

**APPROVED JUNE 12<sup>TH</sup>**

**CITY OF EDMONDS  
PLANNING BOARD MINUTES**

**May 22, 2013**

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Vice Chair Stewart called the meeting of the Edmonds Planning Board to order at 7:03 p.m. in the Council Chambers, Public Safety Complex, 250 – 5<sup>th</sup> Avenue North.

**BOARD MEMBERS PRESENT**

Valerie Stewart, Vice Chair  
Todd Cloutier  
Bill Ellis  
Philip Lovell  
Neil Tibbott

**STAFF PRESENT**

Rob Chave, Development Services Director  
Stephen Clifton, Community Services/Economic Development Director  
Mike Clugston, Senior Planner  
Karin Noyes, Recorder

**BOARD MEMBERS ABSENT**

John Reed, Chair (excused)  
Kevin Clarke (excused)  
Ian Duncan

**READING/APPROVAL OF MINUTES**

**BOARD MEMBER LOVELL MOVED THAT THE MINUTES OF MAY 8, 2013 BE APPROVED AS AMENDED. BOARD MEMBER TIBBOTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

**ANNOUNCEMENT OF AGENDA**

The agenda was accepted as presented.

**AUDIENCE COMMENTS**

**Kathy Ledger, Edmonds**, said she and her husband, Ira Shelton, live in the Woodway Meadows Development, which is directly adjacent to the Burnstead Development. She advised that questions have recently come up about the potential removal of a fence that separates the two developments. She asked that the Planning Board and the City planners not allow the fence to be removed. She explained that there is a four-inch dispute as to the location of the actual property line. The Burnstead developer has indicated he owns four inches of an adjacent neighbor's property where the fence is currently located. She noted that the fence has been in place for decades and there is little way to remove it without damaging the property. The neighbors have asked the Burnstead developer to allow a variance so the fence can remain in its current location.

Vice Chair Stewart explained that it is not within the Board's purview to deal with this issue. She encouraged Ms. Ledger and Mr. Shelton to approach the City Council with their concern and/or seek direction from the City staff.

**CONTINUED DISCUSSION ON EDMONDS WAY ZONING**

Mr. Clugston reviewed that in April, the Planning Board had a study session to discuss potential ideas for updating the Community Business – Edmonds Way (BC-EW) and Multi-Residential – Edmonds Way (RM-EW) zones. The Board directed staff to come up with some code language that would reflect their discussion, including incentive zoning,

presentation at the street, setbacks, etc. In addition to the draft language found in Attachment 1, Mr. Clugston said the City's Traffic Engineer provided a copy of a portion of the Comprehensive Transportation Plan that was adopted in 2009, including a table that outlines typical roadway cross sections. He recalled that the Board previously raised questions about the relative width of the landscape strips, sidewalks, etc., particularly noting the close proximity of the new Compass Development to Edmonds Way. The Board felt that a greater setback would be preferable.

Mr. Clugston said the Board also discussed the concern that the code language, as currently written, allows a broad interpretation of what are considered incentives, particularly incentives related to low-impact development. The Board basically agreed that the code language should have more depth in regards to the incentives required to obtain the additional building height. The Board also agreed it would be appropriate to incorporate design standards into the language to make development more appealing. The Board expressed concern that while the Compass Development met all of the requirements of the code and the design guidelines, the concrete portions of the building are imposing and not aesthetically pleasing. To address this issue, staff reviewed the BD Design Guidelines and incorporated those that were applicable into the proposed amendments.

Board Member Lovell questioned the process for adopting the proposed amendments. Mr. Clugston answered that Development Code amendments require a public hearing before the Planning Board and a recommendation from the Board to the City Council. The City Council will conduct an additional public hearing prior to taking final action on the proposed amendments. Mr. Chave noted that all property owners within the current BC-EW and RM-EW zones would be notified of the proposed changes and the public hearing dates.

Board Member Lovell expressed his belief that the ADB did not adequately press the Compass developer to create a good design. Mr. Clugston said the purpose of the proposed amendments is to give the ADB more tools and guidelines when reviewing future projects in the BC-EW and RM-EW zones.

Mr. Clugston explained that the existing BC-EW zone (ECDC 16.50) allows a base building height of 35 feet. An additional 5 feet in height is allowed if a developer incorporates low-impact development (LID) techniques where feasible. The developer can obtain another 5 feet in height (maximum of 45 feet) by incorporating certain architectural features. While the current code language requires step backs, the provisions are convoluted and difficult to implement consistently. He said the proposed amendment recommends a base height of 25 feet, which is consistent with the City's BC zone. A 5-foot setback from the street would also be required for all development in the BC-EW zone, regardless of its height. The current code language does not require a setback in the BC-EW zone for development at or below the base height of 35 feet. He clarified that the setback would be measured from the property line (typically the inside of the sidewalk).

