

## PLANNING BOARD MINUTES

September 11, 2002

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Vice Chair Jim Crim called the regular meeting of the Planning Board to order at 7:00 p.m. in the Council Chambers, Public Safety Complex, 250 – 5<sup>th</sup> Avenue North.

**PRESENT**

John Dewhirst, Chair  
Jim Crim, Vice Chair  
Virginia Cassutt  
Cary Guenther  
James Young  
Janice Freeman  
Wayne Zhan

**ABSENT**

Joanne Noel

**STAFF PRESENT**

Rob Chave, Planning Division Manager  
Darrell Smith, Traffic Engineer  
Karin Noyes, Recorder

Ms. Noel was excused from the meeting.

**READING/APPROVAL OF MINUTES**

MR. YOUNG MOVED TO APPROVE THE MINUTES OF AUGUST 14, 2002 AS CORRECTED. MR. CRIM SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

**ANNOUNCEMENT OF AGENDA**

There were no changes made to the proposed agenda.

**REQUESTS FROM THE AUDIENCE**

No one in the audience expressed a desire to address the Board during this portion of the meeting.

**UPDATE ON TRANSPORTATION PLAN, INCLUDING REPORT ON PUBLIC COMMENTS AND RECOMMENDED PROJECTS AND SYSTEM IMPROVEMENTS (FILE NO. CDC-02-4)**

Darrell Smith introduced Ron Loen from the Bucher, Willis, Ratliff Corporation. He said Mr. Loen would provide a brief presentation on the Transportation Plan update now, with a comprehensive review following on September 26 at a Planning Board work session. By September 20, the Planning Board members should receive a copy of the draft Transportation Plan update for their review prior to the work session. He noted that a public hearing is tentatively scheduled for October 9, 2002.

Mr. Loen explained that as they reviewed and refined the existing sections of the Transportation Plan, they were able to add some subsections to the existing document having to do with street connectivity, street safety, and sidewalk construction policies. In addition, they added sections related to streetscape, capital facilities, traffic calming and air quality.

Mr. Loen said that the inventory of the transportation infrastructure includes roadways, walkways, bikeways, transit, rail and ferry. They began their process with a review of the federal functional classifications for roadways, which is what the Federal Government considers when allocating their funds. Mr. Loen drew the Board's attention to SR-524, which is shown on the Federal map as a major principle arterial, and he noted that this is different than the classification shown in the current Transportation Plan. The differences between the two maps were considered and some recommendations and changes were made. They also reviewed other roadways that have come up in discussions with the public.

Mr. Loen said that all of the existing sidewalks in the City were inventoried, and the location and width of each were noted. This inventory includes the Interurban Trail. The existing bikeway network was also inventoried. He noted that there are 29 major routes for a total of 42 miles of bike routes in the City.

Mr. Loen advised that Community Transit prepared an evaluation of their own transit routes, and the dark lines indicate where these routes are located. The light gray area identifies the area that is within ¼ of a mile from the transit route. He noted that about 74 percent of the Edmonds population is within a ¼ mile radius of a transit route.

Mr. Loen said that next they reviewed the existing conditions of the roadways by studying the PM peak hour traffic volumes, which typically identifies the highest traffic volumes of the day. They used these traffic counts to prepare a focus of congestion analysis and a level of service analysis. The 14 busiest intersections were analyzed and they found that 6 of these locations were at a Level of Service E or F. They identified the areas where the highest number of accidents occurred and found two roads that had a higher level of accidents: along 212<sup>th</sup> Street Southwest and 76<sup>th</sup> Avenue West. He noted that the large red dot in the center of the map identifies the intersection of 212<sup>th</sup> Street Southwest and 76<sup>th</sup> Avenue West, which has the highest number of accidents of any intersection in the City.

Mr. Loen said the traffic volume counts were also used to put together a travel demand forecasting model. First they assessed current land uses by using the Snohomish County Assessor's Map. From this they were able to create transportation analysis zones. They digitized these transportation analysis zones and roadway networks then determined the trips generated within each zone. They also looked at the Puget Sound Regional Transportation Traffic volumes for Highway 99 and SR-104. From that they did a model that distributed the trips onto a roadway network. This model was calibrated according to existing traffic conditions. The future land use forecast was applied in order to create a model of future traffic conditions.

Mr. Loen said the future conditions were reviewed using the 20-year growth projections as follows:

- The average population was increased by 1.2 percent per year.
- Employment was increased an average of 1.5 percent per year.
- Schools were held proportional to population.
- Stevens Hospital would experience a 80,000 square foot expansion.
- 180 multi-family units and 20,000 square feet of office space could result from the Edmonds Crossing Project.
- Sound Transit will complete the train terminal.
- An Edmonds Event Center will be constructed.

