

PLANNING BOARD MINUTES

November 14, 2001

Chair John Dewhirst called the regular meeting of the Planning Board to order at 7:00 p.m. in the Council Chambers, Public Safety Complex, 250 – 5th Avenue North.

PRESENT

John Dewhirst, Chair
Beverly Lindh, Vice Chair
Cary Guenther
Bruce Witenberg
Joanne Noel
Jim Crim

ABSENT

Virginia Cassutt
Bruce Witenberg

STAFF PRESENT

Rob Chave, Planning Division Manager
Steve Bullock, Senior Planner

Ms. Cassutt and Mr. Witenberg were excused from the meeting.

APPROVAL OF MINUTES

Approval of the October 10, 2001 minutes was deferred to the next meeting.

MOTION BY MS LINDH, SECONDED BY MR. CRIM, TO APPROVE THE MINUTES OF OCTOBER 17, 2001 AS PRESENTED. MOTION CARRIED.

ANNOUNCEMENT OF AGENDA

Agenda Item 5a—File No. CDC-00-132 was placed after Agenda Item 6a—File No. CDC-01-95.

REQUESTS FROM THE AUDIENCE

Roger Hertrich, 1020 Puget Drive, said that he is a member of the newly-formed Historical Preservation Board which has a particular interest in preserving historical buildings. They are particularly interested in the building known as the first high school in Snohomish County (presently used as Puget Sound College of the Bible) that is currently for sale. A lot of improvements could be made to this building with some of the money from the newly created public facilities district. He said he would like the Planning Board to discuss this idea and provide their endorsement to the preservation of this structure. He would also like the Planning Board to provide comments to the public utilities district regarding their ideas and conclusions. He added that it is essential to save the historical buildings that currently exist.

Mr. Dewhirst inquired if there is a time element involved with the preservation of this building. Mr. Hertrich answered that the Historical Preservation Board is close to making some decisions about the concept. He added that it is important that the City act upon the opportunity to purchase the property while it is still zoned public use.

PUBLIC HEARING ON PROPOSED NEW BUSINESS AND RESIDENTIAL MIXED-USE ZONE (BR) (File No. CDC-01-95)

Mr. Dewhirst advised that there appears to be a lot of misinformation being generated in the community about this particular proposal. He clarified that the proposal only relates to the area identified on the map provided in the staff report. It is not related to the entire community. Secondly, Mr. Dewhirst emphasized that this action was initiated by the Planning Board and not the staff, the Mayor or the Council. He recalled that a lot of concern has been voiced regarding the need for more economic development opportunities in the community. The proposal is being presented to the public for deliberation only after careful consideration on behalf of the Board.

Mr. Dewhirst clarified that while some people have expressed that the proposal is a “done deal,” absolutely nothing has been decided by the Board at this time. This is a preliminary initiative, and much work will be needed in order for the proposal to go forward. The purpose of the public hearing is to allow the public to provide their comments to the Board early in the review process. The Board deliberations on this issue will be scheduled on a future meeting agenda and advertised to the public. All those who participate in this public hearing will be notified of the next meeting, as well.

Mr. Dewhirst noted that the Board received a letter from Alan Zind, of Stevens Osteopathic Medical Clinic. He represents 12 other people in the clinic who are in favor of the proposal. The Board also received a letter from [REDACTED] requesting that his property be included in the proposal, as well. In addition, the Board received letters from Richard Gifford, Lorraine Beverly and Tim Gordon voicing their opposition to the proposal.

Mr. Chave pointed out that while one impetus driving the proposal is economic development, it can actually be traced back to the adoption of the Comprehensive Plan in 1995. Prior to the adoption of the plan, the existing land use patterns in the City were reviewed. This review indicated that there are a number of uses located in the area around the hospital, the high school and Highway 99 which has resulted in a “hodge podge” zoning pattern for this area. He particularly noted that many of the clinics in this area are located in single-family zones, with the issuance of a conditional use permit. One of the purposes of the proposed mixed-use zoning designation is to acknowledge the existing development patterns and to ensure that the mixture is reasonable and something the City wants to encourage in the future.

