

APPROVED ON OCTOBER 8TH

**CITY OF EDMONDS
PLANNING BOARD MINUTES**

September 24, 2008

Chair Guenther called the meeting of the Edmonds Planning Board to order at 7:04 p.m. in the Council Chambers, Public Safety Complex, 250 – 5th Avenue North.

BOARD MEMBERS PRESENT

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

STAFF PRESENT

Rob Chave, Planning Division Manager
Duane Bowman, Development Services Director
Mike Thies, Code Enforcement Officer
Karin Noyes, Recorder

BOARD MEMBERS ABSENT

Cary Guenther, Chair (Excused)

READING/APPROVAL OF MINUTES

BOARD MEMBER REED MOVED THAT THE MINUTES OF SEPTEMBER 10, 2008 BE APPROVED AS CORRECTED. BOARD MEMBER DEWHIRST SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

No changes were made to the agenda.

AUDIENCE COMMENTS

Brian Furby, Edmonds, said he has lived in Edmonds since 1976, and he has learned that citizens of Edmonds are concerned about what takes place in their neighborhoods. He said he lives in the Seaview Neighborhood where a wireless communications facility was recently erected. He expressed concern that residents of the City are at a great disadvantage when it comes to dealing with changes that are proposed for their neighborhoods. He pointed out that few citizens have the knowledge that professionals in the field have, and they do not know where to get the skills they need and often they cannot pay for a professional to help them. On the other hand, the people who propose changes in the neighborhoods have the money to hire professionals and then they pass the costs off to the people who purchase the developments. This places the general public at a significant competitive disadvantage. He said he has great respect for the Planning Board members. He also believes the City employees are good people who try to operate within the framework of the existing codes and regulations. However, he expressed concern that citizens should be allowed to participate in all levels of the process. The process should be more sensitive to the impacts on neighborhoods, particularly where there are codes and policies already in place.

To address this concern, Mr. Furbey recommended the Board to ask themselves if they would personally like the project to be located next door to their home and if they would at least like an opportunity to comment on the proposed project, even if there are policies in place that permit it to occur. He summarized his belief that the neighbors should be allowed an opportunity to participate in the process. While this may very well result in a slower review process and require more notification to neighbors, it is important to keep in mind that problems that occur in one area can eventually happen in another area of the community. A careful review process that allows adequate public participation could ultimately end up saving time. This type of process could also result in smoother projects, fewer conflicts, and a better developed community. Again, he encouraged the Board to consider how to help neighborhood residents who are at a disadvantage when dealing with people who have more expertise in development proposals.

Rowena Miller, Edmonds, agreed with the comments provided by Mr. Furby. She said she lives in the Seaview Neighborhood and is concerned that the residents were not notified of the cell phone tower that was recently installed. She pointed out that the cell phone company has agreed to pay the property owner a substantial amount of money in order to locate the equipment, and she suggested it would be better to locate these facilities on City owned properties so the City could benefit from the extra revenue. She encouraged the Board to pay careful attention to Barbara Tipton's presentation. She expressed her belief that Ms. Tipton has come up with some good ideas based on what has been done in other cities. Her ideas could help curtail some of the ugliness that can result as Edmonds is redeveloped.

Rich Senderoff, Edmonds, said he supports the comments made by the previous two speakers, particularly the recommendation put forth by Mr. Furby. He said he attended a City Council meeting a few months ago, where Mr. Chave gave a great presentation on form-based development. Mr. Chave suggested that form-based zoning would provide an opportunity for the community to work with developers who are proposing changes to their neighborhoods. Mr. Senderoff expressed his belief that this type of collaborative effort would result in better neighborhoods and businesses and more attractive development that is good for all. He voiced concern that he has not heard anything further about the concept, which could have been effectively used to resolve the problem that recently occurred in Seaview. He applauded the efforts of Barbara Tipton and other neighborhood leaders who responded to the situation.

Mr. Senderoff questioned if erecting and maintaining industrial cell towers within residential neighborhoods meets the intent of the current code, particularly in neighborhoods such as Seaview where the residents take a great deal of pride in their surroundings. He said he understands the cell tower is allowed by the City's current code, and that the City is not currently required to notify residents, but he suggested that the person who reviewed the application should have realized that the proposed tower would be out of character with the neighborhood and would impact property values. The proposal should have been brought to the attention of the surrounding property owners and other City staff. He pointed out that the tower was erected before the neighborhood knew what was going to happen, and now their only recourse is to work with the Mayor, City staff, and the public utility company to mitigate the impacts.

Mr. Senderoff referred to a recent application that was submitted by Jim Underwood, asking that his neighborhood be rezoned to a single-family residential zoning classification in order to maintain the character. When the City Council reviewed the application, Council Member Wambolt indicated that he did not see a need to act on the proposal because the bulldozers were not lined up to redevelop the properties. Mr. Senderoff urged the Board to recognize the need to make the necessary code changes before it is too late for other neighborhoods to comment on future cell tower projects. He further urged the Board to take action that allows neighborhood involvement in the process. He questioned the fairness of allowing a single property owner to make a decision that reduces the value of surrounding properties without even allowing the surrounding property owners to provide input.