Mr. Loen said that they found that future growth on major roadways was about 1.3 percent. They determined that the major traffic growth would occur on 196<sup>th</sup> Street Southwest, SR-99, SR-104 and 76<sup>th</sup> Avenue West.

Next, Mr. Loen said they took a look at the future level of service for each of the streets. They provided projections for the year 2002 without additional roadway improvements, with the exception of those already included in the Transportation Improvement Plan. They found that eight of the fourteen busiest intersections were at Level of Service E or F.

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When considering potential solutions, Mr. Loen advised that 19 potential roadway improvement projects were identified by staff, the technical advisory committee, the citizens advisory committee and comments from citizens who attended public meetings. These improvements would address congestion and safety problems identified in the analysis. Each of the projects were ranked using the following criteria: accident statistics, safety analysis, street classification, level of service, mobility, environment, cost effectiveness, right-of-way availability and quality of life. They were placed on a roadway improvement priority matrix according to their criteria scores. He said that while they identified 18 potential capital improvements, the City will likely only be able to accomplish ten or twelve. Projects at 76<sup>th</sup> Avenue, Five Corners and Ninth Avenue all relate to level of service conditions so these will be done first. They also included the projects on 220<sup>th</sup> Street, 84<sup>th</sup> Avenue, 238<sup>th</sup> Street, and SR-99 for completion of the bus lanes from SR-104 to the Shoreline City limits. Lastly, the project on 76<sup>th</sup> Avenue at the City limits along SR-104 was identified.

Mr. Loen advised that some of the recommended functional classification changes include a reconciliation of the existing City and Federal classifications and the adoption of the most logical classifications from each source. The proposed plan will identify the recommended level of service projected to the year 2002. They anticipate that the conditions will improve for all roadways, but SR-99 will remain congested.

Mr. Loen reviewed that after completing the walkway selection priority matrix, they were able to identify a number of locations where walkways would be desirable, and these projects were ranked according to criteria scores. The plan will recommend that the top priority projects be done.

Mr. Loen said that one of the major additions to the Transportation Plan is a traffic-calming program. The plan will also adopt the bikeway plan that was completed in 2002 and add information about transit, as well.

Lastly, Mr. Loen referred to the partial listing of capital projects. He said the bottom line is that the projects will cost an estimated \$31 million dollars, and this does not include the multi-modal project. They also reviewed the estimated revenue sources to identify where the money would come from to balance the cost of the projects.

Mr. Loen concluded his presentation by stating that the proposed Transportation Plan is comprehensive and covers the multi-modal plans. It is based upon extensive public input and exceeds the requirements of the Growth Management Act. The recommended plan addresses the transportation issues now and across a 20-year planning horizon.

Mr. Zhan requested that more specific information regarding the goals and objectives of the plan be provided. Mr. Loen answered that the actual report, which will be available next week to the Board, will have more specific information. The Board will have an opportunity to review this information with him in a work session on September 25.

Mr. Young suggested that the various types of grant funding should be identified in the plan. Mr. Smith clarified that the grant opportunities are all grouped into one category at this time. They have discussed the option of breaking this category into two separate groups: State grant opportunities and Federal grant opportunities. Mr. Young suggested that grant opportunities from T21, for example, should be called out separately rather than being put all together in a single grant section. He agreed that they should identify local, State and Federal grants as separate categories.

Mr. Young said that as they bring the Transportation Plan before the public for review, he would like to have a succinct statement made as to how much of the \$31 million cost estimate will be going towards maintenance and mobility enhancements, etc.

Mr. Dewhirst questioned how State highways would be worked into the City's Transportation Plan. He noted that a lot of the red dots that are identified on the map are located on State roads, and the City does not have any control. He felt it would be germane to discuss this issue at the work session to determine how the State and the City can work together to improve these roadways.

Mr. Dewhirst emphasized that Mr. Loen and the Traffic Engineer will come back before the Board on September 25 to discuss the Transportation Plan in more depth. If there is anything a Board member would like to know about, in particular,

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they should contact the staff as soon as possible. The Board should receive their draft of the Transportation Plan by Friday, September 20.

**CONTINUED REVIEW OF AMENDMENT TO CHAPTER 20.60 OF THE ECDC ADOPTING A NEW DEFINITION AND REGULATION FOR CONSTRUCTION SIGNS (FILE NO. CDC-02-149)**

Mr. Chave noted that a new draft of the proposed ordinance was provided to the Board to reflect their discussion from the last meeting. Staff collected information from other jurisdictions regarding the issue, and there are a variety of different options that are being used. For example, Lake Forest Park allows one construction sign per street frontage. They limit the size to 12 square feet and do not differentiate between residential and commercial zones. The City of Seattle's ordinance is a little more elaborate, but they allow construction signs up to 8 square feet per building lot in single family zones and 24 square feet per building lot in all other zones. They also allow the size to be increased to 36 square feet for advertising once the project is actually completed. They limit this to one per street frontage. He noted that all of the ordinances reviewed by staff tended to tie the constructions signs to the construction period. The signs would have to be removed once the developer receives the certificate of occupancy.