Mr. Clugston referred to Table 3-6 from the Transportation Comprehensive Plan, which outlines typical roadway cross sections. He advised that Edmonds Way is classified as a principal arterial, which requires a sidewalk width between 5 and 7 feet and a 5-foot landscaped strip. With the additional 5-foot setback, all development would be set back from the street a minimum distance of 15 to 17 feet. Board Member Tibbott asked if the distance between the street and the building could be even greater than 15 to 17 feet. Mr. Chave answered that, currently, there are a variety of situations in the rights-of-way along Edmonds Way. The distance will depend on location and how the existing right-of-way is developed. He noted that, currently, the BC-EW zone allows buildings to be located at the property line. The proposed amendment would require a 5-foot setback.

Board Member Lovell pointed out that the standards for a typical principal arterial (see Table 3-6) calls for a 5-foot bike lane. Mr. Clugston clarified that bike lanes would only be provided when required. He said the street standards also identify the City's desire for medians or left-turn lanes when there is enough right-of-way. He noted that left-turn lanes are provided along portions of Edmonds Way. Mr. Chave pointed out that the street standards were adopted relatively recently. Full compliance with the standards depends on how recently a street was developed or redeveloped.

Board Member Lovell observed that the proposed 5-foot setback requirement for the BC-EW zone would be closer to the setback proposed in the Westgate Plan. Mr. Clugston reviewed that the Westgate Plan identifies a setback of 8 feet, and a base height limit that would accommodate 3 to 4-story development. The proposed amendment would establish a 5-foot setback in the BC-EW zone and a base height of 25 feet, which would accommodate 2-story development.

Mr. Clugston explained that because of the significant topography changes on the properties zoned BC-EW, staff believes it would be reasonable to allow additional height. He noted that, as proposed, any new development in the BC-EW zone would be required to obtain a minimum LEED certification. Vice Chair Stewart pointed out that developers are able to avoid many of the LEED categories and still obtain LEED certification. She suggested that the language be changed to require all development within the BC-EW zone to obtain a minimum LEED Silver certification, which would require an applicant to address all of the categories. Vice Chair Stewart also pointed out that there are numerous green building programs that are equivalent to LEED. She suggested the language be changed to require "LEED Silver certification or comparable green building program certification." She commented that while LEED is the most widely known program, there are other good programs available.

Board Member Lovell commented that the proposal would allow an increase in the height limit up to a maximum of 40 feet. However, the building setback would be increased to 15 feet, and the developer would be required to incorporate at least three of the four techniques (LEED Gold certification, inclusion of affordable housing, and bicycle parking spaces and or storage areas) listed in the code to the building and/or site design. In addition, 75% of the building façade facing a public right-of-way must be clad with preferred building materials. He asked if the City or state has standards to define "affordable housing." Mr. Chave answered that Snohomish County has affordable housing standards the City could reference. Board Member Ellis asked if figures for "affordable housing" would be specific to each municipality or based on a geographic area. Mr. Chave said Snohomish County's jurisdictional housing group has developed a standard definition that is specific to Snohomish County. In some cases, jurisdictions have also developed their own definitions for "affordable housing. The City would likely use the definition provided by Snohomish County.

Vice Chair Stewart said she previously suggested that the Green Factor Score Sheet that is included in the draft Westgate Plan could also be incorporated into the BC-EW code. This approach would adequately address the issue of low-impact development. Mr. Clugston reminded the Board that, within the next three years, the City will be updating its stormwater regulations to incorporate a requirement for low-impact development in all zones. He questioned if the City is ready to incorporate Green Factor scoring throughout all zones now, but he acknowledged that is the direction the City's stormwater regulations will be heading in the next few years.

Vice Chair Stewart pointed out that developers are familiar with and like the Green Factor Program, particularly as incentive for additional height. She reviewed the various components of the Green Factor Score Sheet, which is contained in the draft Westgate Plan. The components include landscaped areas with a soil depth of 24 inches or greater, bio-retention facilities, plantings, green roofs, vegetated walls, approved water features, permeable paving, etc. She commented that while it might not be appropriate to incorporate a full, Green Factor Program into the BC-EW zone right now, they should not simply ignore the need to promote sustainability through the use of LID techniques. At the very least, she suggested the language should include a list of LID techniques a developer could and should choose from. Requiring only the minimum LEED certification would allow developers to avoid most or all of these techniques.

Mr. Clugston said the Public Works Director has indicated that the City encourages LID techniques, but the stormwater standards do not require them yet. When the Engineering Project Manager reviews applications, she tries to point out LID techniques that could be incorporated into the design. While it might be possible to incorporate some additional requirements for LID into the proposed language, he cautioned against requiring a comprehensive Green Factor Program for just this one zone. Again, he reminded the Board that the stormwater regulations will be updated in the next few years and will likely require LID techniques for every project, regardless of the zone.

Vice Chair Stewart suggested that, at a minimum, development in the BC-EW zone should require LEED Silver certification. Mr. Clugston pointed out that no other zone in the City requires an applicant to meet LEED certification in order to develop at the base height allowed in the zone, so requiring the minimum LEED certification for all development in the BC-EW zone, as currently proposed, would be a step in the right direction. He said he believes it would be appropriate to require an applicant to meet LEED Silver or even LEED Gold certification in order to obtain the additional height allowed in the zone. Again, Vice Chair Stewart expressed her belief that all development in the BC-EW should be required to at least meet LEED Silver certification. Board Member Lovell questioned if the City Council would support this type of requirement. He said his sense is that the City Council is interested in other types of amenities that benefit the City. Because sustainability is so important, Vice Chair Stewart suggested that the Board at least recommend starting at a level that is deeper green.

