

**CITY OF EDMONDS
PLANNING BOARD MINUTES**

October 13, 2010

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

BOARD MEMBERS PRESENT

John Reed, Vice Chair
Todd Cloutier
Kristiana Johnson
Valerie Stewart

BOARD MEMBERS ABSENT

Philip Lovell, Chair (Excused)
Kevin Clarke

STAFF PRESENT

Rob Chave, Planning Division Manager
Gina Coccia, Planner
Mike Clugston, Planner
Brian McIntosh, Parks, Recreation and Cultural Services Director
Mike Thies, Code Enforcement Officer
Rich Lindsay, Parks Maintenance Manager
Karin Noyes, Recorder

READING/APPROVAL OF MINUTES

BOARD MEMBER CLOUTIER MOVED FOR APPROVAL OF THE SEPTEMBER 22, 2010 PLANNING BOARD MINUTES AS AMENDED. BOARD MEMBER STEWART SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

Item 7c (Home Occupations) was placed before Item 7a (Wireless Telecommunication Facilities). The remainder of the agenda was accepted as presented.

AUDIENCE COMMENTS

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

CONTINUED PUBLIC HEARING ON RECOMMENDED CHANGES TO THE STREET TREE PLAN ELEMENT OF THE EDMONDS STREETScape PLAN

Mr. McIntosh reviewed that on July 14, 2010 staff presented recommendations, and the Planning Board provided input for updating the Street Tree element of the Streetscape Plan. A hearing was held on August 11, 2010. Due to the number of suggestions, the Board agreed to continue the hearing to a later date so that the document could be updated prior to the Board's final recommendation to the City Council. He reminded the Board that the Street Tree Element was approved by the City Council in 2006 as part of the Edmonds Streetscape Plan.

Mr. McIntosh explained that, in response to concerns regarding removal and replacement of street trees, particularly in the downtown, the City Council requested a review of the Street Tree Plan element. This review was held on May 26, 2009 and concluded with the City Council recommending changes to better reflect current practices in removing and replanting trees, specifically the caliper of replacement trees. Subsequent to the May 26th meeting, the question of replacing or retaining the mature trees at and near 5th Avenue and Dayton Street was discussed several times throughout the last summer and fall. At

the suggestion of the Public Works Director, it was agreed to review the entire Street Tree Plan in 2010 beginning with a staff report, followed by Planning Board review, public hearing and a recommendation to the City Council. The City Council would conduct an additional hearing and make the final decision.

Mr. McIntosh referred to the attachments provided in the Staff Report as follows: two Street Tree Plan section (116-129 and 130-135), two pages from the Streetscape Plan that describe plantings, Planning Board Minutes from August 11th, two sets of comments/possible revisions from citizens, and the total Street Plan. He noted that the newly adopted version of the Street Tree Plan reflects the Board's recommendations for small revisions that provide better clarity. In addition, it contains a one-page "Street Tree Pruning Guidelines Handout," which is referred to several times in the draft language, along with a statement of encouragement and/or requirement for citizens to contact the Public Works or Parks Maintenance Departments in specific cases. A general statement was developed for the Street Tree List to allow conifers or native trees where appropriate in consultation with the City. He encouraged the Commissioners to keep the following in mind when reviewing the newest version of the Street Tree Plan:

- The City does not have a City Arborist and is unlikely to have one in the near future. However, Parks Maintenance and Public Works staff is willing and able to provide assistance to citizens, Planning staff, Engineering Staff, and the Architectural Design Board when needed.
- A Tree Advisory Board is in the process of being formed and issues mentioned such as incentives for tree preservation may be appropriate for the new board to review. Applications are due by the end of the business day on November 12th. The City Council would make appointments within 30 days of the application deadline.
- The Streetscape Plan, of which the Street Tree Plan is an appendix, is coming up for review beginning late next year.

Mr. McIntosh reviewed the changes made since the August 11th public hearing as follows:

