

APPROVED JULY 9, 2008

**CITY OF EDMONDS  
PLANNING BOARD MINUTES**

**June 11, 2008**

Chair Guenther called the meeting of the Edmonds Planning Board to order at 7:01 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  
John Dewhirst  
Don Henderson  
John Reed  
Judith Works  
Jim Young  
Philip Lovell

**STAFF PRESENT**

Rob Chave, Planning Division Manager  
Gina Coccia, Associate Planner  
Mike Clugston, Associate Planner  
Karin Noyes, Recorder

**READING/APPROVAL OF MINUTES**

**BOARD MEMBER WORKS MOVED THAT THE MINUTES OF MAY 14, 2008 BE APPROVED AS CORRECTED. BOARD MEMBER YOUNG SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY, WITH CHAIR GUENTHER AND BOARD MEMBER DEWHIRST ABSTAINING.**

**ANNOUNCEMENT OF AGENDA**

Chair Guenther announced that Michael and Candace Dedonker withdrew their application to change the Comprehensive Plan designation from Single family – Urban 1 to Multi family – High Density on property located at 615 – 6<sup>th</sup> Avenue North (File Number AMD-07-18). Therefore, the public hearing regarding the file was removed from the agenda. The remainder of the agenda was accepted as presented.

**AUDIENCE COMMENTS**

**Roger Hertrich, Edmonds**, announced that at a recent meeting, the City Council considered draft language for Chapter 6 of the Municipal Code related to nuisances. He recalled that the Board spent a great deal of time discussing various nuisance issues as part of their review of Chapter 17 of the Edmonds Community Development Code. Upon the advice of the City Attorney and the Development Services Director, the Board agreed to move these items to Chapter 6 of the Municipal Code, which moved the items directly to the City Council for review and approval. He pointed out that after the language was reviewed by the Board, staff made significant changes to include a number of new items. He noted that because the proposed language would be incorporated into the Municipal Code, the City Council would not even be required to hold a public hearing before adopting the proposal. He suggested the Board review a copy of the minutes from the City Council's discussion to see how much the language has been changed. He advised that the City Council would discuss the proposed language again on July 15<sup>th</sup>, and the first of two public hearings would be conducted at that time. He encouraged the Board Members to share their opinions about the grandiose list of nuisances the staff is trying to impose on the City residents.

**PUBLIC HEARING ON APPLICATION BY JAMES UNDERHILL TO AMEND THE COMPREHENSIVE PLAN DESIGNATION FOR PROPERTIES ALONG A PORTION OF 215<sup>TH</sup> STREET SOUTHWEST AND EAST OF 76<sup>TH</sup> AVENUE WEST FROM “MIXED-USE COMMERCIAL” TO “SINGLE FAMILY – URBAN 1.” (FILE NUMBER AMD-07-14)**

Gina Coccia, Associate Planner, presented the staff report. She explained that the proposed application is to amend the Comprehensive Plan designation for properties along a portion of 215<sup>th</sup> Street Southwest and east of 76<sup>th</sup> Avenue West from “Mixed-Use Commercial” to “Single family Urban 1.” She advised that prior to the hearing, packets of information related to the proposal were given to members of the Planning Board, the applicant, and parties of record. She reviewed the attachments to the staff report as follows:

- **Attachment 1** is the land use application that was submitted by the applicant.
- **Attachment 2** is the applicant’s narrative and contains his arguments for submitting the request.
- **Attachment 3** is the SEPA Determination of Non-Significance. No appeals were received regarding this document.
- **Attachment 4** is the public hearing notice describing the proposal to the neighborhood.
- **Attachment 5** is the Comprehensive Plan Map, which identifies the site as “Mixed-Use Commercial.” It is located in the middle of the “Highway 99 Activity Center” and not near other “Single Family Urban 1” areas.
- **Attachment 6** is the zoning map, which shows that the neighborhood is zoned for multiple residential uses, which includes single family. The multi-family residential zones also allow for commercial uses with an approved conditional use permit. It was noted that the site is not near any single-family zoned property.
- **Attachment 7** is the Aerial Photo Map, which shows the property’s proximity to the hospital to the south and more intense development to the east near Highway 99.
- **Attachment 8** is the Topography Map, which shows the site as being relatively flat, sloping down from 76<sup>th</sup> Avenue West to the east.
- **Attachment 9** is a simple neighborhood address map that was created by staff to keep track of the properties involved because the land use application simply lists addresses. It was noted that the applicant’s narrative (Attachment 2) was composed in 2004 and includes a page with the signatures of some neighbors. Since 2004, a few of the people have moved.
- **Attachment 10** is the 1963 Dwelling Unit Distribution Map, which makes it clear the City was aware that the block was developed with single-family residential homes at the time.
- **Attachment 11** is the 1963 Land Use Map, which points out that even though the City was aware that the block was developed with single-family residential homes, the intended land use was identified as multi family.
- **Attachment 12** is the 1963 Zoning Map, which shows how the site has always been zoned for multi-family use.
- **Attachments 13 through 16** are excerpts from the Comprehensive Plan to aid the Board in their review.
- **Attachment 17** includes all the public comment letters received regarding the application.

Ms. Coccia referred to Attachments 5 through 12, which were provided by staff as evidence that the request before them is not in compliance with the Comprehensive Plan. She displayed the neighborhood address map (Attachment 9) and pointed out that the area under review is along 215<sup>th</sup> Street Southwest. It is comprised of 19 parcels, and is approximately 4.6 acres in total size. She noted that the owners of the two most western properties that border 76<sup>th</sup> Avenue West have requested to be removed from the proposal (See Attachment 17).

Ms. Coccia reminded the Commission that pursuant to Edmonds Community Development Code (ECDC) 20.00.020, amendments to the Comprehensive Plan may only be adopted if they meet four specific findings. She reviewed the staff findings for each one as follows:

1. **Is the proposed amendment consistent with the Comprehensive Plan and in the public interest?** Ms. Coccia referred to the Comprehensive Plan Map (Attachment 5) and said staff argues that the proposal is neither consistent with the Comprehensive Plan nor in the public interest. She explained that the Comprehensive Plan does not indicate the intent to change this neighborhood, and the neighborhood has remained essentially the same since 1963. Further, she suggested that a more intense use of the area, as planned since 1963, would expand the economic tax base of the City, which would be in the general public interest. A Comprehensive Plan Goal states: “expand the economic tax base of

the City of Edmonds by providing incentives for business and commercial redevelopment in a planned activity center.” She summarized that the request would create future conflicts with the surrounding more intense designations as they ultimately redevelop. This would create an underutilized island in the middle of a more intense neighborhood.

2. **Is the proposed amendment detrimental to the public interest, health, safety and welfare of the City?** Ms. Coccia argued that the request is not in the public interest because, if changed to a less intense designation, it would undermine the Comprehensive Plan’s goals and policies to provide future opportunity for more intensive uses.
3. **Does the proposed amendment maintain the appropriate balance of land uses within the City?** Ms. Coccia argued that approving the proposed Comprehensive Plan amendment would, in effect, create a single-family island in the middle of the intensive “Medical/Highway 99 Activity Center,” which would throw off the balance within the activity center.
4. **Is the subject parcel physically suitable for the requested land use designation(s) and the anticipated land use development(s), including, but not limited to, access, provisions of utilities, compatibility with adjoining land uses and absence of physical constraints?** Ms. Coccia argued that the proposed amendment is not compatible geographically with adjacent land uses. She pointed out that memorializing a single-family neighborhood within the intense “Medical/Highway 99 Activity Center” through the proposed request would not be physically appropriate and would not result in an appropriate boundary.

Based on staff’s analysis of the above mentioned criteria, Ms. Coccia recommended the Planning Board forward a recommendation to the City Council to deny the request to change the Comprehensive Plan designation from “Mixed-Use Commercial to “Single Family Urban 1” for properties along a portion of 215<sup>th</sup> Street Southwest and east of 76<sup>th</sup> Avenue West. She expressed her belief that the applicant has failed to demonstrate that the proposal would be consistent with the Comprehensive Plan or in the public’s interest.

**Jim Underhill, Applicant,** provided a brief history of the neighborhood by noting that the Luschen family developed the neighborhood in 1958 when it was part of the county, and their vision was for single-family residential homes. All the homes were built with this in mind, and their character and use has remained unchanged for a half century of time. Characteristics of the street include families, school children, stability, infrequent turnover, and an active neighborhood that has always contributed to the economic well being of Edmonds. In no way does it detract from City goals of any kind. The homes were built at the same time as the high school and six years before the hospital. When they were built, there was marginal development along Highway 99 and throughout this part of Edmonds, and the neighborhood has been an active participant in the subsequent growth and mixed-use development of the area.

Mr. Underhill expressed his belief that the neighborhood has worked hard to make their street and the surrounding community safer for all, and they have received strong support from City departments including engineering and police. He advised that the neighborhood petitioned the City and met with the City’s Traffic Engineer to get a speed bump to slow traffic and protect children walking to school and residents moving about. The neighborhood also coordinated with City Police and Edmonds Woodway High School leadership to stop out of control behavior by students parking along 215<sup>th</sup> Street Southwest. The City put up signs, students were educated, and the police patrolled the area. As a result most of the problem has been removed. He noted that, most recently, the neighborhood identified the need for a new street light for improved safety at the intersection of 215<sup>th</sup> Street Southwest and 76<sup>th</sup> Avenue West, and the City provided the light.

