

**CITY OF EDMONDS
PLANNING BOARD MINUTES
November 8, 2006**

Chair Freeman called the regular meeting of the Planning Board to order at 7:03 p.m. in the Council Chambers, Public Safety Complex, 250 – 5th Avenue North.

BOARD MEMBERS PRESENT

Janice Freeman, Chair
John Dewhirst, Vice Chair
Cary Guenther
Jim Young
Judith Works
Virginia Cassutt
Michael Bowman

STAFF PRESENT

Duane Bowman, Development Services Director
Rob Chave, Planning Division Manager
Karin Noyes, Recorder

BOARD MEMBERS ABSENT

Don Henderson

READING/APPROVAL OF MINUTES

BOARD MEMBER WORKS MOVED THAT THE MINUTES OF OCTOBER 25, 2006 BE APPROVED AS CORRECTED. BOARD MEMBER CASSUTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

Chair Freeman referred the Board to the memorandum from Councilmember Plunkett inviting them to attend a City Council Community Services/Development Services Committee meeting on November 14th to discuss the option of videotaping and televising the Planning Board and Architectural Design Board meetings.

BOARD MEMBER FREEMAN MOVED THAT THE AGENDA BE CHANGED TO ADD A DISCUSSION REGARDING THE OPTION OF VIDEOTAPING AND TELEVISIONING THE PLANNING BOARD MEETINGS AS ITEM 8a. BOARD MEMBER WORKS SECONDED THE MOTION.

Mr. Chave advised that at the last City Council Meeting, the City Council referred an item related to the proposed new CG and CG2 zones back to the Board.

BOARD MEMBER GUENTHER MOVED THAT THE AGENDA BE CHANGED TO ADD A DISCUSSION OF THE ISSUES REMANDED TO THE BOARD BY THE CITY COUNCIL REGARDING THE CG AND CG2 ZONES AS ITEM 8b. BOARD MEMBER YOUNG SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

AUDIENCE COMMENTS

There was no one in the audience who expressed a desire to address the Board during this portion of the meeting.

CONTINUED PUBLIC HEARING ON MINOR TEXT AND MAP CORRECTIONS AND UPDATES TO THE COMPREHENSIVE PLAN (FILE NUMBER CDC-06-4)

Mr. Chave reminded the Board that, at their last meeting, they continued the public hearing on the minor text and map corrections to update the Comprehensive Plan to allow them to review the updated draft document. He referred the Board to the new draft language, which includes all of the corrections identified by the Board and staff to date.

Chair Freeman referred to Item d in the middle of Page 38 and noted that she recommended a new sentence be added to read: "Within the Retail Core, no new curb cuts shall be allowed and there shall be no requirement to provide on-site parking." Mr. Chave also noted that changes were made to the last paragraph on Page 37 (Planned Residential-Office) to address the concerns raised by the Board at the last meeting.

John Reed pointed out that the new downtown zoning ordinance is currently in limbo at the City Council level. The City Council would not make a decision on the new ordinance until after the ADB appeal related to Old Mill Town has been resolved. Therefore, he suggested it would be premature for the Board to make a recommendation on the minor amendments to the Downtown Plan and Comprehensive Plan Map. He summarized that it would be difficult for the Board to recommend Comprehensive Plan changes that are consistent before they know what final action the City Council would take on the zoning ordinance related to the proposed new BD zones.

Mr. Chave explained that the development regulations currently before the City Council represent a slight modification of the existing Comprehensive Plan language. Since the City is in the process of updating the Comprehensive Plan this year, it would be timely for the Board to forward some draft language for the City Council to consider to make the Comprehensive Plan consistent with the zoning ordinance adopted by the City Council. If the Board were to forward a recommendation to the City Council now, the City Council could hold a public hearing and consider the proposed Comprehensive Plan changes at the same time they are looking at the proposed BD zoning ordinance. If the Board does not forward any Comprehensive Plan adjustments this year and the City Council approves some zoning ordinance changes, the Comprehensive Plan and the zoning ordinance would be inconsistent. Therefore, the development regulations would likely be invalidated. He reminded the Board that the goal is to make the Comprehensive Plan and Development Code language consistent, and the proposed language would give the City Council something that is consistent with the regulations that have already been forwarded to them by the Board.