- Page 117 – The Downtown Street Tree Distribution Map was moved towards the end of the document, and the Street Tree Pruning Guidelines were added as an additional item to the plan.
- Pages 119, 123 and 124 – The language was updated to better define the term "gateways to Edmonds."
- Page 121 – Language was added to reference the Street Tree Pruning Guidelines handout, which can be found on Page 134 of the draft document. The handout discusses a lot of issues in regard to pruning and was of general interest to most of those who spoke at the previous public hearing. Language was also added to encourage citizens to contact the Parks Maintenance Division for additional guidance. The second bulleted item under "Regulatory" was changed to make it clear that coordination with the City is required for any work within the City's right-of-way. Under "Implementation," the sentence that started "when possible" was replaced with stronger language.
- Page 123 – In the "Five Corners" section, new language was added to indicate that Kwansan would be a good choice at Five Corners, since it is the same tree used on Main Street in downtown. The language indicates that the planting of this tree should eventually extend all the way down Main Street from Five Corners to downtown to accent the important connection.
- Page 125 – The last paragraph includes language that describes the best and worst times to plant trees. It recommends that street trees not be planted during the summer or early fall.
- Page 126 – Again language was added to encourage citizens to contact the Parks Maintenance Division for additional guidance. In addition, language was added recommending appropriately-sized tree wells for each newly planted tree.
- Page 128 – The various ideas and recommendations related to pruning were deleted and replaced with a reference to the Tree Pruning Guidelines.
- Page 129 – The first paragraph was changed to make reference to the need for a four to six-foot diameter clear area or tree well around the trunk of a newly planted tree.
- Page 130 – The introductory paragraph was changed to allow conifer and other native trees to be substituted where appropriate.
- Page 134 – The Street Tree Pruning Guidelines handout is in draft form at this time. It is intended to be straightforward for all types of pruning. Citizens are encouraged to contact the Parks Maintenance Division for more expert advice.

Mr. McIntosh referred to the recommended changes submitted in writing by Rich Senderoff at the last public hearing. He summarized that Mr. Senderoff encouraged stronger language, which staff has done. He also suggested that the tree list

could include more information about each species. However, staff believes it already contains as much information as needed for a list of this type, and additional and more specific information could be found on line. All of this detailed information would be difficult to publish in a handout or booklet, since the list changes frequently and the handout would have to be updated each time this occurs. He also reminded the Board that citizens can also call the Parks Maintenance Division for more information.

Mr. McIntosh said Mr. Senderoff also mentioned the Street Tree Pruning Guidelines, which staff has now incorporated into the plan. However, it would be difficult to create guidelines related to soils because it varies depending on species. Again, he noted that this information can easily be obtained on line. Mr. Senderoff recommended the City provide written information to adjacent property owners and require them to sign a statement that they understand their responsibilities. Staff questions if this would even be possible. He suggested this is an area where citizens must be responsible about what they do, and they can always call the City's Parks Maintenance Division for additional help and ideas.

Mr. McIntosh said Mr. Senderoff asked that the plan identify specific trees suitable for specific locations, which the Street Tree Plan does to some degree. They also added language related to "tree wells" to address Mr. Senderoff's concerns about protecting the newly planted trees. Mr. Senderoff asked staff to include pictures of mature trees, but staff believes this is unnecessary because the information is available on line.

Next, Mr. McIntosh referred to written comments submitted by Susan Paine. She provided a number of helpful recommendations related to trees citywide. He suggested that many of her recommendations could be presented to the newly created Tree Advisory Board for consideration as part of the update to the Streetscape Plan. In particular, she recommended that stormwater management be added to the vision statement as a function of what trees can do. She also shared comments about tree canopy and considering trees before utilities. She mentioned that the City of Seattle identifies a 2-inch caliper tree as being the most likely to survive, and the proposed Street Tree Plan goes one step further to state that the minimum size is 2-inch caliper, but that size would be based on what is appropriate for the setting.

Mr. McIntosh recalled that Anna Heckman, a certified arborist, suggested the City require private planting proposals that are reviewed by certified arborists. However, it is important to note that the City does not have a certified arborist on staff, and this would be a significant financial burden on applicants. Applicants can contact the Parks Maintenance Division for additional assistance as needed. Ms. Heckman also recommended the City allow citizens to substitute native trees where appropriate, and this language was added to the draft that is currently before the Board for consideration. She noted there are some locations where native conifers would be considered an appropriate street tree species.

Board Member Stewart thanked Mr. McIntosh for the thorough work he did to incorporate the Board and citizen comments from the August 11th public hearing. Board Member Cloutier agreed. He also agreed with staff that there is no need to duplicate information that is readily available on line. Doing so would require the City to update the entire section each time a change is made.

Board Member Johnson agreed with Mr. McIntosh that some of the more ambitious ideas suggested by citizens at the hearing could be assigned to the newly formed Tree Advisory Board for further consideration. Perhaps they could prepare a list of native trees that are appropriate as street trees.

Vice Chair Reed recalled that Ms. Paine provided some good suggestions about sight distance, lines of sight, and interaction between trees, signs and pedestrians. He asked if staff incorporated language into the new draft to address this issue. Mr. McIntosh answered that most of her comments were related to turning radius and how trees affect vision. Board Member Stewart observed that most of Ms. Paine's comments would be better addressed as part of the overall update to the Streetscape Plan, which will start in 2011. Mr. McIntosh agreed to analyze her comments and consider potential changes for the Street Tree Plan.

