

**APPROVED APRIL 14<sup>TH</sup>**

**CITY OF EDMONDS  
PLANNING BOARD MINUTES**

**March 24, 2010**

Chair Bowman called the meeting of the Edmonds Planning Board to order at 7:00 p.m. in the Council Chambers, Public Safety Complex, 250 – 5<sup>th</sup> Avenue North.

**BOARD MEMBERS PRESENT**

Michael Bowman, Chair  
Philip Lovell, Vice Chair  
Todd Cloutier  
Cary Guenther  
Kristiana Johnson  
John Reed  
Valerie Stewart

**STAFF PRESENT**

Rob Chave, Planning Division Manager  
Francis Chapin, Cultural Services Manager  
Karin Noyes, Recorder

**BOARD MEMBERS ABSENT**

Kevin Clarke (excused)

**READING/APPROVAL OF MINUTES**

**VICE CHAIR LOVELL MOVED THAT THE MINUTES OF MARCH 10, 2010 BE APPROVED AS AMENDED. CHAIR BOWMAN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

**ANNOUNCEMENT OF AGENDA**

The agenda was amended to place Item 8a (draft sign code amendments) before Item 7a (sustainability indicators).

**AUDIENCE COMMENTS**

Vice Chair Lovell recalled that at the two previous Planning Board meetings, Al Rutledge approached the Board for information about the additional sign he said the City Council approved to recognize the other individuals whose names were nominated for Hickman Park. Ms. Chapin agreed to research the issue and provide a response to Mr. Rutledge.

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

**DISCUSSION OF PRELIMINARY OUTLINE OF DRAFT SIGN CODE AMENDMENTS TO PROVIDE CLARIFICATION OF DEFINITION AND CRITERIA FOR WALL GRAPHIC MURALS OR ARTWORK**

Ms. Chapin advised that when a new wall mural was installed recently in the downtown, it became clear to staff that the sign code needed to be updated as it pertains to wall graphics murals and artwork. At this time, murals are addressed in the sign code as non-commercial wall graphics. She emphasized that the current proposal is a preliminary outline and was presented to the City Council Development Services/Community Services Committee. They referred it to the Board for review and a public hearing.

Ms. Chapin reported that staff obtained information from several cities in the region and reviewed existing code and policies related to the issue. The proposed draft amendments were developed and refined based on input from the Community Services Director, Planning Manager, Cultural Services Manager and City Attorney. They are intended to clarify the definition, outline the application process and submittal requirements, and provide criteria for staff review. They learned

there are a number of ways to address murals. For example, some cities have a designated theme that all murals must conform to regardless of who does the mural. Other cities set up special programs for regulating murals, but these types of programs require staff time and money to implement. Another option is to regulate murals through a sign code, which is what Edmonds currently does. However, if the City wants to continue this approach, changes to the sign code are needed to make the requirements clear and perhaps allow more latitude for murals. For example, the sign code does not currently allow words in non-commercial graphics, but artwork often does include words. She reviewed each of the proposed changes.

Ms. Chapin reminded the Board that artwork is considered an exercise of the First Amendment, Freedom of Speech. Therefore, none of the City's review criteria can be based on content, subject matter, etc. Decisions cannot be based on content or the message expressed by an artist or work of art. While the City would like to encourage artists to coordinate their artwork with the design and character of the downtown, they cannot prohibit a specific proposal just because they do not believe it is consistent with the pedestrian-friendly character of the downtown.

Ms. Chapin advised that the Edmonds Mural Society has expressed a desire to enhance the community through large scale art installations (murals). While they are a savvy group that will provide quality results, the Board should keep in mind that the amendments would be applicable to anyone who wants to install a mural in Edmonds. The purpose of the proposed review criteria is to ensure that only quality murals are approved. For example, the materials would have to be resistant to fading, and an applicant would be asked to consider an anti-graffiti coating. No fluorescent paints would be allowed, and durability and permanence would be one criteria consideration. In addition, the proposed mural must be compatible with other architectural elements, street elements and adjacent structures.

Vice Chair Lovell noted that mural materials would be limited to a thickness of ½ inch. He asked if the proposed language would allow murals to be created using mosaic tile. Ms. Chapin answered affirmatively. Vice Chair Lovell said the proposed language would not allow a mural or wall graphic to be internally lit. He asked if other options for lighting a mural at night would be allowed. Mr. Chave answered that lighting that is incidental to the overall sign would be allowed, but internal lighting would not. Chair Bowman asked if LED lighting would be allowed around the mural. Mr. Chave answered that indirect lighting would be allowed. The purpose of the requirement is to ensure that wall graphics do not turn into illuminated signs. He advised that staff would be responsible for making these judgment calls. Again, he reminded the Board that they cannot judge the artwork based on content, appearance, etc. However, they can base their decision on materials, location, durability, size, etc.

