

## PLANNING BOARD MINUTES

August 14, 2002

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

### PRESENT

John Dewhirst, Chair  
Jim Crim, Vice Chair  
Virginia Cassutt  
Cary Guenther  
Joanne Noel  
Janice Freeman  
Wayne Zhan  
James Young

### ABSENT

### STAFF PRESENT

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

### READING/APPROVAL OF MINUTES

MR. CRIM MOVED TO APPROVE THE MINUTES OF JULY 24, 2002 AS CORRECTED. MS. CASSUTT SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

### ANNOUNCEMENT OF AGENDA

There were no changes made to the proposed agenda.

### REQUESTS FROM THE AUDIENCE

Ron Gard, 1114 – 8<sup>th</sup> Avenue South, referred to the Board's discussion regarding buildable lands in their July 24<sup>th</sup> minutes. The Board had inquired as to the possibility of him seeking a code amendment or a contract rezone. The staff informed the Board that he has always had the ability to apply for a code amendment or contract rezone. However, Mr. Gard said he was told that in order to subdivide with less than the minimum lot size, the code would have to be amended going through the Comprehensive Plan first. Also, on October 25, 2000, Mr. Chave indicated that the Comprehensive Plan had to be amended before he could make an application for a contract rezone. In fact, all of the requirements clearly indicate that a proposal must be consistent with the Comprehensive Plan, and that is why he has been trying to issue an amendment to the Comprehensive Plan to establish that fact.

Mr. Gard said that in discussing the infill issue with Mr. Chave, he indicated that if the Board saw fit to adopt an amendment as part of the 2002 Comprehensive Plan review process to address his issue, it would be used for the downtown bowl area and not all of Edmonds. He said he appreciates that the Board has listened to his reports over the past several months, and hopes they will take the time to discuss his issue as part of their review of the buildable lands report.

**PUBLIC INPUT ON THE CITY'S PLANNED RESIDENTIAL DEVELOPMENT (PRD) REGULATIONS (FILE NO. CDC-2000-132)**

Mr. Dewhirst explained that while this is not a public hearing at this time, the Board would like to allow an opportunity for the public to address the Board regarding changes they would like made to the PRD Ordinance.

Mr. Chave recalled that the City Council asked the Board to review the current PRD ordinance, which is very new. There were a number of public comments made to the Council, and these were forwarded to the Board. He noted that the meeting was advertised for public input to allow the Board to collect comments and concerns from the citizens. The Board will then review the ordinance and decide if any changes are warranted. Before a recommendation is made to the City Council, the Planning Board will hold a formal public hearing. Mr. Chave emphasized that since the new PRD ordinance was adopted, there has not been a PRD project come completely through the process. Therefore, the Planning Board is at somewhat of a disadvantage because they are not able to actually determine how well the new ordinance is working. The Board is, however, interested in finding out what the public is concerned about. He cautioned that some of these concerns might relate in part to PRD's that went through the old process instead of the new process.

Mr. Chave said it is also important for the public to understand the purpose of PRD's, which provide alternatives from standard subdivisions. He explained that the zoning determines the number of dwelling units allowed in a PRD and what lot sizes are required. The PRD ordinance provides an opportunity to modify one or more of the standards, but the density is still controlled by the underlying zoning. Even though the lot size could be small, the total number of lots would be the same as if a standard subdivision were being done. The purpose of the PRD process is twofold. A standard subdivision would cut a property into individual lots among the various property owners. A PRD provides an alternative way to divide the land in order to protect the sensitive areas of a property. The new PRD ordinance would reserve the sensitive areas as some form of open space or reserved areas that are not part of the individual lots. These areas would be called out as protected tracts. The individual lots will be owned by the property owners in the PRD development, and do not include the sensitive areas. However, the property owners may hold an interest in the protected area. The net affect is that the sensitive area, added to the smaller building lots, represent an equivalent of the underlying zoning.

Mr. Chave said that recent planning literature has identified PRD's as one of the most effective mechanism for preserving sensitive areas. When sensitive areas are divided into separate lots, individual property owners may not protect the areas to the same degree, even though the restrictions are understood at the time the development is built. If there is a carefully preserved area as part of the subdivision, the protection would be greater. The PRD process allows the design of a PRD subdivision to be handled in a different way than a standard subdivision so that development can be clustered away from sensitive areas.