Mr. Chave noted that the Board's recommendations regarding this ordinance would be forwarded to the Council for consideration as they discuss the interim ordinance at their next meeting. Staff will report regarding the Board's findings.

Mr. Dewhirst referred to Page 1 of the draft ordinance. He questioned why Section 20.60.005 states that construction signs are considered permanent. Mr. Chave answered that the definition of a permanent sign is any sign that is not temporary. If the sign is allowed for more than 60 days it is a permanent sign. This would not mean that the sign could be up indefinitely because the ordinance restricts the length of time a construction sign can be displayed on a property.

Mr. Young recalled that there was some discussion at the last meeting regarding the number of signs that should be allowed per lot—particularly in single-family zones. The proposed ordinance makes a distinction between single family and other zones, which is good. However, the previous discussion was more encompassing and suggested that the regulations for construction signs in the single-family zones should be slightly different than for other zones. Mr. Chave noted that the intent of the statement on the last page of the ordinance is that if a developer wants to put up one sign on each lot in a development, the signs would be limited to 16 square feet in size. However, if a developer consolidates the signage rather than placing a sign on each lot, they would be allowed a single sign up to 32 square feet in size.

**MR. CRIM MOVED THAT THE COMMISSION FORWARD THE PROPOSED ORDINANCE (FILE NO. CDC-02-149) RELATED TO REGULATIONS FOR CONSTRUCTION SIGNS TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL. MR. YOUNG SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

**WORK SESSION ON ISSUES RELATED TO THE PRD ORDINANCE AS REFERRED TO THE BOARD BY THE CITY COUNCIL**

Mr. Chave advised that since the new PRD ordinance was adopted, the City Council has considered two PRD proposals. One was approved and the other was denied just last night. That is the only experience the City has with the new PRD ordinance, and no findings are available yet for the Council's recent denial. However, their decision seemed to focus on some technical issues related to that particular PRD. The majority of the concerns identified in the Board's memorandum for this item were directly related to the PRD application that was denied by the City Council.

Mr. Dewhirst said that after reviewing all of the letters he has received, the testimony that has been provided by the public, and other information from the City Council and staff, he attempted to create an outline to help the Board focus their discussion. This outline identifies the major issues he has heard to date.

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Mr. Dewhirst said he is still unclear as to the level of response the City Council expects to receive from the Board by the end of September. This timeline does not give the Board sufficient time to actually draft and propose changes to the existing ordinance. He questioned if the Council is seeking general recommendations from the Board now regarding areas they feel should be reconsidered, or are they expecting some recommendations for action. Mr. Chave answered that given the time frame, the Board will obviously not be able to draft code language to forward to the City Council. There is no time for public hearings. About all the Board can do is sift through the issues and try to identify those they feel should be focused on first. The Board should attempt to present a summary of the issues to the Council, and seek feedback as to which issues should be of greatest priority. He noted that the Board has a full agenda for the latter part of the year, so taking on too much will not be feasible. They need to come up with a manageable set of issues to look at.

Mr. Crim advised that two suggestions that came from the City Council's Community Service/Development Services Committee were related to Sections 20.35.020 and 20.35.055. He agreed that the Board should give careful attention to these issues.

Ms. Cassutt suggested that it is important that the ordinance be made more clear so that the public can understand the difference between open space and public space. The public seems to be confusing the two, and they definitely need to clarify this issue. Public space is not the same as open space.

Mr. Dewhirst said that something that seems to upset the public the most are the potential visual impacts of PRD's being different than the surrounding area. He felt this should be another issue of consideration. The public benefit portion of the existing ordinance seems to be a significant issue for both the City Council members and the public, as well.

Ms. Freeman said there are some ambiguities or areas of vagueness in the existing ordinance that should be eliminated. For example, the suggested wording for Section 20.35.020 states that a PRD must be separated by distance, but the distance requirement is not identified. This can create a situation of confusion and different interpretations.

Mr. Zhan noted that the public has identified PRD's that are good and PRD's that are bad. He said there are a lot of technical aspects that make a PRD project acceptable or not, and many of these seem to be related to neighborhood character. He said he is interested in seeing how they can improve the situation by trying to apply some criteria or judgment so that when the PRD applications come in there are some policies to guide the permitting people as they review each application. Potential problems could then be identified based on what they have learned from the good PRD developments.

