

## PLANNING BOARD MINUTES

### April 28, 2004

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Chair Young 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.

#### **BOARD MEMBERS PRESENT**

James Young, Chair  
Janice Freeman, Vice Chair  
Jim Crim  
Cary Guenther  
John Dewhirst  
Don Henderson

#### **BOARD MEMBERS ABSENT**

Virginia Cassutt  
Judith Works

#### **STAFF PRESENT**

Rob Chave, Planning Division Manager  
Steve Bullock, Senior Planner  
Karin Noyes, Recorder

Board Members Works and Cassutt were excused from the meeting.

#### **READING/APPROVAL OF MINUTES**

BOARD MEMBER HENDERSON MOVED TO APPROVE THE MINUTES OF APRIL 14, 2004 AS CORRECTED. BOARD MEMBER DEWHIRST SECONDED THE MOTION. THE 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.

#### **PUBLIC HEARING ON FILE NUMBER R-04-7**

Board Member Young advised that the Board received a letter from the applicant asking that the public hearing be continued. Staff has advised that the Board can open the public hearing now and accept public testimony. Then they could make a motion to continue the public hearing to a future date.

Mr. Bullock said that while he could present the staff report now, the applicant has indicated that he would be amending his proposal. Therefore, he suggested that the Board postpone the staff's presentation until the hearing is continued. He referred the Board to the letter that was submitted to the City by a neighbor living near the subject property. This letter, along with the letter from the applicant, should be entered into the record as exhibits.

Board Member Young inquired if anyone in the audience desired to offer public testimony on the proposal now. He pointed out that there would be an opportunity for public comment when the hearing is continued in the future.

Board Member Dewhirst said that if the hearing were continued, he would like the staff to provide additional information regarding the current width of the improved portion of Paradise Lane. He said he would also like the staff to provide additional information regarding how many accidents have occurred at the intersection of SR-104 and Paradise Lane over the past five years. Staff should also provide information regarding turning movements at this intersection.

**BOARD MEMBER CRIM MOVED THAT THE BOARD CONTINUE THE PUBLIC HEARING ON FILE NUMBER R-04-7 UNTIL JUNE 9, 2004 AS REQUESTED BY THE APPLICANT. BOARD MEMBER DEWHIRST SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

Mr. Bullock explained that the June 9<sup>th</sup> hearing would not typically be readvertised since it was formally continued by the Board to a date certain. However, staff will provide a new notice on the existing sign that is on the subject property to let the public know what is going on. Board Member Freeman suggested that staff also notify everyone of record.

Board Member Young said that when the public hearing continues on June 9<sup>th</sup>, he would like additional information as to why the proposal is a contract rezone rather than a regular rezone application. Mr. Bullock explained that the staff cannot require an applicant to submit a contract rezone. The applicant made this decision on his own.

Board Member Freeman inquired if Board Member Dewhirst's request was for information about the width of the paved portion of the road or the legal width of the road. She said the actual paved area of the road appears very narrow. Mr. Bullock clarified that Board Member Dewhirst asked how wide the actual paved portion of the road is. In addition to this information, Mr. Bullock advised that he would provide information about the Engineering Department's requirements for road improvements if and when the property is developed.

#### **PUBLIC HEARING ON FILE NUMBER CDC-04-39**

Mr. Bullock advised that, with the passage of the City's Historic Preservation regulations and creation of a new Edmonds Register of Historic Places, it is appropriate to include listing on the Edmonds Register as an exception to the City's regulations governing non-conforming buildings. Board Member Young explained that, currently, ECDC 17.40.020.C allows historic buildings listed on the National and State registers to be fully restored, regardless of their non-conforming status. By including the Edmonds Register, any building listed on the local register would also be eligible to be restored if it was damaged beyond 50 percent of its replacement value.

**Don Kreiman, 24006 – 95<sup>th</sup> Place West**, said he would like to go on record in support of CDC-04-39. In addition, he thanked the Board for all of their hard work on the parking ordinance, which was unanimously approved by the City Council at their last meeting. He said he enjoyed working with the Board, and he really felt his comments were heard.