Mr. Senderoff recalled that the Board has been debating the issue of whether or not it is appropriate to allow property owners to store junk vehicles, and the discussion has been based on complaints from neighboring property owners. On the other hand, the City allows utility companies to install cell towers that have a significant impact to the surrounding property owners. He agreed the City staff and Mayor Haakenson did a good job of trying to mitigate the impacts in their neighborhood, and he realizes it is too late for citizens to voice their concerns.

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Stephen Fry, Edmonds, said he did not find out about the project to erect a new cell tower and utility pole in the Seaview Neighborhood until just before it was started. He said that he conducts property inspections for the Puget Sound Clean Air Agency so he has an opportunity to cover a lot of area. He pointed out that he has not seen a pole such as the one erected in the Seaview Neighborhood except in downtown Everett on Broadway and at 164th Street Southwest near Interstate 5. The pole is constructed of industrial metal and is three feet in diameter at the bottom and 91.5 feet tall. It is visible from his living room because trees had to be cut down to accommodate it. Residents who live across the street and even closer to the pole are trying to sell their home, but the pole would definitely make their situation more difficult. He encouraged the Board to consider opportunities to get the public more involved in the process. One property owner would collect about \$178,000 over the next 20 years, yet neighboring property owners did not even get a chance to comment on the proposal. He said he doesn't want to have to change the name of his neighborhood from Seaview to "Sea Big Pole." He said he had a little view of the water and mountains from his home, and now they have a great view of a big metal pole that doesn't belong in the neighborhood.

Richard Bisbee, Edmonds, said he lives across the street from the subject pole, and he can look out his front window and see the alien and intimidating structure. It is ugly and should never have been erected in a single-family residential neighborhood. He said he contacted the City staff several weeks ago to find out what was going on, and he received a lot of misinformation from the property owner who agreed to accommodate the pole. He expressed his belief that it is critical that the City's code be changed to allow the community to know what is going on before it is too late. He said he understands that the Public Utility District (PUD) has eminent domain, but a private property owner is involved, as well. He said the cell phone company initially asked him if they could use his property, and he turned them down.

Karen Fry, Edmonds, said she has been associated with her current home for the past 40 years. There used to be horses going by regularly throughout the day. The neighborhood is a nice community, with people who would have loved to be involved in the project. Unfortunately, T-Mobile got a new neighbor to allow them to use their property for equipment, and there was nothing the neighbors could do about it. The pole is a terrible structure to have in the middle of their neighborhood, and it is frustrating that they didn't know anything about it until it was being erected.

Laurie Haugh, Edmonds, cautioned about the potential health risks associated with cell towers. She noted there is currently a lot of controversy and dispute about these negative health risks. She referred to an August 2nd article in *THE SEATTLE POST INTELLIGENCER* that was written by a University of Washington professor regarding the health concerns associated with cell phone use. She noted that a cell phone company initially hired the professor to conduct a study, but they weren't happy with the information he found and decided to use another professional to provide them with different results. Ms. Haugh said she understands that the property owner has the right to allow the utility company to utilize his property, but neither the City nor the utility company took into account the surrounding property owners' rights. The surrounding property owners will be forced to deal with the potential health risks associated with the tower. She said she doesn't live near the tower, but she pointed out that the lines leading from the new tower extend to a wood tower in another location, which blends into the neighborhood quite well. She summarized there are actually three towers in the neighborhood, and they are not very far apart. Other neighborhoods in Edmonds would be impacted at some point, too, and it is not fair that the community doesn't have a voice. She summarized her hope that the Board would recommend code changes to the City Council to resolve future problems.

PRESENTATION BY BARBARA TIPTON ON EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) 20.50 (WIRELESS COMMUNICATION FACILITIES) AND ECDC 18.05.030(B)(3)

Barbara Tipton thanked her neighbors from Seaview who came before the Board to voice their concerns. She also thanked Gina Coccia, City of Edmonds Planner, who was instrumental in helping her get the issue placed on the Planning Board's agenda. She requested the Planning Board review ECDC 20.50 (Wireless Communication Facilities) and 18.05.030(B)(3) (Design Standards for Public Utility District (PUD) Replacement Poles). She explained that the current code allowed the Snohomish County PUD to replace a wooden transmission pole with a steel structure topped with a T-Mobile antenna on the 8300 block of 188th Street Southwest. She noted that the girth, color and composition of the "replacement pole" resembles the cell towers seen in commercial and industrial districts. The Seaview Cell Tower bears little resemblance to the wooden transmission poles that can be seen elsewhere throughout the neighborhood. She provided a picture of the cell tower located

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in the parking lot of the QFC on 196th Street Southwest and invited the Board to compare this pole with the “replacement pole” that was erected on 188th Street Southwest. She provided a picture of the new pole and emphasized that two second growth Western Red Cedar trees were felled to make way for the steel pole, and an additional tree has been removed since the picture was taken.

