

PLANNING BOARD MINUTES

April 24, 2002

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

PRESENT

John Dewhirst, Chair
Jim Crim, Vice Chair
Virginia Cassutt
Beverly Lindh
Joanne Noel
Cary Guenther
Wayne Zhan

ABSENT

James Young

STAFF PRESENT

Rob Chave, Planning Division Manager
Steve Bullock, Associate Planner
Karin Noyes, Recorder

APPROVAL OF MINUTES

MOTION BY MR. CRIM, SECONDED BY MS. LINDH, TO APPROVE THE MINUTES OF MARCH 27, 2002 WITH MINOR CORRECTIONS. MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

There were no changes made to the agenda.

REQUESTS FROM AUDIENCE

There were no comments from the audience during this portion of the meeting.

PRESENTATION OF DRAFT WATER COMPREHENSIVE PLAN

Mr. Chave advised that the engineering department would like to postpone this presentation until the next meeting on May 8.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO TITLE 20 OF THE ECDC TO ESTABLISH A REVISED PROCESS AND GUIDELINES FOR ARCHITECTURAL REVIEW (FILE NO. CDC-02-52)

Mr. Chave referred the Board to the very preliminary draft of the code amendment that would implement the new design review process and the design guidelines. He noted that the guidelines have been reviewed on numerous occasions by the Board, and public hearings have been held. The draft document before the Board at this time represents the staff's attempt to

combine the design guidelines and the design review process into one code amendment. However, as staff was working on the draft document, several questions came up that still need to be addressed by the Board.

Mr. Chave said the intent of the new design review process is to push design review early so that design review could have its impact before the design is set. The proposed process would allow the public to comment earlier in the process. It would also allow the ADB to provide feedback to a prospective applicant early in the process before they spend too much money and time on design. It is anticipated that the end result will be a smoother process once a formal application is filed. However, in order to implement the proposed design review process and design guidelines, several significant code amendments would be required. One of the major issues that needs to be decided by the Board is what the thresholds for design review should be and what the overall process should be for each category of design items.

Mr. Chave distributed a matrix that summarizes the way the process is laid out in the current draft document. Major projects (those that exceed the SEPA threshold) would require a review meeting by the design review board. The design review board would then issue its findings. After a complete application is filed with all of the normal requirements for City review, staff would review the application based on the ADB's findings, the design guidelines and the code requirements. Staff would issue a decision with notice and the decision would be appealable to the hearing examiner. An appeal to the hearing examiner's decision would be to the court.

Mr. Chave explained that applications that do not meet the SEPA threshold would typically be a staff decision with no public notice required. However, for applications that propose any type of departure from the design guidelines, staff recommends that a more significant review be required. Staff recommends that for departures from Chapter 20.11, which would normally be a staff decision, a staff review and decision with notice should be required. The applicant would have to show how they would mitigate any impacts and how they could compensate for the departure. For departure requests associated with Chapters 20.12 and 20.13 (façade and building design), staff recommends that an ADB review be required because the staff feels that the ADB is the best body to determine whether or not an application meets all of the guidelines.

Mr. Chave said the Board has not talked about landscape review requirements—specifically what kind of review process should be followed. Should landscape review be a staff decision or should it require ADB review?

David Toyer, Master Builders Association of King and Snohomish Counties, 2155 – 112th Avenue Northeast, Bellevue, said that he just received a draft of the proposed review process this afternoon, and it appears that the Board would like to spend more time reviewing the document, as well. Therefore, he said he would hold his comments until another opportunity when he can provide some substantive remarks that will aid the Board in their decision.

THE BOARD CONTINUED THE PUBLIC HEARING ON FILE NO. CDC-02-52 TO JUNE 12, 2002.

Mr. Chave referred to the proposed amendment language and noted that most of the issues related to the design guidelines have been discussed by the Board at length. However, a substantial portion of the document deals with the review process, and the staff would like more guidance from the Board. First, he inquired if the process identified in the proposed document for major projects is what the Board had anticipated it would be. He said that, as currently proposed, the ADB would do a preliminary review (in a public meeting but not a public hearing) to determine whether or not the proposed application meets the requirements of the design guidelines and the code.

Mr. Dewhirst recalled that the process that was previously discussed was that the ADB would have the final decision in the process as to whether or not the project complies with the design guidelines and code requirements. This decision would be done in a public meeting, but no testimony from the public would be allowed. However, he said he feels that the process being proposed now is different than what was agreed upon at the last meeting.

Mr. Chave recalled that at the last meeting where this issue was discussed, the Board departed somewhat from the flow chart that was being considered. He referred the Board to the minutes from that meeting which indicate that the Board concluded that the ADB would issue the findings and the staff would issue a decision that is consistent with the ADB's findings. Ms. Cassutt agreed that the process outlined in the proposed document is consistent with her understanding of the Board's

conclusion at the last meeting. Mr. Crim recalled that the Board agreed that the ADB would issue some sort of document that would be used by the staff when making a decision to make sure the application is consistent with the ADB's findings.