**Steve Waite, 111 Elm Street**, advised that he is vice president of the Edmonds Historic Preservation Commission. He referred to Section 17.40.020.F and inquired if the staff could cite an example of when this provision would be applicable. Mr. Bullock answered that Section F regulates all non-conforming buildings that are on the register. There are a number of situations that would fall into this description. For example, if someone demolished their home to a point beyond 50 percent of the value, this would be considered the same as if an earthquake destroyed it.

Mr. Waite referred to the memorandum dated March 4, 2004 that was submitted to the City Council by City Attorney Scott Snyder regarding non-conformance as it relates to historic preservation. In the memorandum, Mr. Snyder stated that the non-conformance provisions run counter to the efforts of historic preservation since they are intended to bring to pass the eventual abatement of non-conforming structures. Although one of the requirements to listing a building on the Historic Register is that the structure be at least 50 years old, there are also structures that have potential historic value that are not yet 50 years old. He suggested that perhaps this would also be a good opportunity to address these structures, as well.

Mr. Waite said City Attorney Snyder explained in his memorandum that uses of non-conforming buildings are purposefully very limited. Owners are encouraged by the code to replace these buildings with structures that comply with the zoning. He suggested that the City review their current provisions that significantly reduce a property owner's ability to use a historic

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structure in a unique and feasible way. The current provisions encourage non-conforming buildings to be torn down. Mr. Waite suggested that if property owners were encouraged to retain these buildings, they could become historic in the future. He concluded his comments by noting that changes to the non-conformance section of the code as recommended by the City Attorney would also meet the growth management requirement of retaining existing housing stock and encouraging affordable housing. He advised that the Historic Preservation Commission would like the Board to review this entire section.

Board Member Henderson asked what is required in order to get a building on the Edmonds Register of Historic Places. Mr. Waite answered that participation on the historic register is strictly voluntary. Edmonds is listed as a Certified Local Government. Once a structure is nominated, it goes before the Historic Preservation Commission, and there is a lengthy set of criteria that they use to review each application. First, the building must be at least 50 years old, but there are some exceptions. The Historic Preservation Commission also reviews applications for historic sites, so the register is not limited to structures. Mr. Waite advised that the Historic Preservation Commission has developed some incentives to encourage historic preservation.

**BOARD MEMBER DEWHIRST MOVED THAT THE BOARD FORWARD CDC-04-39 TO THE CITY COUNCIL AS PROPOSED, WITH A RECOMMENDATION FOR APPROVAL. BOARD MEMBER FREEMAN SECONDED THE MOTION.**

Board Member Crim inquired if there are other sections of the Edmonds Community Development Code that deal with non-conforming buildings. Mr. Bullock answered that Section 17.40.020 is the only section in the code that deals with non-conforming buildings. Board Member Crim inquired how the City could modify this section so that the buildings that are under the age threshold for being considered historic but are still worthy of preservation could be maintained. Mr. Bullock answered that the City does not have a procedure to address these situations. Right now, this could only be done with a variance. Board Member Dewhirst pointed out that if the City were to create special provisions to deal with buildings that have historic significance but are not 50 years or older, they would need to develop some specific criteria to use when making this determination.

Board Member Crim suggested that the Historic Preservation Commission provide suggestions about other changes that could be made. Mr. Waite said they would welcome the opportunity to do this. He said he sees many structures that would fit all of the criteria with the exception of the 50-year requirement. Board Member Crim inquired if it would be within the Historic Preservation Commission's discretion to waive this criterion. Mr. Bullock said he did not think this would be possible. Most of the criteria are subjective, but the actual age requirement is pretty hard and fast. Mr. Waite agreed, but noted that there are opportunities for exceptions for extremely unique situations.