Ms. Tipton explained that the code does not require the PUD or the telecommunications company to install landscaping or take any other measures to mitigate the negative visual impacts. She referred to ECDC 20.50.010 and explained that the current code allows small scale antennas (micro facilities) everywhere in Edmonds, and the cellular antenna atop the Seaview Cell Tower is categorized as a “micro facility” because of its relatively small size. She pointed out that public notification and hearings are not required for “micro facilities,” and architectural design review is only required if the antenna and its components are a different color from the pole. In the case of the Seaview Cell Tower, everything is steel grey, so design review was not required by code.

Ms. Tipton recalled that previous speakers from the Seaview Neighborhood emphasized that they did not have any advance notice about the cell tower. She said the neighborhood is requesting the City consider a code change so that other neighborhoods will not share this same fate. She shared the results of a public records search, which identified other permit applications to attach antennas to PUD utility poles elsewhere in the City.

Ms. Tipton reviewed, the Federal Communications Act of 1996, which allows state and local governments to use local zoning regulations to control the placement, construction and modification of cell towers, but it prohibits municipalities from banning them. The act requires municipalities to respond to applications for cell towers in a timely fashion, and they cannot put a utility company through hoops and multiple hearings. In addition, the act does not allow denial based on the environmental effects of radio frequency emissions. Ms. Tipton cautioned that the City must be careful when making changes to their code to ensure they do not violate the Federal Act. She asked that the Board consider the following code changes:

ECDC 18.05.030

- Tighten the definition of replacement pole and insert language to the effect that a replacement pole must be constructed of the same material as the original pole. In other words, if the original pole is wooden, its replacement must be wooden. The girth of the pole should be the same as the original, but the code should allow for a reasonable margin of error to accommodate conduits and such.
- Require design review by the Architectural Design Board. If trees are to be removed, they must be replaced with mature plantings. All efforts must be made to minimize the effect on the surrounding properties. When cell towers are erected, existing trees on the site should be retained to screen the tower from the road and other properties. Additional vegetation could be planted to minimize the need to top, mutilate or remove trees in the future. It is important that the tower blend in with the neighborhood. She suggested the Board review the design standards found in Lynnwood’s Municipal Code (Section 2.90.100.C).

ECDC 20.50.010

- Allow micro facilities as outright uses in all zones except single-family residential.
- Allow micro facilities as secondary conditional uses in single-family residential zones so that the City would be required to notify surrounding property owners and invite them to express their opinions to the hearing examiner or submit a written document. It is important for the surrounding property owners to have an opportunity to high light the impacts of a proposed tower. She noted that while Mrs. Fry likes to watch the sunset, she now has to look over a cell tower to do so.

Ms. Tipton pointed out that there is a precedent in the code for what she is suggesting. She referred to ECDC 16.20.010, which lists the permitted uses allowed in single-family residential zones. She said she learned that amateur radio transmitting antennas require a conditional use permit. These, like micro facilities, have rights granted to them by the Federal Communications Act. However, the Edmonds code requires notification of citizens if someone wants to install an antenna. The code also imposes conditions related to size, mass, screening, landscaping, and so forth to “place the minimum possible burden on adjacent property owners.” In addition, she pointed out that ECDC 16.20.050(E)(3) suggests an “interactive” process between the “licensee and the neighborhood.”

Again, Ms. Tipton urged caution when changing the code because utility companies have the ability to sue if they believe the City has violated the Federal Communications Act. She shared that the City of Anacortes was sued and lost because the judge felt the City was imposing unreasonable conditions. The City of Anacortes forgot to put their denial in writing, which is also a violation of the Act. On the other hand, local jurisdictions have the latitude to use the zoning regulations to govern cell towers. For example, she said AT & T Wireless sued the City of Virginia Beach, and the judge ruled in favor of the City. He concluded that prohibition of service applies to blanket bans.

Ms. Tipton urged the Board to take a more proactive approach. She recognized that the public will demand better cell service, but she would like the City to have more control. She reminded the Board that the Federal Communications Act prohibits cities and towns from unduly restricting expansion of telecommunication networks, and T-Mobile has identified areas within the City where there are gaps in service. She said she learned that cell phone companies actually knock on doors hoping that a homeowner will allow installation of a cell tower in exchange for monetary compensation. She suggested perhaps the City's Economic Development Director could work with T-Mobile to locate cell towers on public owned properties so the City could reap the benefits.