Mr. Chave said the Board is considering the establishment of a new Business and Residential Mixed-Use Zone (BR). They are also considering potential areas that the new zone could be applied to. The only areas being considered at this time are those identified in red on the overhead map. He explained that when the Board put the proposal together, they considered the largest logical area for which the zone could be applied to make sure that everybody who could possibly be affected by the proposal was notified. At this point in time, the proposal will likely only get smaller, rather than larger. Other issues the Board will be considering are what types of mixed-uses would be allowed in the new zone and whether or not a higher density should be allowed.

Mr. Chave advised that documents related to this issue have been provided on the back table. He particularly noted a three-page summary of the proposed BR zone, which describes the purposes for the new zone. He briefly noted some of the purposes as follows:

- To reserve areas for retail stores, offices and retail service establishments which offer goods and services needed on an everyday basis.
- To ensure compact, convenient development patterns by allowing uses that are operated chiefly within buildings.
- To permit development patterns which provide a transition to and do not intrude into adjacent single-family residential neighborhoods.
- To allow for mixed-use development which includes multiple dwelling units that support business uses.
- To permit uses which provide for pedestrian and transit access.

Mr. Chave explained that even if the new zone is applied to a property, a design review process would be attached to any future development. This review would require a public notice and public hearing process. Also, the public would have an opportunity to comment on the specific development proposal.

He noted that the Comprehensive Plan particularly calls out the need to provide pedestrian and transit access. As proposed, when the staff reviews a particular development proposal for property within the BR zone, they would consider whether or not pedestrian connections should be provided to the neighboring properties and whether the development would be transit friendly. Also, the general setbacks would be greater (15-feet) than what is normally required for buildings on lots adjacent to residential development.

Mr. Chave explained that the maximum height permitted in the proposed zone would be 50 feet. However, the proposed new zone has a provision that would allow development up to 80 feet with a conditional use permit. A public hearing before the Hearing Examiner would be required to show why the additional height is warranted. This public hearing would be advertised to adjacent property owner, and the decision would be appealable. He said there is also a provision that states that if a property adjoins or is adjacent to a single-family residential zone, there is a greater setback requirement of 25 feet. The height limit within the 25-foot setback is 25 feet.

Mr. Chave asked that anyone who is interested in receiving additional public notice regarding future Planning Board discussion on this item should sign up on the paper provided at the back of the room. Staff will mail notices of future meetings to all those people whose names are on the list.

Mr. Dewhirst briefly reviewed the rules and procedures for the public hearing. He then opened the public hearing for public comment.

Richard Gifford, 600 Main Street, Suite E, referred to the letter that he submitted to the Board, and clarified that the nature of the letter was neutral in terms of the specifics of the proposal as described in the information packet that was provided. He explained that he is both a resident of Edmonds and an attorney practicing in Edmonds and specializing in trial development. While he does not have specific commentary that pertains to the area under consideration for the proposed zone, he noted that, as currently configured, the zoning code does not contain provisions relating specifically to master plan development. He suggested that the proposed zoning classification is one that could lend itself to appropriate review in connection with master planning. Therefore, he recommended that the Planning Board consider an additional purpose statement in Section 16.52.000 of the proposal to allow for master plan development in areas designated for master planning under the Comprehensive Plan. Then, the site development standards could be changed to add language stating that in areas designated for master planning by the Comprehensive Plan, the BR zoning classification would be reviewed and approved concurrently with the master plan for the site.

Jim O'Connor, 315 North Edinburg, Camano Island, 98028, specifically referenced his property that is currently zoned CG-2 and identified in red on the map (7208 – 210th Street Southwest). He explained that when he purchased his property 35 years ago, it was zoned heavy industrial. When the City asked the residents in this area to consider annexation, they created a commercial zone for this property. He said that, currently, his property is developed as a business including a janitorial service for industrial cleaning, a chemical supply company and a small manufacturing business. They try to be good neighbors to the adjacent property owners. Mr. O'Connor said his concern is that if his property is rezoned to the proposed BR zoning, he would have a difficult time staying in business. He noted that when the City developed their public works facility across from him, he cooperated and spent money to upgrade the sidewalks and streets. He said he sees the proposed zoning designation as a down zone for his property because he would not be able to do the things that he is currently allowed to do.