Regarding the open space issue, Ms. Cassutt said that somehow the ordinance has to make it clear that the open space for the PRD is only open space for the PRD residents and not for the surrounding population. She said people need to understand that the open space in a PRD will not be available to the surrounding property owners. Ms. Cassutt recalled that the City Attorney referenced a legal case regarding the issue of open space. Mr. Chave suggested that staff request feedback from the City Attorney regarding this issue prior to the next meeting. The City Attorney has indicated that the City cannot exact a requirement for dedicated public open space from a private developer unless there is a very clear nexus between that and some other standard or requirement that needs to be imposed. Ms. Cassutt said that even though the City Attorney has stated this to the City Council, some of the Council Members still do not seem to understand that this property would not be available for the public to use. Mr. Chave said, typically, property dedications are only done for streets, and requiring a developer to dedicate public open space would not be legal.

Mr. Young pointed out that one of the public benefits of a PRD is open space. However, if it is not open to the public, the ordinance needs to point out the public benefits of an open space. He said he believes open space has an intrinsic value of its own, and traditionally the open space ends up being the critical area. The intent of a PRD is to allow someone to build around critical areas. Mr. Chave said it could be argued that open space, even if it is not open to the public, is a public benefit. It can be associated with improving air quality, enhancing the appearance of the community, providing habitat for wildlife, etc. Mr. Young agreed, but again stated that this needs to be clearly pointed out in the ordinance.

Mr. Chave said that the PRD that was approved by the City Council provided some open space to protect trees on a sloped area that would not have been protected otherwise in a standard subdivision. This was beneficial to the neighborhood because they received open space to enjoy even though they cannot actually walk on it. He noted that in the 1960's when

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PRD's were first being created, there were some dedications of open space for public access. Most of these turned into disasters because of maintenance, safety and liability issues. Most parcels were turned back within five to seven years.

The Board concurred that open space is one of the uses they would like to provide feedback to the City Council on.

Mr. Dewhirst said another issue the Board could send back a recommendation to the Council on is that the current ordinance allows attached dwelling units in PRD's within single-family residential zones. After discussing this issue with staff, he would recommend that this provision be eliminated from the PRD ordinance for single-family residential zones. He suggested that the provision that allows a developer to round up the number of lots allowed should also be eliminated. He noted that the only place rounding up is allowed in the City code is related to parking spaces required for a development. The Board agreed with Mr. Dewhirst's suggestion.

Mr. Dewhirst said that another recommendation that came from the neighborhood group was the concept of making the neighborhood meeting for each PRD application a mandatory requirement. He felt this is an appropriate recommendation. He said that in another jurisdictions he has worked for, this requirement seemed to help diffuse a lot of the issues early in the process.

Mr. Young recalled that at the last work session there was some concern expressed regarding the way PRD applications are handled at the City level to protect people living near one of the proposed PRD developments. He said neighborhood meetings should be mandatory, but he questioned what the link would be between the neighborhood meeting and the ADB's preliminary review that is also mandatory. He suggested that the ADB should be the arbitrator for PRD applications.

Ms. Cassutt said she would think the developers would have their neighborhood meetings after the ADB has reviewed the application. Mr. Dewhirst disagreed and felt that the neighborhood meeting should be held first. The developer should sit down with the neighborhood residents to find out what their issues are using some fairly sketchy schematics to illustrate the concepts they are proposing. He said his experience is that once the emotionality is out of the issue, they can get down to some better discussions.

Mr. Chave said that, administratively, staff has been requiring neighborhood meetings for PRD applications. Staff likes the concept of doing the neighborhood meetings as soon as possible. If they wait too long, the developer tends to become wedded to a particular design and is less willing to make changes.

The Board concurred that the neighborhood meeting should be mandatory and held early in the process.

Mr. Dewhirst agreed that the Board needs further clarification as to how the neighborhood meeting would relate to the ADB's review of a PRD application. Mr. Zhan suggested that the two would be complementary of each other. Mr. Chave said staff currently assists a developer in mailing advertisements for their neighborhood meeting. They also provide a staff person to attend the meeting and answer technical questions regarding code requirements or the process. But it is largely the developer's responsibility to explain their project and accept questions and comments from the public. The neighborhood meeting is an informal meeting, whereas the ADB review is a formal proceeding and formal minutes are kept.

Mr. Young said he is concerned about the Hearing Examiner being appointed as the decision maker. Ms. Cassutt recalled that the Board decided that the Hearing Examiner should make the final decision unless there is an appeal because the City Council members are elected officials, who may end up voting on an application in their neighborhood.

Mr. Young said he agrees that the City Council should not be the final arbitrator, but since the design review is done by the ADB, where would the Hearing Examiner fit into the process. Mr. Dewhirst pointed out the Growth Management Act only allows one public hearing.