Mr. Chave explained that if the development standards are flexible, the City is able to provide affordable housing opportunities for current and future resident. The PRD ordinance provides a way for residents and developers to build the various type of housing without changing the zoning or some other mechanism that would really hurt the existing zoning and density patterns.

Mr. Chave said that the PRD ordinance also requires a very careful design review process. The underlying central point to PRD's in Edmonds is that they are not more dense or intense than a traditional subdivision would be and hopefully, they allow a better design as a result. He said that even though the old PRD ordinance was not perfect, there are some good examples of PRD's that have been done in the City, and they have been very compatible with the surrounding neighborhoods.

Mr. Chave emphasized that the Board is very interested in hearing the public's concerns and ideas about the PRD ordinance. He noted that the City Council just approved an interim ordinance that makes PRD's subject to City Council final approval and the Board will be considering changes in the ordinance related to the review process, as well.

Mr. Young clarified that the PRD ordinance is identified as Section 20.35 in the Development Code. Mr. Chave agreed that is the document that will be discussed during the public input process.

Diane Azar, 9202 Talbot Road, thanked the Board for all of the effort they put into formulating the PRD ordinance. She said the residents are not present to criticize the Board, but they would like to ask the Board to consider enhancing or tweaking the ordinance just a little bit. She asked that the Board consider information that they previously submitted as well as their attorney's letter, which was presented to the City Council just the night before. She said that the PRD ordinance should carry out the goals of the Comprehensive Plan and the citizens of Edmonds and protect the underlying zoning. It should not permit changes in use such as the deviated subdivisions and housing types that are not normally permitted under the code. The PRD ordinance should not permit any lots to be of a different size than the underlying zoning would permit. As far as the final decision, Ms. Azar said the Talbot Group very much supports the decision made by the City Council as an interim ordinance that the final decision should be made by the elected Council Members rather than the Hearing Examiner. She said her group thinks the City must maintain a process in which elected officials can represent the public and the interests in the community.

Ms. Azar concluded her comments by asking that the documents that were submitted by the Talbot Group be submitted to each of the individual Board members.

Tom Sullivan, 17041 Talbot Road, asked if he could assume that the Board Members have read the four-page letter that was submitted by the North Talbot Group on August 2, 2002. Mr. Dewhirst answered affirmatively. Mr. Sullivan requested that the Board Members respond with a show of hands indicating those who read the document. Mr. Dewhirst indicated that would be inappropriate at this point in the process. Because Mr. Sullivan was unable to obtain assurance from each Board Member that they had read the document, he indicated that he would be going through each point one at a time. Mr. Dewhirst cautioned Mr. Sullivan that speakers would be limited to approximately five minutes each.

Mr. Sullivan said it is his understanding that the PRD ordinance has been set up to allow the citizens, through a Comprehensive Plan review, to protect and preserve the values of the neighborhoods. However, the North Talbot Group finds the ordinance to be very vague and ambiguous. He particularly noted Section 20.35.010.A and said that as written this does not make protection of the environment and open areas through the use of open areas that are available for public use a mandatory requirement. It does encourage this type of protection, but it does not make it mandatory. Staff's interpretation has been contrary to this requirement.

Next, Mr. Sullivan referred to Section 20.35.010.F and said the North Talbot Group recommends that this section be revised to read "that the development must show, through authoritative statements, that the surrounding properties will not be adversely affected." Nowhere in the ordinance does it identify what mitigating circumstances or actions would be taken by the developer in order to protect the various characteristics and integrity of the neighborhoods. He noted that Section 20.35.010.H should be revised to read "it should be mandatory that the existing natural sites and amenities shall be preserved." The ordinance indicates that might be done and could be done, but there is nothing that makes it mandatory. Mr. Sullivan said there is currently an application before the City where the developer would be allowed to take down a 67-year-old redwood tree. He said he doesn't understand how that would be preserving their amenities such as a natural tree on the property.

Mr. Sullivan pointed out that the North Talbot Group is recommending that Section 20.35.055 require that PRD's in large lot residential areas such as RS-12 and RS-20 be separated from surrounding large lot residential developments by distance and natural features. They also recommend that critical areas, slopes, wetlands and creeks not be included in the separation of lands. It would be their recommendation that they would take these areas out of the equation when calculating the number of lots allowed. He said it is not proper to include the wetlands, critical areas, slopes and creek areas in the total developable lot area. In addition, the group does not feel it is appropriate to allow any kind of setback modification whatsoever for a PRD. When a developer proposes a PRD they are able to ask for a modification of the setback in order to get the highest density possible, and this should not be allowed.