Roger Hertrich, Edmonds, expressed his belief that the draft Street Tree Plan takes up a lot of paper to describe what should be a simple procedure. The City should simply prepare a list of trees that grow appropriately in the restricted areas of downtown and provide the beauty and amenities the citizens want without destroying the sidewalks. The plan should also address the issue of visibility. Trees should not be allowed to grow and block the view of businesses from the street. He

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recognized that the main thrust of the proposed amendments is to address trees in the downtown that have gotten so large they are damaging the sidewalks, yet people do not want them to be removed. He referred to the list contained in the proposed Street Tree Plan, which provides guidelines for where street trees can be located. He expressed his belief that these guidelines would severely limit a property owner's ability to plant trees. He recommended the Board start over and create a simpler document that identifies the goal, as well as the types of trees that are allowed and those that are not. If too much language is included in the plan, the average citizen might not take the time to review the document.

THERE WAS NO ONE ELSE IN THE AUDIENCE WHO EXPRESSED A DESIRE TO ADDRESS THE BOARD. THEREFORE, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

Vice Chair Reed referred to the last sentence in the "Design" section on Page 120, which states that blocking of business signage, marquees and window displays should be avoided.

BOARD MEMBER CLOUTIER MOVED THAT THE BOARD FORWARD THE RECOMMENDED CHANGES TO THE STREET TREE PLAN ELEMENT OF THE STREETScape PLAN AS PROPOSED, WITH A RECOMMENDATION OF APPROVAL. BOARD MEMBER STEWART SECONDED THE MOTION.

Board Member Cloutier reminded Mr. McIntosh that he agreed to review the written recommendations submitted by Ms. Paine and determine if any of them are appropriate for inclusion at this time. Board Member Johnson commended Mr. McIntosh for doing an excellent job of incorporating all of the issues and concerns raised at the last public hearing.

THE MOTION CARRIED UNANIMOUSLY.

On behalf of the Board, Vice Chair Reed expressed appreciation for the years of service Mr. McIntosh has provided to the City and the Parks Department. He wished him success in his retirement. Mr. McIntosh commented that the current Board, as well as previous Boards, has always been advocates for parks, recreation, and cultural services, and he appreciates their efforts as a Parks Board.

CONTINUED DISCUSSION ON HOME OCCUPATIONS (FILE NUMBER AMD20100016)

Ms. Coccia explained that the purpose of the proposed amendments is to streamline the process and criteria and to support home-based businesses while preserving the residential character of the neighborhoods. As requested by the Board, she announced that Mr. Thies, Code Enforcement Officer, was present to answer questions from the Board and to give examples of the types of businesses for which he receives the most complaints. She referred the Board to the draft document, which was recently updated to incorporate the Board's comments from their last discussion. She specifically invited the Board to comment regarding the following:

- A new definition was added for the term, "urban farming." An example of an urban farmer is someone who has chickens and wants to sell eggs.
- Staff is leaning towards limiting the number of customers and the time frame for which they would be allowed to visit home occupations. She suggested they review the various types of potential home businesses (piano teachers, massage therapists, real estate agents, etc.), and identify how this type of limitation would impact these activities.
- Should employees be allowed to visit the home occupation site? If so, what should the parking requirement be to ensure there is adequate space for customers and employees to park without impacting the neighborhood? The current code requires three parking spaces for home occupations, but tandem parking spaces will be counted.
- The current draft adds criteria for which a home occupation could be approved. All applications that meet the criteria found in Section 20.20.010.A would be outright permitted and a business license would be issued. All other home occupation applications could be approved as a staff decision based on the criteria in Section 20.20.010.B. Staff decisions are appealable to the Hearing Examiner. The current code requires home occupations in the latter category to go before the Hearing Examiner for approval, and the application cost is \$1,500.
- Section 20.20.010.A.4 indicates that no pickup or delivery by business-related commercial vehicles is allowed, except for the U.S. Mail and standard UPS/Fed Ex sized delivery trucks. It also states that residents would not be allowed to

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park more than one commercial vehicle or any commercial vehicle over 10,000 pounds licensed gross vehicle weight per dwelling unit. The language makes reference to ECDC 17.60.010, which relates to commercial vehicles.

- Section 20.20.015 was deleted to avoid creating a long list of prohibited businesses.
- ECDC 20.60 is related to signs and allows up to four square feet of signage in residential zones. She questioned if the Board wants to address the issue of signage as part of the home occupations chapter. As currently drafted, a home occupation would be allowed a sign that does not exceed three square feet in size, but it can only contain the name and address of the residence. She questioned if the Board wants to restrict the content of signs associated with home occupation businesses.

Ms. Coccia invited the Board to share their comments and suggestions so that the draft document could be finalized and forwarded to the SEPA review process. Once the SEPA review has been completed, the draft proposal would come before the Board for a public hearing as early as next month.