Bob Clos, 916 Alder Street, said he is concerned that none of the negative impacts of the proposal have been identified. If building heights are allowed to increase in this area, what would stop this increase for spreading across the rest of Edmonds? Many residents in the City have already lost their views and their property values have been decreased by several thousand dollars. Raising the height limit will also bring in more apartments and rental units. Usually, this type of development increases crime because the tenants do not have a vested interest in the community. He questioned how the proposal would benefit the citizens who already live in Edmonds. He also noted that the increased density would have an impact on the

existing resources such as transportation, police protection, etc. He asked that the Board carefully review the proposal to identify the pros and cons for the existing citizens in Edmonds.

Jim Adix, 21100 – 72nd Avenue West, said that his property is also located in the red shaded area identified currently as CG-2 zoning. He said he has owned his property for 31 years, and he currently operates a kennel and grooming business for dogs and cats on the property. The proposed zoning designation would not allow his existing use to continue. He questioned why the Board would want to change the zoning of his property resulting in a decrease in his property value. He said that when his property was annexed into the City, he was guaranteed that it would remain as CG-2. If the property is rezoned to BR, his existing use would be considered non-conforming, and would be much harder to sell. He said there are other properties in this area that could benefit from the new zoning designation, but not his.

Tim Gougeon, 7712 – 209th Street Southwest, identified his property on the overhead map and explained that his back yard would border the area being considered for the new zoning designation. The single-family residential property owners have significant concerns about the impact the increased height allowance would have to their property values. He asked that the Board carefully consider the single-family property owners that live in this area (upper northwestern corner).

Ray Martin, 18704 – 94th Avenue West, said that what he has seen of the proposal so far concerns him a great deal. He said his initial reaction is “if it ain’t broke, don’t fix it.” While staff noted that the proposed zone would only be applied to the area identified in red, the information provided states that the zone would be considered city-wide. Mr. Martin said it appears that the proposal could eventually effect the entire Community Development Code and “mess up the whole town.” He said he would like to know who originally came up with the idea to propose the BR zone. It appears that the developers would be the major benefactors of the proposed zone. The benefits to the citizens have not been identified, and the Board needs to clearly identify the purpose of the proposal.

Jim Underhill, 7410 – 215th Street Southwest, said that he lives in the area designated as RM-2.4 that is surrounded by the hospital and the high school. He suggested that one element that is missing in the proposal is the concept of neighborhood. He said he clearly recognizes that this is a mixed-use neighborhood of small business and is also the focus of the most concentrated traffic on any given day (hospital and high school). Therefore, they are very sensitive to traffic, noise, etc. There are a lot of issues already on the table related to their neighborhood. He noted that two years ago, neighborhood representatives met with the Mayor, a Council representative and City staff and asked them to help improve the traffic situation in this area.

Mr. Underhill pointed out that the residential streets in these neighborhoods are already at risk from increased development. He agreed that in addition to discussing the positive aspects of the proposal, the Board should also carefully consider the negative impact the new zoning designation would have on the existing well-balanced neighborhoods. He said he does not see any value to his neighborhood, and he asked that the proposal be dismissed.

Betty Mueller, 209 Caspers Street, recalled the history of when the City condemned the property that is now being used for the public works building. She noted that the previous property owner had planned to build apartments on the site. She said she is concerned that the City is now wanting to encourage high-rise development in this area. She said she is also concerned about changing the zoning for the area known as the “medical node” to allow other types of development that are not associated with the hospital. The citizens need to have medical facilities located near the hospital. She said that if the area around the hospital and high school is allowed to be developed as high-rise residential units, there would be no opportunity for future expansion of either of these facilities if deemed necessary in the future.

Bill Borgert, 751 Laurel Street, inquired if the Board would consider an opportunity for existing businesses to be grandfathered into the new zoning designation, or would they be required to relocate if the new zone is eventually adopted. Mr. Borgert expressed his thanks for the Board’s work. He said they are doing a great job, and the proposal they have presented is courageous. He noted that not everyone is totally against the proposal, and there is some merit for the concept.

Roger Hertrich, 1020 Puget Drive, referred to the Planning Board minutes of September 12, 2001, in which Mr. Bullock noted that there are not a lot of vacant lots in this area. Mr. Bullock also noted that when the zoning map is laid on top of the land use map, there is consistency. Page 4 of the minutes mentions that transition is going quite slow in this area. Mr.

Hertrich suggested that perhaps people do not want to move out of their homes even though they are surrounded by other uses. There was also the comment that the available parcels are too small for commercial development. However, he noted that large commercial development can still occur by consolidating properties. It is not necessary to change the zoning designation.

