring about plans for landscaping and vegetation.

6. APPROVAL OF AGENDA

Councilmember Kasner suggested amending the agenda to add a discussion of East Bellevue items in the City's budget under Agenda Item 11, Unfinished Business.

Councilmember Kasner moved to approve the agenda, as amended. Councilmember Hughes seconded the motion. The motion carried with a vote of 4-1, with Chair Capron voting nay.

7. DEPARTMENT REPORTS

(a) Letter regarding Kelsey Creek/NE 8th Street Culvert Replacement

Chair Capron noted the letter in the meeting packet from City staff providing information on the NE 8th Street culvert replacement project at Kelsey Creek, east of 132nd Avenue NE. Corrugated metal pipe installed in the 1980s will be replaced with a new three-sided box culvert with a permanent fish-passable stream channel. The project will involve 10 days of full closure of NE 8th Street, which is intended to reduce the construction period by one month. Construction is anticipated to occur during the summer of 2018.

Councilmember Hummer said Jim Nicolls is the project manager. He will come to an EBCC meeting next spring or early summer to provide an update on the project.

Ms. Hummer said there are five culverts on the east side of Larsen Lake that convey the Kelsey Creek flow under the pedestrian parks maintenance trail. The culverts have been found to be

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undersized, and there has been a vertical shift in the culverts. A project to improve the conveyance capacity under the maintenance trail is planned.

Responding to Chair Capron, Ms. Hummer said she was sharing information from an email from Jerry Shuster, the project manager. Ms. Hummer said she is concerned, with the recent developments on park lands, that something could happen to Larsen Lake. She believes the Community Council needs to continue to monitor this activity and to be in contact with the Utilities Department. Ms. Hummer said her last question to Mr. Shuster was to request assistance regarding the proposed closure of NE 8th Street.

8. **PUBLIC/COURTESY HEARINGS:** None.

9. **RESOLUTIONS:** None.

10. **COMMITTEE REPORTS:** None.

11. **UNFINISHED BUSINESS**

(a) 2017-2018 City Budget Items in East Bellevue

Chair Capron noted that it would have been helpful if Mr. Kasner had alerted him to his interest in discussing the topic tonight, which would have allowed Mr. Capron to request relevant information.

Councilmember Kasner said his most important concern relates to the SE 16th Street project (148th Avenue to 156th Avenue). Mr. Capron observed that the road widening project is believed by the EBCC to be on the project list in order to accommodate Puget Sound Energy's power line.

Responding to Mr. Capron, Mr. Kasner said he wants the EBCC to continue to request that the project be removed. Mr. Capron concurred that the project is not necessary. He said he wishes the City would maintain the current vegetation and sidewalks. He observed that it is a fairly steep roadway for a bike trail.

Councilmember Hummer said she was not able to find the SE 16th Street project or Larsen Lake restrooms in the City's budget. She said she was told by City staff to communicate budget requests to the City Council.

Stephanie Walter said that City Councilmember Robertson suggested she contact Toni Call, Interim Finance Director, for a map of the projects in the City's budget, including in East Bellevue. Ms. Walter said she has not yet had the time to do so, but she suggested that other citizens call City staff to pursue requests.

Councilmember Kasner said it would be helpful if that information could be available to the EBCC before the City Council budget hearing on November 21. Responding to Chair Capron, Mr. Kasner confirmed that the SE 16th Street project is his main concern.

Councilmember Kasner said he received an email update from the developer of the Lake Hills Village project. They have signed leases for two new restaurants in the Overlake Building (Building B). The Hard Wok Café is open, and the Green Leaf Vietnamese restaurant will open soon. A chiropractic office and a child care center will be moving into the center at some point. The developer has indicated that they have not been able to attract a grocery store.

Councilmember Hummer said she would like to see a coffee shop at the center.

12. NEW BUSINESS

(a) Potential Future Agenda Items

- Eastgate Land Use Code Amendments *[Update in 2017]*
- Low Impact Development (LID) Principles *[December 6 meeting]*
- Final Regulations on Marijuana Uses *[December 6 meeting]*
- Lake Hills Art Project
- Neighborhood Area Planning *[December 6 meeting]*

Ms. Arredondo said the Eastgate Land Use Code Amendment is anticipated to come before the EBCC in 2017. The LID principles/regulations and the permanent marijuana regulations will be presented to the EBCC on December 6. An update on the Lake Hills art project has not been scheduled. City staff presented information on neighborhood area planning during the neighborhood forum held in October, which conflicted with the EBCC's October 4 meeting. Ms. Arredondo said staff will provide an update during the EBCC's December meeting.