The public portion of the hearing was closed.

VICE CHAIR DEWHIRST MOVED THAT THE PLANNING BOARD FORWARD THE MINOR TEXT AND MAP CORRECTIONS AND UPDATES TO THE COMPREHENSIVE PLAN (FILE NUMBER CDC-06-4) TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL. BOARD MEMBER CASSUTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

REVIEW AND DISCUSSION ON CODE UPDATES REQUIRED TO INTEGRATE DESIGN GUIDELINES AND REVISED DESIGN REVIEW PROCESS INTO THE DEVELOPMENT CODE

Mr. Chave referred the Board to the current draft of the revised design review process. He explained that revisions and additional organizing and cleaning must still be done before the document could be finalized. He asked that the Board review the document and provide their comments and suggestions. He noted that the City Attorney has not yet provided his comments regarding the proposed language. Mr. Chave suggested the Board could hold a final review of the document at their December 13th meeting and then schedule a public hearing for the first meeting in January. Any conversation about the

Approved

guidelines, themselves, should include the chair of the Architectural Design Board, since the guidelines were a product of that group.

The Board and staff reviewed the document and made the following comments and recommendations:

Section 20.10

Board Member Guenther suggested that language be added to this section to emphasize that the time for public comment on an application is during the Architectural Design Board's review. Mr. Chave agreed that language could be inserted to indicate that the Architectural Design Board Review is an opportunity for neighbors to comment on major projects that could potentially have an impact on them. The remainder of the Board agreed that would be appropriate.

Board Member Works suggested that the language in Section 20.10.000.A is too vague and doesn't have any real meaning. Chair Freeman agreed that vague statements like this lend to trouble. Mr. Chave agreed to review the Urban Design Guidelines Chapter of the Comprehensive Plan to find improved language to address the intent of this section.

Section 20.11

Mr. Chave explained that this section describes the existing design review process. Board Member Works noted that on Page 7 the terms "planning manager" and "planning official" are both used. Mr. Chave agreed to check to make sure the terms are consistently used throughout the document. Board Member Works also pointed out that the words "When general design review is required" should be deleted from Section 20.11.010.A.

Chair Freeman referred to Section 20.11.030.A.3 and noted that the word "view" has not been defined. She questioned if this would refer to the view from the street, from an adjacent property, or even from uphill properties. Board Member Cassutt recalled a previous Board discussion that roof top equipment must be screened from any view. Mr. Chave pointed out that if the Board wants to require screening from all views, more height would likely be necessary in order to construct a box around all of the equipment. Board Member Guenther pointed out the operational problems associated with placing roofs on top of mechanical equipment. Mr. Chave agreed and suggested that mechanical equipment only be screened from surrounding streets, etc. Screening the equipment from the view of uphill properties is an entirely different and larger issue. The Board agreed to strike the words "from view" from Section 20.11.030.A.3.

Mr. Chave noted that Sections 20.11.030.A.6 and Section 20.11.030.C.3 have been highlighted because they are related to a current City moratorium. He suggested that these two sections relate to view and are extremely problematic. Therefore, they should be either changed or taken out of the document. The Board concurred that the two sections should be deleted from the proposed language.

Section 20.12

Board Member Works referred to Section 20.12.090.A and asked if an Architectural Design Board review would ever be mandatory for something that does not require a building permit. Mr. Chave answered that sometimes the Code refers to the Architectural Design Board review even though no permit is required. One example would be applications to install public art.

Section 20.13

Mr. Chave explained that staff's intent is to integrate the landscape site development standards for the CG zones into this chapter because they do a much better job of buffering, etc. The current language is just the existing language from the code. Chair Freeman referred to Section 20.13.015.B, which indicates a minimum height requirement of 18 feet for medium and tall shrubs. She suggested the correct number should be 18 inches.

Chair Freeman suggested the reference to "significant views" should be taken out of Section 20.13.015.C. Board Member Works agreed and noted that the reference to "enhancing views and vistas" should also be taken out of Section 20.13.020.A. Chair Freeman added that the words "significant views and height limit for" should be deleted from Section 20.13.020.P. Board Member Young pointed out that a professional landscape architect participates as a member of the Architectural Design Board, and applicants are required to present landscape plans that are consistent with the zoning district and then

demonstrate how the plans would work over time. The Board agreed that references to view, as noted earlier by Board Member Works and Chair Freeman, should be eliminated from the proposed language.