Mr. Underhill pointed out that while the neighborhood is older, a number of homes have been improved in the last 10 years. Now there are 13 homes that have had various measures of improvement and 3 more are under way at this time. He emphasized that the neighborhood is well cared for, and the neighbors assist each other in this effort. This adds value to those living in and coming through the neighborhood. He noted that the neighborhood is located within an activity center that includes two master plans to the south and west of 215<sup>th</sup> Street Southwest.

In order to conduct due diligence, Mr. Underhill said he contacted the Edmonds School District and Stevens Hospital to solicit feedback about whether or not the proposed Comprehensive Plan change would cause them problems. He reported that Marla Miller from the Edmonds School District indicated the District had no problem with the proposed amendment. He

never received a response from the hospital's public affairs person, and this suggests there would be no problem for them, either. He pointed out that Page 6 of the hospital's 1994 draft master plan shows 215<sup>th</sup> Street Southwest as a residential street in relation to the hospital, itself.

Mr. Underhill reported that numerous neighborhood meetings have been conducted regarding the proposal, and they have been open to everyone. In addition, he has met with the Planning Board on two occasions to discuss the plan in open forum. He pointed out that the effort would have died at any time without the agreement of a clear majority of residents. He suggested that the proposed application sends a strong message from 17 of the 19 owners. The neighborhood's desire for change is further underscored by the fact that 10 property owners contributed \$260 each to pay for the cost of the amendment application. Mr. Underhill briefly reviewed the wide variety of residents who live in the subject neighborhood, as well as the various neighborhood characteristics that exist.

Mr. Underhill pointed out that the report prepared by City staff includes no data or analysis to support their conclusions. The report makes statements and reaches conclusions that are neither embedded in the Comprehensive Plan itself nor by reference to any other City documents that supports its recommendation. Staff uses important words that are not even found in the Comprehensive Plan and if so, in different contexts. He suggested that in pursuing the City's goal of commercial and mixed-use development on 215<sup>th</sup> Street Southwest, the Planning Staff has only one goal in mind—devaluing and then uprooting the residential neighborhood and pushing out its residents. This is clear in the report and has been stated in public meetings. The City has allowed two individuals to be on the record as opposed to the amendment. However, it is important to note that these parties are truly the minority, and their financial concerns have not been proven and are baseless when compared to real estate data. Mr. Underhill concluded that the City's findings recycle unproven concepts and conclusions. Even when staff notes the applicant's compliance with Findings 3 and 4, they still try to overturn their own conclusions.

Mr. Underhill referred to the staff's contention that the proposed amendment would inhibit dense mixed-use development in the area. He noted that the City has targeted the demise of the neighborhood for 45 years by intentionally encouraging the introduction of businesses and apartment/condo development. However, they have not been able to accomplish this goal during the last half century. During this time, successful mixed-use development has occurred all around the neighborhood, bringing housing options, successful commerce, and many public transportation options to this part of Edmonds. Increasing amounts of property tax revenues have come from the neighborhood properties. He emphasized that the staff report does not identify a single tangible measure to show that the subject neighborhood has stunted economic development, a mature public transportation system, education, health care, a good mix of housing options and more. The City staff has failed to prove that the neighborhood is a deterrent to the any goal set by the State, County or City officials, especially that of access to affordable housing in safe neighborhoods. If they are a deterrent, then why are there four national companies (Burger King, Dairy Queen, 7-11, and Grease Monkey) located just a block away from the neighborhood? In addition, Top Foods is located three blocks away and Stevens Hospital has expanded, as well.

Mr. Underhill referred to the City's goal to increase dense development in the subject neighborhood and reminded the Commission about its recent unanimous rejection of the City's BR/BR2 plan that would have done so. This was an effort to greatly increase dense development in and around Holmes Corner. The staff presented the plan, the residents of the community voiced opposition, and the Board recommended denial. He pointed out that, at this time, there are no other similar plans on the table. He pointed out that the City of Edmonds has had 45 years to achieve their goal of removing the residential development from 215<sup>th</sup> Street Southwest, and it has failed. This suggests that the open market of opportunity to respond to the City's current zoning for the street has failed. Mr. Underhill summarized his belief that the City staff has failed to provide data, analysis and proof to demonstrate that the neighborhood has and would hinder the City's goals of economic development and success. Therefore, he asked that this argument be rejected.

Mr. Underhill provided a map of the Medical/Highway 99 Activity Center. He also provided a copy of the Comprehensive Plan to illustrate the location of the subject property, as well as other single-family properties within the activity center. He said the staff report identifies a concern that the neighborhood would become an island of single-family development if the amendment were approved. He noted that the word "island" has been an oft mentioned comment from staff in public meetings. He suggested the word is first mentioned in the third paragraph of Page 3 of the staff report as a distraction from dealing with facts and the aforementioned policy failure. He suggested that staff wants the Board to believe the neighborhood is a problem, and they have assigned a 'tag' to the neighborhood to underscore their point. However, he said

it is important to understand that the neighborhood is not an isolated, physical space. Instead, the street is and has always been part of a vibrant neighborhood that is locally known as Holmes Corner. The neighborhood is a single-family residential component of the Medical/Highway 99 Activity Center, similar in character and use to the other six single-family residential neighborhoods scattered around the activity center. He expressed his belief that the character and use of 215<sup>th</sup> Street Southwest is comparable with the other neighborhoods, and what is good zoning for one should be good for all.

Mr. Underhill emphasized that 215<sup>th</sup> Street Southwest is not the only single-family street or island in the activity center, yet the other streets have gone unmentioned. He suggested that because the City lacks a precise definition for the term “island,” the staff has not provided the Board and public a workable context for this novel idea. He noted, in fact, that the word “island” is not even found in the City’s Comprehensive Plan. He summarized that this type of wordsmithing does not exist as a policy or requirement in the City’s Comprehensive Plan. Because staff failed to show the definition behind the word as it fits this discussion, their argument is without meaning and arbitrary in its application.

Mr. Underhill referred to the first paragraph on Page 4 of the staff report, where staff again goes through a great effort to find a reason to deny the amendment request. While the staff report recognizes there are other residential nodes in the activity center, it points out that 215<sup>th</sup> Street Southwest is in the middle of the activity center, while others are on the outskirts or periphery. He suggested that staff would have the Board believe that something bad is happening due to the neighborhood’s placement in the activity center. However, it is important for the Board to understand that whenever a boundary is drawn around anything, it creates a center and an edge but does not assign value. While the words “middle” and “periphery” are woven into the staff’s argument, he said it is important to note that “middle” is only used one time in the Comprehensive Plan but in an entirely different context. “Periphery” is not even found in the Comprehensive Plan document. Therefore, he questioned how these terms could be used as criteria to bolster the City’s discussion, findings and recommendation. He summarized that since this point in the report is based on an arbitrary use of words and concepts not founded in the Comprehensive Plan, the idea is applied in an arbitrary and capricious manner. Therefore he asked that the Board reject the argument.

Mr. Underhill referred to the staff’s argument related to exemptions and fair market value. He noted that only two individuals who live on the street have asked to be excluded from the request. He said it is important to understand that this is a minority opinion since 17 other residents support the proposed Comprehensive Plan amendment and eventual zoning change request. Mr. Underhill reported that he reviewed a number of reliable real estate databases to gauge a possible profit on the two properties, and there is agreement among the data that both parties would achieve a good profit in today’s market, especially if the mortgage is paid up. He further reported that data for homes in the area zoned Single Family Urban 1 shows there is little if no difference in estimated value among comparable homes.

Mr. Underhill pointed out that Mr. Peppel’s property has the character of a single-family residence, and it fits well in the neighborhood. Again, he noted that real estate data makes it clear that in today’s market, Mr. Peppel would achieve a good profit. While Mr. Peppel frames his case about possible “harm” as an investor/landlord, it is important to note that there are two other properties on the street that are rentals and neither of these parties are claiming harm. He suggested that Mr. Peppel is in the minority as is Ms. Martinez. He advised that Ms. Martinez has repeatedly told him that she would sell her property to someone who would build apartments or condos to make as much money as she can. He summarized that this viewpoint is the tipping point that threatens their neighborhood. He emphasized that neither Mr. Peppel nor Ms. Martinez have provided data, analysis or proof to support their claim of possible harm, as well as their statement that the street is different from others. He concluded, therefore, that their request for an exemption is a misplaced and unsubstantiated concern that should be denied.

Mr. Underhill reviewed the four criteria that must be considered by the Board when reviewing a Comprehensive Plan amendment as follows:

- 1. Is the proposed amendment consistent with the Comprehensive Plan and in the public interest?** Mr. Underhill suggested the Board pay particular attention to the phrase “public interest.” Since the term is not found in the Comprehensive Plan, it is not clear what definition is used that must be satisfied. However, in order to be consistent with his presentation, Mr. Underhill said he would offer facts that satisfy the finding. He noted that 215<sup>th</sup> Street Southwest is a residential, single-family street that is affordable, safe, next to health care/shopping/public transportation,

and within walking distance of public schools. In addition, it is being improved and provides a proper blend of residential development within a well-established mixed-use activity center. It allows biking and walking throughout the area and more. He suggested that the neighbors have the public's best interest in mind as they make the neighborhood safe, accessible, and affordable and bring added value to the City. He emphasized that these facts are embedded in the Comprehensive Plan as goals for the City and the activity center.