Mr. Sullivan said the North Talbot Group is recommending that Section 20.35.050 be revised to read that "a clear benefit must be realized by the public." As the ordinance is written now, it is both vague and ambiguous as to whether or not there is going to be any clear benefit to the public. It is also recommended that this section be revised to read that "all of the five criteria must be met before the application can go to the hearing examiner." Once the hearing examiner has forwarded the

application to the Council, the applicant should be prohibited from making any changes. The existing ordinance allows the developer all kinds of latitude to change their plans and every opportunity to make way too many changes that have a definite detrimental affect on the neighborhood. This section should also be changed to require that the applicant must provide safer and more efficient site access. The North Talbot Group is asking that the City require an engineer traffic study.

Mr. Sullivan next referred to Section 20.35.060, and said the North Talbot Group recommends that this be changed to make it mandatory that high quality single-family residential homes be incorporated into the neighborhood. The current ordinance suggests that this might be a requirement, but it does not make it mandatory. It is also the North Talbot Group's recommendation that the houses must have porches that are consistent with the neighborhood style. Homes should have a dominant front porch and/or entry. As currently written, this is not a requirement. This section should also require that trees, topography and other environmental features be retained with no exceptions. Mr. Sullivan said he finds it ludicrous that the City would allow the developer to mandate what they are going to build and then have the City go along with. It should be the other way around. The City should revise their criteria to clearly indicate what the developer must do.

Mr. Sullivan referenced Section 20.35.080 and advised that the North Talbot Group recommends that this section be revised to require that such potential problems as drainage, topography, site design, surveys, water, etc. be identified, resolved and finalized before the proposal is submitted for final review. The developer should be required to indicate, through studies, that there are no subsurface or unstable soils that would affect the PRD. The current ordinance does not require any of this. It allows the developer to deal with these issues later. He said the City should mandate that the developer must prove that their proposal would not have an adverse impact on the neighboring properties, but this will only happen if it is identified as a requirement in the PRD ordinance, itself.

Mr. Sullivan said that the North Talbot Group is also recommending that Section 20.35.080 be revised to make the pre-application neighborhood meeting mandatory, and that the meeting should be hosted by the Planning Board, with formal minutes taken and the record distributed to all of the neighbors within 300 feet within five working days. He felt this would be a common courtesy of any developer proposing a PRD in an existing neighborhood in the City. At the minimum, the City should require that a neighborhood meeting be held to explain to the neighbors exactly what is going to happen, what the developer's plans are and what the potential impacts will be. At this time, the neighborhood meeting is only optional.

In addition to the revisions he mentioned, Mr. Sullivan said there are others identified in the document that was submitted to the Board. However, he emphasized that the North Talbot Group believes that the City Council should have the final say in reviewing, approving or denying all PRD applications. The hearing examiner could play a role by reviewing the application and making a recommendation to the Council, but the North Talbot Group feels strongly that the Board should endorse the Council's interim ordinance in that regard. He asked the Board Members to review the document that was submitted by the North Talbot Group. It is hoped they can move towards another discussion or public hearing so that they can consider the details further. He said he appreciates the Board allowing him the extra time to present his comments.

Ray Martin said he was impressed by the last speaker and the work done by the Talbot Groups. He said he has observed that they are just like half the people in the town who are interested in protecting their property interests and enjoying the quality of life the City offers. These people like the small-town atmosphere, and they want to retain it. The neighborhood character was taken out of the new ordinance and that is a big flaw.

Mr. Martin said that this issue is before the Board again because the City Attorney has indicated that it is unconstitutional and has all sorts of problems. When this ordinance was adopted, it completely replaced an ordinance that had been in effect for 20 years. He said that before the ordinance was passed by the Council, he told them that it was the worst ordinance he had seen in Edmonds over the past 30 years. But it is probably the worst in over 100 years. The Board has an opportunity to display some leadership and straighten this mess out. He said that the ordinance was crammed through the system during the Christmas Holidays by Councilmembers Earling and Miller who felt the proposed ordinance had been sitting around for long enough and needed to be approved. He said Councilmember Miller has indicated that he likes duplexes, and that is why he voted to approve the ordinance. Also, Councilmember Wilson was appointed by the Council early just so he could vote on this particular ordinance. He had only been a Councilmember for five minutes before he voted on this issue.