Mr. Chave said he does not believe it would be too much to ask an applicant to obtain LEED Gold in order to obtain the additional height allowed in the BC-EW zone. This would be considered a type of incentive zoning. However, requiring all development in the BC-EW zone to obtain LEED Silver certification regardless of height is a totally different matter. Board Member Ellis recalled that when the Board discussed this issue previously, they agreed that if the City is going to require LEED certification, it should be required across all zoning categories and not just a few. He felt it would be appropriate to include LEED Silver or Gold certification as an incentive for the additional height. However, making it a base requirement in the BC-EW zone would raise the question of why it is not be required in all zones. He suggested that the issue would be better addressed on a citywide basis rather than applying the concept to just one zone.

Vice Chair Stewart agreed that there may be fairness issues if the requirement is applied only to the BC-EW zone. At the very least, she suggested that the previous language should be added back in to read, "Low-impact development techniques shall include, but not be limited to, the following where feasible." While she questioned the use of the words "where feasible," including a list of options would be appropriate.

Mr. Chave explained that the current stormwater code encourages LID techniques, but it does not give any level of achievement or method for measurement. He recalled that the City Council was particularly concerned that while the Compass Development did incorporate LID features, they were difficult to find.

Mr. Chave pointed that buildings up to 25 feet in height can be built in any zone along the Edmonds Way Corridor now. He questioned the fairness of inserting an LID requirement in just this one zone. He said it is likely that developers within the BC-EW zone will want the additional height. Rather than focusing on the base building, he suggested the Board should focus on specific requirements that would apply to development that punctures the 25-foot base height. Requiring LEED Gold or an equivalent certification would force developers to do something much higher than the normal. Again, Vice Chair Stewart suggested that the requirement state, "LEED Gold or comparable green building program certification." Mr. Chave suggested that, rather listing all of the different programs within the ordinance, staff could prepare a white paper to explain the equivalencies.

Vice Chair Stewart said she understands the point of proceeding in ways that are agreeable to the decision makers, the developers and the public. It is important for the City to show they are being progressive, but not putting up a roadblock that is too high. Again, Board Member Ellis recommended that requiring LEED certification should be addressed on a citywide level rather than zone-by-zone. Board Member Lovell said he has heard the City Council discuss their desire to proceed with a universal LEED certification standard that would apply to all development in all zones.

Board Member Lovell noted that, as proposed, the height limit could be increased up to 40 feet if an applicant meets the criteria outlined in the code (ECDC 16.50.020.A). He specifically requested clarification of Item d, which requires that 75% of a building façade facing a public right-of-way must be clad with preferred building materials. Mr. Clugston said the intent is that 75% of the building façade facing Edmond Way would have to use natural materials. He noted that concern was raised that the base of the Compass Development is constructed of poured concrete, which is not aesthetically pleasing. Board Member Lovell pointed out that the concrete was necessary in order to accommodate the structured parking. However, he expressed his belief that something could have been done to make the concrete look better.

Vice Chair Stewart suggested that in order to promote sustainable materials, the language should include the following requirement from the International Green Construction Code, which is being adopted by municipalities across the nation: "At least 55% of building materials must be salvageable recyclable content, recyclable bio base or indigenous. While the Board did not feel it would be appropriate to add this requirement as a base standard for the BC-EW zone, they discussed that it could be added as an additional requirement for increased height.

Board Member Ellis said he is a little concerned about adding a requirement that 55% of the building materials must be recycled materials without having more information about what that would mean in terms of construction. He said he does not have enough information to ensure the requirement would even be practical. He pointed out that Item d is aimed more at addressing appearance, which is a concern of the City Council. Rather than adding the new requirement as part of Item d, he suggested it should be a separate item in the list of things an applicant must do to obtain the additional height.

Vice Chair Stewart agreed to provide additional information and examples to address Board Member Ellis' concerns. Board Member Ellis said he would like to know what the requirement would mean from a practical standpoint. He would also like more information about how available the recyclable materials are. He cautioned against imposing a requirement that turns out to be unrealistic. Board Member Tibbott concurred. He asked if the people who developed the International Green Construction Code are from the East or West Coast. He noted that there are more recyclable materials available on the east coast, as there are more old buildings. Vice Chair Stewart pointed out that more recycled materials are being used on the West Coast than on the East Coast because they are more progressive. Buildings are considered old at 40 to 50 years, so there is more to recycle. Again, she agreed to provide more information about the concept.

For public hearing purposes, Mr. Clugston agreed to include the additional language related to recyclable materials in both Item d and as a stand along requirement. After the public hearing the Board can decide where it fits best.