- 2. Is the proposed amendment detrimental to the public interest, health, safety and welfare of the City?** Mr. Underhill pointed out that the staff selected only "public interest" as their focus. However, he countered that the proposed amendment would satisfy more than one factor. As he noted earlier, they have improved the safety along this street which has high value for many. If the City's plan to inject intense development onto 215<sup>th</sup> Street Southwest succeeds, students who must walk this street to reach the high school or middle school would face increased risks as traffic volumes are increased. Even if sidewalks are in place, students often walk from 73<sup>rd</sup> Place West and beyond where no sidewalks exist. Having more traffic on 215<sup>th</sup> Street Southwest and these other streets would place both young people and drivers at risk. This concern includes those driving into and out from the high school on 76<sup>th</sup> Avenue West. On the other hand, the current, less-intense development dramatically lowers this risk for all, and this is both a safety and general welfare issue for the neighborhood.

As stated earlier, Mr. Underhill pointed out that residents of 215<sup>th</sup> Street Southwest have not deterred development for 50 years; and they do not do so now. Single Family Urban 1 zoning is present throughout the activity center today with no negative impact, and the City has not proven that it would have an impact. In addition to this reason, Mr. Underhill suggested it is definitely in the public's interest to have an inventory of quality affordable housing in this part of Edmonds. The subject neighborhood provides affordable housing; and at a time of skyrocketing land and construction prices, such a neighborhood adds much value to the City.

- 3. Does the proposed amendment maintain the appropriate balance of land uses within the City?** Mr. Underhill emphasized that the staff report makes it clear that the proposed amendment would not significantly alter the balance of land uses in Edmonds. However, it suggests the application does not meet this criteria by using the faulty "island theory," which was shown to be baseless and not associated with the Comprehensive Plan, itself. He concluded that this additional point does not trump the City's own statement that the proposal would satisfy the requirement.
- 4. Is the subject parcel physically suitable for the requested land use designation(s) and the anticipated land use development(s), including, but not limited to, access, provisions of utilities, compatibility with adjoining land uses and absence of physical constraints?** Mr. Underhill recalled that the staff report suggests that the application would meet this criterion. However, they reverse this position by hauling out the tired "island theory" topped with some mention of a "boundary" which is also neither explained nor embedded in the Comprehensive Plan or by reference to any other City document.

In conclusion, Mr. Underhill expressed his belief that the proposed amendment request meets all required findings. Further, he said that reading and responding to the staff report was both an eye-opener and a frustration. Their Findings of Fact and Conclusions are littered with statements, words, concepts and conclusions that are not found in the Comprehensive Plan. These items were not placed in context, were applied arbitrarily, and were not supported by data, analysis and/or other proof. He noted that this faulty approach is especially important in Section II.E. of the staff report where findings must be satisfied. He summarized that the City staff failed repeatedly to marshal any measure of an accurate and reasoned argument supporting their recommendation. He asked that the Board deny the staff's recommendation and allow the amendment to go forward with a recommendation of approval.

Board Member Henderson invited Mr. Underhill to provide more information about the covenant he discussed in his presentation. Mr. Underhill advised that a neighbor found an original covenant that was created by the Lucien Family when the single-family neighborhood was developed. It was filed with the Snohomish County Auditor in 1958, but it has not been active in any way. The covenant is important to the issue because it illustrates the original builder/owner's vision, why single-family homes were constructed, and why they have remained as such. The neighborhood's character and use was established by the covenant. The covenant restricted development to single-family homes only. He offered to provide the

Board with a copy of the covenant at a later date. He noted that nothing has changed in the neighborhood over the past half century.

Board Member Henderson asked if a covenant established in the 1960's would bind future property owners on 215<sup>th</sup> Street Southwest. Mr. Underhill pointed out that there is no neighborhood association to manage the covenant. Mr. Chave said the purpose of referencing the covenant was to acknowledge the developer's original intent. He noted the City does not have a copy of the covenant to make a determination about whether it is a legal document or not. However, he reminded the Board that the City does not enforce covenants, and covenants do not override the City's land use policies and goals. Therefore, the covenant would have no bearing on the present application. Board Member Henderson inquired if the neighborhood would have the ability to enforce the covenants and limit redevelopment in the neighborhood to single-family residential, only. Mr. Chave again stated that without having a copy of the covenant, he has no idea whether it would have any standing today. Mr. Chave suggested that there may have been more properties than just the 19 that were owned by the developer and part of the original development. If that is true, it is important to note that many of these properties have already redeveloped into uses other than single family.

Board Member Dewhirst inquired if 73<sup>rd</sup> Place West was developed at the same time as 215<sup>th</sup> Street Southwest. Mr. Underwood said that 73<sup>rd</sup> Place West was developed in the same time frame as 215<sup>th</sup> Street Southwest. However, he doesn't know if it was developed by the same land owner.

**Norman Knaack, Edmonds**, indicated that he agreed with and supported Mr. Underhill's comments.

**Susana Martinez, Edmonds**, voiced opposition to the proposed Comprehensive Plan amendment. She indicted that her house is located at the corner of 76<sup>th</sup> Avenue West and 215<sup>th</sup> Street Southwest. She said that her home, and the home across the street from her are in a location than is different that the other homes on 215<sup>th</sup> Street Southwest. She said she purchased her current home in 1986 because it was close to the schools her children would attend and close to the hospital and other medical services. When she purchased her home, she knew that the neighborhood would change, and she supported the Comprehensive Plan and zoning designations that were in place at that time. She said she is an architect and urbanist. She suggested that if a person wants to live in a quiet neighborhood without interference of public buildings, they need to find a cul-de-sac or another quiet place. Again, she said she knew when she purchased her home in 1986 that the area would change, and it has. If she doesn't like the way change occurs in the future, she would sell her home and move away.

**Alden Poppel, Edmonds**, said he purchased his home at the corner of 76<sup>th</sup> Avenue West and 215<sup>th</sup> Street Southwest in 1972. At that time, he had a clear understanding of what the zoning was, and he felt it was appropriate for his property. He agreed with Ms. Martinez, and he would like the Board to recommend denial of the application. He summarized he sees no public advantage associated with the application.

**Roger Hertrich, Edmonds**, noted that the City of Edmonds has determined that buildings over 40 years old are considered historic. He urged the Board to approve the amendment in order to protect this isolated residential historic neighborhood. He reminded the Commission that the City has taken steps in recent years to protect the existing historic structures and not force them out, specifically in the downtown BC zones. Provisions are being considered that would allow an owner of non-conforming property to rebuild if a structure is destroyed. He suggested that one way to protect this neighborhood is to consider it historic. Even though the Comprehensive Plan indicates that change should occur in the neighborhood, he urged the Board to take steps to protect this isolated area of historic development. He noted that Lake Ballinger is another area that is always under pressure to allow commercial and multi-family development to encroach into the single-family residential areas. There are similar enclaves throughout the City where existing development represents the history of the City. These areas should be preserved. The neighborhood people have worked hard to maintain their identity and the Board and City Council should respect and support their efforts. He summarized that it is not appropriate to wipe out these historic neighborhoods for the sake of progress. He suggested it adds character to have irregular areas throughout the City. When an area is ready to change, the City will know it; but this neighborhood is not ready for change now. He encouraged the Board to recommend approval of the application.

**Mark Schrock, Edmonds**, said he moved to the subject neighborhood 14 years ago. He was looking for a place to raise a family where the neighborhood would be preserved. When he purchased his property, he reviewed a covenant that protected

the single-family neighborhood from other types of development. It was his understanding that the covenant would remain intact in perpetuity. He noted that there are numerous covenants on file with the State and County, and he would like to see the wishes of the majority of the neighbors and their existing covenant enforced. They would like the neighborhood to remain as single-family residential. He expressed concern that if the neighborhood is allowed to redevelop like other properties in the area have done, the end result could eventually become “ghetto” type development.

Mr. Chave complimented Mr. Underhill on his presentation and said he stated his case very clearly. However, he clarified that words such as “island” and “periphery” are terms used in planning documents to help describe a situation. He explained that there is a fundamental difference between this single-family residential area that is completely surrounded by other more intense uses and other single-family residential areas that are located around the periphery of the Medical/Highway 99 Activity Center. These other neighborhoods extend out from the activity center and into surrounding residential zones. He emphasized that the proposed amendment would change the land use designation that has been in place since at least 1963, which calls for more intense development.

Mr. Chave suggested that perhaps the neighbors have a misunderstanding of what the current Comprehensive Plan designation and zoning allow. Single-family residential homes are permitted uses within the existing zone, and these would continue to be allowed. There is nothing in the City’s Comprehensive Plan or zoning code that would require the existing residential homes to be replaced with other more intense development. However, the current Comprehensive Plan designation and zoning does make it clear that it would not make sense to maintain the single-family residential uses for the long-term planning of the area. He reminded the Board of comments provided by Ms. Martinez and Mr. Peppel related to the significant changes that have already occurred elsewhere in the area. What has been identified in the Comprehensive Plan since the 1960’s is essentially the goal for the area, but that doesn’t mean the residential uses in this neighborhood would have to change in the near future. However, at some point in the future, the Comprehensive Plan anticipates this change would occur.

Mr. Chave emphasized that staff is not opposed to allowing the existing residential homes to remain, but changing the Comprehensive Plan and zoning to limit future uses to single-family residential would not be appropriate. It would result in an island surrounded by other more intense uses. He referred to the goals identified in the Comprehensive Plan for the Medical/Highway 99 Activity Center and said the City has long felt that the activity center is an economic driver for future development, which means more intensive uses would occur in the area in the long term. He said one of the main points in the Comprehensive Plan is to channel future growth in areas where it is appropriate so that the growth doesn’t intrude into other parts of the City where single-family residential uses should continue to be the predominant use.