Mr. Chave reminded the Board that the City Council directed them to consider options to reduce the cost of home occupation permits. At this time, the process has three levels of review: those that are permitted outright, those that are staff decisions, and those that require Hearing Examiner review. The proposed change would eliminate the Hearing Examiner as one of the permitting bodies, but there would still be the option of appealing some home occupation decisions to the Hearing Examiner. The purpose of the proposed language is to reduce the cost of obtaining a home occupation permit by eliminating the requirement for Hearing Examiner review, which is a costly process.

Mr. Chave referred to ECDC 20.20.015, which is a list of home occupations that are presumed to be inappropriate, but not necessarily prohibited. He said it is often awkward for staff to explain why certain types of uses have been singled out. He suggested the existing code language is out of date and inconsistent with the current trend of people moving their offices into home settings. However, he suggested the new code language should specifically prohibit retail uses, which are not appropriate in home occupation settings, with two possible exceptions. Urban farmers should be allowed to sell the produce they grow on their property, which would be consistent with the City's Community Sustainability Element that encourages the production of locally grown produce. They should not be allowed to sell produce that is grown off site. In addition to urban farmers, the code could allow art studios, which are not uncommon in residential areas in other jurisdictions. He reminded the Board that art is prominently mentioned in the City's Comprehensive Plan, and this would be a good time to incorporate it as a potential home occupation if the Board deems it appropriate. Board Member Stewart questioned if the Board would be in favor of allowing an artist to sell jewelry or some other type of art from a home occupation. Board Member Cloutier expressed his belief that this type of use would be appropriate, as long as they do not have studio tours, which invite certain parking and noise issues. Mr. Chave suggested the City could require home occupations to show plans for how they would provide ample parking to accommodate visitors to the site. In addition, they could require that displays come down during non-operating hours.

Mr. Chave has considered the option of limiting the hours of operation for home occupations from 8 a.m. to 9 p.m., recognizing that businesses such as music teachers are not limited to normal working day hours. He suggested it seems reasonable to allow only one customer per hour, since this would not likely cause a disturbance in the neighborhood. Board Member Stewart suggested that rather than limiting a home occupation to one customer per hour, it would be more appropriate to limit the number of vehicles per hour. She shared an example of a family therapist who may have more than one client in an hour, but not more than one vehicle.

Board Member Johnson said she would like to hear from Mr. Thies about the more practical aspect of code enforcement and what the history has been related to home occupations. Mr. Thies explained that there are very few violations associated with most home occupations, but there are some that are problematic. The number of vehicles coming to a site is regulated based on the honor system because staff cannot sit in front of a site to count the number of vehicles that visit a home occupation each day and determine if a code violation is occurring. He said the City has more ability to enforce parking requirements. Vice Chair Reed questioned if limiting the number of visitors is a waste of time if the City cannot enforce the provision. Mr. Thies answered that most people follow the regulations, but they do receive complaints when neighbors think a home occupation exceeds the number of vehicles allowed. When staff explains how difficult it is to enforce the requirement, people often question why it even exists in the code.

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Board Member Johnson asked Mr. Thies to share examples of code enforcement issues related to home occupations. Mr. Thies said that just a few weeks ago, someone complained about an electric company that is operated out of a home. The business owner eliminated his office space and moved the business into his home. The neighbors complained because it appears he is running a large business in a residential neighborhood. This situation was easier to enforce. A more confusing situation occurred three weeks ago when a man and his friends were building a recreational vehicle in his driveway. While it appeared to be a home occupation, he had no proof. The most he could do was ask the man to tone it down and finish the job quickly.

Vice Chair Reed asked how many code enforcement violations Mr. Thies receives each year related to home occupations. Mr. Thies answered that he receives between 10 and 15 each year. Usually, they are related to construction type businesses (tree removal, landscaping, etc.) because they typically have larger equipment. Mr. Chave said that, in his experience, the more obvious violations tend to have a higher nuisance value for the neighborhood. The City does not typically receive complaints about home occupations that are quiet, such as music teachers.

Board Member Johnson suggested that the code should be more specific about things they do not want to see and less specific on home occupations that are considered the norm. She cautioned that they should not over regulate something that isn't a problem, yet they need to address the things that are truly neighborhood concerns. Mr. Chave said that is generally what staff is trying to do. There may be some ability to identify certain home occupations that are simply not permitted such as contractor operations where a number of people gather and there is storage of equipment. But they also should consider limiting the number of vehicles allowed per hour, even if it is difficult to enforce. If they identify a standard, most people will adhere to the regulations. If they have no standard, some people may abuse the situation. He said Mr. Thies has had good success in addressing problems by reminding people of the rules. The issue is how heavy handed should the City be and what are the goals. The Community Sustainability Element encourages more local and home-based activities.