**UPDATE ON ISSUES AND BACKGROUND INFORMATION ON THE 2004 AMENDMENTS TO THE COMPREHENSIVE PLAN AND CRITICAL AREAS REGULATIONS**

Mr. Chave reminded the Board that a public workshop event has been scheduled for May 26<sup>th</sup>. The City's critical areas consultant is nearing completion of a draft critical areas map for the City. They have been finding or researching sources that show slopes and other critical areas within the City. Internally, staff has attempted to map the non-wetlands and provide a rough idea of where stream corridors are located. All of the information would be provided to the public for review at the open house.

Mr. Chave advised that the City Council is in the process of reviewing some changes to the Meadowdale Regulations. These changes will focus on the review process for projects that occur in this area. They will not change the critical areas regulations or how the critical areas interface with these requirements. The critical areas regulations will be updated this year. In the winter staff will follow up with a LIDAR aerial map, which requires an airplane to fly above the ground sending down laser beams. The laser beams will bump off the ground and multiple returns that come back will be measured. The first beams to return will be from the highest points like trees. The last to return will be presumed to be the ground. The result will be a fairly accurate depiction of what the topography of Edmonds is. The end result will be a three dimensional type of map, showing the topography of the City. Staff plans to have this information available for the entire City. Once it is completed, it will go a long way towards identifying where the steep slope areas are. The geotechnical consultant should be

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able to use this information to accurately delineate where the landslide areas are. The LIDAR information should be available for the Board's review by the end of the first half of 2005.

Mr. Chave explained that the City has to wait until the winter months to do the aerial mapping project because there is significantly less foliage to interfere with the laser beams. The more foliage there is, the more difficult it will be to get accurate readings for where the ground is. This is a fairly new technology. The City is trying to join a consortium of cities and counties that have already done this work. Supposedly, Snohomish County is next on the list to have this work done. But even if they do not, cities within the County have shown interest in doing the mapping on their own. If the City is able to work as part of a consortium, the total cost of the mapping will only be about \$5,000. If they are unable to work with a consortium, they can join with other cities in the County and the total cost of the mapping would be between \$15,000 and \$20,000. Either way, Mr. Chave emphasized that this mapping project would still be very cost efficient.

Mr. Chave advised that at the May 26<sup>th</sup> public workshop, staff intends to provide more general types of maps for the public to review. They hope to provide these maps on a large scale so that the public can provide comments about the maps and identify areas of the maps that they feel are inaccurate. He said the most difficult areas to identify are the habitat areas, and staff is hoping the citizens who attend the workshop can help them identify where these areas are located.

Mr. Chave clarified that the purpose of the public workshop meetings is to obtain public feedback related to the critical areas and apprise the public on what the process and issues will be. Staff will describe what they will be reviewing and the impacts this might have on land use. In addition, the staff will provide information to the public about what they can do to be better stewards of the critical areas that exist in their neighborhoods. The focus of the first workshop will be on streams and wetlands. The Pilchuck Audubon Society and an organization that promotes environmentally friendly yards and landscaping will be present at the workshop to advise the public about what they can do. This type of public education is part of the charge of the stormwater utility and they will provide funding for this effort, which is aimed at increasing public awareness.

Mr. Chave announced that the public workshop is scheduled for May 26, 2004 from 4:00 to 8:00 p.m. The meeting will be held on the third floor of City Hall and will be designed as a drop in event. Staff plans to provide short presentations to the public throughout the evening. He suggested that the Planning Board members attend this event, as well, to talk with the public about critical areas and the process that will be used for the review. Perhaps some of the Board members could attend the first half of the workshop and the remainder of the Board could attend the second half. The workshop will enable the Board to obtain direct feedback from the public.

Mr. Chave said that at the meeting, staff will provide maps as well as the visual preference survey that was performed about ten years ago. The survey is a selection of photographs that the public can react to and provide feedback as to whether they like the type of development depicted in the picture or not. This survey is also available on the City's website.

Mr. Chave said that at the public workshop, staff would also provide information related to the Downtown/Waterfront Plan and the Highway 99 Study, which has been put together in a report form by the consultant.