**THE PUBLIC PORTION OF THE HEARING WAS CLOSED, AND THE ITEM WAS REMANDED TO THE BOARD FOR DELIBERATION.**

Board Member Young said he plans to support the proposed application. As he reviewed the extensive staff report, he came to a different conclusion than staff regarding the application. He suggested that, contrary to the spirit and intent of the existing Comprehensive Plan designation, the proposed amendment is supportive of what the City is trying to do along Highway 99 and the community in general. He noted that this neighborhood is one of the last islands of affordable housing in the entire City, and he agrees with Comprehensive Plan policies that support affordable housing that is not in town houses or condos. He emphasized that the subject properties represent an established residential neighborhood that can provide affordable housing that is close to the hospital and other medical facilities, public transit, and other commercial development that may occur on Highway 99. He expressed his belief that the proposal is very supportive of overall development within the City limits and meets the four criteria for approving a Comprehensive Plan. He summarized that the City needs to have more single-family neighborhoods that are accessible to business centers.

Board Member Dewhirst said he has difficulty understanding why the applicant is proposing the amendment. The current zoning has worked well for numerous years. He agreed that this neighborhood is an important part of the activity center and supplies affordable housing to the City, but this could continue without changing the current land use designation and zoning. He pointed out that the area has changed and would continue to change, and he doesn’t see that 215<sup>th</sup> Street Southwest would change one way or another, irrespective of the zoning, until the current residents want it to change. He said he does not believe a case has been made to justify the request. He agreed with the findings and conclusions provided in

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the staff report. He particularly agreed that this island or pocket of land is different than other single-family residential developments that are part of the activity center. He recalled that when the Board deliberated on the establishment of the Medical/Highway 99 Activity Center, they talked about this neighborhood at length and how it was different from other residential areas. When the Medical/Highway 99 Activity Center was updated a few years later, the Board reviewed this neighborhood again and determined that no changes should be made. He said he does not believe the circumstances have changed to justify the amendment. Therefore, he would recommend denial of the application.

Vice Chair Bowman agreed with Board Member Dewhirst. As he reviewed the staff report, he said he couldn't understand why the neighborhood is so adamant about change. The existing land use designation and zoning has been in place for a number of years. He said he reviewed the application carefully to identify the impacts. The existing neighbors have a strong sense of community. As long as this strong sense of community is maintained, no change would occur in the neighborhood. He said he does not want to support a Comprehensive Plan amendment that would create an island of different zoning. He pointed out that a lot of thought went into the creation of the existing land use designation and zoning, and he would be opposed to the proposed change at this time.

Chair Guenther said he would not recommend approval of the proposed amendment, either. He said he agrees with the findings and conclusions in the staff report. While a wonderful sense of neighborhood exists and would likely continue for some time, he anticipates that change would occur in the long term. He said he would like to maintain the current provisions that allow this change to take place. He also noted that just because the homes are more than 40 years old doesn't mean they are historic, and there are a lot of older neighborhoods in the City at this time. He reminded the Board that the City has a process for ensuring historic structures are preserved, and none of these property owners have submitted an application to have their home listed on the Edmonds Register of Historic Properties.

Board Member Henderson said he sees merit to the arguments provided by both sides. He doesn't like the idea of creating an island of isolated zoning in the Comprehensive Plan; but at the same time, there is a strong neighborhood commitment to preserve the stricter designation.

Commissioner Works agreed with the staff's analysis of the proposal. The neighborhood is a small area of isolated single-family residential development, and the current zoning and Comprehensive Plan designation have been in place for more than 40 years. Apparently, it has worked for a long time, and the houses have remained with a strong sense of community. She recalled that two of the property owners want to retain the existing land use designation and zoning that was in place at the time they purchased their properties. While she can understand why the majority of the neighborhood wants their properties to stay the same, the existing designation and zoning would not require that the houses be removed. She said she would vote against the proposal, as well.

Commissioner Reid said he would recommend denial of the proposal, too. While he heard good comments from those present about the history of the neighborhood and the need to preserve its residential aspect, it is important to keep in mind that this neighborhood is located in the middle of an area that the Comprehensive Plan defines as an intense use area of the Medical/Highway 99 Activity Center. The property has maintained the current land use designation and zoning for a number of years, and he is surprised that it has retained its residential character for this long. Upon reviewing the Comprehensive Plan, he said he doesn't see any other single-family residential neighborhoods located in the center of the activity center. The proposed change would not be consistent with the Comprehensive Plan and would not be in the public interest. The proposal would also be inconsistent with adjoining properties.

**BOARD MEMBER DEWHIRST MOVED THAT THE BOARD RECOMMEND THE CITY COUNCIL DENY THE APPLICATION BY JAMES UNDERHILL TO AMEND THE COMPREHENSIVE PLAN DESIGNATION FOR PROPERTIES ALONG A PORTION OF 215<sup>TH</sup> STREET SOUTHWEST AND EAST OF 76<sup>TH</sup> AVENUE WEST FROM "MIXED USE COMMERCIAL" TO "SINGLE FAMILY URBAN 1" (FILE NUMBER AMD-2007-14). VICE CHAIR BOWMAN SECONDED THE MOTION.**

Board Member Dewhirst clarified his motion by reviewing the Comprehensive Plan amendment criteria as follows:

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1. **Is the proposed amendment consistent with the Comprehensive Plan and in the public interest?** Board Member Dewhirst said he believes the application is inconsistent with the Comprehensive Plan and inconsistent with the goals and objectives of the Medical/Highway 99 Activity Center. The application would not be in the best interest of the public, either. The current Comprehensive Plan designation and zoning have been in place for a number of years, and they seem to work well. The single-family residential nature of the neighborhood along 215<sup>th</sup> Street Southwest has remained in tact and has not changed for a long time.
2. **Is the proposed amendment detrimental to the public interest, health, safety and welfare of the City?** Board Member Dewhirst concluded that the proposed amendment is counter to the intent of the Comprehensive Plan and not in the best interest of the public.
3. **Does the proposed amendment maintain the appropriate balance of land uses within the City?** Board Member Dewhirst said he did not feel the balance of land uses would be impacted either way. However, the Comprehensive Plan's intent is clear that the area should be mixed use, and this neighborhood would add to that goal. The applicant's argument that the neighborhood is close to shopping, medical, education opportunities and public transit is good, but these amenities really support a more intense use of the properties.
4. **Is the subject parcel physically suitable for the requested land use designation(s) and the anticipated land use development(s), including, but not limited to, access, provisions of utilities, compatibility with adjoining land uses and absence of physical constraints?** Board Member Dewhirst expressed his belief that the applicant did not make an adequate case that the subject parcel would be physically suitable for the requested land use designation.

**THE MOTION CARRIED 5-2-1, WITH CHAIR GUENTHER, VICE CHAIR BOWMAN, BOARD MEMBER DEWHIRST, BOARD MEMBER WORKS, AND BOARD MEMBER REED VOTING IN FAVOR AND BOARD MEMBER YOUNG AND BOARD MEMBER HENDERSON VOTING IN OPPOSITION. BOARD MEMBER LOVELL DID NOT VOTE.**

THE BOARD TOOK A BREAK AT 8:17 P.M. THE MEETING RESUMED AT 8:30 P.M.

**PUBLIC HEARING ON APPLICATION BY SAMMIT/HDA DESIGN GROUP TO AMEND THE COMPREHENSIVE PLAN FOR PROPERTY LOCATED AT 1030 GRANDVIEW FROM "SINGLE FAMILY – RESOURCE" TO "MULTI FAMILY – HIGH DENSITY." (FILE NUMBER AMD-07-19)**

Mike Clugston, Associated Planner, presented the staff report. He referred the Commission to the list of attachments that were provided as part of the staff report. He also reported that the following letters were received after the staff report was completed:

- **Attachment 18** is a letter from Garrett Goldsmith expressing opposition to the proposed amendment.
- **Attachment 19** is a letter from Darin and Leslie Wall expressing opposition to the proposed amendment.
- **Attachment 20** is a letter from Anny Spivey expressing opposition to the proposed amendment.
- **Attachment 21** is a letter from Ellen Sherlock expressing opposition to the proposed amendment.

Mr. Clugston advised that the proposal is an application by Michael and Lisa Zammet (represented by John Bissell, HBA Design Group) for a Comprehensive Plan change from "Single Family – Resource" to "Multi Family – High Density" at 1030 Grandview Street. The applicant's intent is to develop elderly housing on the subject site.

Mr. Clugston displayed the current Comprehensive Plan Land Use Map and noted that the property is currently designated as "Single Family – Resource," and the proposed amendment would result in a density change for the parcel from less than 4 units per acre to a density ranging from 18 to 30 units per acre. Given the size of the subject parcel, 7 to 11 units would be possible when employing the compatible zoning classifications of RM-1.5 and RM-2.4. The applicant has speculated that 10 units would be considered for the future development. He explained that the site is located just north of the intersection of Puget Drive and Olympic View Drive, and there is a one-story single-family residence currently located on the site. The site

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is currently zoned single-family residential (RS-12), which is compatible with its current Comprehensive Plan designation. There is a row of trees along the eastern property line, and sparse trees along the southwest property line.