Board Member Johnson pointed out that, as currently written, the code does not allow even one customer to come to a home occupation. Mr. Chave answered that a home occupation that has customers or clients would require a higher level of permit review. If the permitting process is too onerous, people may decide not to obtain the required permits. Making it easier to obtain the permits encourages people to meet the requirements of the code.

Board Member Stewart asked staff to explain the difference between the two types of home occupation permits proposed in the draft document. Mr. Chave answered that certain types of home occupations (those that meet the criteria in Section 20.20.010.A) would be permitted outright as a business license, and others would require a conditional use permit, which would involve a more extensive review by staff based on the criteria in Section 20.20.010.B. Staff decisions require public notice and can be appealed to the Hearing Examiner. Board Member Stewart expressed concern that the \$500 charge for the staff review may discourage some businesses from obtaining the required licenses. She suggested that if the City wants to encourage home occupations, they could make the criteria in Section 20.20.010.A more generous, such as allowing employees or more than one customer per hour. This would result in fewer home occupation applications that require a conditional use permit. Mr. Chave agreed that is one option the Board could consider.

Vice Chair Reed questioned if Section 20.20.020.A (sale or display of goods) adequately addresses the issue of retail sales associated with home occupations. Mr. Chave pointed out that Section 20.10.010.B.2 regulates the display of goods associated with home occupations and would adequately address the types of retail sales discussed earlier (urban farming and art studios). He explained that a general prohibition on retail sales would have a broader application. The code should be written so that retail uses are not allowed, regardless of the type of home occupation permit, unless they are associated with urban farming or art studios.

Vice Chair Reed referred to Section 20.20.020.B, which states that while signs would be allowed in conjunction with a home occupation, they cannot exceed three square feet and can only contain the name and address of the residence. Board Member Cloutier expressed his belief that sign content should not matter, as long as the size is limited to three square feet. It would be helpful if a home occupation were allowed to identify its location so people can find the right house. Mr. Chave explained that the current code allows residential property owners to have up to four square feet of signage. Section 20.20.020.B would allow up to three square feet of the allowed signage to be related to the home occupation. The Board

agreed that the content of the sign should not be limited, as long as the total sign area remains small. Mr. Chave agreed that it would be easy to enforce this type of regulation.

Vice Chair Reed pointed out that it is not within the Board's purview to recommend approval of changes in the permit fee structure. Mr. Chave agreed but added that the Board could certainly forward a recommendation to the City Council that they consider a change if they believe it is appropriate.

Board Member Johnson referred to Section 20.20.010.A.8 related to parking and storing of commercial vehicles. She asked if this provision would speak to Board Member Clarke's previously-mentioned concern about large vehicles parking on the street in his neighborhood. Mr. Thies pointed out that large vehicles are not allowed to park on the streets in residential neighborhoods between the hours of 6:00 p.m. and 8:00 a.m. However, residents are allowed to park one large vehicle in their driveway. Board Member Cloutier questioned the difference between a 10,000 pound commercial vehicle and a very large recreational vehicle. Mr. Thies said the issue is usually related to signage. Only large vehicles that are used for commercial purposes are regulated as such.

Board Member Johnson referred to Section 20.20.010.A.9, which limits a home occupation to no more than one customer per hour. She recalled that her music lessons were only ½ hour long, which means her teacher could teach two students in one hour. She suggested that if the regulation is not going to be enforced, they should explain the guideline differently. Perhaps they should allow two customers per hour, except for urban farming and art home occupations. Board Member Cloutier said another option would be to allow only one customer at a time. Mr. Chave explained that engineering standards estimate that single-family dwelling units generate approximately 10 trips per day, so a limit of one customer per hour would not be out of line with what currently takes place in single-family neighborhoods. However, two or three customers per hour could generate more than the neighborhood residents are willing to tolerate. He said he anticipates that customers for urban farms and art studios would likely come from pass-by traffic. He said one option is to allow a few more vehicles per hour if a home occupation is located on an arterial where there is already a higher level of traffic. However, allowing two or more vehicles per hour on a cul-de-sac would create a noticeable impact. Board Member Johnson questioned if it would be appropriate to regulate the number of customers per day rather than per hour. Mr. Chave cautioned against making the requirements too complicated. Vice Chair Reed suggested it would be more appropriate to regulate the number of visits or vehicles rather than the number of customers, and the remainder of the Board concurred.

Board Member Johnson pointed out that Section 20.20.010.B.7 requires an applicant to provide at least three on-site parking spaces if they anticipate customers and/or employees would come to the site. Mr. Chave pointed out that the standard parking requirement for single-family residential zones is two parking spaces per unit. However, tandem parking can be counted in the total number of spaces. Board Member Johnson pointed out that houses built in the 1960's and earlier typically have one-car garages, and property owners utilize on-street parking spaces to meet their additional parking needs.

The Board directed staff to bring the draft document back for a public hearing on November 10th.