Mr. Chave said the Council adopted an interim ordinance that states that the Hearing Examiner would hold the public hearing and make a recommendation to the City Council. The City Council would make the final decision. When the City Council was deliberating the interim ordinance there were memorandums from various attorneys on both sides of the issue. The Board has identified this issue as important, and they should make a recommendation to the City Council regarding the

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process. He suggested that all of the relevant memorandums on this issue should be provided to the Board, as well as an update from the City Attorney regarding the process. This information could be provided to the Board by the next meeting.

Mr. Dewhirst recalled that there were several issues brought up regarding access, parking, traffic requirements, etc. Ms. Cassutt said she does not feel the issues and concerns regarding parking were ever made clear. Mr. Dewhirst said one thing that should be kept in mind is that a lot of these issues are treated the same across the board whether the proposal is a PRD or a standard subdivision. He did not feel that the PRD ordinance should be changed to make the requirements for parking, access and traffic more stringent than the requirements for a standard subdivision. He noted that a traffic study is already required for any of these kinds of developments in the City.

Mr. Young said traffic and parking should be part of the design review. He said he would be willing to let the proposed developer have a semi formal meeting with the neighborhood and then go to the mandatory work session with the ADB at which point the developer would presumably present the issues made by the public. The ADB could accept additional input from the public and then hold a discussion and make a recommendation to the Hearing Examiner. The proposal and testimony should stand or fall on its own merits in the record established by the ADB. He said he has seen this process work at the ADB level to make new developments a welcome addition to the neighborhood.

Mr. Crim said that his understanding of the Board's recommendation was that the Architectural Design Board would review PRD applications and present findings to the Hearing Examiner to consider during the public hearing process. The Hearing Examiner would make the final decision. Mr. Young said he disagrees with this type of process. He suggested that it would be more appropriate for the Architectural Design Board to hold the public hearing.

Mr. Chave said the City Council has a public hearing on the design review process scheduled for the next meeting. The proposed review process would require that the ADB review design proposals and make a recommendation to the Hearing Examiner, but the ADB would not hold the public hearing. The ADB would review the design proposals to make sure they meet the requirements of the design guidelines and the PRD requirements and then make a recommendation to the Hearing Examiner. They would not solicit public input. The public input would be gathered at the public hearing before the Hearing Examiner. He emphasized that only one public hearing is allowed for each development proposal. The reason for holding the public hearing at the Hearing Examiner level is that it allows development application hearings to be combined with SEPA appeal hearings that go before the Hearing Examiner anyway.

Mr. Dewhirst summarized that the Board agreed they should communicate to the Council that they are not in favor of placing additional requirements in the PRD ordinance related to traffic, parking and access. These issues are already covered by the code, and the PRD ordinance should not be any more stringent.

Mr. Chave said he received a note from a citizen pointing out that a citizen in the audience was told by a City Councilmember that they would be allowed to provide input regarding the PRD ordinance at this meeting. However, he noted that the agenda did not advertise the discussion as a public hearing. This was intended to be a Board discussion only.

**THE BOARD TOOK A TEN-MINUTE BREAK AT 8:15 P.M. THEY RECONVENED AT 8:25 P.M.**

Mr. Dewhirst said that there has been some confusion amongst the members of the audience as to whether or not they would be allowed to provide comments during the Board's discussion on the PRD ordinance. He noted that it was advertised as a work session only, which means there is no opportunity for the public to address the Board. However, because of comments made by City Councilmembers, the Board has agreed to allow those in the audience an opportunity to address the Board for a maximum of three minutes. He clarified that the next PRD ordinance discussion would be held on September 26, and no public comments would be accepted at that time. However, the Board will consider written comments that are received prior to the September 26 meeting.

Diane Azar, 8202 Talbot Road, thanked the Board for allowing the public an opportunity to participate. She said she would not have come prepared to speak if she had not been encouraged to do so by a Councilmember. While the agenda states that the item is a work session, it does not state that the public would not be welcome. Mr. Dewhirst clarified that the public is

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always welcome to attend any of the Planning Board meetings. However, Planning Board work sessions do not offer an opportunity for public comment.

Ms. Azar said the Board has already made some good observations regarding the existing PRD ordinance. She said that because the City Attorney has indicated that a PRD is basically spot zoning, the final decision on each PRD application should be made by the City Council.

Ms. Azar advised that many more people from the Talbot Park neighborhood would have been in attendance at the meeting, but because of the sensitivity of the date, she is present as their representative.