Chair Freeman referenced Section 20.13.020.E, which requires automatic irrigation for all projects more than four dwelling units, 4,000 square feet of building area, or more than 20 parking spaces. She suggested that this requirement could go against the trend of planting species that are drought resistant. Board Member Cassutt noted that even drought resistant plantings require some water. She noted that automatic irrigation, if done correctly, could actually save water. Board Member Young suggested the word “automatic” be changed to “appropriate.” He explained that if appropriate irrigation were required, the Architectural Design Board would require an applicant to show a landscape plan and explain how it would work, and this would include proper plans for irrigation. Mr. Chave expressed his belief that the proper term should be “automatic irrigation” since this would cover a variety of irrigation systems. The majority of the Board concurred.

The Board briefly discussed whether or not it would be necessary to hold a workshop discussion regarding the Design Guidelines with the Chair of the Architectural Design Board prior to the public hearing. Vice Chair Dewhirst pointed out that the Architectural Design Board has already signed off on the document, and the Board has not proposed any significant changes. He expressed concern that the Board is not making enough progress on this issue, especially since the Mayor has identified it as a high priority item. Rather than meeting with the Chair of the Architectural Design Board, he urged the Board to get the draft language to the City Council as soon as possible. He urged staff to obtain feedback from the City Attorney soon so that draft language could be completed and prepared for a public hearing.

The Board agreed to advertise the issue for a public hearing on December 13, 2006. Mr. Chave indicated that if he receives comments from the City Attorney soon, he would provide an early draft back to the Board so they could provide additional comments for staff to work into the draft language for the public hearing.

REVIEW OF CODE REWRITE PROJECT

Mr. Bowman provided a brief status report on the code rewrite project, which was recently funded by the City Council. He reported that staff is in the process of reviewing the existing code and formulating revisions. They will incorporate those items the Board has already been working on, as well. The City Attorney would be present at the Board’s December 13th meeting to conduct a workshop discussion regarding proposed changes to the non-conforming regulations. This discussion would be followed closely with a review of the chapter on processes and procedures.

Mr. Bowman advised that the City Council has requested staff to bring the code rewrite back to them in sections, and staff plans to run each section through the Planning Board and then forward them to the City Council along with the Board’s recommendation. Before final approval is given, staff would conduct a comprehensive review of the entire document to make sure all of the sections are consistent. In addition, he said staff envisions that the rewrite would require renumbering the chapters. For example, the definitions chapter would be moved to the start of the code and the process section would be moved to where Title 17 is now. Staff is considering a process of typing decisions using a table and matrix. An applicant would be able to quickly look at the table to find out what type of process their project would require. He emphasized that the ultimate goal is to make the code easier to enforce and easier for the public to use.

Mr. Bowman reported that, during the next month, he would lay out the rewrite process onto the Board’s extended agenda. He plans to press forward by presenting one section to the Board per month, and his goal is to move the process along quickly throughout the next year for final adoption by the City Council by the end of 2007.

Mr. Bowman advised that staff has proposed 30 pages of suggested code changes, and these would be folded into the rewrite process, as well. In addition, he asked that individual Board Members present specific recommendations for change to staff via email. These comments could then be noted as items for review. The goal is to get the Board through the review process by the end of June 2007.

Mr. Bowman recalled a recommendation presented by the City's consultant, Mark Hinshaw. Mr. Hinshaw cautioned that the City Council should not over regulate. Instead, he recommended they figure out what is important to the City and then make sure all related issues are covered adequately in the code language and that the code regulations can be enforceable.

Vice Chair Dewhirst encouraged staff to include a lot of graphics and pictures in the new code to help communicate the City's intent. Again, Vice Chair Dewhirst expressed his belief that if the City Council had adopted the Design Guidelines previously, many of the problems the City is facing would have been easily resolved. He said he is concerned that approval of the Design Guidelines would get postponed again as the City Council works on the code rewrite. Mr. Bowman said staff would continue to push adoption of the Design Guidelines forward, as well.