Board Member Ellis suggested that the intent of ECDC 16.50.020.A.c.4, which would require one bicycle parking space or storage area per vehicular parking space provided on site, should be clarified. Mr. Clugston agreed. Board Member Tibbott asked if there is a standard for a "bike storage area." Mr. Clugston said the intent is that the storage area would have a door or at least a place to lock bikes up. Board Member Ellis said he used to work at 1 Union Square in Downtown Seattle, where the parking area was recently remodeled to include a bike storage area. It is a sandwiched-off area where bikes can be hung up. However, he doesn't know how they control the access. Vice Chair Stewart observed that there are various options for bicycle storage areas. Mr. Clugston said his intent, when drafting the proposed language, was that the bike storage areas would be enclosed features, but they do not necessarily have to be. A bike rack alongside a building could suffice. Board Member Ellis pointed out that the number of bicycle parking and/or storage spaces needed would vary depending on the use. For example, a retirement home would not need a large number of spaces. Mr. Clugston pointed out that bicycle parking and/or storage is just one of the techniques a developer could choose as an incentive for additional height.

Mr. Clugston recalled that the Board requested that design standards, similar to those found in the BD zones, should be incorporated into the BC-EW zone, as well. He said the intent of the design standards is not to focus so much on the street front. While the street front might be somewhat pedestrian there will be cars moving through the corridor at high speeds. Board Member Lovell observed that the purpose of the proposed design standards is to "provide enough arrows in the Architectural Design Board's quiver" to ensure appropriate building design. Mr. Clugston agreed and explained that the Comprehensive Plan contains general design guidance and policy, but the proposed design standards would be specific to the BC-EW zone. Because the design standards provide a menu of options, they are flexible but would require developers to look at specific elements as part of their design.

Next, Mr. Clugston referred the Board to the proposed amendments to the RM-EW zoning provisions contained in Chapter 16.30. He noted that the RM and RM-EW standards are fairly similar. The setbacks would be the same, and the base height for both would be 25 feet. However, the RM-EW zone allows an additional 10 feet of height if an applicant meets certain requirements (ECDC 16.30.030A). He explained that the intent is that the RM-EW zone would not have the same level of requirements for the additional height as the BC-EW zone because the maximum height would be less. However, a developer would still be required to meet two of the three incentives (LEED Gold certification, inclusion of affordable housing, bicycle parking spaces and or storage areas) listed in order to achieve the maximum 35-foot height. In addition, the proposed amendment would require that at least 75% of the building façade facing a public right-of-way must be clad with preferred building materials regardless of the height (ECDC 16.30.030.B.1).

Board Member Lovell asked what height is currently allowed in the RM-EW zone. Mr. Clugston answered that the base height is 25 feet, with an additional 10 feet if certain requirements are met. The proposed language is more specific as to what a developer must do in order to obtain the additional height. Mr. Chave observed that the differences between the RM and RM-EW zones are not as significant as the differences between the BC and BC-EW zones. While the idea of adding an incentive system for the additional height makes sense, staff is seeking direction from the Board as to whether requirement for building facades to be clad with preferred materials should apply to all development in the RM-EW zone regardless of height, or just to developments that go above the 25-foot height limit. Board Member Lovell pointed out that Edmonds Way is a gateway to the City, and development should be clad with decent materials. The remainder of the Board concurred that the requirement should apply to all development in the RM-EW zone, regardless of height.

Board Member Lovell pointed out that the Puget Sound region is extremely active in recycling, recovery and energy conservation, and using recyclable materials. He suggested that materials such as aluminum and vinyl siding could be avoided by forcing developers to use at least some natural materials. Board Member Tibbott asked what the average cost increase would be for natural materials. Board Member Lovell estimated the difference in cost would be between 5% and 15%, and the materials are readily available. Again, Vice Chair Stewart agreed to provide more information about recyclable materials.

Board Member Ellis pointed out that concrete is listed as a type of preferred building material. Board Member Lovell said there are all kinds of things that can be done to make concrete more architectural. Board Member Ellis noted that the purpose of ECDC 16.30.030.B.1 is not necessarily to encourage the use of a particular material, but to encourage an architecturally attractive building.

Board Member Lovell expressed his belief that the proposed amendments would give the Architectural Design Board additional tools when reviewing design proposals. Mr. Clugston agreed to update the draft amendments as per the Board's discussion. The Board agreed to schedule a public hearing for July 10<sup>th</sup>. Board Member Tibbott said he would particularly like to hear from developers at the public hearing. Vice Chair Stewart agreed to contact the Master Builders Association of Snohomish County to get the word out.

### **REVIEW OF POTENTIAL AMENDMENTS TO CITY CODES TO ALLOW PUBLIC MARKETS IN THE BC, BD AND CG ZONES**

Mr. Clifton advised that two items are before the Board for consideration. The first is an interim ordinance to allow public markets in the Community Business (BC), Business Downtown (BD) and General Commercial (CG) zones. The proposed changes are to Titles 16 and 21 of the Edmonds Community Development Code (ECDC). The second item before the Board is an ordinance to amend Title 4, Chapter 4.90 of the Edmonds City Code (ECC), related to licensing. He reported that the City Council's Parks, Planning and Public Works Committee met on May 14<sup>th</sup> and recommended the City Council approve both ordinances, which occurred last night. He noted that the amendment to ECC 4.90 did not require a review or public hearing by the Planning Board and was included in the Board's packet for reference purposes. The interim ordinance will be good for six months and requires that a hearing be conducted within that timeframe. This meeting begins the hearing process with a workshop discussion, which will be followed by a public hearing, a Planning Board recommendation, and a final City Council decision.