Mr. Hertrich said that he drove through the area today and tried to imagine the impact of buildings that are 80 feet in height. The proposed zoning would completely change the character of the area, and he sees the proposal as a tremendous threat to the entire City. He questioned why the Board is proposing to more than double the height limit in this area when all the candidates for City Council have voiced their support to maintain the existing height limit. He said he understands the need to create economic development opportunities, but the people in the City will not allow this to occur by increasing the building height. He asked that the Board eliminate the concept of increased building heights. If this is not removed from the proposal, the public will not support the concept.

Gail Rogers Buxton, 931 Viewmoor Place, provided copies of her testimony. She directed her remarks to issues such as view, lack of congestion and quality of life. When they moved to Edmonds 2½ years ago from the congestion of the City, they thought they had arrived in paradise. She said that anytime an attempt is made to increase the height limits or change the zoning designation there is always a developer in the wings who will profit from the change while the proposal is masked as "progress." Her previous experience is that she does not trust the elected officials to protect the existing character of the community. She suggested that Edmonds is a bed and breakfast type of place, and there is no need for buildings that are greater than two-stories high. They do not need the development associated with the greater height limit. She said that what makes Edmonds so enjoyable is the lack of congestion and its wonderful views. She suggested that economic development could be accomplished if the community were to support their local businesses instead of increasing the height limit. The Council needs to make it easier for businesses to operate in Edmonds, and make it easy for the residents to access the existing businesses. She asked that the Board not recommend an increased height limit for any zone in the City.

Evelyn Brier, 524 Maple Street, said that she owns a parcel of property that is identified as part of the rezone proposal. She originally thought the rezone would be good for investment purposes. But when she learned that the proposal could be applied city-wide, she immediately had some serious concerns. She agreed that there are areas where the proposed zone could work well, but she is against the proposed zoning designation being offered city-wide.

Mr. Chave clarified that in the legal notice that was sent out regarding this issue the City had to specify where the proposal is being considered. He further explained that the zoning code is part of the community development code. Whenever the community development code is amended, it is automatically a city-wide action. Obviously, there is only one area that is being considered for application of the proposed BR zone. But it is technically necessary to present the amendment to the community development code as a city-wide application. It is true that it is city-wide, but the area they are talking about is local to the area identified in the proposal.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

Mr. Dewhirst asked Mr. Chave to respond to the questions raised regarding the grandfather clause. Mr. Chave explained that if the zoning is changed any existing businesses that is rendered non-conforming would be allowed to continue as a legal use. However, if the use is discontinued for a period of more than six months, the non-conforming use would no longer be allowed. Secondly, a business that is a non-conforming use would not be allowed to expand, and this is usually the major concern of the existing businesses.

Mr. Chave clarified that in the existing multi-family zones, the height limit is 25 feet plus a 5-foot roof for a total height allowance of 30 feet. In the CG-2 zone high rise development of up to 45 feet in height is already allowed. With a conditional use permit, the height is unlimited. In the single-family zones, the height limit is 25 feet. He reiterated that the proposed zone is not being considered for any other part of the City. It is only proposed for the location identified.

Mr. Dewhirst advised that the Board would take the public testimony under consideration during their deliberation of the issue. Those who would like to be notified of the next meeting should sign up on the list by the door. Mr. Chave clarified

that the City would provide notice of the next public hearing to all those who received the last notice. However, they will only send notice of future Board deliberation meetings to those who sign up.

THE BOARD TOOK A TEN-MINUTE BREAK.

PLANNING BOARD REVIEW AND COMMENT ON SINGLE-FAMILY DESIGN STANDARDS FOR PLANNED RESIDENTIAL DEVELOPMENTS (PRD'S)

Mr. Bullock recalled that when the Board last reviewed the PRD ordinance and sent it on to the City Council, one provision was to allow attached units in the single-family zones when there were properties significantly impacted by critical areas. As drafted, lots that have at least 25 percent of the lot area encumbered by a critical area would be allowed, through the PRD process, to propose attached units to pick up the density allowed. However, they would not be allowed to attach more than two units at a time. The City Council expressed concern about this provision and asked the staff to prepare a section that would outline the vision for allowing attached units in the single-family zone.