Ms. Azar said that the PRD ordinance should provide a greater protection for the existing neighborhoods than the traditional subdivision would provide. It should provide a public benefit and be in character with the surrounding neighborhood. If the PRD project were totally screened, the surrounding neighbors would not have to see it. A PRD must be visually separated by distance and natural features that are sufficient enough so that the existing neighborhoods are not impaired visually or by noise. They are concerned about the noise and traffic that would be generated from a PRD. They would also like to recommend that off-street parking requirements be greater. Also, PRD's with more than three dwelling units should be required to access directly onto arterial or collector streets. There should also be a requirement that the developer assemble a final report of the neighborhood meeting and this should become part of the permit file that is considered by the Hearing Examiner.

Tom Sullivan, 17041 Talbot Road, said he completely endorses the comments provided by Ms. Azar. He said he feels bad about interrupting the meeting because of a miscommunication, but he did reserve his evening to come before the Board. Mr. Sullivan referred the Board to the blue memorandum that was provided for this agenda item. It lists the items that were included in the Board's packet as attachments. Mr. Sullivan noted that the minutes of August 14 indicate that he submitted a four-page document to delineate and further explain the suggested revisions and amendments from the Talbot Group. However, in the packet that was prepared for the Board's discussion his July 9 letter was provided instead. This is only an outline of their suggestions, and not the entire document. He said he is afraid that none of the Board members have even seen his four-page document that was submitted on August 2, 2002. He recalled that at the August 14 meeting, he asked if all of the Board members had seen the letter, and he was denied a response to that question. He said this letter is the basis of their argument, and they are trying to work with the Planning Board to revise and make amendments to the PRD ordinance based on the August 2 document.

Ms. Cassutt and Mr. Crim indicated that the August 2 document, in its entirety, has been provided to the Board, and Mr. Sullivan also went through it nearly verbatim at the August 14 meeting. The remainder of the Board members indicated that they have the document before them, as well. Mr. Sullivan disagreed and said he was refused the opportunity to present the document on August 14 because of the time limitation.

Mr. Crim suggested that Mr. Sullivan has alienated enough of the Board members that it is becoming difficult to listen to the merits of what he is trying to say. He asked Mr. Sullivan to focus on the specific points he would like to make to the Board. Mr. Sullivan said he appreciates Mr. Crim's comment. He said it has just been made clear that all of the Board members have the document, but no one to this point has been able to tell him that it has been received. He said he is just a citizen who is trying to help. He has experienced PRD's, first hand, over the past six months, and he is trying to impart what he has learned so that other citizens don't end up in a similar situation.

Roger Hertrich, 1020 Puget Drive, said he appreciates the ability to speak to the Board regarding the PRD ordinance. He said it is crucial, when the Board makes important decisions, to involve the public as much as possible. The public is present so that they can offer assistance to the Board. He said he feels there are some real problems with the existing ordinance and the Board is doing a good job, so far, of attacking the problems. The Board needs all the help they can get even though some citizens who are more direct than the Board would like.

Mr. Hertrich said that perimeter buffering is a major issue amongst the citizens. He pointed out that the Eagles Nest PRD Project is an example of a good PRD. It is located on a hill and no one knows it is there. It is very important that buffering become a key component of the ordinance. He said he is also concerned about the provision that allow a developer to round

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up to determine the number of lots allowed on a particular property. He said the Board seems to have a good understanding of this issue, and the public has been very clear that they are concerned about the ability of a PRD proposal to increase the density, thus changing the character of the neighborhood. In a sense, this is a form of rezoning. Another provision that has contributed to a PRD's ability to increase density is the fact that the roads and driveways are not subtracted from the amount of buildable land. Instead the City uses a total area square footage calculation. In prior years, subdivisions had to take the roads out of the calculations for determining how many units would be allowed. He suggested that the two density issues he just mentioned are probably as important as any other. Perhaps if the Board were to address these two issues, they would not have the number of appeals they are experiencing today. Mr. Hertrich concluded his remarks by stating that the Board already has a pretty good list of issues that need to be addressed.

Ray Martin, 18704 – 94<sup>th</sup> Avenue West, said that because repetition sometimes helps, he would be repeating some of what Mr. Hertrich has said and what has been stated by the public on previous occasions. He pointed out that Chair Dewhirst came up with three items of significant concern right off the bat. One is the issue of whether or not to allow attached dwelling units in PRD's that are located in single-family neighborhoods. He agreed that this provision should be taken out of the ordinance. Putting a multi-family use in a single-family neighborhood is an oxymoron, and does not meet the requirements of neighborhood character. Rounding off the total number of lots allowed is also a big concern to him, and he agreed with Mr. Dewhirst that this provision should be taken out. He said he feels it is a good idea to make the neighborhood meetings mandatory because they are effective tools for diffusing problems.

