

APPROVED JUNE 11TH

CITY OF EDMONDS PLANNING BOARD MINUTES

May 14, 2008

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

BOARD MEMBERS PRESENT

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

STAFF PRESENT

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

BOARD MEMBERS ABSENT

Cary Guenther, Chair
John Dewhirst

READING/APPROVAL OF MINUTES

BOARD MEMBER WORKS MOVED THAT THE MINUTES OF APRIL 23, 2007 BE APPROVED AS PRESENTED. BOARD MEMBER HENDERSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

The agenda was accepted as presented.

AUDIENCE COMMENTS

Al Rutledge, Edmonds, provided an update on the information he learned while attending Stevens Hospital Board Meetings over the past several years. He reminded the Board that a representative from the hospital recently presented their draft master plan, and the Hospital Board adopted the document this past week. While a lot of questions have been raised about relocating the hospital outside of Edmonds, he assured the Board that the hospital is not considering relocation as a viable option at this time.

CONTINUED REVIEW OF POTENTIAL AMENDMENT TO CHAPTER 21.55.007 OF THE EDMONDS DEVELOPMENT CODE (ECDC) CLARIFYING THE DEFINITION OF LOCAL PUBLIC FACILITIES TO ADDRESS THE SITING OF PRIVATE AND/OR FOR PROFIT COMMUNITY FACILITIES IN SINGLE-FAMILY RESIDENTIAL ZONES

Mr. Bowman reminded the Board that this proposed amendment stems from a recent application to expand the use of a private recreational facility located in a single-family residential zone as a conditional use. Based on the City's existing code language, staff determined that the facility met the definition of a "local public facility." However, they did not feel the use

met the City's intent. Staff proposed an interim ordinance to clarify the definition to include only publicly owned and operated facilities. The ordinance was subsequently adopted by the City Council, and they directed the matter to the Planning Board for further review and a recommendation on permanent code language.

Mr. Bowman recalled the Board discussed this issue on April 9th, and staff was directed to develop some criteria that could be used for private local public facilities located in residential zones. He referred to the draft language and explained that two actions would be necessary to implement the Board's direction. The definition must be amended to reflect the allowance of private local public facilities and additional criteria would need to be added to ECDC 17.100.050. He noted that the proposed new language attempts to make a distinction between publicly owned and operated facilities and privately owned and operated facilities. He invited the Board Members to review the new language and provide feedback and further direction to staff in preparation for a public hearing on July 23rd.

Board Member Henderson referred to Section 17.100.050.A.1, which states that local public facilities that are owned by the City and identified in their capital improvement plan would be allowed uses in all residential, business and commercial zones. He inquired if this would exclude local public facilities that are owned and operated by the state or county. Mr. Bowman suggested this section could be updated to include facilities owned by other public agencies.

Mr. Bowman referred to the examples provided in the staff report for how additional criteria could be added under ECDC 17.100.050 to address adding private recreational facilities to the local public facilities definition. He noted that the present code has sufficient criteria, for the most part, to review a conditional use permit. He said that in addition to the existing criteria listed in the staff report, it would also be appropriate to add criteria related to location requirements. For example, private public facilities could be required to locate on arterial or collector streets, only. He noted that these facilities often require a significant amount of parking, and they generate a lot of traffic.

Mr. Bowman noted that the original interim ordinance excluded private recreational facilities, and his impression was that the City Council supported the concept that the local public facility regulations were intended to govern "public" facilities. Public facilities would include uses such as schools, city facilities, churches, etc. He questioned what direction the Board wants to take regarding service clubs. He suggested a distinction could be made that service club are generally open to anyone to join, whereas a private recreational club may accept requests for membership but does not necessarily need to approve them.

Board Member Lovell suggested that changing "private recreational facilities" to "privately owned recreational facilities" could provide a better description of the City's intent. Mr. Bowman suggested the City Council's intent was to allow publicly owned uses in the residential zones, but not allow additional privately owned and operated public facilities.

Board Member Works inquired why the word "general" is used at the beginning of many of the listed criteria. Mr. Chave explained that there are other classes of local public facilities, such as schools and churches that have separate criteria. The criteria from the general section are intended to apply to all local public facilities.

Board Member Reed recalled that the interim ordinance described local public facilities as community facilities operated by a unit of local, state or federal government. That means the intent of the interim ordinance was to deal with public facilities only.