Mr. Clifton explained that the narrative in the Staff Report was structured differently; and hopefully, the information will be clearer and easier to understand. The report provides background information, describes the findings of a review of the existing code language, outlines the goals of the proposed amendments, explains how the goals will be met if the amendments are approved, and describes how the proposed amendments relate to the recently approved Strategic Action Plan.

Mr. Clifton reviewed that during the summer of 2012, representatives of the Edmonds Historical Museum contacted City staff with a request to start a Wednesday evening only produce and food market at the Salish Crossing property located at the corner of Dayton Street and SR 104. Upon review of the Museum's request, staff found that the code, as written, would not allow a seasonal market to operate within the timeframe proposed (into November). In September, 2012, the City Council passed an interim ordinance that would have allowed community-oriented open-air and/or farmers' markets to operate within the BD and BC zones throughout the year. Unfortunately, market sponsors were not able to move forward with the proposal and the interim ordinance has since expired.

Mr. Clifton advised that the Museum is now ready to move forward with their proposal and would like to begin operations on June 12, 2013 on the Salish Crossing property. However, upon reviewing the proposal further, staff found that:

- The current regulations would preclude the proposed produce and food farmers' market from operating each Wednesday evening during all months of the year.
- Existing regulations conflict with the current operation of the Edmonds Historical Museum's Garden and Summer Markets that take place each Saturday. Specifically, while the current code allows a community-oriented, open-air

market to operate during the months of July, August and September each year, the Garden and Summer Markets operate from early May through early October.

- Currently, regulations preclude the ability to establish a year-round farmers' or public market, something that has been expressed by City staff, City Council and community residents.

Mr. Clifton explained that, depending on the type of market proposed, the current regulations limit where and when markets can take place and preclude the ability of markets to take place year round or for extended periods of time. For example:

- ECDC 16 allows community-oriented, open-air markets within the BD, BC and CG zones, but the term is not expressly defined or listed within ECDC 21. The definition is contained in ECC 4.90, but the provision only allow a single open-air market to operate during daylight hours on Saturdays and Sundays during the months of July, August and September. No other open-air markets are permitted. As stated in ECC 4.90, ECDC 16 was established by the Edmonds City Council in order to study the effect of open-air markets on the community and determine appropriate limits and conditions for license issuance. Most in Edmonds would agree that they are well past the testing period and the current garden and summer markets are successful and well run.
- Farmers' Market is not expressly defined or listed within ECDC 21 or ECC 4.90 as a permitted use within the BC and BD zones.
- Seasonal Farmers' Market is expressly defined in ECDC 21.90009 and is an allowed use within the BC and BD zones. However, the activity is permitted only during the period between May and September. This would limit the Museum's proposal to operate a produce and food farmers' market in late fall. In addition, it is difficult to determine whether the provisions of ECC 4.90.010, which limits to daylight hours on Saturday and Sunday of each week during the months of July, August and September, would also apply to seasonal farmer's markets.

Mr. Clifton highlighted the goals of the proposed amendments to ECDC 16, ECDC 21 and ECC 4.90 as follows:

1. Create one definition that would be located in ECDC 21 (Definitions) and could apply to community open-air markets, farmers' markets, seasonal farmers' markets, or public markets. The term "Public Market" is the preferred term used in the proposed amendments.
2. Allow public markets to operate as open-air activities, within the building, or both.
3. Allow public markets to operate in public rights-of-way, private property, and public property not located within the public rights-of-way.
4. Establish operational hours to minimize disruption to traffic and residential properties.
5. Allow public markets to operate for longer periods of time.
6. Remove provisions of ECC 4.90.060 that are more land-use oriented and move them to ECDC 16.43 and 16.50.

Mr. Clifton explained that Goals 1 and 2 can be met by deleting the term "Community-Oriented, Open-Air Market" from ECC 4.90.010 and adding a new section ECDC 21.80.103 entitled, "Public Market." The term "Public Market" would allow a stand-alone, produce-only farmers' market or a farmers' market with produce, meats, cheeses, flowers, etc., or the kind of spring and summer market that is currently operated by the Museum with produce, flowers, meats, bakery items, arts and crafts, etc. The term would also allow the use to take place either indoors or outdoors.

Mr. Clifton said Goals 3 and 4 would be met by revising ECC 4.90.020(C), to allow operating hours to be extended up to 10 p.m. for any day of the week if the market takes place outdoors on private property or public property not located within public rights-of-way. It is important to minimize disruptions caused by activities in the roadway. Roadways should remain open as much as possible to avoid public safety issues. He noted that operational hours would not be so limited when the market takes place within a fully-enclosed building.

Mr. Clifton advised that Goal 5 would be met by amending ECDC 16, ECDC 21 and ECC 4.90 to remove restrictions on what months a public market can operate. This would allow markets to operate year round. Goal 6 would be met by relocating ECC 4.90.060 to ECDC 16.43.040 and ECDC 16.50.030. This language is more related to land use. As proposed, if a business license does not specifically define a public market as permanent, it will be considered temporary and will not be subject to signage restrictions, etc.