Mr. Dewhirst said that his recollection is that the Board agreed that the ADB, and not the staff, should make the final decision. Ms. Cassutt and Ms. Lindh said it was their recollection that the decision was going to be a joint effort. Mr. Chave recalled that the discussion was that the ADB would issue findings and staff would review the projects to make sure they are consistent with the findings issued by the ADB. If a project is not consistent with these findings, the staff would be unable to approve the project. Ms. Lindh suggested that perhaps the way the document is written leads to the appearance that the ADB's findings are not important in the process. The Board agreed that this section should be reworded.

Mr. Dewhirst pointed out that after an application is filed, the public would have no opportunity for oral testimony. Mr. Chave said the public would be able to review the plans and file written comments related to the application, but there would be no final public hearing unless an appeal is issued. Mr. Dewhirst expressed his concern that the public would not support this type of review process. Ms. Cassutt suggested that it is time to make changes that will help the town go forward rather than just changing things around a little.

Mr. Chave said that if the design guidelines are written properly and decisions are based on these guidelines, decisions should be easy to make and appeals should be minimal. He said that over the recent years, the City has not had a lot of appeals related to design decisions. When there have been contentious issues about design review, it is generally more of a zoning issue than a design issue.

Mr. Dewhirst voiced his opinion that the process appears to be a departure from the direction the Board previously decided on. Mr. Guenther read from the March 13 minutes which indicate that the Board concurred that the revised Option 1 would be the preferred option. The Board, with the exception of Mr. Dewhirst, agreed.

Mr. Chave explained that the current process used by the City has three different options. Some projects require an ADB review after a full public hearing. Others require ADB review, but they are placed on their consent agenda for approval without a public hearing. Some require only staff review and do not go before the ADB for approval. No notice is currently required for staff decisions. However, staff has considered options for providing notice for these decisions. Projects that do not require ADB review or SEPA review would be considered smaller projects, and staff should be able to determine whether or not these applications meet the design guideline requirements. The only exception would be for departures from the design guidelines, which staff feels should require some type of notice to residents within 300 feet so that they can provide written comments. While most departures from the guidelines could be considered by the staff with notice, those that are related to building design are more significant and should require a review by the ADB.

Mr. Guenther inquired if the findings that are issued by the ADB would be actual approved documents. Mr. Chave said the findings could be approved by the ADB at their next subsequent meeting. However, this would add at least two weeks to the process. Another option would be to have the ADB chair sign off on the findings as soon as they are drafted. This option would require that the ADB be very clear in their direction to staff regarding their findings. He noted that because the ADB review meetings would be held early in the process, it would not create a huge delay if the ADB were to wait and approve their findings at their next meeting. Mr. Guenther agreed that allowing two weeks for the ADB to formally approve their findings would be acceptable, but four weeks would not.

Ms. Noel inquired if the staff could make a decision that is against the ADB's findings. Mr. Chave said that this would only happen if the findings were in conflict with the code or design guideline requirements.

Mr. Zhan inquired regarding the City's current practice for keeping records of decisions related departure requests. Mr. Chave said that when an application is submitted, the staff sets up a paper file. They also enter the basic information into the computer system to enable them to better track the project. All decisions are archived and become a permanent record.

Mr. Zhan suggested that it might be helpful for future staff decisions if a record of previous decisions is easily accessible. Mr. Chave said that land use decisions are kept indefinitely. He agreed that it is important to keep a good record of these situations over the next few years to guide future decisions. It is also important that the staff meet regularly with the ADB to

review recent case histories and departures, etc. Staff anticipates that the ADB will take ownership of the design guidelines and make changes as they go along.

The Board indicated that they are comfortable with the criteria set forth by staff for review of applications that depart from the design guidelines.

Mr. Chave referred to Page 2, Item 20.10.020, which states that all development that requires a City approval or permit shall also require design review unless it is listed as one of the exempt activities. He noted that single-family development is exempt from design review. Because the City does not have a duplex zone with specific guidelines, duplexes should be exempt from this requirement, as well. Individual duplexes would require staff review with no notice. Mr. Bullock added that the ADB used to review duplex projects, but several years ago they decided to remove this action from the list of projects requiring an ADB review in order to reduce the ADB timelines. The proposed process would make these actions a staff decision.

Mr. Chave said this section also states that alterations to landscaping, changes to exterior building siding or materials, and alterations to parking lots that are associated with non-single-family development would be required to go through the design review process. He further explained that once a project has gone through the design review process and the applicant wants to change one of the three items listed above, another design review would have to take place.

The Board discussed whether or not it is appropriate to require that a property owner go through the design review process to change the color of a building, etc. in the future after a building is completed. Mr. Chave said that it would be easier for staff if they did not have to review color issues, but that would mean that a development or building could be painted whatever color the owner wants, and the City would have no recourse. He said that if the Board wants the staff to review color, there must be clear guideline for doing so.

Mr. Crim inquired who would enforce the provisions related to color changes. Mr. Bullock answered that this could be handled similar to the way landscaping changes are currently handled. As long as the applicant or property owner can show that the change is reasonable, it would likely be approved. The enforcement would be handled the same as with other code requirements such as signs—on a complaint basis or when a significant change is being made to the building that would require a permit. The basic intent of having a provision related to color changes is to provide the City with a way to deal with a property owner who proposes colors that are way out of line.