CONTINUED DISCUSSION ON PROPOSED AMENDMENTS TO ECDC 18.05 AND 20.50 CLARIFYING DEFINITIONS AND PROCESSES FOR REGULATION OF WIRELESS TELECOMMUNICATION FACILITIES (FILE NUMBER AMD20100004)

Mr. Clugston referred the Board to the attachments in the Staff Report. He also referred to the new document submitted by Richard Busch, President of the Northwest Wireless Association, titled "Integrated Site Code Classifications," which document would replace Attachment 2 in the Staff Report. He reminded the Board that, at their last meeting, they agreed to participate in a self-guided driving tour to see the Edmonds wireless communication sites for themselves. He provided a PowerPoint presentation of each of the sites on the tour, as well as examples from other municipalities. He pointed out the good and bad qualities of each one. He noted that most of the wireless facilities in Edmonds are monopoles, retrofits on existing utility poles and on buildings. Some are camouflaged. Although not required by the current code, the Board could consider a provision that requires the facilities to be camouflaged.

Mr. Clugston explained that the AT&T wireless facility located on the building at 546 Alder Street (Commodore Condominiums) is not a permitted use based on the existing code. He suggested the Board should discuss whether or not it

is appropriate to allow wireless facilities that create additional height on buildings that already exceeds the height limit for the zone or if they should limit wireless facilities on non-conforming buildings to types that are wall mounted. He expressed his belief that the existing regulations are out of date and do not deal properly with current technology. He recommended the Board focus their discussion on the option outlined in the document submitted by Mr. Busch (Integrated Site Code Classifications), which focuses less on the type of equipment installed and more on the location and design of the installation. He felt this option would offer a better approach to regulate both current and future wireless technology. He referred the Commission to the various articles provided in the Staff Report related to distributed antenna systems. He suggested this is another option that could be considered for possible inclusion in the draft language.

Richard Busch, Attorney and President of the Northwest Wireless Association, Issaquah, said he also represents AT&T on a current wireless facility in Edmonds. He referred back to pictures provided by Mr. Clugston of a building in the downtown with antennas that are undesirably placed and compared this to a more appropriate roof installation on Swedish Hospital, where antennas were placed on the side of a parapet that was constructed to screen rooftop equipment. He explained that people are accustomed to seeing shelters on top of buildings to screen rooftop equipment. He suggested this same concept could be used on other buildings, as well. There does not necessarily have to be anything located behind the screen, but it allows the antennas to blend so they are less noticeable.

Mr. Busch referred the Board to the matrix he provided titled, "Integrated Site Code Classifications." Rather than going through the entire matrix at this time, he suggested the Board focus their attention on just Category 1, which outlines design standards that would apply to wireless facilities that are affixed to existing structures. He explained that if the code language were based on this type of matrix, applicants would have clear direction about the types of applications they could submit and what the expected outcome would be. If an application can meet the design criteria outlined on the matrix for Category 1, the proposed facility would be a permitted use in all zones except Single-Family Residential, subject to administrative review to confirm the proposal meets the design criteria. A public notice would be posted, and there would be public comment period, as well. Rather than totally rewriting ECDC 18.08 and 20.50, Mr. Busch suggested that the matrix could be integrated into the existing language as a stand-alone document. He offered to work with staff to tweak the remainder of the code language to make sure they are heading in the right direction.

Board Member Stewart commented that the new information is a lot for the Board to digest in such a short amount of time. Mr. Busch suggested the Board start by reviewing the examples provided by Mr. Clugston to determine how the design criteria in the matrix would be applied to each one.

Mr. Chave said the complicated factor in the discussion is related to height limitations, particularly in the downtown. While the concept sounds good in theory, placing an antenna on the top of a building that is at or exceeds the height limit would not be politically acceptable in Edmonds. He explained that citizens are particularly sensitive to height in the downtown area, and placing a wireless structure on top of a non-conforming building could block view and result in huge issues. Structures attached to the sides of existing building would be preferable in the downtown area. Mr. Busch suggested that perhaps antennas could be located more towards the center of buildings so they cannot be seen from the street. Another option would be to mount antennas on the parapets of equipment screening materials. He summarized that the Telecommunications Act requires cities to accommodate the needs of wireless providers, and if the City doesn't identify acceptable ways for this to happen, they may lose in the long run.

Mr. Busch explained that whip antennas are allowed on the Commodore Condominiums even though the building exceeds the height limit and is nonconforming. However, the AT&T antenna is not permitted based on the current code. He provided a picture of what the antenna looks like from the parking lot in front of the building and noted that from the ground level it looks no different than the vent on the existing chimney. He advised that the City has not received any complaints about the appearance of the antenna. He pointed out that this type of facility would fall under Category 2 because it looks like another vent and does not call attention to itself. He commented that AT&T would be willing to revise the design and move the antenna down to be wall mounted, but the current code does not allow wall-mounted antennas adjacent to residential living spaces. He expressed his belief that this provision may violate the Telecommunications Act. Another option would be to create a faux chimney and mount the antenna to the side to appear as trim.