Mr. Clifton pointed out that ECDC 16.60.010 states that all permitted or conditional uses allowed in any other zone in ECDC 16 are permitted in the CG zones. That means that public markets would be allowed in the CG zones, as well, just as community-oriented, open-air and seasonal farmers' markets are today.

Mr. Clifton explained that the Planning Board is not required to review and take action on the amendments to ECC 4.90. These amendments were approved by the City Council on May 21<sup>st</sup>. However, the Planning Board is required to hold a public hearing on the interim zoning ordinances related to ECDC 16 and 21 and forward a recommendation to the City Council within the next six months.

Mr. Clifton advised that, from this point forward, whenever staff provides a presentation or written narrative, they will outline how the proposal is consistent with the Strategic Action Plan that was recently adopted by the City Council. He suggested this is important to let the community know that the City is working to implement the plan. He reviewed that the proposed ordinance relates to the following action plan items:

- Plan Action 2a.2 (33) Farmers//Public Market. "Expand into a year-round activity with available all-weather structures, available parking, and increased visibility to attract out-of-area customers and tourists."
- Plan Action 1b.5 (21) Antique Mall (aka Salish Crossing). "Encourage packaging the Safeway/Antique Mall (aka Salish Crossing) and nearby properties for the purpose of enhancing redevelopment opportunities of this significant gateway site."

Mr. Clifton explained that the proposed ordinance would allow for a year-round public market that could take place indoors, outdoors and/or both. Additionally, the ordinance would allow a Wednesday evening produce and food farmers' market to take place on the Salish Crossing property. He provided the Board Members with a handout of proposed changes to the interim ordinance based on amendments approved by the City Council on May 21<sup>st</sup>. The changes include the following:

- Section 9. Purpose. The purpose of the adoption of this interim zoning ordinance is to establish the development regulations that will allow public markets to operate in the BC, BD and CG zones while the Planning Board holds a public hearing, gains public input on this issue, provides a recommendation to the City Council, and the Council considers the final version of the ordinance on this subject.
- Section 10. Duration of Interim Zoning Ordinance. The City Council shall hold a public hearing on the Interim Zoning Ordinance within 60 days of adoption and shall adopt findings of fact justifying this Interim Zoning Ordinance no later than immediately after that hearing. This Ordinance shall be effective until six (6) months after the effective date.
- Section 11. Duration of Public Market. No market permitted under this interim ordinance shall have duration longer than six (6) months.

Board Member Ellis asked if the proposed ordinance was written with the idea that the market would always have a food-based component. Mr. Clifton answered yes. Board Member Ellis asked if staff anticipates there could potentially be a market with no food vendors. Again, Mr. Clifton answered yes. Board Member Ellis noted that the ordinance was written to be effective for a six-month duration. He asked if any thought was given to having a permanent provision to allow public markets. Mr. Clifton explained that the proposed ordinance, and the ordinance related to ECC 4.90 would allow year-round markets, which is the City Council's expressed desire. Public markets have also been identified as desirable in the Comprehensive Plan, but they are currently only allowed on Saturdays and Sundays during the summer months. Over the past year, staff has worked with the Edmonds Historical Museum to expand the City code to allow public markets on Wednesday evenings, as well. The Museum is hoping to meld the Wednesday and weekend markets and eventually fill in the days in between.

Mr. Chave explained that the City Council limited public markets to six months in the interim ordinance because at least one City Council Member was concerned about allowing the use in some of the smaller Community Business (BC) zones that are located throughout the City. She was particularly concerned about the impact a public market could have on adjacent single-family residential properties. The City Council would like the Planning Board to consider whether larger public markets are appropriate in BC zones that are located adjacent to single-family residential zones. Mr. Clifton added that, currently, the code allows seasonal farmers' markets to take place in the BC and BD zones, and this would continue to be allowed.

Board Member Lovell recalled that Council Member Buckshnis particularly brought up the relative location of the BC zones to residential properties. Mr. Chave explained that there is currently a 15-foot setback requirement in commercial zones that are located adjacent to residential properties. In the BC zone, commercial uses are only allowed in enclosed buildings. He said he suspects her concern was that allowing outdoor markets on the smaller BC-zoned properties could create a problem for adjoining residential properties. If the Board agrees this could be a problem, there are number of ways to address the issue.

Board Member Lovell pointed out that the Museum sponsors the summer market and collects fees from all of the participating vendors. He suspects they would do the same with the public market that is proposed at Salish Crossing. Mr. Clifton concurred. He added that the City would also require an annual \$100 Master License from the person operating the market, and each participating vendor would pay the City \$5, as well. Board Member Lovell asked if the Salish Crossing property would be ready for the public market to open on June 12<sup>th</sup>. Mr. Clifton said that is the Museum's goal.

Board Member Tibbott asked why the Museum is involved in sponsoring an open-air market. He commented that there does not seem to be a natural connection. Mr. Clifton answered that the Museum started sponsoring the summer market before he arrived at the City. He said he believes it is used as a fundraiser for the Museum. He suggested they invite a representative from the Museum to address the Board during the public hearing. Board Member Tibbott said he would be interested in learning about other entities throughout the City that might like to make money in a similar fashion by sponsoring a public market.