Mr. Bullock advised that staff is now proposing an entire new section to the PRD ordinance (Section 20.35.060—Single Family Design Criteria), which would apply to all single-family development in a PRD, and not just the attached units. The purpose of this section is to require a higher level of design to justify some of the flexibility that is provided to the applicant. Mr. Bullock said the addition of this section would provide a set of criteria for the ADB to use to review single-family PRD developments. He noted that the additional language is broken into two sections: building design and site design. He said that one thing that defines a single-family neighborhood is the connection between the homes and their relationship to the street. Staff feels that the proposed criteria would address both of these issues.

Mr. Bullock advised that the City Council has reviewed the proposed criteria at their last work session, and they have expressed a higher comfort level with the concept of allowing attached dwelling units in single family zones with the addition of the proposed section. However, they have asked the Planning Board to review the proposed criteria and provide feedback before the Council's final review.

Mr. Chave advised that the Council's final hearing is scheduled for November 27, 2001 and they are seeking Planning Board feedback specifically on the proposed single-family criteria. While this discussion was not advertised as a public hearing, the display ad and the legal notice in the paper both indicated that public comment would be accepted.

Roger Hertrich, 1020 Puget Drive, said that he has followed the PRD issue throughout the entire process, and he has expressed his opposition against the total revision of the existing ordinance. He said that he and many other people in the town object to any provision that would allow for duplex development in single-family zones. He suggested that the PRD ordinance provides the ability to move the location of the structures around on the property without obtaining variances. He said that the impact the ordinance has on the neighbors has not been considered. The people living in the neighborhoods in the community count on a certain type of development. Now this has all been changed. A PRD program use to provide something good to the community by using the developer incentive program. He particularly expressed concern about the possible impact to the views that people currently enjoy.

Mr. Hertrich expressed his opinion that attached units do not belong in single-family zones, even if the PRD process is used. The PRD process could actually be used to obtain an extra building lot anyway. There is no need to allow them to be attached, as well. He said he objects to the City telling a property owner how to design a single-family home, and the proposed design criteria is impractical. He asked that the Board seriously consider the effectiveness of the proposed criteria.

Mr. Hertrich voiced his concern about the proposal for the ADB to review the PRD proposals without any public input. He felt that this is wrong. The public has to be involved in all of the steps. Otherwise, the developers and not the citizens would gain the most benefit from the ordinance.

NO ONE ELSE IN THE AUDIENCE DESIRED TO ADDRESS THE BOARD. THE PUBLIC COMMENT OPPORTUNITY WAS CLOSED.

Ms. Lindh requested clarification of the term “typical development standards” (first line of Section 20.35.060). Mr. Bullock advised that the typical development standards are the bulk standards required by a particular zone (i.e. minimum lot size, setback requirements, etc.). Ms. Lindh suggested that this term should be clarified. Mr. Chave said that if the Board is worried about this term being misinterpreted, they could strike the entire sentence without changing the content.

Mr. Dewhirst said it is his understanding that the proposed single-family design criteria would only apply within an area being designed for PRD. Mr. Bullock answered affirmatively. Mr. Dewhirst clarified that this proposal would have no application to other single-family development throughout the community. Mr. Crim added that the proposed criteria would only apply to PRD development within a single-family zone.

Mr. Dewhirst suggested that the first paragraph of proposed new section be clarified. He said it is unclear to him whether the criteria applies to all units within a PRD or just to those that are attached or on the periphery of the property. If it applies to all units within a PRD, this should be clearly stated in the first paragraph. Mr. Bullock said this section is meant to apply to all of the units within a PRD located in a single-family zone.

Mr. Dewhirst referred to the first two lines on Page 10, and requested that staff change the wording to clarify the intent. Mr. Bullock said the intent was to create criteria that would diminish the importance of the garage spaces. The thought was to require that garages be setback from the face of the building so that the front entry is closer to the street than the garage.

Next, the Commission discussed Item 2 on Page 9. They agreed that the words “and the neighborhood” should be added at the end of Item 2.a. They also agreed to provide an example to illustrate the concept identified in Item 2.c.

MOTION BY MR. CRIM, SECONDED BY MRS. LINDH, TO RECOMMEND APPROVAL OF THE SINGLE FAMILY DESIGN CRITERIA SECTION OF THE DRAFT PRD ORDINANCE WITH MINOR CHANGES TO THE LANGUAGE AS NOTED ABOVE. MOTION CARRIED.

