

APPROVED MAY 14<sup>TH</sup>

## CITY OF EDMONDS PLANNING BOARD MINUTES

April 23, 2008

Chair Guenther called the meeting of the Edmonds Planning Board to order at 7:00 p.m. in the Council Chambers, Public Safety Complex, 259 – 5<sup>th</sup> Avenue North.

### **BOARD MEMBERS PRESENT**

Cary Guenther, Chair  
Michael Bowman, Vice Chair  
Judith Works  
Jim Young  
Don Henderson  
John Dewhirst  
John Reed  
Philip Lovell

### **STAFF PRESENT**

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

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

**BOARD MEMBER REED MOVED THAT THE MINUTES OF APRIL 9, 2008, BE APPROVED AS CORRECTED. BOARD MEMBER WORKS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

### **ANNOUNCEMENT OF AGENDA**

The agenda was accepted as proposed.

### **AUDIENCE COMMENTS**

There was no one in the audience.

### **DISCUSSION REGARDING REVISIONS TO EDMONDS COMMUNITY DEVELOPMENT CODE CHAPTER 17**

Mr. Bowman referred the Board to the draft outline of what the table of contents for Title 17 would look like if the current Title 20 permit review criteria sections were merged into Title 17. He advised that the purpose of this change would be to keep Title 20 strictly as a process and procedure chapter while Title 17 would be an administrative chapter. He invited the Board members to share their comments regarding the concept of merging the two documents. Staff would then revise the draft language to match the outline. Board Member Guenther summarized that, as proposed, the sections related to process and procedure would be separated from the regulations. He voiced his support for this concept since it would make the code more clear and straightforward.

Board Member Lovell inquired if staff could identify the changes that are made as items are moved from Title 20 into Title 17. Mr. Bowman answered that the changes would be tracked in the margin of the draft document to identify where the language was previously located. In addition, the new draft language would identify all changes in underline/strikeout format.

The Board agreed it would be appropriate to merge items from Title 20 into Title 17 as proposed by staff.

Next, Mr. Bowman referred the Board to the draft Title 17. He reminded the Board that they have already completed their review of Section 17.40 (Nonconforming Uses, Buildings, Signs and Lots) and forwarded a recommendation to the City Council. Recommended staff changes have been inserted into the remaining sections for the Board's consideration. He reviewed each section with the Board and invited them to share their comments.

#### **Section 17.00 -- Administration**

Mr. Bowman advised that staff recommends adding clarification to the title of the zoning map to indicate that it may also be referred to as the City's "official zoning map." However, he noted the bigger change to this section is related to boundaries (Section 17.00.020.D). He explained that, currently, rights-of-way in the City are not zoned. Staff is proposing that rights-of-way be considered zoned the same as the adjacent property. When a right-of-way adjoins and separates different zones, the adjacent zone would be considered to extend to the center of the right-of-way. After talking with the City Attorney, staff is also recommending that additional language be added to make it clear that this provision would not apply if a right-of-way defines a municipal boundary. He explained that the purpose of the proposed change is to allow the City the ability to regulate signs and other items that are placed within rights-of-way.

#### **Section 17.05 – Reasonable Accommodations Process**

Mr. Bowman advised that changes were made to this section to replace all references to "community services director" with "development services director." He specifically explained that the reasonable accommodations section (17.050.20) is intended to authorize the development services director to vary, modify or waive the provisions of the Edmonds Community Development Code (ECDC) in order to provide a reasonable accommodation as necessary to provide to a disabled person's or care provider to the disabled's full enjoyment of a residence. The development services director would be required to provide notice of the accommodation to the applicant and property owners within 300 feet of the subject property, and the decision would be appealable only to Superior Court.

Chair Guenther pointed out that Section 17.05.030 should be updated to include the most current building code references.

#### **Section 17.10 – Bonds**

Mr. Bowman advised that the proposed language would change the City's bonding requirements. He explained that the City has never cashed a bond for site improvements on private property. However, there have been a number of times where they have cashed in bonds for dedicated public site improvements such as sidewalks, curbs, gutters, etc. He suggested the language be changed to require bonds for dedicated public site improvements only. The Board agreed that additional language should be added at the end of 17.10.000.A to read, "Where an occupancy permit has been requested and required non-life safety improvements such as landscaping have not been installed, the development services director may allow the developer or owner to post a performance bond or similar security to ensure that improvements will be installed within a specified time period."