Board Member Young pointed out that if the definition proposed in the interim ordinance were adopted into the code, the few existing privately owned recreational facilities would be grandfathered. He expressed his belief that the City should not expand the definition to allow privately owned recreational facilities in residential zones. Local public uses should be limited to those that meet the definition of a local public facility.

Board Member Works recalled that at an earlier meeting, Board Member Dewhirst was vocal about the need to broaden the definition to allow private recreational facilities, as well. Vice Chair Bowman said that in the community he grew up in, neighborhood swimming pools were common and intended to serve a specific residential area. However, there was very little parking provided and people had to walk to the facility. He recalled Board Member Dewhirst's suggestion that if the City wants to encourage the concept of reducing their carbon footprint, they must provide opportunities for citizens to walk

to recreation areas. Accomplishing this would require a broader definition for local public facilities. Mr. Bowman suggested the entire purpose behind creating public neighborhood parks throughout the community is to allow people an opportunity to walk to the areas.

Mr. Bowman agreed with Board Member Young that the City Council did not intend to allow private clubs and facilities in single-family residential neighborhoods. He suggested that those that currently exist would be grandfathered in, but future private recreation facilities should be required to comply with the new ordinance. He recommended the Board stand by the interim ordinance and let the public weigh in on the concept at the public hearing. He suggested that adding language that allows private recreational facilities in residential zones could open up too many issues and concerns. The majority of the Board concurred with Mr. Bowman's recommendation.

Board Member Reed agreed the interim ordinance is better, but he asked what rules would apply to those private facilities that already exist. Mr. Bowman explained that the existing facilities would continue to be allowed, but would be considered non-conforming uses. Any future expansion would require an applicant to comply with the current non-conformance requirements.

Mr. Bowman summarized that the Board wants him to schedule a public hearing on July 23rd using the language found in the adopted interim ordinance. At that time, the Board would listen to public comments and then forward a recommendation to the City Council.

UPDATE AND TOPICAL DISCUSSION ON CODE RE-WRITE PROJECT

Mr. Chave announced that staff is continuing to work on the code rewrite project. As they approach their work on Title 16 (zoning classifications) their major goal will be to better organize and present the various use and bulk standards. One way to do this is to employ a technique called "form-based zoning." He referred to the documents that were provided by staff to summarize some aspects of this approach. He explained that Edmonds has actually been applying some of these features to its zoning code over the years by integrating design standards while dropping density and parking restrictions. Staff is now recommending the Board consider moving to a fuller implementation of a form-based code, continuing to employ more traditional features if they reinforce Edmonds' character. The benefits of this approach should be a more streamlined code that is easier to understand and use.

Mr. Chave said that, for the most part, the City's existing zoning code uses a Euclidian zoning approach, which describes the height, setbacks, lot coverage, permitting uses, etc. In recent years, the City has found this approach does not often predict what will actually be built in certain zones. For example, the current downtown zoning doesn't really reflect the type of development that exists, and there are uses and developments that are actually inconsistent with past practices and what the City wants to occur in the future.

Mr. Chave explained that a form-based zoning approach would allow the bulk standards to control the density and size of a building. He expressed his belief that the City's current standards for density, etc. can sometimes be counterproductive. For example, the BC zone had a density cap of one unit per 3,000 square feet of property. If this were applied to the downtown area, 6,000 square foot lots would be allowed to have two units in a mixed development. In the 1980's and early 1990's, this concept resulted in buildings with large residential units and small commercial spaces because that is what the density allowed. This problem was solved by removing the density cap and allowing the height and bulk standards to take care of building size.

Mr. Chave pointed out that instead of having a strictly traditional or a totally form-based zoning code, the City could create hybrid zoning that combines the two concepts. This is basically what the City has been doing over the past several years. Traditional zoning has been used as the base, with some of the form-based zoning features melded in. Staff has found that, in many cases, the community wants something different to happen than what the traditional "Euclidian" zoning would produce.

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Mr. Chave explained that form-based zoning focuses on what a building would look like. It doesn't use the traditional methods for mixing uses and setting density caps, etc. This concept is best applied in areas where a lot of growth or changes are occurring, but it doesn't work so well in areas that are more stable and where the existing codes are getting the desired results. He said staff envisions the form-based zoning concept could be applied along the Highway 99 Corridor, downtown Edmonds, and on Sunset Avenue. These are areas where zoning doesn't quite match the types of buildings the community wants to see. That is why design standards have been adopted for the BD1 zone; people felt the new BD zoning designation was not specific enough to accomplish the desired results for the downtown. He suggested that for the downtown, the form-based approach would fit in nicely as a supplement to the more traditional zoning.