CONTINUED REVIEW OF THE ARCHITECTURAL DESIGN BOARD (ADB) REVIEW PROCESS ALTERNATIVES

Mr. Chave referred the Board to the memorandum from the City Attorney expressing his inability to come up with a design review structure that would permit “meaningful” input by the ADB as well as a retention by the ADB of a quasi-judicial hearing function. However, his memorandum outlines two different options that would meet the ADB’s goal to be both a decision maker and to participate in the concept review stage. Either option would avoid prejudgmental bias challenges and are as close as he can come to preserving the current structure.

Mr. Chave reviewed that Option 1 would divide the ADB into two separate groups, with one group providing concept review and the second group providing a quasi-judicial review. The City Attorney explained that by having a different group of Board members participate in concept review, the opinions expressed would not taint the decision-making ability of a second group of Board members. The concept review minutes would constitute a part of the administrative process and by incorporating the minutes into the record of a later hearing, any Appearance of Fairness Doctrine concerns regarding “ex parte” communications would be addressed.

Mr. Chave advised that Option 2 would utilize administrative verses quasi-judicial decision making. The City Attorney has advised that with this option, the entire ADB would participate in the concept review process if the whole ADB makes an administrative determination regarding the application. The wrinkle is that the Board could not hold a public hearing and would not make an administrative decision. The ADB could solicit public comment such as the SEPA official does. Public comment in some form could be taken at the concept review stage and when the matter came forward for administrative review. The ADB could consider written public comments in the course of making an administrative decision on the permit, but would not make a quasi-judicial decision based upon a “record” of a hearing. Such a process would be similar to the one

which is used in Redmond with the primary difference being that the entire ADB would participate in reviewing the application as opposed to delegating a decision on the permit to one member.

Mr. Dewhirst provided a flow chart he prepared in response to the City Attorney's memo and the ADB and Planning Board discussion at the last meeting. The Board discussed the concept that was presented for consideration at the last meeting in which the ADB would perform both the preliminary and final design review. The preliminary review would not be conducted as a formal public hearing, but would follow a public workshop format. The public hearing could be held as part of the final design review process. They also discussed the option of dividing the ADB into two groups. One group could perform the preliminary review, and the other could perform the final review. Mr. Crim suggested that perhaps instead of having all or half of the ADB attend the public workshop, one member of the ADB could be present to chair the workshop, and the remainder of the ADB could perform the final review. Mr. Chave recalled that the ADB expressed mixed opinion about the option of splitting up the Board.

Mr. Dewhirst inquired if the ADB has had the opportunity to discuss this issue further at their last meeting. Mr. Bullock answered that they did not talk about the issue, but staff did distribute a memorandum explaining the options. He said they plan to have further discussion about this issue at their December 5 meeting, and they will likely provide a written response to the Board at that time.

Ms. Langendorfer inquired if the ADB would be able to act as an advisory body if the hearing examiner were to hold the public hearing. Mr. Bullock said that staff and the City Attorney explained that in Option 2, the ADB would make a decision just as they do now, but it would be done as an administrative decision and not as a quasi-judicial hearing. He said that one of the ADB's major concerns is that they don't want to be put in a position of making a decision that could not be appealed. He said the City Attorney has advised that with both options, any citizen would have the right to appeal a decision. He suggested that the fact that the ADB would be making the decision might alleviate their other concerns, as well.

Mr. Chave referred to Mr. Dewhirst's flow chart and said that in order to apply Option 2, the box identified as "ADB public hearing" should be changed to "ADB decision." He added that public input could be supplied up front during the workshop or in a comment letter as part of the SEPA process, etc. Mr. Dewhirst noted that there would not be an opportunity to address the ADB at the time they make their decision. Any public comments after the public workshop would have to be in written form. Mr. Chave again clarified that the verbal concerns would have to be made during the public workshop or written communication could be submitted during the review process.

Mr. Bullock explained that for a SEPA review, a notice is sent out to all of the adjacent property owners, including a site plan and a description of the decision. If a citizen has a concern, they can review the file and then submit a letter stating their concerns. The written comments are considered when staff makes a final decision on the SEPA determination. He described how he envisions the process working. After the preliminary workshop with the ADB and after a final design has been submitted, staff would notify all of the adjacent property owners that they have two weeks to review the file and provide their written comments. The ADB would review the written comments and make a decision on the final review of the project.