Mr. Clugston displayed an aerial map of the area and pointed out that nearly all of the surrounding parcels are designated as "Single Family – Resource." Most are zoned RS-12 and are developed with single-family residences. There is a small strip of parcels along the north side of Puget Drive that are designated "Neighborhood Commercial," and these are currently zoned "Neighborhood Business" (BN). They have been developed accordingly, with small neighborhood retail and service uses. He noted that several multi-family dwellings are also present along Puget Drive, which are existing non-conforming uses within the BN zone. The Edmonds Elementary School complex is located across Puget Drive to the south. Mr. Clugston further explained that the area surrounding the intersection at Puget Drive and Olympic View Drive was annexed into the City between 1957 and 1961, and the 1963 Generalized Land Use Plan Map shows the majority of the area designated as "Low-Density Residential" with the "Neighborhood Business" designation at the intersection. The 1963 Zoning Map shows the parcels in the vicinity to be zoned in accordance with the Comprehensive Plan, predominately single-family residential with a cluster of restricted commercial uses at the intersection of Puget Drive and Olympic View Drive.

Mr. Clugston said two previous proposals have been submitted to the City for properties in close proximity to the subject site. In 1963 the City considered a proposal to rezone property at 1047 Puget Drive from Single Family Residential – 12,000 to Restricted Commercial. Despite the fact that the access portion of the parcel adjacent to Puget Drive was already zoned Restricted Commercial, the proposal was denied. An application was submitted in 1987 to rezone a portion of the property at 1233 Olympic View Drive from Single Family Residential – 12,000 to Neighborhood Business. This proposal was also denied. Mr. Clugston reviewed the Comprehensive Plan amendment criteria and provided the following analysis:

- 1. Is the proposed amendment consistent with the Comprehensive Plan and in the public interest?** Mr. Clugston pointed out that the proposed amendment is potentially consistent with portions of the Housing Element of the Comprehensive Plan, which describe the need to create additional affordable housing opportunities, particularly for the low-income elderly. This section cites upzoning as an option to provide such housing in Edmonds. However, the Comprehensive Plan states that such changes must occur in "designated corridor areas." He explained that the Puget Drive and Olympic View Drive area has not been identified as a designated corridor where such parcel re-designation is anticipated. Since the plan is silent on the idea of re-designating an existing single-family parcel to "Multi-Family – High Density" in a non-designated area, it can be concluded that it is not desired. As a result, the process would effectively be spot re-designation (akin to spot zoning), which is not in the public interest.

Mr. Clugston further explained that the plan does not indicate intent to change parcel designations near "Neighborhood Commercial" areas to create transitions between existing disparate designations such as "Commercial" and "Residential." For example, while the Five Corners and Firdale Village areas have specific goals and policies particular to their locations, providing transitional areas or buffers between existing commercial and residential areas is not discussed. He noted that the plan does describe using design review along the Westgate Corridor and Edmonds Way Corridor to ensure that development provides a transition to adjacent residential neighborhoods, but it does not suggest re-designating parcels to provide that transition. He said a number of residents on Grandview Street described how the existing commercial parcels act as a buffer to Puget Drive and how the existing development and trees on the subject parcel provide additional buffering.

- 2. Is the proposed amendment detrimental to the public interest, health, safety and welfare of the City?** Mr. Clugston expressed his belief that the proposed plan change would be counter to the 2004/2005 Comprehensive Plan update, which specifically reviewed the large-lot, single-family residential areas in this northern part of the City and concluded that large-lot, single-family development was the most appropriate land use pattern. Incremental changes to this established pattern are not in the public interest because, if continued and expanded, they would result in a land use pattern that would undermine the plan policies intended to preserve and protect sensitive environmental features and avoid impacts on the limited public facilities serving the area. He said the analysis performed as part of the 2004/2005 plan update confirmed this approach and supported the City's policy of using large-lot, single-family development patterns to help protect critical areas and natural features from incremental development that would ultimately have a negative impact on the public.

Mr. Clugston further advised that in terms of public facilities and services, there is only one minor arterial (Puget Drive) serving the entire area. This is indicative of a significant problem with encouraging more intensive development in this area. There is no network of interconnected streets and high-capacity roadways similar to other areas of the City where higher intensity development is planned such as downtown or along Highway 99 and SR-104. He concluded that this is one of the reasons that multi-family development has not been envisioned in the area.

3. **Does the proposed amendment maintain the appropriate balance of land uses within the City?** Mr. Clugston explained that the proposed amendment would maintain the appropriate balance of land uses within the City. Changing the designation of one parcel from single-family to multi-family does not significantly affect the overall balance of land use in the City. He said that although the site-specific proposal would not, in and of itself, materially change the overall balance of land uses, if it is considered to set a precedent for additional multi-family uses in the area surrounding the small neighborhood commercial center, approving the proposal could significantly change the character of the area and begin to affect the overall land-use pattern.
4. **Is the subject parcel physically suitable for the requested land use designation(s) and the anticipated land use development(s), including, but not limited to, access, provisions of utilities, compatibility with adjoining land uses and absence of physical constraints?** Mr. Clugston pointed out that the subject parcel, itself, is physically suitable for the requested land use designation and potential development. It is essentially flat, and there are no identified water features on the site. However, North Stream does run east/west approximately 200 feet north of the parcel. He noted that all development on the site would have to meet the applicable zoning criteria for setbacks, coverage, parking and stormwater treatment. He advised that the parcel takes access from Grandview Street. He said that in addition to comments received from neighbors who find the current traffic on the street challenging, the Comprehensive Plan states that multi-family development should take direct access from arterial and collector streets rather than a minor street such as Grandview.

As discussed previously, Mr. Clugston expressed his belief that the proposal is incompatible with adjoining land uses. While there is a strip of more intense development near the intersection of Puget and Olympic View Drives, several of the parcels are developed with multi-family residential uses. These uses can continue on the BN-zoned parcels, but the multi-family buildings are non-conforming with respect to use. The parcels have not been designated in the Comprehensive Plan for future high-intensity development. He concluded that an additional multi-family structure in an overwhelmingly single-family residential area that is near a small and underdeveloped neighborhood commercial area does not make sense at this time.

Based on the Statements of Fact, Analysis, Conclusions and Attachments in the Staff Report, Mr. Clugston recommended the Planning Board make a recommendation to the City Council to deny the request to change the Comprehensive Plan designation from “Single Family – Resource” to “Multiple Family – High Density” for property at 1030 Grandview Street. He concluded that the applicant has not demonstrated that the proposed amendment is consistent with the provisions of the Comprehensive Plan nor in the public interest.

Board Member Reed inquired where “designated corridors” could be found in the Comprehensive Plan. Mr. Clugston answered that the designated corridor areas are identified on Page 105 of the Comprehensive Plan. They include the Five Corners and Firdale Village areas, as well as 212<sup>th</sup> Street, SR-104 and Highway 99. These areas are envisioned for increased intensity of use, but this subject area has not been examined as a possible designated corridor. Mr. Chave explained that one distinctive feature of a designated corridor is direct access to high-capacity transportation routes.

**John Bissell, HDA Design Group, Everett**, indicated he was present to represent the applicants, Lisa and Michael Zammit. He displayed the current zoning map, which identifies the subject property as Single Family Residential – 12,000 (RS-12). He agreed with staff that the topography of the site is relatively flat, with no critical areas on site. He further agreed with staff’s statement that the site is directly adjacent to BN zoning, which is characterized as a minor commercial zone. However, it is important to keep in mind that the BN zone does allow some higher intensity uses such as restaurants. The adjacent BN zone is currently developed as a restaurant, and there is no buffer between the BN zone and the subject site. He explained that it is fairly standard planning practice to have some type of buffer between single-family residential zones and commercial zones. He said the primary reason the applicant’s are interested in the proposed amendment is that the current

BN zoning decreases their property values, and their property becomes a buffer for the neighborhood. He said he understands why the neighbors are opposed to the change because the applicants are now paying for the buffer they enjoy between their residential properties and the commercial property.

Mr. Bissell provided an aerial photograph of the property and pointed out the location of the subject site, as well as the more intensely developed commercial zone to the southeast. He noted that the commercial development is located fairly close to the subject property line and is a fairly intense use directly next to the subject property. He referred to the buffer of trees that was noted by staff, but he pointed out that the trees are located on the applicants' property and not on the commercially zoned property. He noted that the City's landscape code would require a landscape buffer that is substantially greater than the existing trees between commercial and single-family residential development. He emphasized that the BN zoned property does not provide an adequate buffer, so the neighborhood relies on the trees that are located on the applicants' property to provide the buffer.

Mr. Bissell provided pictures he took from various locations near and on the subject site. While the adjacent neighbors describe the area as a large lot, tree-lined street without a lot of traffic, in reality there is commercial property located on the other side of the trees. Although staff characterized Puget Drive as a minor arterial, he suggested that perhaps the City's street map is inaccurate because traffic volumes on the street are higher than what is typical for a minor arterial. In reality, he suggested that Puget Drive functions as a major arterial and is used as a direct connection between Interstate 5 and the ferry terminal. He noted that the signal at the intersection of Puget Drive and Olympic View Drive was installed recently as a result of abundant traffic on the street. He concluded that Olympic View Drive also functions as an arterial; it does not fit the character of a minor collector street. He summarized that the site gains access from two major arterials.

Mr. Bissell said that contrary to staff's interpretation of what the Comprehensive Plan says about the Five Corners area, it is very similar to the area surrounding the subject property. The BN zone at Five Corners has been developed to accommodate a variety of commercial uses, and there is also a non-conforming multi-family residential development. There is no buffer between the commercial and single-family residential zones. He questioned the City's decision to treat the subject property differently than properties at Five Corners. He pointed out that at Five Corners, the residential property owners have to provide the buffers themselves, which is the same circumstance that exists in the area of the subject site.