Board Member Stewart said she would support the approach of establishing a theme for murals. She expressed concern that an "anything goes" approach would allow someone to install a mural that is considered offensive to some citizens. Chair Bowman pointed out that, with every art piece, there are some who like it and some who don't. Art creates emotion. He said he hopes the City Council would vote to eliminate fees for mural permits. He noted that the Edmonds Mural Society is a non-profit organization that is working hard to bring quality public art to the community. There are many people in Edmonds who want the City to allow and encourage murals on buildings. The Edmonds Mural Society is not trying to make a profit, but they are trying to help the City attract more people to spend money in Edmonds to improve the tax revenue base. Ms. Chapin explained that the current sign code regulates murals as private art on private buildings, and a sign permit is required. The Edmonds Mural Society is interested in the City streamlining the process to make it possible to bring in groups of murals for review rather than reviewing each mural proposal separately.

Ms. Chapin agreed there are other options for regulating murals. The City Council could select a theme, but she questioned what theme would apply in Edmonds. This approach could result in situations where good proposals must be turned down because they are not consistent with a specific theme. She cautioned against placing the City in a position where staff is required to pass judgment on art. Setting up a City mural program would pose challenges, as well, and would require the City to set up a process for reviewing and approving mural applications. The City could contract with a private property owner to lease space and then fund the mural with public money, but the mural would be selected through a public art process. This approach would require staff time and other City resources to administer. She noted that when discussing the various options with the City Council Committee, they agreed with staff that amendments to the sign code would be the appropriate approach for addressing murals.

Ms. Chapin pointed out that regulating murals via the sign code would still allow the Edmonds Mural Society to establish a competitive process for selecting walls for murals. However, they would not be involved with administering the sign code requirements. She reminded the Board that the sign code requirements would not be exclusive to murals that are approved by the Edmonds Mural Society. Any property owner would have the ability to request a permit for a mural without going through the Society.

Chair Bowman explained that the Edmonds Mural Society's goal is to promote local and regional artists and give them exposure. Edmonds has expressed a desire to promote art in their community, and the Society's goal is to encourage artists to locate in Edmonds.

Board Member Johnson agreed that Edmonds has indicated a desire to support art, and she would support a regulatory process (sign code) as proposed by staff since it would present more opportunities for the City to address issues related to public safety. She specifically noted that traffic safety is addressed in Section 20.60.015.A.1 (Page 6). As proposed, the Planning Manager would be allowed to refer an application to the Architectural Design Board (ADB) if the proposed sign has the potential of creating a significant adverse impact on community aesthetics or traffic safety. She suggested it may not be within the purview of the ADB to address traffic safety issues. However, there may be traffic safety issues related to a citywide approach to artwork, and the City's current method of allowing the Planning Director to work with the Engineering Department to address traffic safety issues would be appropriate.

Board Member Johnson cautioned that the City should avoid allowing murals that attract activities they do not want in their community. A good example of this type of "attractive nuisance" would be a mural in Montana or Wyoming that contains a picture of a five-point buck and the community uses it for target practice. While she cannot think of any specific examples for Edmonds, it is important to address this basic concept.

Board Member Reed referred to Section 20.60.015.A and asked if the second sentence is new. Mr. Chave said the concept is not new, but the language was amended to correct the reference. Board Member Reed observed that Section 20.60.016.A.1 would allow the Planning Manager or designee to refer design review applications to the ADB. Mr. Chave said this is the process the City currently uses, and the language exists in the current sign code.

Board Member Cloutier asked about the time frame for reviewing applications for mural permits. He also asked if the proposed language supports the plans of the Edmonds Mural Society. Mr. Chave said that the application would be subject to the building permit review process, which could take about two weeks to complete. Board Member Cloutier asked how much it costs to apply for a sign permit. Mr. Chave said the building permit fee is approximately \$150, and the design review fee would be slightly less. He explained that, at this time, the building permit fee would apply to each individual mural that is proposed. However, a group of murals could be submitted for design review at the same time and only one fee would be charged. He reminded the Board that revisions to the fee schedule must be approved by the City Council. The Board could ask the City Council to review fees, but it is outside of their direct purview to propose changes. If the Board forwards a recommendation to the City Council regarding sign code amendments, they could also recommend the City Council consider changes to the fee schedule.