Ms. Tipton noted that the City's current code requires removal of obsolete cell tower equipment within six months. She suggested the Board consider adding code language to identify who would be responsible for removing the equipment. The code should also indicate whether or not all the associated wiring would have to be removed, as well. She referred to the numerous neighborhoods in Edmonds that require underground utilities. She said she anticipates T-Mobile may petition the City to change the code to allow monopoles or cell towers in these neighborhoods, as well.

Ms. Tipton urged the Board to act quickly to revise the code because there are other projects coming on board in the near future. She hoped the Board could have a discussion with the City Council and present the code changes so people from throughout the City could have an opportunity to speak or present written testimony to the City Council. She also extended a personal invitation for the Planning Board Members to visit the Seaview neighborhood and view the impacts associated with the new pole.

Board Member Reed inquired if monopoles are allowed in single-family residential zones. Ms. Tipton answered that monopoles are not allowed in single-family residential zones, but she explained that because the cell tower is attached to a PUD replacement pole, it is not technically considered a monopole, even though it looks like one.

Board Member Lovell referred to the photographs provided by Ms. Tipton and said it appears the cell tower is part of a power transmission pole. Ms. Tipton said it was added to the PUD pole. Board Member Lovell summarized that T-Mobile has an agreement with the PUD to rent space on the PUD pole to install cell repeater equipment at the top. He agreed that the City should take a more proactive approach to work with the neighbors to minimize the impacts when towers of this magnitude are proposed. However, he suggested that the utility company engineers and marketers would likely say the pole was designed and located based on sound engineering criteria. For example, it may be necessary for the poles to be tall in order to carry the transmission lines because other poles are further away. In addition, cell towers may need to be taller because the trees are taller and they don't want to have to constantly trim the trees in order to avoid interference. He summarized that there are likely very sound, technical reasons for designing the pole the way they did. Cell towers operate by line of sight, so they have to be above everything else in order to function properly. He said cell phone companies are scrambling to provide as much coverage as possible.

Ms. Tipton clarified that the neighborhood was not so concerned about the height of the pole as they were about the girth. Also, they would have preferred a wooden pole, with the conduits located on the outside. She pointed out the property owner who requested the pole wanted the conduits located on the inside, and that's why the large metal pole was necessary. She noted that the PUD has been replacing all the old 90les along 188th Street, but they have not made them higher and they have used wood poles instead of metal.

Stephen Fry, Edmonds, said the property owner who allowed the cell company to locate equipment on his property initially wanted a laminated wood pole instead of a metal pole, but the PUD and T-Mobile did not want to provide a laminated pole because they are significantly more costly. He pointed out that laminated poles are used in areas such as Bellevue, but not in Snohomish County. He said the neighbors are researching to see if it is the same type of pole that the PUD is using in other

areas of the County. He summarized that the pole appears to be a monopole because most utility poles do not have the capability for lines to go up the middle.

Board Member Henderson asked why T-Mobile is paying the property owner instead of the PUD. Mr. Bowman explained that T-Mobile installed equipment to operate the repeater station on the private property. They run the wiring from the private property to the pole to connect with the antenna at the top of the pole. The pole, itself, is located within the right-of-way and is owned by the PUD. Ms. Tipton added that the private property owner received compensation for the space to locate the equipment.

Board Member Young asked how many more applications have been submitted to the City for facilities of this type. He agreed that this type of pole is really inappropriate for single-family neighborhoods and there are likely other locations in the City that could serve the same purpose. He said he appreciates the well written report and recommendation presented by Ms. Tipton. Mr. Bowman said he can't answer how many more cell tower applications would come up in the near future, but he knows that T-Mobile is working on another location and they have sent notices to the surrounding property owners. Ms. Tipton clarified that she sent out the notices, not T-Mobile. Mr. Bowman reported that staff received a call from one resident who was concerned that the proposed antenna would be located in middle of her living room view. She has entered into discussions with the PUD to move the pole slightly to eliminate her concern. He summarized that T-Mobile and the PUD seem to have learned something from the Seaview situation, but that doesn't mean the City should not consider potential code amendments to make it clear that replacement poles in residential neighborhoods must match the existing landscaping, etc.

Mr. Chave noted there are currently no regulations for power poles, and perhaps adding regulations for utility poles could close this loop hole. He suggested that micro antennas located on the top of utility poles is not really the issue. The issue is more related to the type of poles that are being erected in the rights-of-way. He pointed out that it would be a misnomer to regulate utility poles that are located in residential zones because the poles are actually located in the public rights-of-way, which are not zoned. Mr. Chave explained that amateur radio antennas are different because they are placed on private properties and not rights-of-way. He noted that wireless facilities are supposed to be erected on existing power poles. He pointed out that the Lynnwood regulations mostly talk about monopoles that are located on properties rather than within rights-of-way. However, they do contain some good points. He recommended staff consider potential code language that would require replacement poles to look more like trees, etc. He suggested the Engineering Department be invited to research the issue with the PUD and give the Board some ideas about the direction they would like to go. Mr. Bowman pointed out that the code language must also address the appearance of the conduit. Perhaps the code could require the utility company to paint the conduit. He noted a good example of this concept can be found on Main Street near the top of the hill. Mr. Chave agreed that the code could be amended to improve the standards for how wireless facilities are placed on a utility pole. However, Mr. Bowman and Mr. Chave recommended the first step should be to create provisions that regulate replacement poles.