Mr. Chave said the City Attorney has emphasized that if the City wants to have the latitude of having the ADB work with the applicant early in the process and still be able to make a final decision, there are only two options. If the decision is made in a formal public hearing, the City could be challenged by any of the parties regarding any of the subjective comments that were made during the preliminary review phase. If the City wants the ADB to be truly active in the preliminary review phase, they must have the freedom to state opinions and interact with the proponent. That means that they cannot act in a quasi-judicial role later on.

Mr. Dewhirst said the option identified as Option 2 is close to meeting the desires expressed by the ADB. However, he is bothered by the difference between the review of a project from a SEPA perspective versus a design perspective. When addressing SEPA issues you can get at major points fairly easy. It is more difficult to verbalize design issues. He suggested that 80 to 90 percent of the developers will take the lead and make the changes that are being recommended. However, there are also those that will not. The ADB plays an important role in these situations. His concern is that the public would not have the convenience of participating in a public hearing process rather than hassling with providing written comments.

Mr. Chave said that the public would have the most impact on the development by providing verbal comments during the early public workshop process. As the design gets further along, it is hoped that a lot of the initial concerns would have already been addressed. If they are not, there would still be a record of the initial concerns. Also, if the public does not like the ultimate outcome, there is an opportunity for an open record public hearing as a fall back. Everyone who participated in the review will receive a notification of the decision, and they will be able to follow the application through the process.

Mr. Crim suggested that a flow chart illustrating Option 2 be created and provided to the ADB for review. He noted that only minor alterations would need to be made to the flow chart that was provided by Mr. Dewhirst. Mr. Dewhirst said he does not want to make any final recommendation on the issue until after the ADB has had an opportunity to provide their input. The remainder of the Board concurred.

Mr. Guenther requested clarification as to the timeline for the proposed process. Mr. Bullock advised that he does not envision the timeline for the proposed process as being much different than the current process. A building permit application would not be done concurrently with the detailed design. The building permit would have to wait until after final approval of the project by the ADB. The ADB is not going to require complete working drawings. All they will be concerned about is the exterior of the building and the site plans. Mr. Bullock said that there is currently a process where an applicant can submit their building permit application concurrent with their design review application. However, they have to sign a form acknowledging that if there are any changes to the project through the design review process and they have to redesign their project, they are likely to be liable for any new permit fees that are required. This same opportunity could be offered with the new review process, as well.

PLANNING BOARD CHAIR COMMENTS

Mr. Dewhirst advised that he attended a "Centers" workshop recently and viewed a videotape produced by the City of Lynnwood to illustrate their downtown center proposal. He said it might be interesting for the Board to review this video, as well. The Board agreed to watch the video at their next meeting, if possible.

Mr. Dewhirst reported that the City has only received one application for the vacant Planning Board position. He also noted the additional vacancy that is anticipated at the end of the year. The Board asked that staff readvertise the vacancy before the Board meets with the applicants.

Mr. Dewhirst inquired when the packets for the November 28, 2001 meeting will be available. Mr. Chave answered that they would be available next Wednesday, November 21. However, there will not be any feedback from the ADB by that time.

Mr. Dewhirst said that the issues related to the old high school site, as referenced by Mr. Hertrich, has been on his mind for quite a while. He said he believes the City needs to be proactive on this unique site. He asked that staff put together a report on this site by the first meeting in December. Before the Board can get a feel for what can happen on the site, they need to understand the facility better. He asked that a history of the facility be provided, too. He asked that staff obtain a marketing package for the site, as well.

PLANNING BOARD MEMBER COMMENTS

Ms. Lindh said she has been in the old high school building. She agreed that the City should carefully consider their options for this site.

Ms. Lindh said that if the Board members have any of the extra large envelopes at home, the ladies at the parks department would like to recycle them.

Mr. Crim referred to the notice provided in the Board packets regarding the open house for the Edmonds Sounder Train Station on December 11, 2001.

MOTION BY MR. DEWHIRST, SECONDED BY MR. MONLUX, TO ADJOURN THE MEETING AT 9:30 P.M.
MOTION CARRIED.