Mr. Chave summarized that as staff rewrites ECDC 16, they would like add some of the form-based zoning features in certain locations. They could target the general commercial zones where changes have been made recently to incorporate form-based zoning concepts. They could also apply some of the design standards that were created for the BD1 zone to other BD zones in the downtown. Staff is also interested in removing density caps and utilizing a more standard, flat rate parking ratio. Staff intends to focus on reworking some of the standard zoning classifications to incorporate form-based zoning features, but still retain those elements of the existing traditional standards that work well. Staff does not anticipate that the form-based zoning concept would be appropriate for application in most of the City's single-family residential neighborhoods, unless the current development does not conform with what the zoning allows. A prime example of this would be Sunset Avenue, where the zoning allows development and uses that are quite incompatible with the existing neighborhood.

Board Member Henderson said he agrees that some features of the form-based zoning concept should be incorporated into the City's zoning code. However, there are some existing traditional standards that should be maintained such as requiring retail space on the ground floor of a mixed use developments in the BD zone. Mr. Chave clarified that form-based zoning would still describe uses, but it would be more proactive than traditional zoning. It would provide more definitive direction as to what types of uses should occur in a particular zone. Maps for code-based zoning regulations are more specific. For example, the map could identify different setbacks for each block or area. Form-based zoning also uses more pictures and maps to illustrate the concepts, and it is a little more tailored to the specifics of a district rather than being a uniform zone that is applied the same throughout a large area.

Board Member Henderson agreed that form-based zoning is a good idea, as long as the City doesn't lose site of the fact that the zoning code must still restrict uses. Mr. Chave agreed and explained that form-based zoning would take a critical look at the uses currently allowed and identify those that should be prohibited.

Mr. Bowman reported on his attendance at the National Planning Conference in Las Vegas a few weeks ago. The event featured a series of workshops on form-based zoning codes. Several examples were provided to illustrate how the concept has been applied in small, affluent suburban areas. These cities did not focus so much on what uses should be allowed in a particular zone. Instead, they focused on design and what the end product should look like. He summarized that people are beginning to focus more on what a project should look like as opposed to being overly concerned about the types of uses allowed. However, he acknowledged that some uses should be prohibited in certain zones.

Mr. Bowman reiterated that over the past several years, the City has been doing a hybrid of form-based zoning by implementing design standards for some zones to identify the desirable elements that should be part of development. He explained that form-based zoning focus more on form and the process and less on the uses, while traditional zoning focuses primarily on uses. He said staff has found that people are more interested in what a development would look like. Form-based zoning works particularly well for commercial and multi-family residential zones, and it could be considered for some single-family residential zones as a way to help preserve their existing character. Mr. Chave added that the current, more traditional zoning code first identifies what uses are and are not allowed, and the City Attorney has encouraged the City to avoid the conditional use process, altogether. If a use is incompatible for a zone, it should be prohibited. For those uses that are considered compatible for a zone, the code should specify under what conditions they would be allowed without requiring a conditional use permit. Mr. Bowman pointed out that a form-based zoning code could focus on what the building form should look like, but it could also specify the uses that should be prohibited.

Mr. Chave emphasized that if the City were to implement a form-based zoning code, staff would not recommend eliminating those elements of the existing code that are working well. However, they would target specific zones and make the code more specific about what the community wants to see happen in those areas. In some situations, the Board would need to work with neighborhoods to identify and reach a consensus on what they want to see. The form-based zoning concept would work well in these situations.

Mr. Bowman explained that because form-based zoning is more prescriptive, it would be easier to achieve a more physically predictable result. That means the code would be easier to interpret and would likely result in fewer public hearings before the Board.

Board Member Lovell said he found the materials provided by staff regarding the form-based zoning concept to be enlightening. He inquired if changing the code to be more form-based would result in changes to the way the Architectural Design Board currently operates. Mr. Chave said implementing form-based zoning elements could substantially change the Architectural Design Board's role in the process.