Board Member Young recommended that City staff work with the utility companies to identify some choice places to locate the wireless communications equipment rather than scattering the equipment throughout the community. Mr. Chave said City staff has already studied this option, and they found there are not enough public sites to provide the coverage that is needed. The City chose to allow small antennas on the top of existing utility poles as an alternative to erecting monopoles in residential neighborhoods. The intent was to have small antennas placed on top of existing utility poles, but the City did not anticipate that the PUD would use a different technology. The concept is still good, as long as they have standards to regulate the PUD poles. He said Mayor Haakenson and staff have been working with the PUD to clarify the City's expectations.

Board Member Young suggested the City encourage opportunities to place the wireless communications equipment on public properties whenever possible so the City can benefit from the additional revenue. Again, Mr. Chave noted that the goal is to place the facilities on existing poles. Board Member Henderson agreed with Board Member Young that the Engineering Department should consider options for siting the facilities in City parks. This would allow them to paint the poles like trees, so they would create less of an impact. It would also allow the City to collect additional revenues. Board Member Reed pointed out that Lynnwood's code contains numerous ideas for camouflaging the poles, and he encouraged the staff to consider including these options as part of the draft code language.

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Board Member Works inquired if the PUD has agreed to make any changes to mitigate the impacts of the pole that was erected in the Seaview Neighborhood. Ms. Tipton answered that the PUD has agreed to have the pole painted, and the colors have been narrowed down to four, two shades of brown and two shades of green. The neighbors would be invited to share their preference for color, and the PUD has indicated they would paint the pole next week. The PUD has also agreed to add mature plantings around the pole.

Karen Fry, Edmonds, said the PUD has agreed to plant mature trees that are at least 15 feet in height. However, it is important to keep in mind that 2/3 of the pole would still be visible from most of the residential properties in the neighborhood. Therefore, painting the pole would not really mitigate the problem. She said she would prefer the City encourage the PUD to replace the metal pole with a wooden pole, and she volunteered her help to do the necessary footwork to get the change moving forward.

Board Member Young agreed that Ms. Tipton presented some good ideas, but he also agreed with Mr. Chave that the first step in the process is to talk to the PUD about how they can work together to address the issue. He said he would like to learn the results of these discussions before the Board considers any potential code amendments.

Board Member Bowman complimented Ms. Tipton for her excellent report and the recommendations she presented to resolve the problem. Ms. Tipton asked how discussions with the PUD would evolve over time. Mr. Bowman answered that staff would take the information she presented to the Engineering Department. He said it would be fairly quick and simple to amend Title 18 to deal with the issue of replacement poles because the amendments would go directly to the City Council. However, discussions with the PUD would take some time. He said it would be important to contact Mayor Haakenson to learn what discussions and agreements have already been considered. He agreed to follow up and report back to the Board in the near future.

DISCUSSION ON TOWNHOUSE SUBDIVISION REGULATIONS

Mr. Bowman advised that this issue came to light after a recent Hearing Examiner decision was issued to deny a townhouse subdivision application. The matter was appealed to the City Council, who voted 4-3 to overturn the Hearing Examiner's decision. He said the problem is the way the City's current subdivision regulations are oriented towards traditional single-family subdivisions. In 2003, the staff issued an interpretation addressing how to handle townhouse subdivisions, and this interpretation has been used since that time. The Hearing Examiner does not like the interpretation. Even though she has approved townhouse subdivisions in the past, she denied the most recent one. The matter was referred to the City Council's Community Services/Development Services Committee, and they recommended the issue be forwarded to the Planning Board for review.

Mr. Bowman referred the Board to examples of townhouse subdivision style developments that have been approved and developed in the City. He said one of the most successful developments of this type is the Cascade Cottages on 210th and 76th Avenue even though people were originally concerned about the proposed development and the project was not well received. He noted the developer attempted to make changes to the exterior of the project, and the ADB denied the changes. The project resulted in an attractive development, with the housing units oriented towards the street. A similar development (Viking Heights) was constructed on 238th Street, with single-family units developed on very small lots. The project created circular driveways to serve the neighborhood and the streetscape was well landscaped. However, once you get into the development, there are no walkways and guest parking spaces are located at the back. The development has a real tight feel. He suggested the Board consider potential code amendments that would regulate future townhouse subdivision development to result in better neighborhoods.

Mr. Bowman advised that staff intends to fold the proposed townhouse subdivision regulations into the other subdivision amendments that would be presented to the Board for review in the near future. He invited the Board Members to share their comments and ideas with staff as soon as possible.