Board Member Tibbott asked Mr. Clifton to provide some examples of something that would not be considered a public market. For example, is the new IGA store a public market. Mr. Clifton answered that, as per the code, only non-profit organizations can sponsor public markets in Edmonds. The IGA is a private market. Board Member Tibbott clarified that any non-profit organization, such as a school group, could sponsor a public market as a fundraising event. Mr. Clifton answered affirmatively. As an example, Vice Chair Stewart pointed out that the Portland School District has a program where the students grow produce and sell it at an open market. The proceeds are used to support school programs. Mr. Clifton said he recently forwarded an article to Planning Board, City Council and Economic Development Commission members regarding how some cities actually have multiple public markets throughout their neighborhoods. Smaller public markets are popping up in many neighborhoods because they serve the local need. Board Member Tibbott asked if a for-profit group would be allowed to have a public market. Mr. Clifton answered no.

Mr. Clifton explained that while the City did not increase the fee it currently charges to individual vendors, it did increase the master license fee from \$50 to \$100. The City Clerk has indicated that even the \$100 fee does not adequately cover the costs of processing each application.

Board Member Tibbott asked staff to share more information about why the open-air markets were previously limited to July through September. Mr. Chave said the ordinance was created because the Museum wanted to try out a market. The ordinance was specifically tailored to that initial effort and cast as a trial. At the time, it was designed to fit around the parameters proposed by the Museum and it was not revised as the market expanded. Mr. Clifton added that many public markets operate year round and sell all types of products, depending on the season. Mr. Chave said the initial proposal was to allow year-round markets, but the City Council attached the six-month limit as an interim measure to allow the City to address potential negative impacts.

Board Member Tibbott recalled that a number of months ago, the Board reviewed a proposal that would allow roadside produce stands. The proposal was brought forward by a couple who had a farming operation and wanted to sell their produce to residents in the neighborhood. He asked how this proposal would relate to the market concept. Mr. Chave said there is no relationship. Roadside stands are typically located in residential areas and public markets would be of a larger scale and located in commercial zones. Board Member Lovell noted that the roadside produce stand was proposed as a type of co-op exchange.

Vice Chair Stewart asked if there are any commercial zones on the west side of the railroad tracks where a public market would be allowed to locate. Mr. Clifton answered no. Vice Chair Stewart said she hopes the public market proposed at the Salish Crossing site is a huge success. However, she expressed concern that this could result in a significant amount of traffic. She suggested that the public market also be advertised to people who visit Edmonds via water transportation. Mr.

Clifton said a recent survey indicated that a lot of vendors are interested in participating in the public market, and there is a demand for a mid-week market that offers fresh produce.

Vice Chair Stewart suggested the Board discuss the particular concern raised by members of the City Council about the potential impacts of allowing public markets to locate in BC zones that are adjacent to single-family residential development. She asked if it would be appropriate to place additional requirements on public markets that are located adjacent to residential zones. Board Member Lovell pointed out that the code already requires a 15-foot setback. Vice Chair Stewart said Council Member Petso specifically pointed out that people who live in residential areas have an expectation of a residential lifestyle, and allowing people to sell items next door could be problematic. Mr. Clifton suggested that an easy solution would be to allow public markets in BC zones, but require that the use must occur within an enclosed structure when located adjacent to single-family residential zones. The Board agreed that would be appropriate.

Board Member Ellis asked if vendors who sell strawberries and/or other produce on the street corner are required to obtain a permit or license. Mr. Clifton answered that State law exempts street vendors who sell produce only from having to obtain a license. This use is allowed on both private property and public property located within the rights-of-way.

Board Member Lovell said it was mentioned several times at the City Council meeting that Mr. Clifton did an incredible job researching this issue and putting together a proposed ordinance for the Council and Board's consideration. Mr. Clifton pointed out that code amendments can be incredibly complex, particularly when they involve both the ECDC and ECC. A certain amount of cross referencing is required to make the language consistent. He thanked Mr. Chave and his staff for reviewing the proposed changes and providing good comments. Board Member Lovell said he appreciates that the Staff Report lists the goals of the proposed ordinances and why they are important. Identifying the goals makes it easier to understand why the changes are necessary. Mr. Clifton pointed out that the average citizen does not have time to review all of the information and read through the various code sections. Identifying the goals and explaining how the goals will be met allows citizens to learn a lot about what is being proposed.

#### **REVIEW OF EXTENDED AGENDA**

Vice Chair Stewart reviewed that a public hearing regarding incentive zoning opportunities on Highway 99 and a public hearing on amendments to City codes to allow public markets in the BC, BD and CG zones are scheduled for June 12<sup>th</sup>. Three public hearings are tentatively scheduled for the Board's June 26<sup>th</sup> agenda. The first is regarding updates to the Sanitary Sewer Plan, and background materials will be provided to the Board well in advance of the public hearing. The Board can relay their questions to staff so they can be prepared to answer them at the public hearing. The Board will also conduct a public hearing to rename the SR-104 Mini Park. In addition, the Board will conduct a public hearing on the Parker Rezone (403 – 3<sup>rd</sup> Avenue North).