Board Member Reed inquired if the term "dedicated public improvements" has been defined elsewhere in the ECDC. Mr. Bowman indicated he would flag this term and provide a definition for the Board's future consideration. Board Member Lovell noted that dedicated public improvements should be identified on the civil plans that are submitted by developers as part of a development permit application.

#### **Section 17.20 – Special Use Regulations**

Mr. Bowman advised that this section would be reviewed by the Board at a later date.

#### **Section 17.30 – Fences**

Mr. Bowman noted, that at this time, trellises up to two feet in height are allowed on top of fences, as long as the combined length of the trellis constructed facing a property line does not exceed 25% of the total length of the property line. However, he pointed out that ECDC 19 requires that the trellis remain free of plantings, etc. He noted that trellis are typically constructed to support plantings. He recalled that when trellises were discussed previously, there was some discussion about potential view blockage if vegetation were allowed. But staff suggests that if a fence is already allowed at six feet, perhaps

they should allow plantings on the two-foot trellis, as well. Board Member Henderson agreed that the City should not restrict plantings from trellises. He noted that trellises and fences are limited in height, but hedges are not.

Mr. Chave suggested the Board keep in mind that Section 17.30.000.C requires that the height of a fence be measured from the top of the fence to the lowest original grade, unless a variance is first obtained. He pointed out that it is often difficult to determine the original lowest grade of a property. Typically, fences are constructed based on the finished grade of a property. He added that Section 17.30.000.C would also require a school to obtain a variance in order to put up a backstop that has higher fencing.

The Board discussed that the intent of Section 17.30.000.C is to prevent a property owner from building a berm and then constructing a six-foot fence on top. Mr. Chave suggested the Board consider this section further to make sure it addresses the desired intent without creating future unintended problems. Mr. Chave pointed out that there would be no issues associated with view, as long as the fencing is placed outside the setback areas where development up to 30 feet in height could occur anyway. In these cases, it shouldn't matter if a fence is greater than six feet tall.

Mr. Chave emphasized that the variance process is not set up to address the issue of fences. Even if they want to keep the provision found in Section 17.30.000.C in place, they must make it clear that the variance process would not be an appropriate remedy. Mr. Bowman suggested they change the definition of "fence" to include an exception for backstop fencing, etc. Board Member Dewhirst expressed concern about using the term "lowest original grade." The Board agreed to flag this item and invite staff to provide additional language for the Board to consider that addresses the concerns raised. They concluded that they were not interested in penalizing someone from following the contour of land for a fence, but they would like the code to prevent someone from building a large berm and then placing a six-foot fence on top.

The Board discussed that the most frequent requests come from property owners who want to build retaining walls with fences on top. Board Member Dewhirst suggested that perhaps the conditional use permit process could adequately address this issue. This would allow staff to make a decision based on certain criteria. Mr. Chave agreed this would allow an opportunity to notify neighbors and explain the situation. Board Member Dewhirst felt it would be more appropriate to apply the conditional use permit rather than putting a property owner in a position of having to prove hardship, which is a requirement of the variance process. Chair Guenther asked what process a private business owner would use in order to gain City approval for a fence that exceeds six feet in height in order to meet their security requirements. Mr. Bowman advised that, as currently written, the code would require this private property owner to obtain a variance.

Mr. Bowman agreed to redefine the term "original grade" and come up with a process such as a staff conditional use permit that takes into consideration criteria related to topography, safety, etc.

Board Member Young inquired if the draft document was reviewed by the City Engineer to address concerns associated with fences that obstruct site distance from intersection streets. Mr. Chave advised that the Engineering Department has not expressed a problem with applying the site distance standards to fence permits. Board Member Young said there are currently dangerous situations in the City as a result of the location of some fences. Mr. Bowman referred to Section 17.30.010, which states that the height of a fence would normally be limited to three feet within 10 feet of any street right-of-way or access easement or 30 feet of any corner, unless an exception is approved. He noted that this provision would apply to both fences and vegetation that blocks site distance.

Board Member Dewhirst voiced concern that when cars are allowed to park close to intersections, they block view, as well. Mr. Bowman said the Engineering Department does enforce the site distance requirements for parking, as well. In fact, the City has discovered they may have to eliminate some parking spaces to address site distance requirements in the downtown.

### **Section 17.35 – Animals**

Mr. Bowman suggested this whole section be moved to the animal control section. He said he plans to meet with the animal control staff to consider this change.

### **Section 17.40 – Nonconforming Uses, Buildings, Signs and Lots**

**APPROVED**

Mr. Bowman reminded the Board that they already reviewed this section and forwarded a recommendation to the City Council.