Board Member Lovell asked staff to share the City Council's logic for overturning the Hearing Examiner's decision. Mr. Bowman said the City Council felt the applicant had relied on the interpretation that had been in place for several years and that the Hearing Examiner had previously ruled in favor of. Mr. Chave explained that townhouse subdivisions confuse single-family subdivisions with multi-family development. He clarified that a townhouse subdivision development is no different than a condominium development, except condominium owners share the land the units are located on, and townhouse subdivision owners own the land their unit sits upon. The problem is that the City's subdivision plan doesn't deal with this distinction, and the City needs to sort out how multi-family townhouse subdivisions are different than traditional single-family subdivisions. That is where the Hearing Examiner got hung up. She didn't like interpreting how the subdivision section should work in a multi-family setting.

Mr. Chave said this new type of ownership appeared a few years ago because developers were having a hard time developing condominiums in the traditional way. As a result, they came up with a way to market multi-family residential development using the townhouse subdivision process. The City's code is out of date and needs to be updated to address this new type of development.

Board Member Works pointed out that the City's current definition of a townhouse requires that the units have adjoining walls. However, the pictures provided in the staff report illustrate separate units. Mr. Chave said townhouse units could be either joined or separated. Board Member Works suggested the definition be updated to make this clear.

Mr. Bowman pointed out that subdivision townhouse development is popular now, and there is a marked reduction in the number of traditional single-family homes that are being constructed in Edmonds. The City must address this demand and make sure codes are in place to ensure the developments are appropriate for the community. Mr. Chave pointed out that the City's current multi-family development standards are weak, particularly when they are pushed to the extreme. By separating the individual units, there is less ability to consolidate open spaces and provide a logical circulation pattern and concentrated parking, etc. Board Member Henderson pointed out that other jurisdictions in the area have created cottage housing regulations to deal with this issue. Mr. Chave pointed out that cottage developments are different than townhouse subdivisions. Cottage developments are single-family units, and townhouse subdivisions are multi-family developments that provide separate units.

Mr. Chave suggested the Board must deal with two issues. First, they must address the issue of subdivisions and how property ownership is set up. Second, they must review the multi-family residential standards, themselves, and amend them to get better results.

Board Member Dewhirst expressed concern about separate units that have only very narrow spaces in between them, particularly if the walls have windows. Mr. Bowman said the fire code adequately addresses this concern, depending on how close together the walls are. Board Member Dewhirst said that although a development must meet certain fire codes, the City doesn't have an adequate program for enforcing the codes after the development has been completed.

Mr. Bowman encouraged the Board Members to visit the townhouse developments throughout the City and share their thoughts with staff about what issues they would like the code amendments to address. He noted the Hearing Examiner raised concerns about guest parking and maintaining fire lanes. He said he has researched codes from other jurisdictions to see how they deal with the issue. He emphasized that the issue is not unique to Edmonds.

Board Member Young expressed concern about what the townhouse developments would look like 10 to 15 years later. He questioned if the purpose of the amendments would be to make developments look better and work better. Mr. Bowman agreed with Board Member Young's concern about what the developments would look like in the future. He pointed out that design standards can have a significant impact on the future viability of these projects. Again, he reminded the Board that there is a demand for townhouse subdivision development, so the City needs to create adequate standards to address the concerns.

Board Member Young suggested it may be counter intuitive to allow the development of separate townhouse units in multi-family residential zones that allow greater density. He said this would not address the need for multi-family housing, and it would also not address the issue of affordability. Mr. Chave clarified that townhouse development usually results in the

maximum number of units allowed by the zone, but they are a different type of multi-family development. He noted that the application that recently went before the City Council was reviewed and approved by the Architectural Design Board as a multi-family development. The only issue before the City Council for review was the concept of separating the property into individual lots.

Board Member Lovell summarized that townhouse subdivisions are a marketing ploy that appeals to people who want to own their own homes. Mr. Chave said townhouse subdivisions are also the current trend in the multi-family residential development industry. He pointed out that developers of multi-family properties have experienced difficulty trying to obtain insurance for condominiums. The townhouse subdivision concept could result in the same type of development, but it would not have to meet the same insurance requirements as those associated with condominiums.

DISCUSSION ON ATTACHED GARAGE REGULATIONS

Mr. Bowman advised that this issue is the result of complaints filed against a building permit that was issued for an attached two-story garage that a number of neighboring property owners objected to. The garage in question would be connected to the existing attached carport and house, which would enable the property owner to take advantage of the 25-foot height limit instead of the 15-foot height limit for detached accessory buildings. He reported that the City Council's Community Services/Development Services Committee reviewed this item and recommended that the matter be referred to the Planning Board for review and recommendation. The committee also requested the Planning Board look at the maximum height of attached garages.