Mr. Bissell suggested that the current Comprehensive Plan's "Single-Family – Resource" land use designation is not appropriate for the subject parcel. He explained that the designation is allowed by the Growth Management Hearings Board for applications in areas where it is necessary to protect significant critical areas. However, he emphasized that there are no Category 1 Streams in the City, and the Category 1 Wetlands located in Pine Ridge Park and the Marsh are no where near the subject property. While North Stream does run near the subject property, it is important to keep in mind that this stream has been classified as a lower-quality, non-fish stream that is protected adequately by the City's Critical Areas Ordinance. It would not rate as a stream that is protected under the Growth Management Act laws.

Mr. Bissell said there is an area on the east side of Olympic View Drive where steep slopes and seepage into the hillside exists. This area may not be protected efficiently by the Critical Areas Ordinance and the "Single Family – Resource" land use designation may be appropriate in this case. However, the Comprehensive Plan identifies the entire area as "Single Family – Resource" even though there is not another critical area until Perrinville Creek, which is also protected effectively by the City's Critical Areas Ordinance. He noted that the Meadowdale Landslide Hazard Area is another place where the "Single Family – Resource" zone may be appropriately applied. However, using this designation for the subject site and surrounding properties would not really be protecting anything. Again, he agreed that the Growth Management Hearings Board has indicated that the designation may be appropriately applied to areas where there are significant critical areas to establish a greater amount of protection than would be afforded by the Critical Areas Ordinance.

Mr. Bissell reviewed the four Comprehensive Plan amendment review criteria as follows:

- 5. Is the proposed amendment consistent with the Comprehensive Plan and in the public interest.** Mr. Bissell referred to staff's contention that the application is not in compliance with the Comprehensive Plan. He noted that the Comprehensive Plan is quite clear about the allowance of four dwelling units per acre or greater. It emphasizes that the resource zone, which allows less than four units per acre, was intended to be applied only to specific areas where critical

areas are being protected. He clarified that the land use element of the Comprehensive Plan includes a clear statement about why the "Resource" land use designation would be required in certain cases, and the subject property would not meet this criteria. He noted that Page 51 of the Comprehensive Plan land use element talks about compatibility. While staff suggested the proposal is not compatible with the surrounding parcels, he noted that the existing development is not compatible with the commercial zoning that neighbors the subject site. The proposed action would create something that is compatible with what exists to the south and east. Because the new zone would be a residential type use, it would be compatible with the single-family residential neighborhood, too.

6. **Is the proposed amendment detrimental to the public interest, health, safety and welfare of the City?** Mr. Bissell suggested that the proposed development would not reduce property values of the existing neighborhood. Rather, the single-family neighborhood actually reduces the property value of the subject property to the benefit of the rest of the neighborhood. He concluded that, contrary to the staff's interpretation, the Comprehensive Plan supports the proposed amendment.
7. **Does the proposed amendment maintain the appropriate balance of land uses within the City?** Mr. Bissell referred to staff's statement that the proposed amendment would create a "spot zone." He referred to the case, Citizens versus Mount Vernon, which concluded that there is no such thing as spot zoning. Cities must plan and zone according to their Comprehensive Plan. Therefore, the proposed amendment could not be considered spot zoning. Instead, it would be considered as an opportunity to provide a buffer where no appropriate zone is in place today. That makes the proposed amendment consistent with the Comprehensive Plan and consistent with the case Citizens versus Mount Vernon.

Mr. Bissell disagreed with staff's argument that the proposal is inconsistent with the Comprehensive Plan. He noted that it is difficult to apply logic to this criterion. Since the applicants' are proposing a Comprehensive Plan amendment, it is obvious that they want to change the existing land use designation. Therefore, it could always be argued that the change is inconsistent with what already exists in the Comprehensive Plan. He suggested it may be impossible to meet this criterion, so the Comprehensive Plan could never be changed.

Mr. Bissell pointed out that on Page 5 of the Staff Report, staff argues that approval of the proposed amendment could set a precedent for additional multi-family uses in the area and could begin to affect the overall land use pattern. He suggested that this argument is a "smoke screen" staff is using because they are not really sure what to do. He reminded the Board that the City allows any property owner to submit an application for a Comprehensive Plan land use change. If the City were to approve something that they later wished they hadn't, this could be considered setting a precedent because it may require them to approve the same type of application again. However, the subject application meets the criteria the Board must consider when reviewing Comprehensive Plan amendments. Therefore, the Board should not be concerned about setting a bad precedent.

Regarding the concern expressed by staff that other property owners would apply for the same type of change, Mr. Bissell referred to the Five Corners area and noted that no one is applying for more commercial zoning in this area because they already have the appropriate buffer between commercial and single-family uses. He concluded that approving the proposed application would not result in a precedent for something bad to occur in the future.

4. **Is the subject parcel physically suitable for the requested land use designation(s) and the anticipated land use development(s), including, but not limited to, access, provisions of utilities, compatibility with adjoining land uses and absence of physical constraints?** Mr. Bissell recalled the previous public hearing in which the staff planner noted that geography and land uses are also important issues to consider. He expressed his belief that providing a buffer directly adjacent to the commercial use would be appropriate. In fact, it is the existing commercial use that makes the proposed amendment appropriate.

Mr. Bissell said he was not prepared to discuss details about the Westgate area, but he particularly noted the southwest side of the Westgate area, where there is a substantial topography change. Where the residential neighborhoods are not buffered from commercial properties by zoning, there is an adjacent cliff that removes any impact created by the commercial properties. The same is true for residential and commercial zoning in the Perrinville neighborhood. While

it makes sense for these areas to be zoned with commercial abutting single-family residential, it is not appropriate for the subject property. A multi-family residential zone should be added to provide a buffer between the residential and commercial zones, and the proposed amendment would accomplish this.

Mr. Bissell recalled staff's statement that the City should not allow corridor development to occur in this area, and he assured the Board that is not what the applicants are proposing. He explained that corridor development is typically proposed in areas where traffic patterns and high traffic volumes warrant the change. In these areas, multi-family residential zoning is typically used as a buffer between the commercial and single-family uses. However, he emphasized that the applicants never intended to infer that their property was an example of corridor development.

Mr. Bissell summarized that via his presentation, he has shown that the application meets the Comprehensive Plan amendment criteria. He explained that when he agreed to represent the applicant, he knew there would be neighborhood hostility. He pointed out that Mr. Hertrich has attended numerous public hearings in the City to voice his concerns and opinions. Since Mr. Hertrich lives in the neighborhood, he anticipated that he would organize the neighbors to oppose the application. However, he cautioned that although a very active citizen in the community happens to live adjacent to the subject site, the Board should make their recommendation based on its merits and whether or not it is a good idea for the City. Mr. Bissell suggested it is unfair for the subject property owners to have responsibility for providing a buffer between the commercial and single-family uses. The current situation provides a significant benefit to the adjacent property owners, and they are opposed to the application because it would negatively impact them.

Mr. Bissell emphasized that the applicants are not proposing the RM-1.5 zone so they can build apartment units. They are proposing to construct an elderly care facility, which would tend to be quieter than a residential development. He noted that multi-family development results in one or two cars per unit, and the average trips per day would be between 5 and 10 per unit. An elderly care facility would likely generate two trips per day per unit. A single-family residential development would generate about 10 trips per unit, as well. Therefore, a 10-unit elderly care facility would generate less traffic per day than a single-family development on the same site. He concluded that the impact to the neighborhood would be less than if the current land use and zoning were to remain.

Mr. Bissell said that while an RM-1.5 zone sounds horrible to the neighbors, it is important to understand that is not what the applicants are proposing. He indicated the applicants are willing to have approval of the amendment conditioned so that they would be limited to the elderly care facility they are proposing. He said he understands the neighborhood's legitimate concerns about the zoning change because they have made the assumption that the property would be developed as apartment units. If the Board feels it is appropriate, the applicants would be willing to condition approval so that appropriate development could occur with the least amount of impact to the adjacent property owners.

Board Member Works asked Mr. Bissell to explain the type of elderly housing the applicant is proposing. Mr. Bissell answered that there is a wide variety of elderly housing types. The applicant is not proposing to construct a large elderly housing facility, but something closer to what would be called "assisted living." With this type of facility, an elderly resident would be able to live independently in separate units, but care would be available and meals would be provided. Board Member Works inquired if staff would be on site to care for the residents. If so, she noted that this would result in additional traffic. Mr. Bissell agreed there would be some traffic associated with caregivers, and the residents would also have visitors come to the site. Again, he explained that, based on engineering data, a typical residential development would generate approximately 9.7 average daily trips, and a typical elderly facility would generate less than two trips per unit. He reminded the Board that the applicant would be willing to condition approval of the amendment to a specific type of development. However, he can only speak of the proposed project in general terms at this time.

**Darin Wall, Edmonds**, said he lives directly across the street from the subject property, and he doesn't know who Roger Hertrich is. He said he didn't hear the applicant mention impacts to Grandview Street in his presentation; only to Puget Drive and Olympic View Drive. He noted that Grandview Street is already overloaded from the commercial zoning that currently exists in the area. Already, cars park along the street and sidewalk. He said that, regardless of what engineering data may suggest, he does not believe that a 10-unit development would result in less traffic than a single-family residence. Mr. Wall recalled Mr. Bissell's argument that it is not fair for the subject property owner to have to provide the buffer for the residential neighborhood. He said it is important to note that applicants purchased the property a year ago, and they knew

exactly what the zoning and adjacent uses were. They tried to flip the property and couldn't sell it; now they are trying to make the land more valuable. When considering what is and isn't fair, the Board should recognize the situation for what it is.