Mr. Martin said Mr. Chave seems to be leading the Board in the direction of having the Hearing Examiner make the final decision. He disagreed with this approach. He noted that Mr. Hertrich mentioned that the City Attorney had stated that PRD's could be considered to be rezones—particularly the way the ordinance is written now. Therefore, he felt the City Council should be allowed to make the final decision. At the very least, the public should be allowed to appeal the Hearing Examiner's decision to the City Council. Mr. Martin said he agrees with Mr. Hertrich's suggestion that the impervious surfaces should be subtracted when calculating the total square footage of the property and determining the number of units that would be allowed.

Mr. Martin said the number one item he has heard over and over again from the public is the issue of neighborhood characteristics. Any reference to neighborhood characteristics was taken out of the new ordinance. The old ordinance provided a measure of confidence for the citizens, and this should be put back in. He thanked the Board for the opportunity to address them.

Janice Noe, 9105 – 242<sup>nd</sup> Street Southwest, said that she was encouraged to come to the Planning Board meeting to gain further information regarding PRD's. She noted that a PRD near her home was recently approved by the City Council, and this property will be developed more densely than the surrounding properties and will have an impact on the surrounding neighborhood. She said she is present mainly because she wants to get some understanding of what kinds of things the PRD ordinance could spell out so that she can understand it better. She said she understands that the property near her home will be developed, and she is not trying to stop this development. She just wants to understand what the rules are.

Ms. Noe said that a few questions came to her mind after the PRD application was accepted. The issues that have been discussed so far, such as open space and how it should be defined, the rounding off of fractions, neighborhood meetings, who makes the final decision, and where the record is created, parking, traffic circulation, etc., were also brought up at their neighborhood meeting. However, she is not sure that any notes were taken and provided to the Hearing Examiner and City Council. She said the issues that are being discussed by the Board now, are also concerns she would like to have had addressed before the application in her neighborhood was approved.

Mr. Dewhirst inquired if Ms. Noe had a copy of the current PRD ordinance. Ms. Noe answered affirmatively, and added that the Planning Department has been good about providing information. They sent her a packet of information that went before the Hearing Examiner for review. They also sent her a copy of the Hearing Examiner's findings and conclusions. Mr. Dewhirst suggested that Ms. Noe set up an appointment with one of the Planning Department staff members to discuss the PRD ordinance further. The staff would be able to help her understand the process and address her issues. He noted that even if the PRD ordinance is changed, it will not affect the PRD that was just approved in her neighborhood.

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Ms. Azar asked about the Board's schedule for reviewing the ordinance. Mr. Dewhirst answered that a work session will be held at the next Board meeting on September 25. At that time, the Board will formulate a communication back to the City Council. It is then up to the City Council to direct the Board on which items they want them to work on. Mr. Chave said that he anticipates the Board will ask the Council to review the list of issues they have identified and indicate which ones they want the Board to work on. The Board will also seek direction from the Council as to when they want to have proposed language back to them for approval.

Mr. Dewhirst said he agrees with Mr. Martin and Mr. Hertrich that one of the issues that is not clearly addressed sufficiently in the current ordinance is that of exterior perimeter. This is one of the issues that seems to be paramount in a PRD's ability to blend in and be consistent with the character of the surrounding neighborhood. The Board concurred that this issue should be sent before the City Council for further direction. Mr. Chave said he would assume that this would include the issue of clustering the houses and their situation within the property. Mr. Dewhirst agreed that not only is the treatment of the perimeter important, but setback requirements are also important. The setback requirements should be consistent with the requirements of the underlying zone in which the PRD is being proposed. The clustering of homes should not be allowed to occur within the setback areas.

Mr. Dewhirst said another issue that should be addressed is that of public benefit. This has been mentioned by the public on several occasions, and is a very tough issue to put on paper. However, he felt the Board should attempt to do so. He suggested that the Board recommend to the City Council that defining the public benefits that can be derived from a PRD proposal should be one of the Board's priorities. Mr. Chave said he believes that the public benefit issue is addressed in the ordinance, but is not clear. Mr. Dewhirst said he reviewed the ordinance and identified the following public benefits:

- Preserve critical areas as open space.
- Provide a unified development plan and design.
- Reduce impervious surface.
- Provide alternatives and flexible development standards and regulations.
- Reduce the cost of development and housing through the economy of efficient use of land and development of utilities and streets.
- Provide a unified streetscape.

Mr. Crim suggested that another benefit of a PRD would be that it helps to implement the requirements of the Growth Management Act to provide affordable housing opportunities in the City.