Board Member Reed pointed out that Section 20.60.015.C.3.b asks that the applicant give consideration to anti graffiti coating. He asked if the coating is expensive or would detract from the appearance of a mural. Ms. Chapin answered that it is not an expensive product and it would not detract from the mural's appearance. However, it is not the most appropriate measure in all cases. Board Member Reed suggested that perhaps the language should be stronger to emphasize the need for anti-graffiti coating. He reminded the Board that graffiti has been a problem in Edmonds in the past. Mr. Chave suggested that using the word "consideration" is appropriate because the coating is not always the best approach. When reviewing applications, staff would ask the applicant if he/she has considered durability, etc. Ms. Chapin reminded the Board that property owners would be responsible for maintaining the murals.

Board Member Cloutier pointed out that the sign code limits the size of signs. He asked if the proposed amendments would allow a mural to cover an entire wall. Mr. Chave answered that there is no size limitation for wall graphics (murals).

Board Member Stewart observed that some murals are permanent once they are placed on a wall, but others can be removed and replaced. She questioned if some communities have code language that require the murals to change periodically. Ms. Chapin agreed that some murals have not been maintained and are no longer attractive, and many communities emphasize the need to keep them well maintained. Some communities encourage people to change the murals periodically. She advised that the Edmonds Mural Society envisions an outdoor gallery concept that would likely change over time, but she cautioned against creating code language that regulates how long a mural can be in place.

Board Member Cloutier inquired if murals or wall art would be allowed on residential developments. Ms. Chapin answered that the regulations would only apply to buildings in commercial and multi-family areas. Mr. Chave added that single-family development is exempt from design review. Since there are no size limits for murals, they would be allowed in single-family zones without any design review.

Board Member Reed pointed out that the word “renewable” in the last sentence of Section 20.60.015.A should be replaced with “reviewable.”

The Board agreed it would be appropriate to proceed with amendments to the sign code to address murals. This would maintain the current regulatory process rather than opening it up to artistic design review. Mr. Chave announced that a public hearing would be scheduled for May 12<sup>th</sup>. Board Member Reed suggested that staff highlight the proposed amendments in the document that is prepared for the public hearing.

Board Member Reed inquired if the Edmonds Mural Society has been given an opportunity to review and comment on the proposed amendments. Ms. Chapin said that now that the amendments have been presented to the Board and City Council, staff would forward a copy to the Society and others who have a specific interest in the issue.

Board Member Johnson asked is staff considered the option of creating a separate definition for wall murals rather than including them as part of the wall graphic definition. She expressed her belief that separating the definitions would provide more clarity. Ms. Chapin explained that murals are already considered to be a type of wall graphic in the current code, so clarifying the definition makes the most sense to staff.

Chair Bowman reminded the Board that there are only certain times of the year when wall murals can be installed, and the Edmonds Mural Society would like to move their program forward as quickly as possible. He observed that response from the first mural was mostly positive, and they are hoping to get more art in place this summer. Mr. Chave clarified that murals are already allowed by the current code, so the Society can move forward with their program regardless of whether or not the amendments are approved. The proposed changes are intended to clarify the existing code language.

Board Member Cloutier suggested the Board recommend the City Council review the fee structure for mural permits as soon as possible. Mr. Chave suggested the Board notify the Building Official if they want to present a request to the City Council regarding the fee structure at the same time that the proposed code amendments are presented.

#### **UPDATE OF SUSTAINABILITY INDICATORS**

Board Member Cloutier reminded the Board that a subcommittee (Chair Bowman, Board Member Cloutier, and Board Member Stewart) was formed to research methods used by other jurisdictions to measure progress towards established sustainability goals. Their charge was to report back to the Board at their next meeting in preparation for a public open house on April 22, which is Earth Day. He referred the Board to the spreadsheet, which outlines sustainability goals and potential indicators. The goals were divided into four categories: built environment, natural environment, social environment, and economic environment. He noted that most of the goals came from work done by the Citizens Economic Development Commission (CEDC) or from the City’s established vision statement and goals.

Board Member Cloutier further explained that Board Member Stewart prepared a list of over 100 potential indicators that could be considered to measure the City’s success in reaching their sustainability goals. The spreadsheet identifies which potential indicators could be used to measure each of the various sustainability goals to determine how well the City is doing in reaching their goals. He noted that the majority of the indicators come from documents provided by other jurisdictions

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and organizations, but staff will also contact the various departments to find out what type of data the City already collects. Once the list of indicators has been finalized, the subcommittee will work to identify those that will be most effective in determining how well the City is meeting their sustainability goals. The next step would be to present the list to the public for feedback.