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Board Member Stewart asked if wireless providers typically approach the City first regarding a potential site. She also asked if owners are compensated for allowing wireless providers to place antennas on their buildings. Mr. Busch answered that the first step is to review the search ring map to identify potential locations. A consultant would then look for opportunities to co-locate on an existing wireless structure. If this is not possible the consultant would look for opportunities to locate on an existing structure or utility pole. Once a potential site has been identified, the consultant reviews the code requirements and then approaches the owners with their request. Property owners are typically compensated. He noted that once an owner agrees to allow a wireless facility to locate on his structure, other providers typically follow since the necessary electrical and telephone upgrades have already been done. Board Member Stewart asked if private property owners are compensated for allowing a wireless provider to place an equipment vault in their front yard. If so, can they deny the request? Mr. Busch answered that they are compensated, and they can deny the request. Denial would require the provider to put the vault in the right-of-way or find an alternative location.

Mr. Busch referred to Mr. Clugston's brief comments about distributed antenna systems, which are very unique applications. From a practical standpoint they are used to serve high-density small areas such as Safeco and Qwest Fields. They are not a solution to use in every situation, and they are not likely to be an acceptable application for Edmonds. He referred to a recent court decision that prohibits local jurisdictions from requiring specific technology, particularly if it interferes with Federal Communications Commission (FCC) guidelines. He suggested they keep it as a tool but not a requirement in the code.

Board Member Johnson referred to information presented to the Commission at the last meeting, as well as the personal insight she received from the self-guided tour of existing wireless facilities in Edmonds. She suggested the Board consider a simplified three-tier approach as follows:

- **Tier 1** – This level would include technologies that are acceptable for all locations. There are numerous examples of wireless facilities that blend in well with surrounding structures or are not visible from the street. Approval would require a staff-level review. From examples within the City of existing facilities it appears those would be acceptable.
- **Tier 2** – This level would include technologies that are generally acceptable in all locations, but additional scrutiny would be required to ensure that the facility blends into the landscaping, topography and land uses. For example, the facility located by the water tower used to be between the fire department and the water tower. The fire department use changed and now the facility is located next to a multi-family development. Also, the facility near the bowling alley on Edmonds Way is okay given the adjacent uses, but it may not be appropriate if the use changes at some point in the future.
- **Tier 3** – This level would include technologies that should only be allowed as a last approach such as new poles or equipment vaults. Under these circumstances it would be appropriate to consider alternative locations that are more suitable, such as a public structure. There would need to be a hierarchy of decision making. She cited the antennas on top of the building at 2nd and Main Street as an undesirable situation from an aesthetic viewpoint.

Mr. Busch encouraged the City not to prohibit any specific type of wireless facility, because it could be a violation of the Telecommunications Act. They need to have a safety valve to allow providers to locate as necessary for adequate service. He agreed that a hierarchy for location would fit well within what is currently being considered.

Vice Chair Reed questioned if it would be possible to incorporate the concepts outline by Board Member Johnson and Mr. Busch into the existing draft language. Mr. Clugston answered that he would like to start from scratch to create new code language to implement the concept described by Board Member Johnson and Mr. Busch. He asked that he be allowed to take what is appropriate and applicable from the existing work and incorporate it into the new framework so the Board can approach the issue an entirely different way. The Board agreed that would be appropriate. They further agreed to continue their discussion on November 10th. Board Member Cloutier suggested that Mr. Clugston provide a simplified flow chart of preferences. Instead of writing it out in words, a picture would make it very easier for the users to interpret.

FURTHER INFORMATION ON PROPOSED AMENDMENTS TO SUBDIVISION REGULATIONS/PLANNED RESIDENTIAL DEVELOPMENTS (PRD'S)

Mr. Clugston announced that he has been working with the Engineering staff for the past several weeks to obtain input, and he anticipates an actual draft of the Subdivision and PRD regulations would be available for the Board's review on

November 11th. He reminded the Board that the Revised Code of Washington (RCW) identifies the purposes of subdivisions, which have not changed since 1955.

Mr. Clugston recalled that at their May 12th meeting, the Planning Board requested a history of subdivision activity in Edmonds. He provided a chart to illustrate the activity from 1982 through 2009. He noted that there were very few PRD's during that time period, and the majority of the activity was related to short plats. He said it is important to remember that PRD's offer flexibility, and the purpose of the update is to integrate the good qualities of the PRD ordinance into the subdivision code. The goals will be to encourage sustainable site design and low-impact development practices, protect and preserve the urban forest, encourage site design that can make best use of renewable energy resources, provide the opportunity for affordable housing, and require uniform monumenting of land subdivisions and conveyance.