Mr. Martin said the Board needs to know that the people in the bowl area and Seaview area do not like to be jerked around. It is time for the Board to listen to these people. They need to establish some criteria and ask what the purpose of the new ordinance is. He suggested that they would be better off using the old ordinance with some amendments. He stated his opinion that duplexes have no place in single-family residential zones, and density should not be tampered with. The PRD ordinance creates a situation where the City gives one homeowner a break because of the special features of his lot at the detriment of the neighbors.

Mr. Sullivan said the new PRD ordinance requires that garages should be located closer to the house. He suggested that this is a senseless requirement since most of the homes in the downtown area have the garage leading closer to the street. The new ordinance also requires that impervious surfaces be minimized, which is in conflict with the garage requirement.

Mr. Sullivan concluded his comments by stating that the Board has an opportunity to review the PRD ordinance, listen to the public and work with the planners to correct the situation. Again, he stated his opinion that it would be better to start with the old ordinance and work from there. It is very important that neighborhood character once more become a deciding factor in the ordinance.

Jim Mallonee, 217 Fifth Avenue North, Unit C, inquired if the ordinance would allow any deviation from the height limit that currently exists in the residential zones in the City. Mr. Dewhirst answered that the height limit would remain the same and cannot be varied.

Phil Tiegs, 16911 Talbot Road, said that Mr. Sullivan highlighted most of his objections to the current PRD ordinance. He said the Talbot Group spent over \$10,000 to fight a PRD proposal for their neighborhood because the ordinance was written so poorly. In the documents provided by the neighbors, the Board can find page after page of concerns because the ordinance was so poorly put together. This ordinance needs to be tightened up to say exactly what can and cannot happen. As currently written, the ordinance ends up hurting their property values and pocket books. He said this is an opportunity for the Board to straighten out the issue.

Robert Burkes, 17015 Talbot Road, said that the way the ordinance is currently written, the current property owners are the ones that lose. They are not opposed to responsible development on Talbot Road, but it needs to take into account the critical areas that exist. The only way the neighbors have been able to get the City to consider these areas is by spending a lot of money to make their voices heard. It should be the developer spending the money instead. The City Council needs to change the focus of the PRD ordinance from giving the developer all of the rights to giving the rights back to the existing homeowners.

Steven Nofsiger, 17927 Talbot Road, agreed that Brook Acres and Eagles Nest are both good examples of PRD developments. He suggested that they are successful because of the way they are perceived as a person drives down the road. If a PRD is hidden behind the trees and the neighborhood is not changed, it would be more acceptable to the existing neighborhoods. But squeezing a bunch of houses into a small lot changes the character of the existing neighborhoods. He said those present are asking that commonsense be put into the ordinance.

David Toyer, Master Builders Association of King and Snohomish County, said he would like to reserve the majority of his comments until after he has had a chance to read the letters brought forth by the citizens. He explained that the Growth Management Act (GMA) that was adopted by the State provides an overall balance in Washington State by focusing development populations in the urban growth areas, with the goal and intent of protecting natural resources and agricultural lands in Washington. The majority of the jurisdictions in King and Snohomish County find that a zoning designation of greater than 6,000 square feet per lot is too small. Some cities are looking at 2,500 square foot lots as a mechanism for doing urban infill to meet the GMA requirements, and nice developments have resulted to provide affordable housing in communities.

Mr. Toyer raised the concern of how the larger RS-12 and RS-20 lots would be consistent with the GMA requirements. He noted that there is a State statute that requires that zoning be a minimum of four lots per acre, and it is uncommon to see these large zones in any of the other communities. The issue of compatibility has always been a significant concern that

must be considered, but he said he would consider single-family development with smaller lots to be compatible with single-family development with larger lots.

Mr. Toyer reminded the Board that there is a new round of population forecasts and allocations that were recently released and most likely the City will have another large share of population to absorb in their community. They will be required to consider a number of different options to accommodate the additional population, such as raising the density and creating new infill opportunities. He suggested that PRD's are one of the most viable and effective tools for allowing infill opportunities to occur.

Mr. Toyer concluded his comment by stating that after he has had a chance to review all of the written comments, he will provide his feedback to the Board prior to their next meeting.

David Andree, 7931 Talbot Road, said that he develops property as a profession to make money. The more lots he can get on a piece of property, the more money he makes. However, he also finds it difficult to try and follow the rules established by cities while still maximizing the development within the guidelines. The current PRD ordinance is vague and very open to interpretation. From a developer's perspective, it is difficult to know what is and is not allowed. However, it is possible to correct the ordinance.