Mr. Young inquired if a PRD would be considered a rezone or an overlay. He questioned what exactly is getting approved because that has a lot of bearing on who he thinks should be the final arbitrator. Mr. Chave said there are various points of view on this issue, and all jurisdictions do it differently. The Council considers a PRD to be a rezone, but some other cities don't. The City Council has received memorandums on either side of the issue. He said that it is possible that this view could change if the amendments are made as discussed. The City Attorney indicated that only certain aspects of the PRD ordinance point towards being a rezone, such as attached units and rounding off of density calculations. If these provisions are taken out of the PRD ordinance, it might not be considered a rezone any more. Mr. Chave said a PRD is supposed to be an alternative form of single-family development that is consistent with the underlying zoning. It modifies the underlying site plan. In exchange, other public benefits are allowed to accommodate alternative development schemes to reserve the open space. The underlying density is the same as would be allowed with a regular subdivision, but the design is allowed to be different.

Ms. Cassutt asked about what changes need to be made to the ordinance to help prevent someone from suing the A term such as community character cannot be used because it is not a measurable standard. When the new PRD ordinance was created, the intent was to define all of the terms. She suggested that staff be allowed to ask the City Attorney to provide more feedback on this issue.

Mr. Dewhirst said it would be helpful if the staff could take all of the recommendations from the Board and prepare a draft memorandum to the City Council for the Board's consideration at their work session. Mr. Chave indicated that he could do this, and provide further elaboration from the City Attorney, as well. Staff would also provide the Board members with

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copies of the memorandums that were received related to the process. He said that while the Board will not need to make a decision on the issues before them at the next meeting, they should identify the issues they feel are the most important and ask the Council to provide feedback and a time frame.

Mr. Dewhirst said another point that has bothered him throughout the discussion is that PRD's seem to be taken out of context. In his mind, he has always compared them to single-family subdivisions. PRD's are more applicable to some areas. If the requirements for either one become so restrictive that they end up penalizing the developer (i.e. parking requirements, etc.) the provision would not be used. He said that increasing the requirements just because the development is in a different configuration would become a penalty. There has never been any thought of requiring a standard subdivision to access onto a collector or arterial street, and he did not feel this would be an appropriate requirement of the PRD ordinance, either. He cautioned that this could be considered reverse condemnation and the City could be held liable. He concluded that he feels the playing field needs to be kept level, and the Board should communicate this to the City Council. He said he is concerned that the PRD tool is not getting a fair shake. The Board agreed that this issue should be addressed in their memorandum to the City Council.

Mr. Young inquired if the development community has indicated whether or not they would use the PRD option as a tool. Mr. Chave said the PRD option is being used now by developers. Mr. Dewhirst noted that the Master Builders Association has indicated that the current PRD ordinance is good. Mr. Chave added that there have only been two PRD applications coming before the Council to date under the new ordinance. One was accepted and one was denied.

Ms. Cassutt pointed out that if the PRD developments were done as standard subdivisions instead, the critical areas wouldn't be taken into consideration as much and a lot more of the trees would be removed. With a PRD proposal, more thought is given to the preservation of the existing features.

Mr. Chave noted, for the record, that in the two PRD applications which have gone before the Council to date, neither called for attached units and neither were proposing more lots than what would be allowed with a standard subdivision. The PRD applications that have been submitted to date using the new PRD ordinance have actually been fairly conservative and similar to what a standard subdivision would allow. The actual zoning in both cases called for smaller lots than the current development pattern. But this is a zoning issue and not a PRD issue. He suggested that the Board should point this out to the Council, as well. He said the neighborhood concerns would probably have been stronger if the projects were proposed as standard subdivisions instead of PRD's.

### **REVIEW OF EXTENDED AGENDA**

Mr. Dewhirst reviewed that in addition to a discussion regarding the PRD ordinance, the September 25 agenda will also include a presentation by the Parks Department on the updated Public Urban Design Plan, a work session with the engineering staff and consultant regarding the Transportation Plan, and a continued review of the Comprehensive Plan amendments for 2002. The October 9 agenda includes a tentative public hearing on the Transportation Plan, a work session on buildable lands and a continued review of the Comprehensive Plan amendments for 2002.

### **PLANNING BOARD CHAIR COMMENTS**

Mr. Dewhirst advised that the APA Conference is coming up on September 23 and 24. There is a free session for planning commissioners on September 22, from 1:30 to 4:30 p.m. at the Seattle Hilton. Interested Board members must preregister. He said this conference has always received good comments.

Mr. Dewhirst said that on August 27 there was a special meeting of the City Council Community Service/Development Services Committee at which the topic Planning Board term limitation was discussed. He requested staff to provide feedback regarding this discussion. Mr. Chave said the Committee discussed Planning Board term limits and came to the conclusion that the Board members should not be limited to two terms only. They agreed to recommend to the Council that the term limitation be eliminated.

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Mr. Chave reported that the Snohomish County Council has adopted a different buildable lands report than that of Snohomish County Tomorrow. The County staff is still trying to figure out exactly what changes need to be made. However, the likely potential is that the State will receive two different reports from Snohomish County.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 9:30 P.M.

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