Mr. Clugston explained that up to this point, the PRD and Subdivision Regulations are found in separate code sections. The goal is to combine them into a single document. A Civil Improvements Section would be included as a new element. He explained that staff has spent a great deal of time reviewing how the proposed code language would impact other sections of the code. He advised that the subdivision design priority criteria would focus on tree preservation and protection, critical areas and shorelines, clearing and grading, lot arrangement for energy generation, and site development for low-impact development. He explained that proposed subdivisions that do not meet the criteria would not be approved. He provided Excel spreadsheets to illustrate how a lot could be subdivided creatively to stay away from significant slopes, preserve trees, etc. Rather than the conventional method of subdividing a property, the idea is to allow properties to be subdivided to fit the characteristics of a particular site.

Board Member Stewart said she is pleased to see that the Subdivision Regulations are evolving to a good point that allows more flexibility and more opportunity to incorporate low-impact development strategies. She noted that the City of Shoreline also has a provision that allows for "cottage" style development, as well as clustered home projects. She encouraged staff to research this option further. Mr. Clugston agreed that "cottage" style development is one way to get more density in single-family residential zones. However, the current update would not likely include this option. The goal is to update the existing Subdivision and PRD regulations first, which will be a significant project. They can address additional opportunities such as "cottage" housing at a future time. Board Member Stewart said she likes the idea of allowing and encouraging distributive energy generation. It is difficult to do in single-family residential development, but with clustered homes the option would become more cost effective.

Vice Chair Reed pointed out that a public hearing regarding interior lot lines overlapping PRD perimeters is scheduled for October 27th. He said he assumes the Board would deal with this as a separate issue from the Subdivision/PRD Regulations. Mr. Chave reminded the Board that the City Council asked the Board to consider the issues separately. Vice Chair Reed questioned whether the Board would have time to review both the Subdivision/PRD Regulations and the Wireless Facilities Regulations on November 10th. Mr. Clugston agreed and said staff would try to get the Subdivision/PRD Regulations ready for the Board's October 27th meeting. Mr. Chave noted that some of other items on the October 27th agenda would like be deferred so the Board could focus on the Subdivision/PRD Regulations.

REVIEW OF EXTENDED AGENDA

Vice Chair Reed pointed out that the extended agenda would be reworked based on the timing for the Wireless Facilities and Subdivision/PRD Regulations.

PLANNING BOARD CHAIR COMMENTS

Vice Chair Reed announced that Washington State Ferries has scheduled a meeting for October 14th from 5:00 to 7:00 p.m. to discuss Mukilteo Ferry Terminal options, one of which is to close down the terminal and move all of the traffic to Edmonds. Citizens can provide comments on line or in person at the meeting.

Vice Chair Reed reported that he recently reminded Council President Bernheim that the City Council needs to move forward with their selection of new Planning Board Members. The issue is scheduled on the City Council's next meeting agenda.

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PLANNING BOARD MEMBER COMMENTS

Board Member Cloutier reported on his attendance at the Snohomish County Green Drinks Event for the Washington State Carbon Masters Program and Sustainable Works. Sustainable Works is currently signing people up for subsidized energy audits and retrofits.

Board Member Cloutier reported that he attended the recent Climate Protection Committee meeting, where they discussed updates to the committee's webpage to add links to what the Planning Board is currently working on (sustainability indicators). They have created an indicators shopping page, and the natural gas page has been built and will be out soon.

Board Member Cloutier announced that at the October 5th City Council Meeting, the Council worked with Sustainable Edmonds towards placing a 75 kilowatt solar array on top of the Frances Anderson Center.

Board Member Johnson reported that she attended the Edmonds Citizens Economic Development Commission (CEDC) meeting, at which they requested an opportunity to provide a presentation to the Planning Board regarding economic development. At the meeting, Council Member Peterson provided a presentation about a proposed new energy program. Board Member Cloutier explained that this program is sponsored by Climate Solutions, a nationwide consulting group that helps local and regional governments develop local energy policies for conservation and energy generation.

The Board discussed that they are scheduled to provide an annual report to the City Council regarding their economic development efforts. They questioned whether it would be appropriate to meet jointly with the CEDC to prepare this report. They discussed that they worked on several projects in 2010 that included some aspects of economic development. They agreed they could review their agenda items and prepare a separate report to the City Council.

Board Member Johnson announced that the Cascade Land Conservancy would present a Complete Streets Ordinance to the City Council's Development Services/Community Services Committee. The ordinance would be presented to the full Council for discussion, as well.

ADJOURNMENT

The Board meeting was adjourned at 10:00 p.m.

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