Board Member Reed said some of data the City already collects may be on the list now. Mr. Cloutier agreed that is likely. However, there are also indicators on the list that do not really apply to Edmonds' goals for sustainability. Chair Bowman agreed it would be appropriate to narrow down the list of potential indicators before it is presented to the public for comment. He suggested the Board also establish a list of questions that could be asked for each goal to solicit feedback from the public about what they believe is most important.

Mr. Chave reminded the Board of their earlier discussion about an open house in conjunction with the City's Earth Day event on April 22<sup>nd</sup> to get the community interested in the issue of sustainability. He suggested a web page could be created for each of the sustainability goal categories to identify the potential indicators that could be considered. They could invite the public to rank how important each of the indicators are for measuring the success of the sustainability goals. He suggested the Board spend time at their April 14<sup>th</sup> meeting preparing for the public open house by finalizing a survey that could be used to start the public discussion.

Vice Chair Lovell commended the committee on their work, which he felt was right on track and consistent with the ideas he put forth in his memorandum to the Board. He suggested it would be helpful to whittle down the list of potential indicators to include only those indicators that are reasonable, fairly easy to measure and can be measured over a long period of time. They should start with what is already being done by the City and other groups in the community.

Board Member Stewart said she received an email from biologist Alan Mearns, from the Backyard Wildlife Habitat Project, regarding ecosystem indicators. He noted that a lot is already being done. For example, a citizens group and an organized university group are already doing studies and measurements of various things such as canopy cover, etc. The Puget Sound Partnership's indicator group is very active, as well. She suggested the subcommittee identify what other groups are already working on.

Board Member Reed asked if it would be possible to divide the potential indicators into groups to identify those that are easiest to measure and those that are more difficult. Board Member Cloutier agreed it would be appropriate to start by identifying what is already being measured, since those will be the easiest. Board Member Reed suggested it would also be helpful to identify the source of the various studies and information.

Board Member Johnson said she appreciates the level of work done by the subcommittee. However, based on the minutes of the last meeting and her memory, the subcommittee was charged with putting information together to present to the public at an Earth Day event. She questioned how to adapt the spreadsheet into something that would be useful for soliciting input from the community. Board Member Cloutier said the subcommittee's goal is whittle down the information before it is presented to the public. He agreed to forward the document to each of the Board Members, and he invited them to provide their comments and suggestions. Using comments from the Board, the subcommittee would present a more refined list on April 14<sup>th</sup> for the Board's consideration. Board Member Johnson said she has talked to staff about potential transportation indicators, and she would continue to work with staff and provide feedback to the subcommittee regarding this issue.

Board Member Cloutier said the subcommittee is also interested in the Board's ideas for potential economic environment indicators. Board Member Johnson pointed out that the City of Bellingham is using the Federal Government's Environmental Protection Act Green Cities Program to redevelop the Fairhaven area, and their work might provide helpful information. Mr. Chave added that the document from Victoria, B.C. also includes some discussion about transportation related indicators.

Board Member Cloutier summarized that the City of Edmonds, along with Sustainable Edmonds, will host an Earth Day Event on April 22<sup>nd</sup> in the Brackett Room of City Hall from 6:00 to 8:00 p.m. A representative of Local Governments for Sustainability will speak about local governments leading the way, followed by a presentation of the City's Climate Action Plan. The audience would be invited to participate in group discussions to brainstorm and identify what they feel are the

most important things the City can do to reach the goals identified in the Climate Action Plan. As part of that process, the attendees could be invited to respond to the indicator spreadsheet.

The Board discussed that all of the Board Members could attend the Earth Day event, but they should not meet in groups to discuss Planning Board issues.

Vice Chair Lovell summarized that the subcommittee's goal is to narrow down the list of potential indicators, but add those indicators that are already being measured. Mr. Chave said they should also categorize the long list of indicators into groups, as suggested earlier by Board Member Reed. The Board agreed that only those potential indicators that are reasonable and possible would be presented to the public.

### **REVIEW OF EXTENDED AGENDA**

Mr. Chave referred the Board to the extended agenda and noted that the April 28<sup>th</sup> meeting includes several items. He advised that the SEPA Update would be moved to the April 14<sup>th</sup> agenda. The update on Title 20 procedures would likely be moved to April 14<sup>th</sup>, as well. He noted that the Board's agendas would be full through November. He advised that staff presented the 2010 Comprehensive Plan and ECDC Project Schedule to the City Council so they could incorporate the items into their extended agenda, as well.