Vice Chair Dewhirst recalled that much discussion has taken place over the past few years about making the community more walkable. He suggested this be one of the dominant features that permeate the new code regulations. This is the one thing that has been emphasized over and over again by the citizens, so the City's code must provide a framework for this to occur. Mr. Bowman agreed that when the public works standards (Section 18) are reviewed, they should consider opportunities to incorporate pedestrian friendly aspects such as LID's, payment in lieu of, etc.

DISCUSSION RELATED TO THE OPTION OF VIDEOTAPING AND TELEVISIONING THE PLANNING BOARD MEETINGS

Chair Freeman announced that Planning Board Members have been invited to attend a City Council Community Services/Development Services Committee Meeting on November 14th at 6 p.m. to discuss the option of videotaping and televising their meetings. She said she plans to attend the meeting to represent the Board. She invited the Board Members to share their input on this option.

Board Member Cassutt questioned how the City could afford to video tape and television the Planning Board and Architectural Design Board Meetings when there are so many other things that have a higher priority and money is limited. She also expressed her belief that the Board's discussions would not be nearly as open if they were being recorded, and openness is very important as the Board formulates their recommendations. Even when they don't always agree, they have had good discussions about the best interest of the community.

Chair Freeman agreed that the Board would not be as likely to brainstorm and share their ideas if their discussion was being recorded. Board Member Works expressed her concern that the opportunity for free discussion would be eliminated if the meetings were recorded. She also questioned how the City could spent money to record the meetings when there are so many other needs that are not being addressed. Board Member Guenther expressed his concern that certain citizens could try to use the televised Planning Board Meetings as a platform to get their issues before the public.

Board Member Bowman inquired regarding the City Council's motivation for televising the meetings. Mr. Chave explained that the City Council's Community Outreach Committee meets periodically to discuss options to improve communications with the public. The idea of televising the Planning Board and Architectural Design Board meetings came up during their discussion, and they forwarded the concept on to the City Council's Community Services/Development Services Committee for further consideration.

Board Member Young agreed that the dynamics of the Board discussions would change if the meetings were recorded. He noted that the Board has made some good, clear recommendations to the City Council as a result of their discussions, but there could also be some value in having the topics the Board must take on more available to the public. He noted that no one showed up to participate in the public hearings for the Capital Improvement Plan, even though these decisions could potentially have a far greater impact on their lives. Televising the meetings could help the public gain a better idea of the issues the City is facing. On the other hand, he agreed with Board Member Bowman's suggestion that it would be helpful to know why the City Council wants to televise the meetings.

Board Member Works pointed out that, unlike the City Council, the Planning Board is not a decision making body. Their ability to explore issues and make informed recommendations to the City Council depends on their ability to have free

flowing discussions. In fact, the optimal situation would be for the Board to conduct their discussions seated around a table. If the meetings were televised, Board Members might be more hesitant to share their comments and suggestions. Vice Chair Dewhirst agreed that televising the meetings would change the dynamics of the Board's brainstorming discussions. Many times, the Board Members don't have answers to the complex questions that come before them. After listening to each other speak freely, they have been able to form consensus recommendations. This type of process requires the ability to have free flowing discussions amongst the members. On the other hand, he also pointed out that the more the City is able to educate the public, the better informed the citizens would become on issues that impact them. However, he said he cannot imagine the citizens would be all that interested in listening to the Board meetings since they rarely attend the meetings.

Vice Chair Dewhirst expressed his concern that the Planning Board Meetings could become a "bully pulpit" for some people to raise their issues. If the meetings are recorded and televised, he suggested that the public comment period be placed at the end of the agenda to discourage these types of situations. Another option would be to televise public hearings, but not workshop sessions. He said that in his experience working in other jurisdictions, it was very apparent that the dynamics of the individual members was different when meetings were televised.

Board Member Guenther suggested the City figure out how many hits the website receives from people who are seeking Planning Board Minutes. If there is a huge demand for the minutes, then perhaps they should record and televise the meetings.