Mr. Bowman explained that this situation raises a valid policy issue. Should the City allow structures like garages to get maximum building height when they are connected by things like breezeways? He noted that this would not only allow for taller garages, but it could also alter the height calculation for the main house by changing the four corners of the smallest rectangle to fit around the house. He advised that the City Council's intent is to make it clear that garages should only be considered attached if they are located within close proximity of the house. Perhaps any garage within 10 feet of the house that is connected to the house with a roof would be acceptable to allow the maximum building height. Any garage that is located at a greater distance from the house could be limited to a height of 15 feet. He shared pictures of "attached" garages that are currently located in Edmonds.

Mr. Chave recommended the Board talk about when a garage should be considered part of the main structure and calculated in combination with the house and when it should be considered as a separate structure with a height limit of 15 feet. He noted that some property owners have challenging situations that are difficult to address, but many configure their garages in such a way that would allow them to obtain the additional height. He summarized that it is important for the City to have clear code language for making this determination. He recommended the Board consider code language that would establish a distance requirement, as well as a requirement that the garage be connected to the main structure by a covered roof or breezeway. In addition, the code should require common construction materials for both structures.

Board Member Lovell felt it would be fairly simple to develop criteria to regulate attached and detached garages. Mr. Bowman agreed. He said that if the Board is in support of this direction, staff could prepare draft language to move the amendment forward. The Board directed staff to move forward with draft code language for their consideration.

THE BOARD TOOK A BREAK AT 8:58 P.M. THEY RECONVENED THE MEETING AT 9:05 P.M.

DISCUSSION ON PROPERTY PERFORMANCE STANDARDS – CHAPTER 17.60

Mr. Bowman reminded the Board that they last reviewed the proposed amendments to Chapter 17.60 (Property Performance Standards) on July 23rd. They directed staff to prepare a revised draft that would identify the minimum standards necessary to deal with property performance issues. He referred the Board to the following three draft versions:

- Attachment 1 is the original draft heard by the Planning Board on July 23rd

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- Attachment 2 is a redraft of the draft ordinance that moves towards minimizing the amount of regulations
- Attachment 3 is a further refinement that minimizes vehicle regulation, as long as they are parked on the side or rear yard behind a solid fence or vegetation barrier.

The Board and staff reviewed Attachment 2 and made the following observations and recommendations:

- **Section 17.60.050.** Mr. Bowman advised that staff recommends one additional amendment related to habitation in recreational vehicles. As proposed, no vehicle, recreation vehicle, or trailer shall be used for habitation within the boundaries of the City. However, the language would allow an exception to use the vehicle as a temporary living quarters for a period not to exceed 14 days in any calendar year when the owner or user of the vehicle is a non-resident of the City visiting a resident. Mr. Thies said there have been situations where someone lives in a trailer in the front of a single-family residential property. Often when the City contacts the property owner, the vehicles are moved to the back yard where the City cannot see them and the use continues. In order to make this more difficult, the proposed language would require the trailer to be registered to the site it is located on. As proposed, all recreation vehicles that are stored on a property must be registered to that property.
- **Section 17.60.040.D.1.** Board Member Henderson voiced concern that the draft language would not allow vehicles to be stored on an improved parking surface located along the front of a property. As proposed, approved parking surfaces must be located adjacent and parallel to the driveway. He suggested the first sentence in this section be changed to read, "In a front yard provided that the vehicle(s) is in a driveway or on an improved parking surface." The remainder of the Board concurred.
- **Section 17.60.040.D.** Board Member Works suggested that the word "or" be removed from this section. The Board and staff concurred.
- **Setback.** Board Member Dewhirst asked why the term "setback" was left out whenever the language references side and rear yards. Mr. Bowman explained that the side and rear yards could be much larger than the setback areas. He cautioned against using "side and rear setbacks" instead of "side and rear yards." He noted that properties are not always developed right up to the setback line. Board Member Dewhirst agreed but said he was most concerned about what happens in the setback area. He suggested property owners be allowed to use their side and rear yards for storage, as long as nothing is located within the setback area. Mr. Bowman agreed the code language could restrict the storage of anything within the setback area, but allow storage in the remainder of a side or rear yard, as long as it is screened by a 6-foot high fence or vegetative barrier. Board Member Dewhirst expressed his belief that allowing people to store things in the rear yard, but not within the setback, would result in a good compromise. As the lots become smaller and smaller, the setback space would become critical. Mr. Bowman said he did not think it would be difficult to implement this concept. However, he suggested it could become a safety issue if vehicles are stored within the setbacks on small lots. Prohibiting vehicle storage in side yards ensures that emergency vehicles would be able to easily maneuver. In addition, it would protect adjacent property owners from potential negative visual impacts. Mr. Bowman suggested another option would be to allow storage in one side yard, but prohibit storage on the other side. This would ensure that adequate emergency access is maintained. Most of the Board Members agreed this would be an appropriate option.
- **Section 17.60.040.B.** Board Member Dewhirst recommended, and the remainder of the Board concurred, that the word "encouraged" should be changed to "required." Board Member Lovell said it is important to keep in mind that recreation vehicles are often as tall as nine feet, and the City's current code limits the height of fences and vegetation to six feet. The Board felt a six-foot fence or vegetation would be an adequate screen.
- **Section 17.60.040.D.2.** The Board agreed that the word "front" should be removed from this section.