Board Member Young said he understands the mapping process that will be done by the City and why it is important. But the Board's efforts to define critical areas and update the critical areas ordinance is independent of any aerial photograph no matter how it is generated. He said the Department of Ecology and the Department of Natural Resources has a model critical areas ordinance, as does Snohomish County. Mr. Chave advised that the City's existing critical areas ordinance was created in the early 90's and was based on the Department of Ecology Model that was available at the time.

Mr. Chave explained that the consultant's review of the City's critical areas ordinance will be based on best available science, and anything the Department of Ecology is doing will be part of that review, as well. The Department of Ecology's direction is to make sure all of the local critical areas ordinances use best available science. If a local jurisdiction's ordinance meets best available science practices, there is no single standard that must be followed. The consultant's charge is to look at what the Department of Fish and Wildlife, the Department of Ecology, the Department of Natural Resources and the local jurisdictions are doing regarding best available science to determine what is best for the City of Edmonds.

Board Member Young noted that at the next meeting the Board would review the materials that will be provided to the public at the public workshop on May 26<sup>th</sup>. He questioned if this would allow the Board Members enough time to prepare to represent the City as citizen planners at the workshop meeting. Mr. Chave explained that the first workshop would be fairly general and would identify the issues and the process related to the critical areas ordinance. Staff would also explain to the public why this work is important. The draft critical areas ordinance update would be provided later in the process. Again, he said the main purpose of the first public workshop is to raise public awareness and interest in the issue.

Board Member Young clarified that the next Planning Board Meeting would be used to prepare the Board for the public workshop on May 26<sup>th</sup>. Mr. Chave said staff will make sure the Board has a good understanding of the issues and process so that they can explain what is going on to the citizens who attend.

Board Member Henderson referred to the agenda for the June 9<sup>th</sup> meeting, and noted that it was already full before the Board continued the public hearing on File Number R-04-7 to that same night. Mr. Chave said the Board could postpone the review of the economic feasibility assessment for the Highway 99 Task Force and Hospital/Medical zoning proposals. However, he said it is important that the critical areas consultant be allowed to review issues and options they have identified during their review of best available science and the City's existing critical areas regulations. This review will likely take a substantial portion of the June 9<sup>th</sup> agenda.

Mr. Chave said that although he has been working to put together the written portion of the Downtown/Waterfront Plan, he does not plan to have a draft rewrite of the plan available for the public's review at the May 26<sup>th</sup> workshop. He suggested that it would be better to put together some detailed visual maps to identify all of the concepts and ideas the Board has been discussing over the past several months. The idea is that anyone viewing the maps would have a good idea of what options the Board is considering. The rewritten Comprehensive Plan could be provided to the public for review later in the process. He said it is important that the public understand that this is a work in progress and that there will be opportunities for them to give feedback that can be incorporated into the draft document. He said he would provide each of the Commissioners with a copy of documents that will be provided to the public at the workshop by April 30<sup>th</sup>. He asked that the Board Members provide comments back to him regarding the documents by May 6<sup>th</sup> so that he can make the necessary adjustments and have a pretty solid draft for the Board to review at their May 12<sup>th</sup> meeting.

Mr. Chave provided a map on the overhead. He said he prepared the map based on the discussions the Board has had to date. He advised that the map shows what the new planning designations and ultimate zoning districts would be. He advised that the map identifies seven different zoning concepts as follows:

- The **Commercial/Retail Core Area** is identified in red and with the **Letter A**.
- The **Arts Center Transition Area** is identified in light pink and with the **Letter B**.
- The **Existing Multi-Family Areas** are identified in brown and with the **Letter C**.
- The **Transitional Mixed Commercial/Residential Areas** are identified in dark pink and with the **Letter D**.
- The **Waterfront Mixed Use/Arts Area** is identified in solid purple and with the **Letter E**.
- The **Master Plan/Redevelopment Areas** are identified in striped pink and purple and with the **Letter F**.
- The **Special Low-Rise Office/Residential Areas** are identified in dark pink and with the **Letter G**.