**Mike Herb, Edmonds**, provided pictures to illustrate the location of the existing trees on the subject site. He noted that the trees currently provide a buffer between the single-family residential uses and the commercial uses. He suggested the impact of the proposed amendment would be focused on Grandview Street and not on Olympic View Drive and Puget Drive. He noted all the trees that currently exist behind the building, which is the beginning of the one block long street known as Grandview Street.

Mr. Herb pointed out that there has not been any significant change to the neighborhood for generations. It has remained a quite, one-block street of single-family homes, and the adjacent neighborhoods have remained the same, too. He expressed his belief that the proposed amendment would be a detriment to all the single-family property owners because of the mammoth structure that could be constructed on the subject property. A large building in this area would be totally out of character. He provided pictures to illustrate what a 10-unit complex could look like. Again, he said a building of this size would be out of character with the neighborhood and the proposed amendment has no merit.

Mr. Herb said it is also alarming to consider the significant impact the proposed amendment could have on traffic, which is already a problem. Grandview Street is so narrow that it is impossible or very difficult for garbage trucks and emergency vehicles to get through when cars are parked on either side of the street. He noted that when the pizza parlor is open on weekends, cars park along both sides of the street.

Mr. Herb suggested the property could be considered critical area because North Stream is a continuous, year-round flowing stream, which starts on one side of the property and goes through the neighborhood. He suggested that if the City does not require the applicant to complete an environmental impact statement, the application could be considered in violation of the Environmental Policy Act and the Growth Management Act.

Mr. Herb referred to the June 5<sup>th</sup> deadline that was identified in the staff report. He suggested that this deadline could constitute a denial of due process since the deadline occurred before the public hearing was conducted. He cautioned that the proposed application is not a minor proposal. If the Comprehensive Plan is changed, the next step would be for the applicant to request a rezone. The City would have to approve the rezone application because the Comprehensive Plan would support it. The City would be required to issue a permit for the construction of up to a 10-unit complex because that is what the Comprehensive Plan and zoning code would allow. He expressed his belief that the proposal is lacking in merit, and there are no land use arguments that could be made to support putting a large structure on the tiny street. If the application is approved based on arbitrary and capricious information, the City would open itself up not only to appeal but possible claims for damages.

Mr. Herb concluded his remarks by pointing out that four new homes have been constructed recently on Grandview Street, and their market value is between \$800,000 and \$1 million. These people purchased their homes relying on the residential character of the street. The proposed application would have a detrimental affect on the homes in the neighborhood. He asked the Board to deny the application.

**William Hood, Edmonds**, said he lives directly across the street from the subject property. He purchased his home three years ago because he liked the residential character of the street, where only nine homes existed. The property met all of his qualifications for a nice, quiet neighborhood, with the exception of Portofino's Restaurant at the corner. He pointed out that during the evening hours, people who visit the restaurant park their cars on the narrow 18-foot wide Grandview Street, since there is no other place for them to park. If a new 35-foot high development is constructed as proposed, it would block the neighborhood's view of the pine trees and evergreens that are 50 to 60 feet tall. These trees would be replaced with a large building, instead. He suggested this would be like "putting an elephant in your front yard so you couldn't see the cars going by." He expressed his belief that placing a large structure on a small lot that is located on a small street would be ridiculous.

Mr. Hood said he has had a lot to do with seniors in the community; they take a lot of care and they have numerous visitors, including emergency and other medical assistance. Grandview Street is not wide enough to accommodate emergency

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vehicles when cars are parked along the side. He noted that Grandview is a dead end street with no outlet. Traffic is already a problem, and adding ten more units on the subject property would only make the problem worse. He suggested that the theoretical data provided by the applicant does not represent what would happen to the subject property. He said he supports the staff's recommendation to deny the application. The staff report was very comprehensive and objective. He summarized that it is very disturbing to think that someone could purchase property in a neighborhood, hire an attorney and architect, and then argue that it is not fair to maintain the existing single-family zoning designation. Placing a large structure on the subject in incomprehensible to him.

**Pat Murphy, Edmonds**, concurred with everything that has been said by the neighbors who live on Grandview Street. He expressed his belief that the photographs provided by Mr. Bissell were very selective and do not clearly depict the existing character of Grandview, which is a dead end street with expensive homes. He noted the heavy traffic that already exists as a result of the two schools that are located in the area. Adding additional traffic by approving the proposed amendment would make the situation even worse.

**Tim Raetzloff, Edmonds**, referred to the applicant's comments about the light that was installed at the intersection of Olympic View and Puget Drives. He emphasized that this light was not provided because of the traffic demand; it was added when the school was reopened. At this time, the light is only triggered by the traffic turning left onto Olympic View Drive; traffic turning right doesn't trigger the light. Regarding earlier statements by the applicant that these two streets are used to provide access to Interstate 5, Mr. Raetzloff pointed out that people who know the area do not use Olympic View Drive to get to Interstate 5. He disagreed with the applicant's assessment that Olympic View Drive is a major arterial street.

Mr. Raetzloff expressed concern about the potentially large building that could be constructed on the subject property if the application is approved. While he doesn't believe the building would be as large as the one shown in the picture provided by Mr. Herb, there is already a drainage problem in the area. The City checks the condition of the drainage system on a regular basis. He recalled Vice Chair Bowman's comment that he is against spot zoning, and he suggested the proposed amendment would result in a type of spot zoning.

**Donna Herb, Edmonds**, said she lives at the end of Grandview Street. She referred to the pictures that were submitted earlier by her husband. One shows the lack of space along Grandview Street when cars are parked on each side of the narrow road. Garbage trucks and emergency vehicles would not be able to access the properties during these times. She noted there are no sidewalks along the street, except in front of the newer homes. The rest of the street is basically a country lane.

Ms. Herb expressed her concern that drainage is already a real problem in the area. She referred to a picture of the lot next to her property. There is currently a pond in the hole that remained when the house was removed last year. There are ducks swimming in this pond on a regular basis, and a bald eagle visits the property, as well. There is no place for the water to drain except into the yard. Building a large structure and its associated parking on the subject site would result in additional runoff on the properties further down Grandview Street. She said that, currently, birds, possums, raccoons, and other animals use the forested area on the subject property for their habitat. She provided a picture of the stream that runs through their yard. While the applicant had indicated that North Stream runs north of the subject property, he failed to mention that it takes a curve at the bottom of Grandview. The proposal would basically be upstream from the creek and all the wildlife that exists.

**Michael Grove, Edmonds**, said he is also concerned about how the proposed change would impact drainage in the neighborhood. However, he said his biggest concern is that the proposed amendment could significantly change the demographics of Grandview Street. He said he lives 400 feet to the west of the subject site, and he feels the proposal would change the entire neighborhood, not just this one street. The proposal would also require a change in the services provided by the City such as ambulance, fire, police, etc. The people providing care in the new facility would be coming and going at all hours of the day and night, as would emergency vehicles. While he doesn't have anything against elderly people, the proposal represents a substantial change to their neighborhood. He suggested that the applicants' argument that the proposal would provide a buffer between the residential and commercial uses is fallacious in that the proposal would actually increase the traffic and noise. A buffer should decrease these impacts. He concurred with the staff's recommendation to deny the application, and he urged the Board to support it.

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**Kristi Urguhart, Edmonds**, said she and her husband built their new home on Grandview Street in 2005. A big attraction was the large lot size of the single-family neighborhood. She said she supports the comments provided by her neighbors. She invited the Board Members to visit Grandview Street. It would become obvious to them that approval of the amendment would be a mistake. She said that even if she were to put on her best business hat and objectively review the proposal, it would not make sense. The only benefit would be to the landowner's pocket. She urged the Board to support the staff's recommendation to deny the proposal.

**Roger Hertrich, Edmonds**, said he lives 310 feet from the subject property, so he didn't receive a notice of the hearing. He said he lives across Puget Drive on the school side, directly across from the deli and gas station developments. He noted that he has no buffer between his home and the commercial development, except the street. However, as per the code requirements, a buffer was provided for the property that is directly behind the buildings. He said he would much rather live adjacent to the back side of a large structure. While the wall would not necessarily be attractive, it provides a much better buffer than a multi-family development would supply. A multi-family development could include balconies, etc. that would allow residents to look down onto the adjacent single-family residential properties. There would also be more traffic coming and going from the subject site. He said the subject property already provides an adequate buffer for the residential properties. The trees that were planted by the original property owner have provided a buffer, and they would remain if the property is not rezoned. If the property is rezoned, the trees would be removed and the neighborhood would lose their natural buffer.

Mr. Hertrich said he is not opposed to multi-family development if it is located in the right place. However, the subject proposal is not necessarily just about elderly people living in the units. If the rezone is approved as proposed, the property could be redeveloped into any type of multi-family residential development.

Mr. Hertrich referred to Mr. Bissell's comments comparing the subject property to Five Corners. He suggested the Board stick with the real issue of whether or not the proposal fits the neighborhood. He expressed his belief that approving the application would be a case of spot zoning, which would not be appropriate. When Comprehensive Plan land use changes are approved, they usually apply to more than just one property. Typically, areas are considered for change, not single properties. That is not the case in this situation, so the proposal would qualify as spot zoning.

Mr. Hertrich said he does not believe there have been sufficient changes in the neighborhood to allow the Board to consider a change in the Comprehensive Plan for this one property. In fact, the single-family residential neighborhood has become more and more stable. The single-family uses are increasing even further out towards Olympic View Drive. He summarized his belief that staff did a good job of preparing the staff report and addressing all of the issues of concern. He urged the Board to support the staff's recommendation.

