

SUMMARY OF PREPATORY RESEARCH FOR THE EDMONDS DEVELOPMENT CODE UPDATE

(Gaps analysis summary)

During the past few months the consultant/staff team has been conducting a review of Edmond's current development code, Titles 15-23 Edmonds Community Development Code (ECDC). The purpose of this analysis is to identify issues to be addressed in the code update and measures to upgrade the current code provisions. The research process included:

- Staff comments that have been collected over time, based on experiences in administering the code and hearing from the public.
- Interviews with City Council members, members of applicable citizens committees and organizations and interested individuals.
- A review of the existing code language
- An exploration of codes of other applicable municipalities to identify relevant examples and best practices for various topics that may be incorporated into Edmonds' updated code.

Numerous detailed issues and considerations are documented in the Notes and Observations document. This summary highlights some of the most important organizational, language clarity, topic related, and procedural elements that should be addressed in the code update.

Readability, Accuracy and Consistency

Organization: Many of the key topics in the current code are scattered about in different code chapters so that the user must flip back and forth between multiple sections to understand the code's requirements. Some references to other code sections are inaccurate.

Example: Design issues are discussed in various parts of Title 16 but the Design Review section is Chapter 20.10 and Chapter 22.43.

Imprecise language: The code’s language is often imprecise or confusing. Definitions are sometimes lacking.

Example: The use of the word “feasible”, as in “Save the maximum number of trees feasible” without any criteria, gives little guidance, much less a clear standard.

RECOMMENDATION:

Upgrading the readability, accuracy and consistency is a central task in the consultant’s scope of work and so this topic will be addressed.

Inadequate Sections and Topics that should be addressed more completely

Subdivision and planned residential development sections. Several people interviewed noted that these two sections are inadequate and require wholesale revision.

Example: The existing code allows minor revisions to the preliminary plat but is not clear about what is meant by “minor,” nor the process for approving such changes.

Design standards. The general design standards in Title 16 and procedures in Title 20 do not give the Architectural Design Board or others sufficient guidance to make timely and consistent decisions. The standards should be significantly enhanced.

Example: Two design review processes exist—one in general and one for specific districts. Consolidating and augmenting these standards and procedures could provide better guidance to both applicants and reviewers.

Integration of stormwater management objectives and incorporation of low impact development techniques. The new Federal/State NPDES requirements and procedures mandate a more comprehensive regulatory approach to stormwater management that aim toward minimum standards for site development issues such as tree cover, pavement minimization, clearing reduction, and retention of native vegetation in order to facilitate stormwater absorption on site.

Tree retention. Unnecessary and illegal tree removal has been a concern in the past several years. The Tree Board has drafted a tree ordinance; any adopted tree retention standards must be integrated with other code sections.

Other specific topics. A number of other code issues must be addressed in the code update, including signage, nuisances, driveways, public work standards, bicycle facilities, and right of way construction requirements.

Definitions section. Too often, definitions are inconsistent and sometimes include actual standards or review process references rather than simple definitions.

Example: The definition for height has been confusing in the recent past.

RECOMMENDATIONS:

- **Rewrite the subdivision and PRD ordinance from scratch, using good examples from applicable municipalities.**
- **Consolidate, clarify, and add more complete design standards for design review.**
- **Incorporate standards to facilitate on-site stormwater absorption.**
- **Coordinate with the work of the Tree Board.**
- **Revisit the definitions; update and add to them as needed.**

Application Review Process

Inconsistencies and difficulties in various review procedures. Several people interviewed noted that most of the contentious project review controversies have arisen from procedural concerns such as the lack of transparency or unclear appeal steps. Sometimes the review process procedures are contradictory, leading to confusion, contended interpretations and disputes.

Example: Chapter 20.75 uses different titles for various staff positions and lacks cross referencing. Also, the Subdivision chapter does not reference survey requirements in the section describing requirements for a land division application.

Greater clarity regarding specific administrative topics Some administrative and procedural sections require greater clarity, such as non-conforming uses, bonds and insurance requirements.

The need for clear development standards, predictability – but also flexibility. In many cases, unclear development standards require that staff must make an “interpretation”. This has led to lengthy project reviews, disputes, and appeals. The lack of clear “rules” also has led directly to controversial decisions. At the same time some interviewees noted that if the development standards are too strict and without some flexibility to respond to unusual conditions or opportunities, they can preclude desirable development.

Example: In some jurisdictions, codes employ strict standards but then allow some departures from the specific standards through the design review process if the reviewing body finds that the intent of the standard is met.

Greater clarity and refinement of roles. Some processes could be revisited to make sure that the code is clear about who is deciding what and how—and whether this needs to change in some way.. Title 20 may have some inconsistencies and gaps related to the various roles.

RECOMMENDATIONS AND SUGGESTIONS:

- **Review section 20 very carefully and revise for clarity and consistency with regard to roles and processes, but not necessarily changing policy intent.**
- **Consider more specific standards to reduce the need for interpretations.**
- **Develop a process review track that allows departures from the more specific standards, but within clear parameters to meet the intent of the standards. The process would be open and transparent with appropriate opportunity for public input.**