Board Member Lovell asked if staff anticipates it would be necessary to hire a consultant to help staff incorporate the form-based zoning concept into the code. Mr. Chave answered that he would be hesitant about hiring a consultant to do all of the work because it would be costly. However, he said staff may need a consultant's help to prepare the illustrations and pictures that describe the intent of the code language. Currently, staff does not have this capability. Mr. Bowman added that the key to successfully implementing code-based zoning is to provide a lot of drawings and illustrations to make the intent clear.

The Board asked staff to provide examples from other jurisdictions that have successfully applied the form-based zoning concept. Mr. Bowman agreed to provide examples of projects that have been implemented using form-based zoning.

Mr. Chave said he had some discussion with the Highway 99 Task Force at their meeting on May 12th about how form-based zoning could function in the Highway 99 corridor. He explained that, right now, there are intensive general commercial zones with a mixture of multi-family residential and less intense commercial zones behind. The current zoning code would require a rezone in order to consolidate or change the configuration of properties in this area. A form-based zoning approach would eliminate the need for a rezone. Instead, the code language would describe how the more intensive uses must transition to the less intensive uses. Form-based zoning would provide an incentive for owners to redevelop properties along Highway 99 because they would no longer have to rely on the rezone process. This allows the ability for redevelopment to ebb and flow as the economic situation changes over time, but it would still provide protection and transition for the nearby single-family residential neighborhoods.

Board Member Reed asked the process for developing a form-based zoning code. Mr. Bowman the process would be the same process that is currently used for code amendments, which includes public hearings before both the Planning Board and the City Council. The Planning Board would be responsible for making a recommendation to the City Council. Mr. Bowman said he anticipates many people would be receptive to the form-based zoning concept because they would have a clear understanding of what the end result of a development would be. The existing traditional zoning sets standards but does not give any guarantee as to what a potential development would look like.

Board Member Young pointed out that the City currently has a design review process that allows the public to see exactly what a proposed development would look like. He asked if form-based zoning would allow this same kind of review. He suggested the public would likely raise the concern that conventional zoning allows the City to better predict what impacts a proposed development would have on the City's infrastructure, and he is not sure this would be as effective with form-based zoning. He said he would like to learn more about how the form-based zoning concept has worked for other communities before deciding whether or not the City should move in that direction.

Mr. Bowman agreed to schedule a work session for the Board to review the examples provided by staff so they can gain a better understanding of how form-based zoning standards have been applied by other communities. Board Member Works said she would like staff to compare the types of development that would be allowed based on the current zoning versus what would be allowed by a form-based zoning code.

Vice Chair Bowman inquired if a form-based zoning code would result in the construction of “vanilla” buildings in Edmonds. Mr. Bowman answered that the code would identify elements that must be included in a design, but developers would also be allowed to use a range of different materials and styles.

REVIEW OF EXTENDED AGENDA

Vice Chair Bowman reviewed that the Board’s next meeting would start at 6:00 p.m. with a one-hour retreat discussion. At 7:00 p.m., the Board would have a discussion regarding low-impact development. The meeting would be held in the Brackett Room of City Hall. Vice Chair Bowman also pointed out that several public hearings have been scheduled for June 11th to consider site-specific Comprehensive Plan Map amendments. He questioned the Board’s ability to get through the agenda in a timely manner. Mr. Chave explained that staff had originally planned to conduct the hearings at both the June meetings, but they were recently informed that the Parks Plan must be approved by the City Council by July so staff can submit grant applications. That means all the Comprehensive Plan amendments scheduled for public hearing on June 11th would have to be heard and decided by July, as well.

The Board asked staff to encourage applicants to keep their presentations brief. Board Member Reed suggested staff forward the meeting materials to the Board Members as soon as possible rather than waiting until the Friday before the meeting. Mr. Chave suggested the Board consider placing a time limit on the public comments in order to keep the meeting moving along. The Board further decided it would be appropriate to schedule a special meeting on June 18th to complete the public hearings, deliberate on the proposals, and make a recommendation to the City Council. If the Board completes their work at the June 18th meeting, they could cancel their June 25th meeting. If not, they could use the June 25th meeting to finish up their review and make a recommendation to the City Council.

PLANNING BOARD CHAIR COMMENTS

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

PLANNING BOARD MEMBER COMMENTS

Board Member Reed requested an update on the status of the house at 555 Main Street. Mr. Chave reported that no one has stepped forward with an offer to move the house to a new location.

ADJOURNMENT

The Board meeting was adjourned at 8:07 p.m.