**Fennis Tupper, Edmonds**, said he supports the staff report and their recommendation to deny the application. He expressed his belief that the staff's analysis was based on the City's existing Comprehensive Plan Map, which was approved previously by the City Council. He suggested the applicant is "standing on a platform and the train has already left the station." It is too late to argue that the Comprehensive Plan map is not accurate and appropriate. He said he is in favor of multi-family residential development, and he has supported numerous multi-family projects on Daley Street where he currently lives. He suggested the applicant has mischaracterized the Citizens versus Mount Vernon case. This case dealt with the fact that the City of Mount Vernon approved a proposed grocery store development with multi-family housing after the Comprehensive Plan map had been adopted. The applicant in this situation is asking the City to change the Comprehensive Plan map so he can subsequently ask for a rezone of the property. He urged the Board to support the staff's recommendation of denial.

**Lisa Zammit, Applicant, Edmonds**, suggested that many of the neighbors' comments are based on a fear of the unknown. She explained that she and her husband purchased the subject property for the specific purpose of building an elderly residential facility. She noted that her father, William R. Wood was a prominent single-family home developer in the 1960's, when the Farmers Home Administration stepped in to provide permanent financing for low-income and rural housing. In the 1970's he was the largest home builder in the country, and that is where she obtained her knowledge about building for people who need it. She pointed out that even the residents of the neighborhood will have a need for elderly housing at some point in the future.

Ms. Zammit explained that the development she has in mind is not what Mr. Bissell described. Instead, the units would be constructed with private money from people who want to help provide places for the elderly to live within walking distance to businesses, parks, etc. She said she does not anticipate she and her husband would make any money from the project. Their interest is to give back to the community. They hope to find investors so the rent can be lower for the elderly. She said she does not anticipate there would be people on site to care for the residents of the development. Instead, the units would be occupied by people who have limited income but can take care of themselves. She noted there is currently a three-year waiting list for homes of this type in Edmonds. She suggested the new development would actually become an asset to the neighborhood, and the elderly residents would become part of the community. She said she was hoping the people of Edmonds would support the project, and she was very surprised by the neighborhood reaction to the proposal.

Ms. Zammit said her insurance company recently notified her that she would be unable to insure the home on the subject property because of the dangerous trees that exist on the lot. She emphasized that some of the large trees would be removed from the property regardless of whether the amendment is approved or not. Ms. Zammit clarified that it was not their intention to make money by purchasing the property. Their goal was to help the community by providing for the needs of the elderly. She said she doesn't want to push the elderly people out of the City. Instead, she wants to provide a nice, lovely place for them to live in. This would ensure their dignity remains intact.

**Darin Wall, Edmonds,** said that while Ms. Zammit provided some very heartfelt comments, her explanation was not consistent with what actually happened. He said he had a conversation with the Zammits when they purchased the property, and the Zammits indicated their desire to sell. The property was placed on the market, but it did not sell. He said he has a hard time believing that the Zammits did not intend to rezone their property all along to make it more valuable.

**John Bissell, HAD Design Group,** said that Ms. Zammit was mystified by the neighborhood comments because she and her husband have never put the property on the market. While he is not implying that those who testified to the contrary are liars, he said he doesn't appreciate that the neighbors have leveled these accusations against his client. He said he does not have any doubt that the neighbors saw a real estate sign on the property, but perhaps it was posted by the previous owner. He said he is fairly certain his client was telling the truth.

Mr. Bissell acknowledged that the neighbors have very strong opinions that will not likely change. Several speakers talked about the trees on the subject site that act as a buffer for the neighborhood. He pointed out that the trees are actually located on the applicant's property, and not on the neighbors' properties. The applicant would not be required to retain the trees regardless of the zoning. Mr. Bissell referred to Mr. Hertrich's comment that the trees would be removed if the property were rezoned. However, that is not a fair statement because Mr. Hertrich doesn't have any knowledge of what would occur on the site in the future.

Regarding concerns about the narrow street, Mr. Bissell pointed out that while the existing street is narrow, the right-of-way is not, at least to the point where it ends opposite of Olympic View Drive. If the proposal were approved, the City would require the applicant to widen the Grandview Street as per City Code before development could move forward.

Mr. Bissell agreed with Mr. Hertrich that the Board is not charged with reviewing potential development for the site at this time. However, many of the questions and concerns were related to future development impacts. He recalled that one speaker testified about the poor drainage that already exists in the area. He agreed and noted that the soil in the area is known as Decomposed Vashon Till, which doesn't drain well. That means that holes will fill up with water if a structure is removed from a site. However, he emphasized that the City has a stormwater management ordinance to address drainage issues associated with future development. Several older homes in the neighborhood have been demolished and replaced with larger homes. When these properties were redeveloped, the property owners were required to meet all of the City's stormwater requirements. He suggested that stormwater is not really relative to the issue at hand.

Mr. Bissell referred to Mr. Hertrich's comment that the Board is not really dealing with a development issue, and he generally agreed. However, the Planning Board has the difficult task of considering the worst case scenario that could take place on the subject property if the amendment is approved. He emphasized that the worst case scenario is not what the

applicant intends for the property, and the applicant would be willing to consider a contract rezone to condition approval on a specific use.

Mr. Bissell recalled that Mr. Tupper testified that the Comprehensive Plan Map cannot be changed. If that were the case, the only time the City would be allowed to modify the plan would be when it is updated every ten years. He concluded that is not a correct statement. Mr. Bissell summarized that the applicant has shown how the proposal complies with all four of the Comprehensive Plan review criteria. He urged the Board to recommend approval of the application as presented.

Mr. Chave suggested that Mr. Bissell mischaracterized the City's Critical Areas Ordinance and their large lot, single-family residential land use and zoning designations. Mr. Chave explained that when the Comprehensive Plan was updated in 2004 and 2005, the City conducted a careful analysis of their critical areas, particularly looking at the large lot zoning patterns. The important point made at that time was not to identify a lot of individual large lot critical areas. Instead, they identified patterns of critical areas. He explained that because there are large areas of critical areas in the City, the large lot zoning pattern was justified. This was summarized in the Comprehensive Plan to support the large lot zoning pattern and that is one reason staff is recommending against the application.

Vice Chair Bowman asked if there was already a commercial building on the Portofino property when it was annexed into the City. Mr. Clugston answered affirmatively.

Board Member Dewhirst emphasized that the Board must review the application as a request for high-density residential zoning. All of the talk about a potential senior development means nothing. If the property were sold, the proposed use for the site could change overnight to anything allowed within the multi-family residential zone. He agreed there is a need for more senior housing in the City, but that has no bearing on the proposal before the Board. The Board must consider whether or not multi-family development of any type would be the appropriate density for the site. Any use allowed within this type of zone must be part of the consideration.

Board Member Young agreed with Board Member Dewhirst. He noted that at no time in his presentation did Mr. Bissell discuss how multi-family residential would be a better Comprehensive Plan designation for the parcel than its current designation. The applicant did not present any data to show there was a need for another multi-family residential zone in the area, regardless of its purpose. He expressed his belief that the application is without merit because it has no basis in fact. He said he would support the staff's recommendation.

**BASED ON THE FINDINGS OF FACT AND CONCLUSIONS FOUND IN THE STAFF REPORT, BOARD MEMBER YOUNG MOVED THAT THE BOARD RECOMMEND THE CITY COUNCIL DENY THE APPLICATION BY MICHAEL AND LISA ZAMMIT (REPRESENTED BY JOHN BISSELL, HDA DESIGN GROUP) FOR A COMPREHENSIVE PLAN CHANGE FOR PROPERTY AT 1030 GRANDVIEW STREET FROM "SINGLE FAMILY – RESOURCE" TO "MULTI FAMILY – HIGH DENSITY" (FILE NUMBER AMD-2007-19). BOARD MEMBER DEWHIRST SECONDED THE MOTION**

Board Member Works agreed with the staff report. She pointed out that the applicants purchased the property knowing what the existing zoning was. While she understands that the trees might be removed anyway and that the Comprehensive Plan Map can be changed if appropriate, she felt the applicant failed to demonstrate that a change was warranted. She said she does not believe that Puget Drive could accurately be classified as an arterial street. She noted the speed limit on the street is 25 miles per hour, and she doesn't know anyone who uses the street to access Interstate 5 and Highway 99.

Board Member Dewhirst said it is fairly common practice in land use planning that one of the best places to change land use is in a block so that the back of proposed use face the back of existing uses. This kind of lot configuration is very typical. While it is not the best situation, it works most of the time. He summarized that it is better to have uses backing into each other rather than fronting each other.

**THE MOTION CARRIED UNANIMOUSLY, WITH BOARD MEMBER LOVELL ABSTAINING.**

THE BOARD TOOK A BREAK AT 10:21 P.M. THEY RESUMED THE MEETING AT 10:25 P.M.

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**REVIEW OF EXTENDED AGENDA**

Mr. Chave reminded the Board that their next meeting is scheduled for June 18, 2008. The June 25<sup>th</sup> meeting was cancelled.

**PLANNING BOARD CHAIR COMMENTS**

Chair Guenther did not have any additional comments to provide during this portion of the meeting.

**PLANNING BOARD MEMBER COMMENTS**

None of the Commissioners provided comments during this portion of the meeting.

**ADJOURNMENT**

The Commission meeting was adjourned at 10:27 p.m.

**APPROVED**