**Section 17.50 – Off-Street Parking Regulations**

Mr. Bowman advised that he and Mr. Chave have discussed the concept of establishing a uniform set of off-street parking regulations that would apply to the Highway 99 area only. He noted that these regulations would be aimed at reducing the number of required parking spaces for residential uses. He reminded the Board that the Bus Rapid Transit Program would be fully operational along Highway 99 in 2009, so it would make sense to move in this direction instead of encouraging more cars.

The Board briefly discussed the staff's recommendation that the City develop a uniform set of off-street parking regulations that apply to the Highway 99 Corridor. Mr. Chave noted that uniform parking standards were recently adopted for the downtown business area, and staff recommends the same concept be applied to the Highway 99 Corridor, as well. Mr. Bowman reviewed that, as proposed, all new buildings or additions in the Highway 99 Business Area would be required to provide parking at a flat rate of one parking stall for every 600 square feet of gross floor area of a building. Residential uses contained in mixed-use buildings or permitted as part of a mixed-use development would be required to provide parking at a ratio of one stall per dwelling unit.

Board Member Dewhirst inquired if the Board would have another opportunity to review the proposed language at a later date. He reminded the Board that a lot of information would be coming forth from the Mayor's Climate Protection Advisory Group regarding the parking requirements. He agreed with the staff's proposed concept for Highway 99, but the language must also address the parking requirements for "big box" development that could possibly occur along the corridor. He suggested it would be appropriate to establish a standard for the maximum amount of parking that would be allowed.

Board Member Dewhirst referred to 17.50.010.C.5, which proposes that the parking requirement be based on gross square footage rather than net square footage. He noted that many jurisdictions exclude the non-living area from the parking calculations. Mr. Bowman advised that this language already exists in the code. Board Member Dewhirst expressed his belief that offering parking bonuses to residential developments would be a significant benefit to developers. Mr. Chave suggested the Board forward this section to the City Council as proposed by staff, but then address the idea of reducing the parking requirements further as part of their program of implementing sustainable and low-impact development concepts. Mr. Bowman agreed and reminded the Board that the City Council would like them to keep the code re-write project moving forward. He noted that implementing low-impact development concepts at this time might end up bogging down the Board's progress. He recommended they move forward with the code re-write project and add place holders to insert new language as information becomes available.

Chair Guenther referred to the LEED Reference Manual, which identifies four alternatives for meeting LEED goals for parking and transportation. He reviewed the four options available for developers to get LEED credits.

Board Member Young recalled that the Highway 99 Task Force was in favor of considering the concept of parking being provided at a rate consistent with the proposed use of the property. Mr. Bowman cautioned that this concept could create problems, as well. He recalled that Top Foods constructed significantly more parking space than they actually needed. Board Member Young agreed this was a problem, but he suggested they look at parking in terms of the options outlined by Chair Guenther from the LEEDS Manual. However, he did not feel they should bog down their work on the code re-write program in order to address the issue now.

Board Member Dewhirst suggested the code establish a base line parking requirement, but then allow options for meeting the parking needs. Mr. Bowman said he would lean towards establishing a maximum parking limit as opposed to a minimum parking standard. Board Member Young agreed, but suggested this is a subject for a separate discussion.

Mr. Chave said the proposed language would address parking requirements on Highway 99 using the same structure that was applied earlier to the downtown area. Mr. Bowman noted, however, that the language would have to be changed to address the specific parking needs of vehicle sales businesses. He suggested a parking requirement of one space for every 600 square feet of office area. This would provide enough parking for customers and employees.

Chair Guenther inquired why the proposed language does not provide provisions for off-street loading space. Mr. Bowman said staff could take a look at this issue if the Board desires. He said businesses that have off-street loading spaces know exactly how much space the trucks need to operate and the activity usually occurs during the off peak hours.

Mr. Bowman emphasized that this review is not intended to finalize the language. After the Board has provided further direction, staff would prepare a new draft for their consideration. The Board would also spend time greening up the language at a future date. He noted that the City Council recently adopted an environmental policy that emphasizes sustainability so greening up the language would be a priority of the City Council.

Board Member Reed said he had a hard time following the language in this section because it jumps around from zone to zone. Mr. Bowman agreed to review the format and make changes so it is more clear. Board Member Works agreed that the formatting should be changed to make the document easier to read. The format seems to jump from topic to topic.