Board Member Reed said it was his understanding that the Planning Board was going to be fairly active in the economic development process and work closely with the Citizen's Economic Development Commission on appropriate issues. However, after reviewing the Planning Board extended agenda, it appears that may not be the case. He advised the Board that he turned down an opportunity to serve on the CEDC because he understood that the Board was going to be closely involved in the process. He recently learned from the CEDC minutes that it has formed a land-use subcommittee to review issues that he had thought might more appropriately come before the Board for discussion and review. He requested clarification of the Planning Board's role in the economic development process. Mr. Chave suggested that Chair Bowman meet with the chair of the CEDC and Mr. Clifton to clarify the Board's role in the process. He reminded the Board that while the CEDC can study issues and make recommendations, they cannot take action. Items that are within the Board's purview will be presented to the Board at some point in the future. He suggested the Board invite the CEDC to meet jointly with them to discuss land use issues. Board Member Reed said it is important that the Board have a voice on certain issues so they are not surprised when items come before them in the future.

Board Member Johnson said she has also been tracking the CEDC's activities, and she is unclear about where the Board fits into the process. She noted that discussions related to redevelopment of neighborhood centers are of particular interest to the Planning Board. Vice Chair Lovell advised that the CEDC has recommended to the City Council that a consultant be hired to assist in the neighborhood center planning process. Board Member Johnson expressed concern that redevelopment of neighborhood centers should not just be looked at in the context of economic development, but also include such things as neighborhood linkage, etc.

### **PLANNING BOARD CHAIR COMMENTS**

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

### **PLANNING BOARD MEMBER COMMENTS**

Board Member Guenther advised that the National Code Council announced that they have put out the International Green Construction Code in draft form, and it is available for public comment at this time. They are hoping the code can be available for potential adoption by jurisdictions in about three years. He suggested the Board Members keep this document in mind as they discuss low-impact development and sustainability in the future.

Board Member Cloutier announced that the City Council approved Resolution 1224, resolving to pursue the CEDC's recommendations. The first item on the CEDC's list of recommendations is "initiating neighborhood center plans for Five Corners and Perrinville.

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Vice Chair Lovell reported that he attended the meeting on March 22<sup>nd</sup> that was sponsored by the Washington State Department of Transportation (WSDOT) to discuss their plans for a public/private partnership for property near the waterfront. Their desire is to relinquish the development rights for their parking lot area in exchange for access over or under the railroad tracks. WSDOT indicated there are quite a few interested developers, and proposals are due by April 15<sup>th</sup>. City Council Member Wilson was in attendance and expressed the City's interest in future development. WSDOT believes their proposal is viable and might involve other sites, as well. At the meeting, one developer observed that it is difficult to appraise the value of the property without knowing what its future zoning will be. WSDOT emphasized that no money exchange would be involved in the proposal. WSDOT is looking for confirmation from a potential developer that the value they would provide with the crossing would meet or exceed the value of the land that would be exchanged. Mr. Chave advised that WSDOT is in the process of getting an appraisal for the parking lot property, and the appraisal would have to take into account the current zoning. Board Member Stewart said she attended the public meeting with WSDOT, as well. It was reported that the Sound Transit Station is already designed and there is no flexibility for change.

Board Member Stewart reported that she attended a panel discussion at the Renton Technical College entitled Building, Remodeling, and Historic Preservation Using Sustainable Building Practices. The event was sponsored by the Construction Center of Excellence, and was the fifth in a series of presentations. The discussion was particularly interesting, and three of the six panelists had extensive experience with historic preservation, and remodels in older downtown communities. Several companies that do recycling and salvage were present, as well. A common theme mentioned by all was that now is the time, given the down economy, to take advantage of the existing inventory and retrofit them. There is funding available, especially for historic properties, to bring them up to current code standards. She suggested the City explore options for taking advantage of the current opportunities.

Board Member Stewart said she made some good contacts at the panel discussion of people who have done work on community development and older building stock in other communities. She was told to look at Stanwood's visioning process and plans as a good example. She reported that she visited Stanwood's website, and particularly noted their extensive community involvement process. Sophisticated tools are available that allow salvage and recycling companies to determine the level of asbestos and lead in various materials, and this gives them an opportunity to estimate the value of materials that can be reused or salvaged. The idea is to divert materials from land fills. She said she was encouraged by the presentation and funding source suggestions. There is currently funding available to renovate properties that are listed on the National Register of Historic Places. She asked if anyone on the panel had experience dealing with situations where a single person owns an entire block of property, and several indicated they have been through the process. She said she would contact these individuals to gather ideas that might be useful for the City. She indicated she would send materials from the event to each of the Commissioners for information purposes.

#### **ADJOURNMENT**

The Commission meeting was adjourned at 8:50 p.m.

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