Mr. Chave explained in that, addition to identifying districts, the Board has also discussed some specific design concepts. If staff were to show all of the various concepts and zoning districts as a different color on a single map, it might become too busy. He suggested that staff identify the district boundaries with lines and use colors to make the design concepts stand out more. He briefly described the various concepts that have been identified and discussed by the Board and included on the map. He asked that the Board provide further direction and feedback to staff so that the map can be refined to better meet the Board's intent. He again referred to the map and asked that the Board specifically indicate whether or not they feel this type of document would be appropriate for the public workshop. The Board agreed that it would be. Mr. Chave said staff also plans to provide photographs and illustrations to draw the public's attention.

Mr. Chave referred to the area that surrounds the fountain in the core downtown area. He recalled that the Board previously discussed the option of creating an overlay for this area, but staff needs further direction from the Board as to exactly how much of the area around the fountain should be included.

Board Member Dewhirst recalled that the Board previously discussed the concept of visually connecting the view down Main Street from the fountain towards the waterfront. They also discussed the need for some type of pedestrian connection from the fountain to the waterfront, as well. Mr. Chave suggested that an overlay for the area surrounding the fountain could include some language making it clear that one of the purposes of the overlay is to provide a visual corridor down to the waterfront.

Board Member Dewhirst recalled that when the Board reviewed the streetscape design document, the staff provided a series of maps that were helpful. Mr. Chave said staff intends to use some of these maps as illustrations in the new document. Board Member Crim suggested that a large version of the maps should be made available at the public meeting. The public could be allowed to write their comments directly on the maps. This would enable the Board to collect a record of the public's reaction to the various concepts.

Board Member Freeman said that besides creating an overlay for the area surrounding the fountain, the Board also talked about shrinking the community business zone to focus on the retail areas. Mr. Chave referred to the area that is located at the foot of Main Street and said it is questionable whether this should remain in its current use and zoning or if it should be used for retail. He said an argument could be made that this area should be part of the overall redevelopment of the entire area and might be a prime location for the City to gain access into the corridor that links the waterfront with Main Street. The Board agreed that this area should be considered part of the area that is designated for redevelopment.

Mr. Chave referred to the area that is identified with the Letter G, which is currently designated as a special low-rise office/residential area. He questioned if the Board would like to include this property as part of the area that is designated for redevelopment, as well. Board Member Freeman said the public has indicated, through hearings before the City Council, that they would like this area to remain as residential, and the City Council agreed. Board Member Dewhirst suggested that it would be more appropriate to identify this area as transitional. Mr. Chave emphasized that the Board does not need to decide on specific zoning now. However, he cautioned that if something is not done with the property as part of the Downtown/Waterfront Plan, it could present a problem for the City in the future.

Mr. Chave noted that a significant number of areas that are currently zoned as commercial business now are being proposed for something different. All of the areas identified as Letter D would allow any mixture of residential and commercial uses without restrictions. He questioned if the Board would be in favor of allowing this level of flexibility or if they want to require that the first floor be commercial but not necessarily retail. The Board recalled that in previous discussions they agreed that flexibility should be allowed in the transitional mixed commercial/residential areas.

Board Member Dewhirst suggested that the area identified as Letter G should be changed to Letter D, and the issue should be open for public discussion. Mr. Chave pointed out that the special low-rise office/residential designation (Letter G) would be more restrictive than the transitional mixed commercial/residential designation (Letter D) because it limits the height to 25 feet instead of 30 feet. In addition, retail commercial uses would not be allowed. He summarized that the area identified as Letter G would be similar to a multi-family residential zone, which allows office space with a conditional use permit. The Board agreed that because Letters D and G represent two different concepts, the color of the area identified as Letter G should be changed to clearly distinguish between the two.

The Board discussed the boundaries for the commercial/retail core area, which is identified as Letter A on the map. Mr. Chave recalled that in the Board's previous discussions, they described this area as fairly substantial in size. If the Board wants to focus on the fountain, specifically, they could focus on an area of one block in all directions from the fountain. However, this is stricter than the concept that was discussed in the subcommittee report. The Board agreed that the fountain area should be identified as the area one block away in all directions from where the fountain sits.