Mr. Bowman referred to Attachment 3 and explained that, based on comments from the public and staff at the last meeting, staff tried to eliminate as much of the language as possible to create Attachment 3. Attachment 3 is very similar to Attachment 2, except more significant changes were made to Section 17.60.040. As per Attachment 3, a property owner would be allowed to store vehicles in the backyard, as long as they are screened by a fence or vegetative barrier. He cautioned that if the Board chooses Attachment 3 and minimizes the vehicle regulations, it is important to keep in mind that

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many single-family homes are two stories. That means that people would be able to see vehicles stored in their neighbor's backyard from their second story window.

Board Member Works said she doesn't support language that would allow property owners to store an unlimited number of vehicles in their backyard, as long as they can prove they are operational and they are screened by a fence or vegetation. Board Member Dewhirst agreed and added that it seems like most of the violation issues raised by citizens at the public hearing were related to vehicles being parked all over properties. Mr. Bowman agreed that the Code Enforcement Officer deals with these types of issues all the time.

Board Member Dewhirst said he can appreciate that people like to work on vehicles, and he doesn't want to make it too difficult for them to enjoy this hobby. On the other hand, there is a community expectation of standards that require people to maintain their properties so they don't impinge on the value, safety, or visual pleasure of the neighborhood.

The Board agreed that, with the changes identified earlier, Attachment 2 would be the appropriate approach. It tones down the original draft, but represents a middle solution to address both sides of the issue. Mr. Bowman agreed to update Attachment 2 and bring a final draft to the Board at their next meeting for final review and a recommendation to the City Council.

Board Member Lovell reminded the Board of their previous discussion that the City only enforces the performance standards on a complaint basis. He asked if this is common knowledge in the City. Mr. Thies answered that this is a common practice in most jurisdictions because of the sheer volume of code violations.

CODE RE-WRITE OUTLINE

Mr. Chave referred the Board to the sample outline of what the overall Development Code could look like as the rewrite project moves forward. He said the idea is for Title 16 to contain all of the zoning classifications, and Title 17 would include all the general zoning regulations that are currently found in Title 20 and Title 17. Title 17 would be divided into sections such as special use regulations, site development standards, sustainable development incentives, and subdivision of land. He concluded that Title 17 would be much larger than it current is, but it would contain all of the zoning regulations.

Mr. Chave said staff is proposing that Title 20 be broken into two broad areas. The first chapter would include the review processes and standards for review, which the Board has already reviewed and forwarded a recommendation to the City Council. The other chapter would contain all of the review criteria for special decisions. Title 21 is currently the definition section, and this would not change. Title 22 would combine the design review process and the design review standards into one chapter. He noted that, up to this point, the City has not had a lot of design review standards. However, as this concept gains momentum, it will be important to keep the information in a single chapter of the code.

Board Member Henderson asked if this would be an appropriate time to decide whether or not to add code language related to cottage housing. Mr. Chave answered that it would make more sense to deal with cottage housing as a subset of multi-family residential. Dealing with cottage housing as a single-family development would be difficult because it can result in a significant increase in density. In addition, it is hard to identify areas where cottage housing should be allowed because the concept is difficult to sell to single-family neighborhoods.

The Board agreed the proposed outline makes sense.

ON-LINE PLANNING BOARD AGENDAS

Mr. Chave announced that the City Council packets are now available on line via the City's website, and staff is nearly ready to implement the same system for the Planning Board, Hearing Examiner and Architectural Design Board. He provided an example of the format used by the City Council, and he briefly illustrated how the process would work. He said he anticipates the Board's October 8th packet would be available on line.

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REVIEW OF EXTENDED AGENDA

Mr. Chave announced that the Board's extended agenda would be updated based on the actions taken by the Board.

PLANNING BOARD CHAIR COMMENTS

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

PLANNING BOARD MEMBER COMMENTS

Board Member Lovell reported that he volunteered to participate in the City of Edmonds Aquatic Feasibility Study Group. Other members of the group include Rich Lindsay, Brian McIntosh, Renee McRae, Council Member Orvis, Dick VanHollenbeke, and Council Member Wilson. The City received eight responses to their Request for Qualifications for consultants to study sites and undertake a survey of citizens. The consultant would study Yost Pool and prepare cost and program design alternatives for a new aquatic center. The responses were narrowed to four consultants, and interviews are scheduled to take place on September 26th. The group hopes to have someone on board within the next week or two so that a report can be ready for the City Council to review by the middle of December.

ADJOURNMENT

The Board meeting was adjourned at 9:55 p.m.

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