Board Member Henderson referred to Section 17.50.020.B.7, which would require bowling alleys to provide four parking spaces per bowling lane. He suggested this is an excessive requirement. Mr. Bowman agreed since the requirement assumes that every bowler comes in their own car, which is not typically the case. Board Member Henderson suggested staff review the 22 items in this section to make sure they still make sense. Mr. Chave suggested another approach would be to move away from parking requirements for specific uses entirely. Uniform parking standards could be identified for the Highway 99 area, the downtown, and the neighborhood business areas; and these standards could be based on the square footage of space. The City could have a separate set of parking standards for the residential zones. Mr. Bowman agreed this would be a good approach, but there would have to be exceptions for dealing with hotels and motels. The Board agreed they would like to consider the option of establishing a parking standard that is based on square footage as opposed to the confusing language that is currently in the code.

#### **Section 17.60 – Performance Standards**

Mr. Bowman explained that when the nuisance regulations were sent to Title 6, those items that were more related to performance standards were retained and placed in Section 17.60. He noted that additional language to this section is identified in italics. The underlined text identifies the language that already existed. He recalled concerns raised at an earlier meeting by Roger Hertrich related to open storage of lumber, coal or other combustible material. He noted the language came from the existing code, and staff was not proposing any changes. The language is not intended to apply to wood piles in the back of a home. It is more related to allowing the fire department to take care of problems associated with large storage bins of wood or combustible materials.

Board Member Henderson inquired if the noise ordinance criteria could be applied to the noise created by Burlington Northern trains passing through the Meadowdale area. Mr. Bowman advised that trains are regulated by the federal government, so the City's noise ordinance would not be applicable. The City has attempted to establish a quiet zone in Edmonds, but there is nothing they can do at this time to resolve the noise problem.

Mr. Bowman noted that most of the language in this section is already in the existing code. The more significant changes were made to Section 17.60.040 (vehicles in residential zones). The Board noted that they reviewed this proposed language previously. Mr. Bowman agreed but said staff promised to show how the language recommended by the Board would be incorporated into Chapter 17. The Board indicated their support for the proposed language as presented.

#### **Section 17.65 – Limited Outdoor Display of Merchandise**

Mr. Bowman explained that the language proposed in this section would no longer require an encroachment permit for the outdoor display of merchandise. Instead, a street permit would be required.

#### **Section 17.70 – Temporary Uses**

Mr. Bowman advised that the language in this section was changed to insert the term "other temporary buildings." He explained that temporary uses currently require a conditional use permit. The proposed language would make the permit a staff decision as opposed to a Hearing Examiner decision. Any appeal could go before the Hearing Examiner. This should

significantly lower the applicant's costs. He expressed his belief that it doesn't make sense to require a lengthy review process for temporary uses. The Board concurred.

The Board referred to Section 17.70.040 and discussed the difference between a bistro and other types of outdoor dining. Mr. Chave explained that bistro dining is not permanent and is typically located within the public right-of-way. The tables and chairs are set up in the public space during the day, but they are brought in at night. Outdoor dining is more permanent and typically located on private property. Mr. Chave suggested this section could be moved to Section 17.75, where the remaining outdoor dining regulations are located. Board Member Young pointed out there is a difference between uses in the public right-of-way and outdoor dining that occurs on private property.

Board Member Reed noted the City just purchased a small park space, the Old Mill Town Courtyard. He inquired if any changes should be made to the proposed language to allow this space to be used for outdoor dining. Mr. Bowman answered that the proposed language would not allow outdoor dining in this public space. In order to place tables and chairs in the area, the City would have to designate it as a special seating area, and it probably wouldn't be dedicated to any particular business.

#### **Section 17.75 – Outdoor Dining**

No significant changes were proposed for this section.

#### **Section 17.80 – Planter Area Maintenance**

No changes were proposed for this section.

#### **Section 17.90 – Recycling Collection Facilities**

Mr. Bowman advised that minor changes were made to this section to include used clothing and textiles as a recycling option. Chair Guenther noted that a developer can receive a LEED credit for providing on-site space for recyclable materials. He advised that the City of Seattle now requires that the size of a recycling area be based on the size of a building. He suggested the City consider language of this type, too.

#### **Section 17.95 – Commute Trip Reduction Plan**

Mr. Bowman reported that Community Transit has been selected to create a plan to implement the new State mandated trip reduction code. He said this entire chapter would likely be replaced in the near future when additional information becomes available. No changes have been proposed for this section now.