Mr. Bullock referred to Pages 24 and 25 of the design guidelines, which talks about accent colors and trim. The goal of this section is to encourage new development that is compatible with surrounding neighborhoods. While this section is fairly subjective, Mr. Bullock suggested that it could be used to help staff determine if a proposed color is compatible with the neighborhood. Mr. Chave suggested that staff be allowed to review this issue again with the City Attorney, if the Board wants to have a provision for color changes as an item of review.

Mr. Crim felt that it would be appropriate to have some provisions for color. Mr. Guenther said that sometimes people want to depart from three colors that are typically being used and this type of provision could make it difficult to do. Mr. Chave said it would take an extreme color for the staff to deny a color change. He added that the guidelines are general enough to allow latitude in the colors and shades. The Board agreed that color should be part of the review.

Mr. Bullock noted that the new design guidelines (Section 11) would allow the staff to grant some departures, and it references landscape standards as one of the key elements. He questioned whether the Board wants to allow staff to approve changes to some of the landscape standards currently in the code. If the Board wants to allow for departures to the landscape standards, Mr. Bullock inquired how these requests should be handled. Normally, a departure would require an ADB review. However, staff suggests that perhaps they should have authority to grant departures for minor landscaping items. The larger landscaping issues could go to the ADB for review.

The Board agreed that staff should be allowed to make decisions on less significant landscaping changes. Mr. Chave suggested that deviations from Type 1 and Type II landscape requirements should definitely require ADB review, but

perhaps the other types perhaps could be staff decisions. Mr. Bullock referred to the bottom of Page 28 and top of Page 29 and suggested that these situations are issues that could be dealt with administratively without requiring an ADB review.

Mr. Crim suggested that the review process for landscaping be as simple as possible to start with. Mr. Chave said the simplest option would be for the landscaping to run with whatever requirements apply. If an ADB review is required, then the landscaping departures should be reviewed by the ADB. If no ADB review is required, then landscaping issues could be decided by the staff. The Board agreed. However, Mr. Zhan suggested that the provision be flexible to allow staff to send issues to the ADB for review if they are not comfortable making a decision.

In addition, Mr. Zhan suggested that it would be helpful to have some type of provision for periodical review of the design review process and guidelines so that it is clear to the public that the document will be reviewed on a regular basis. Ms. Cassutt advised that the Board already agreed that review provisions of this code section should be identified up front.

The Board agreed that appeals to the design review decision should be heard by the Hearing Examiner. Appeals of the Hearing Examiner's decision would go to the court.

Mr. Chave referred to a concern brought up by Mr. Dewhirst regarding the objectives identified in the design guidelines. Mr. Dewhirst questioned why the objectives were not identified in the code language as well as in the Comprehensive Plan. It is staff's intent to provide a document at the time of application that would resemble what the original design guidelines look like. This document would be easier to read and follow than the code documents. The objectives would be part and parcel of the code requirements.

Mr. Dewhirst suggested that if the objectives are included in the code language then cross referencing to the Comprehensive Plan would no longer be necessary. He said that the way the code language is currently written, there appears to be something missing. He expressed his opinion that the objectives set the tone in describing what is expected and the intent of each requirement. The staff and ADB might find they have more latitude in granting departures if the objectives that are identified can still be met.

Mr. Chave agreed that it would be possible to place the objectives in the plan as part of the policies and then echo them in the design guidelines section of the code. Mr. Bullock said that if the objectives are clearly identified, then it would be easier to determine if a departure is consistent with an objective. The Board agreed. Mr. Chave advised that staff would be meeting with the City Attorney to discuss the proposed language further.

REVIEW OF EXTENDED AGENDA

Mr. Dewhirst reviewed that the agenda for May 8 would include a public hearing on the UNOCAL request for a new master plan zone and contract rezone. Don Fiene would also present the draft Water Comprehensive Plan. It is likely that the UNOCAL issue will be extended to the May 22 meeting. The design review process and design guidelines would be discussed by the Board again on June 12 at a public hearing. He noted that staff has requested that the Board start their May 8 meeting at 6:30 to allow the Board to briefly review the next draft of the design review process and provide feedback to staff. The joint City Council/Planning Board meeting is scheduled for May 28.

Ms. Lindh advised that May 22 would be her last meeting as a Board member.

PLANNING BOARD CHAIR COMMENTS

Mr. Dewhirst provided no further comments during this portion of the meeting.

PLANNING BOARD MEMBER COMMENTS

APPROVED

Mr. Zhan suggested that the documents provided to the Board be copied double sided. Mr. Chave said that staff tries to do this, but sometimes the copy machine does not cooperate.

Mr. Dewhirst suggested that the City Attorney be present during the public hearing related to the UNOCAL applications.

Mr. Chave advised that the City issued a SEPA determination on the UNOCAL application and the Board should know in advance of the hearing whether or not there are an SEPA appeals.

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE BOARD ADJOURNED THE MEETING AT 8:40 P.M.

APPROVED