Vice Chair Stewart reminded the Board that their review of the proposed Westgate and Five Corners Plans has been postponed by the City Council. She reported that at their May 21<sup>st</sup> meeting the City Council discussed the Harbor Square Master Plan and the appropriate next steps. There was a motion on the floor to end the process, but the motion failed. That means the process will essentially continue and the City Council will continue to work through their major revision of the plan. The suggestion was made by Council President Petso to form a committee made up of a few City Council Members, Planning Board Members, and Port representatives to actually talk to each other about what is common ground and try to get something pulled together that would be palatable to the City Council. With that in mind, she expects the City Council will eventually ask for volunteers from the Planning Board. Mention was also made that it would be a good idea to have some with opposing and/or minority opinions participate on the group.

Board Member Tibbott indicated he would be interested in participating on the Harbor Square Master Plan review committee as a Board Representative. Vice Chair Stewart agreed to also invite Chair Reed to participate to represent his minority opinion. The remainder of the Board concurred.

Vice Chair Stewart said she recently sent out a notice regarding an upcoming educational opportunity. Sustainable Seattle is currently working with the Highland Park Improvement Club to implement a Clean Blocks Blue Sound Program. They are currently doing a community design on green infrastructure which includes rain gardens, cisterns, etc. The effort is

specifically intended to address runoff along the lower Duwamish River. The event is scheduled for June 1<sup>st</sup> from 10:00 a.m. to 1:00 p.m. at the Highland Park Improvement Club. She agreed to forward the information to Board Members once again.

Board Member Lovell reported on his attendance at the May 15<sup>th</sup> Economic Development Commission (EDC) meeting where the following was discussed:

- The Tourism Committee reported on meetings with the Port of Edmonds to discuss ways to enhance activities having to do with the marina and waterfront. The Port has indicated an interest in participating, and there was some discussion about providing a shuttle between the waterfront and Downtown Edmonds.
- The Land Use Committee reported on their discussions related to coal trains through Edmonds. The committee reported that a University Professor has raised enough funding to do monitoring along the Columbia River to ascertain the environmental damage caused by coal trains.
- The EDC is studying potential land-use incentives, tax incentives, permitting and impact fees. They are currently researching what other cities in the region do, and alternatives will be evaluated at future meetings.
- Commissioner Stern provided a presentation on communication and community outreach.
- The Commission also had a lengthy discussion about the Strategic Action Plan. They particularly discussed the best way to get information regarding the Strategic Action Plan to the public via the City's website, the Edmonds Beacon, myedmondsnews.com, etc.. They discussed the importance of informing the public when progress is made in the plan's implementation.
- The EDC agreed that the City Council should be responsible for implementing the Strategic Action Plan, but they did not have a clear understanding of how this would be accomplished. Neither of the two City Council Members who participate on the EDC (Petso and Bloom) provided comment.
- The EDC discussed comments made by Roger Brooks, the visionary planning person who has made presentations in Edmonds that were well-received. Mr. Brooks recently met with representatives of the EDC, Mr. Clifton and Stephanie Mayo, who represents downtown Edmonds property owners. The EDC is currently putting together a concept that would limit uses in the BD1 zone to retail centered largely on restaurants, drinking establishments, and retail shops (not service related retail). A lot of work has been done to create a matrix of potential uses allowed in the BD1 zone. He said he suggested that before the EDC moves too far forward with this concept, they should meet with the property owners. He was advised that the property owners seem to generally be in favor of the proposal. This issue will likely come before the Board at some point in the future.

Board Member Lovell agreed to attend the EDC's June 19<sup>th</sup> meeting as the Board's representative.

Board Member Tibbott recalled that after the Board's last meeting, he proposed the idea of incorporating an interactive artistic element at the SR-104 Mini Park, and perhaps introducing the element as a theme that could be incorporated in a naming proposal. He said he has discussed the idea with artists, musicians, graphic designers, etc. He said at least two artists have indicated they are intrigued with the idea of adding interactive artistic elements in Edmonds parks, and the Parks, Recreation and Cultural Services Director has indicated that members of the public often ask how the parks can be made more artist friendly.

### **PLANNING BOARD CHAIR COMMENTS**

Vice Chair Stewart advised that the Parks Department has requested a volunteer from the Board to help judge the sandcastle contest on July 23<sup>rd</sup>. Board Member Lovell agreed to fulfill this responsibility.

Vice Chair Stewart referred to information provided by staff regarding new City email accounts for each Planning Board Member. She urged the Board Members to use the new email accounts for any correspondence related to Planning Board business. Board Member Tibbott asked if this would include all email sent by one Board Member to another. Again, Vice Chair Stewart said the new email accounts should be used for all Planning Board business. Board Member Ellis explained that using the new email accounts will allow the City to archive all emails related to Planning Board matters. Mr. Chave said the intent is to protect Planning Board Members in the event of a public records request. If used religiously, the Planning Board Members can rely on the City to retain the records so they do not have to worry about having their personal computers searched.

**APPROVED**

**PLANNING BOARD MEMBER COMMENTS**

There were no other Board comments during this portion of the meeting.

**ADJOURNMENT**

The Board meeting was adjourned at 9:15 p.m.

**APPROVED**