Board Member Young recalled that the Board met numerous times to carefully discuss the Downtown Plan and make an appropriate recommendation to the City Council. However, when the City Council considered the issue, they did not even make reference to the concerns discussed by the Board. Perhaps if the meetings were televised, the public would be able to see the genesis of the ideas that are discussed and understand how the Board arrives at their recommendations. Chair Freeman agreed that televising the meetings would help to educate the interested public on various topics and help them understand that issues are typically more complex than what they originally assumed.

At the request of the Board, Mr. Chave indicated that the estimated cost of recording and televising the Architectural Design Board and Planning Board Meetings would be about \$10,000 per year. The Board agreed that the monetary side of the issue should also be part of the City Council's consideration. They further agreed that the City Council should consider how many people actually look at the Planning Board Minutes that are posted on the City's Website. Chair Freeman encouraged as many Board Members as possible to attend the meeting on November 14th.

DISCUSSION ON REMANDED ITEM FROM THE CITY COUNCIL RELATED TO THE CG AND CG2 ZONING PROPOSAL

Mr. Chave reported that the City Council approved the CG/CG2 Zoning Ordinance by a vote of 5-2. However, they did indicate one issue that was remanded back to the Board for additional review and recommendation. At the City Council hearing, testimony was provided by car dealership representatives who pointed out that the new language would require a 15-foot landscaped setback on the street frontage. They expressed concern that their situation was different than standard businesses within the CG and CG2 zones because they must be able to display their merchandise close to the front of the property. The new setback requirement, in addition to the challenging depth of the properties on Highway 99, would reduce their opportunities to redevelop or change their properties. The City Council has referred this issue back to the Board for additional review of what the setback should be and whether or not it should be applied equally to all business types, including car dealerships.

Mr. Chave pointed out that, historically, the setback has been 15 feet, but the new ordinance missed the fact that the landscape section talks about a 4-foot landscape buffer rather than a 15-foot buffer. He suggested that perhaps a 4-foot landscape buffer would be adequate for businesses that require displays within the 15-foot setback, but only if larger landscaped areas were interspersed along the street frontage. The other option would be to only require a 4-foot landscaped buffer for all businesses within the CG and CG2 zone.

Chair Freeman suggested the Board Members watch the City Council meeting at which the CG/CG2 Zoning Ordinance was discussed. She noted that the car dealers did not come before the Board during their hearings. Instead, they waited until the issue was before the City Council to raise their concerns. Mr. Chave pointed out that the car dealership owners were not aware of the setback issue until one of them came in with a redevelopment proposal. At that time, staff informed them that the issue was being considered by the City Council, and that is why they attended the public hearing.

Mr. Chave suggested staff be allowed to draft some options for the Board to consider and then schedule a public hearing on December 13th. The Board concurred. Mr. Chave advised that the Highway 99 Task Force would meet on November 13th, and the car dealership owners have been invited to attend and provide their comments. On December 13th, staff would provide a report to the Board regarding the task force's discussion and recommendation.

REVIEW OF EXTENDED AGENDA

Mr. Chave referred to the extended agenda for December 13th and announced that Item 3 (Shoreline Master Program) and Item 4 (Neighborhood Business District Zoning) have been postponed until the first meeting in January. Therefore, the agenda for December 13th would include the following:

- A public hearing on code updates required to integrate design guidelines and the revised design review process into the development code.
- A public hearing on proposed changes to the CG/CG2 Zoning Ordinance as remanded by the City Council to address street front setback requirements.
- A discussion with staff and the City Attorney regarding the Non-Conforming Regulations.
- A presentation by Mayor Haakenson regarding decision making processes.
- The election of 2007 Planning Board Officers.

PLANNING BOARD CHAIR COMMENTS

Chair Freeman did not provide any comments during this portion of the meeting.

PLANNING BOARD MEMBER COMMENTS

Vice Chair Dewhirst asked that his work number be deleted from the Planning Board Member Roster.

Vice Chair Dewhirst reported that he asked the City Engineer about the option of creating a policy for using an in-lieu-of fund for sidewalk construction. It appears as though the Engineering Department would be open to considering this type of process, and Mr. Bowman has also agreed to explore the opportunity.

ADJOURNMENT

The meeting was adjourned at 8:40 p.m.