Councilmember Kasner said he was told that one of the sculptures installed near the Bellevue Arts Museum for the recent exhibition throughout Downtown Bellevue might be permanently located in East Bellevue. However, he was not certain of the location.

(b) Update on Puget Sound Energy (PSE) Litigation

Chair Capron provided an update on litigation with Puget Sound Energy regarding the proposed 148th Avenue route for a transmission line, which was rejected by the EBCC. PSE sued the EBCC, and the Community Council prevailed. Oral arguments before the Court of Appeals in Seattle will be held on November 7. Mr. Capron said the hearing has been noticed as an EBCC Special Meeting due to the potential that a quorum of the EBCC will be in attendance.

13. CONTINUED COMMUNICATIONS

Warren Halverson, a resident of Bridle Trails, recalled that representatives of PSE and CENSE (Coalition of Eastside Neighborhoods for Sensible Energy) spoke before the EBCC on August 2 to discuss PSE's Energize Eastside project. He thanked the EBCC for providing the opportunity for both sides to present their perspectives. Mr. Halverson said he is concerned about the industrialization of neighborhoods. He shared his research regarding the project, which includes 100-foot metal poles compared to the current 55-foot wooden poles. The current poles are one foot in diameter, and the proposed poles are four feet in diameter. Mr. Halverson expressed concern regarding the visual impact.

Chair Capron said he received an email from PSE earlier in the day stating that PSE is preparing an artistic concept of the project. However, he has not had time to review the information. Councilmember Hummer said the email went to the full EBCC.

Mr. Halverson said his understanding is that PSE's graphics are anticipated to depict the visual impacts from an aerial view, as well as the view from the ground.

Chair Capron noted that PSE has not applied for the Energize Eastside project permit at this time. Ms. Hummer said the Ardmore substation in the Crossroads area and the area near Lowe's on 124th Avenue have similar-sized poles.

Councilmember Hughes opined that the SE 16th Street project was proposed to make it easier for PSE to place poles on both sides of the street. He said PSE subsequently changed its Lake Hills transmission line project to avoid the street. He concurred with Councilmember Kasner's opposition to the project. Mr. Kasner said City staff indicated to him that the project is required by the City's Pedestrian-Bicycle Plan.

Chair Capron said his recollection of the transmission line project was that the Hearing Examiner determined that PSE could not use both sides of SE 16th Street. At that point, PSE changed its project and indicated that the segment was not needed. However, Mr. Capron said PSE staff told the EBCC before going to the Hearing Examiner that there was no point in doing the project without separate lines. It appeared to him that the project was a cost shifting from PSE to the City.

Councilmember Hughes said the proposed sidewalk on SE 16th Street is not needed, and he does not believe individuals will ride their bikes due to the steep hill.

Councilmember Kasner noted that Mr. Halverson was one of the only members of the public who testified before the Hearing Examiner in November 2014. Mr. Kasner said EBCC members were not allowed to attend the hearing because it was a quasi-judicial matter. Mr. Kasner thanked Mr. Halverson for his efforts.

14. **EXECUTIVE SESSION:** None.

15. **APPROVAL OF MINUTES**

(a) Summary Minutes of September 6, 2016 Regular Meeting

Councilmember Hummer thanked staff for adding to Ms. Wannamaker's comments in the minutes.

Councilmember Kasner moved to approve the minutes of the September 6, 2016 Regular Meeting, as amended. Councilmember Gooding seconded the motion, which carried by a vote of 5-0.

(b) Summary Minutes of October 4, 2016 Regular Meeting

Councilmember Kasner moved to approve the minutes of the October 4, 2016 Regular Meeting. Councilmember Hughes seconded the motion. The motion carried by a vote of 5-0.

16. **ADJOURNMENT**

At 8:07 p.m., Chair Capron declared the meeting adjourned.

Charmaine Arredondo, CMC
Assistant Director
City Clerk's Office

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