Mr. Chave referred to the property that is located at the corner of Third Avenue and Dayton Street and identified on the map as Letter A. He suggested that this area does not really function as part of the retail core area now. It seems to fit more with what is going on to the west in the area identified as Letter D. The Board concurred.

Mr. Chave referred the Board to the property that is located north of the property identified on the map as Letter B and west of the Edmonds Center for the Arts. He inquired if the Board wanted to include this property with the property that is identified as Letter B. Board Member Freeman suggested that in the future, there might be a need for bed and breakfast type businesses in this area to serve the people who visit the Center for the Arts. She said she would like to allow flexibility in the transition areas to accommodate these types of uses. The Board agreed that the area identified on the map as Letter B would serve this need adequately, without including the property to the north.

Board Member Dewhirst suggested that since the purpose of the workshop is to solicit public input, the Board could identify with a question mark the area to the north of the area designated as Letter B. This would alert the public that the Board is specifically seeking input on what this area should be. He suggested that the property that is designated on the map as Letter G could also be changed to a question mark to specifically call it out as an area the Board is seeking public feedback on. The key that is provided along with the map could identify some of the kinds of uses the Board is considering for these areas. The remainder of the Board concurred.

Board Member Dewhirst inquired why the SR-104 Mini Park is not shown on any of the maps that have been prepared by the staff. Mr. Chave answered that because this is a street end and right-of-way, the computer system does not pick it up as a separate park. He said he would research this issue to find out if it is possible to identify this small park on the maps.

Mr. Chave again advised that staff would use the input provided by the Board to update the maps and make them available for the Board to review further by April 30<sup>th</sup>. He asked that the Board provide any additional comments they might have regarding the maps to him by Thursday, May 6<sup>th</sup>.

Board Member Freeman inquired if the property boundaries would be superimposed on the LIDAR aerial maps that are to be created later on. Mr. Chave answered affirmatively. He said property owners would be able to identify their properties on the LIDAR maps.

Regarding the Highway 99 Study, Mr. Chave reported that the financial consultant is now on Board and the scope of work has just been finalized. However, it will be a while before the consultant's report is available for the Planning Board's review. He advised that a copy of the Highway 99 Report that was prepared by MAKERS would be made available to the public at the workshop on May 26<sup>th</sup>. However, staff does not intend to get into any discussions related to economic issues at that time.

### **REVIEW OF EXTENDED AGENDA**

The Board did not comment further on the proposed extended agenda that was prepared by staff.

### **PLANNING BOARD CHAIR COMMENTS**

Board Member Young did not provide any additional comments during this portion of the meeting.

### **PLANNING BOARD MEMBER COMMENTS**

Board Member Guenther referred the Board to an article that was published in the Sunday, April 25<sup>th</sup>, *SEATTLE TIMES*. The article was regarding a new Safeway that was recently constructed at the base of Queen Anne in Seattle. Two or three floors of apartments were constructed above the store. The article focused on the concept of living within a community and

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not having to use your car as much. He noted that the parking was located to the side and rear of the building and the storefront was situated up against the sidewalk. The article was located on the front page of the real estate section.

Board Member Freeman suggested that perhaps it would be helpful for the City of Edmonds, in trying to sell a new concept such as the area around the fountain with stepped-back building facades above the first or second story, to provide a model of what this might look like for the public to review. She said it is much easier for people to understand a concept if a visual aid is provided.

Board Member Freeman advised that City Council Member Moore heads the City Council's Community Outreach Committee. The committee has discussed the possibility of televising the Planning Board Meetings. If this plan ever comes to fruition, Board Member Freeman inquired if the Board would receive any type of training or professional tips on how to present themselves. Mr. Chave suggested that Chair Young discuss this issue the next time he meets with Mayor Haakenson.

THE MEETING WAS ADJOURNED AT 8:35 P.M.

**APPROVED**