#### **Section 17.100 – Community Facilities**

Mr. Bowman advised that the public facilities regulations would be reviewed by the Board in the near future, and then the new language would be inserted into Section 17.100.

#### **Conclusion**

The Board directed staff to update the draft language as per their comments and advertise for a public hearing. Board Member Young suggested that terms that are used over and over again or that provide the foundation for the chapter should be defined up front. The remainder of the Board concurred. Board Member Dewhirst inquired if staff intends to put all of the definitions for Chapter 17 in one place or scatter them throughout. Mr. Bowman said the code enforcement officer favors having the definitions in each section. Chair Guenther suggested that one section be dedicated to common terms that appear throughout the chapter, but terms that are only used in one section could be defined in that particular section. Mr. Chave suggested another option would be to italicize all terms that are defined in the definition section. The Board agreed they would like to consider this idea further.

#### **REVIEW OF EXTENDED AGENDA**

Mr. Chave announced that staff maneuvered the extended agenda around a bit, but it is still consistent with the Board's direction. He noted that Title 17 would be scheduled for a public hearing on July 9<sup>th</sup> since there are no other public hearings scheduled for that evening.

**APPROVED**

Mr. Bowman advised that residential property owners on the east side of 68<sup>th</sup> north of 162<sup>nd</sup> Street have submitted a petition expressing their a desire to be annexed into the City of Edmonds. The properties are part of unincorporated Snohomish County and have been identified as part of Lynnwood's Municipal Urban Growth Area (MUGA). He reported that staff has discussed this proposal with the City of Lynnwood, and they have indicated their willingness to work with the City to come up with a joint resolution to agree on where the MUCA boundaries should be. He noted that, at this time, the County's plan doesn't designate the area for potential annexation. Mr. Bowman advised that a group has been formed to look at the specific issues that stem from a recent MUGA case. The cities in the County have come up with a clear interpretation of what Urban Goal 17 really means, but it is not consistent with the County's interpretation. He said he anticipates the issue would end up in front of PAC and Snohomish County Tomorrow before it is presented to the County Council. The issue may come before the Board at some point, as well.

At the request of Board Member Reed, the Board discussed the City's current process for reviewing site-specific Comprehensive Plan amendments. Mr. Chave advised that when reviewing site-specific Comprehensive Plan amendments, Board members are discouraged from discussing the issue prior to the hearing. He advised that formal hearings for the site specific applications would be conducted in June, and the Board would forward a recommendation to the City Council after the hearings have been completed. He explained that while site-specific Comprehensive Plan amendments are technically considered legislative items, staff would like to err on the side of treating them as quasi-judicial. This more restrictive process is intended to protect the City from possible legal challenges. He explained that most of the discussion at the retreat would center on Comprehensive Plan amendments intended to address the issue of sustainability and low-impact development rather than the site-specific amendments.

#### **PLANNING BOARD CHAIR COMMENTS**

Chair Guenther reported that he and Vice Chair Bowman met with Mayor Haakenson to review the Planning Board's upcoming agenda. The Mayor stressed the importance of keeping the code re-write project moving forward and not getting bogged down on issues related to sustainability and low-impact development, which could be incorporated into the code at a later date.

Chair Guenther reported that he is now an accredited LEED Official.

#### **PLANNING BOARD MEMBER COMMENTS**

Board Member Dewhirst asked when the Mayor's Climate Protection Advisory Group would meet again. Mr. Chave answered that their next meeting is scheduled for May 8<sup>th</sup>. Mr. Chave noted that the City Council recently approved an environmental policy statement and the City's sustainable buildings policy. They also voted to join the Cascade Land Conservancy Cities Program.

Vice Chair Bowman inquired if members of the Historic Preservation Commission and Architectural Design Board have been invited to join the Board at their retreat. Chair Guenther indicated that an invitation has been extended to both groups.

Board Member Reed announced that there would be no City Council Meeting on April 29<sup>th</sup>. Instead, the Mayor would conduct a community input meeting.

Mr. Bowman announced that Dave Gebert, City Engineer, retired effective April 23<sup>rd</sup>. In addition, the City's Assistant Engineer, Don Fiene, has left to become a private consultant. He has agreed to help the City conduct their stormwater reviews on a limited basis while they recruit new staff. In the meantime, Noel Miller will be the acting City Engineer. He said he would miss both Mr. Gebert and Mr. Fiene.

#### **ADJOURNMENT**

The meeting was adjourned at 8:51 p.m.

**APPROVED**