Mr. Andree said he happens to live right in between the two PRD's that are currently being proposed. The bottom line is the neighbors want to make sure the development fits in with the character of the existing homes. He said he chose to live in the Talbot Park area because of the large lots. The PRD now offers a developer an opportunity to change the character of the neighborhood. People are bringing up technical issues, but the bottom line is that people do not want to have clustered homes that are close together because it would be out of character with the existing neighborhood.

Mr. Andree said he has used the PRD concept to develop property in other jurisdictions. He said it is kind of comical to try and get around sensitive areas and steep slopes to get more homes on a property where you couldn't use a traditional subdivision. He said the whole purpose of having a zoning map and a Comprehensive Plan is to provide predictability to property owners as to what their area will look like in the future. There are enough areas in Edmonds where density is tight.

Mr. Andree suggested that when rewriting the ordinance, the Board should be specific so that developers will know what the rules are going to be. The key element, so there is not a lot of public discourse, is to require the development to fit in with the surrounding area. While everyone has a slightly different opinion of this, if people are comfortable with the development and it is consistent with the zoning, it is fair. People plan ahead with a particular zoning in mind. If the proposed PRD is hidden by trees or other natural features, the public would not be so upset. He concluded by stating that PRD's should not be allowed to disrupt the existing neighborhoods.

Roger Hertrich, 1020 Puget Drive, said it is a pleasure to listen to everyone talk about a subject he has talked about for a long time. He recalled that when the ordinance was first being considered, he expressed his concern that the Board was throwing the existing ordinance out and replacing it with an entirely new ordinance to satisfy the GMA. Now that people have finally realized how this will impact their neighborhoods, there is a problem. He said he hopes the Board Members listened well to Mr. Andree when considering what they can do to the ordinance to provide good rules to protect the citizens. The public is looking for rules to protect their neighborhoods. Everyone supports reasonable development, but it is the extremeness of the ordinance that causes a significant concern. He said his first hope is that the Board ask the City Council to put a moratorium on PRD's as an emergency action until the concerns can be addressed. Mr. Hertrich said the public does not like to see spot zoning, but the PRD creates at least a visual affect of spot zoning. The ability for the public to see and perceive what they have in their neighborhood is what is causing the great concern.

Mr. Hertrich said one element of the PRD ordinance that is of particular concern to him is related to parking requirements. The ordinance states that a developer must protect the environment by having less impervious surface, but this results in little parking on the road. He questioned where all of the extra cars will park if not on the rest of the public streets. A good large PRD should include special parking areas for guest, parking for RV's and boats and a playground for the children. There are things that can be done to add to the effectiveness of the ordinance, but there needs to be wording in the ordinance that the

decision makers decide whether or not a proposed PRD fits into the character of the neighborhood. If somebody makes an error in answering that question, there must be an opportunity for the public to appeal to the City Council.

In closing his remarks, Mr. Hertrich said he would hope that the Planning Board would request a copy of the old PRD ordinance and compare it to the new ordinance. There are no similarities. The old ordinance required that driveways and roads be dedicated when calculating the amount of buildable land. The new ordinance allows these areas to be part of the total buildable area. It also allows a developer to round up to the next highest number of lots allowed. He suggested that the critical areas that are absolutely non-buildable should not be used to increase the number of lots allowed. He agreed that the PRD ordinance could allow homes to be clustered to stay away from critical areas, but they should not be allowed a greater number of lots than what the underlying zoning would allow. The critical areas should not be considered buildable area.

THE PUBLIC PORTION OF THE DISCUSSION WAS CLOSED.

Mr. Chave encouraged the public to stay for the buildable lands discussion later on the agenda. He said that the Growth Management Act and buildable lands has a great deal to do with PRD's.

Mr. Chave referred the documentation from the City Attorney regarding a couple of cases before the Growth Management Hearings Board. Rather than adopting maximum urban lots, they adopted a broad line of four dwelling units per acre as the minimum lot size requirement. Any net density that is higher is clearly urban development and is acceptable. Any less dense urban lots will be subjected to increased scrutiny by the Hearings Board to determine if they comply with the laws of the GMA. He specifically referred to the case involving the Town of Woodway who attempted to take a 60.8-acre planning subarea and designate 50 acres as critical area in which development was prohibited. They took the balance of the property and set a net density of four units or more per acre. The Hearings Board found that this finding violated the GMA and did not comply with the four units per acre rule that was stated by the Hearings Board on an earlier occasion. The Town of Woodway tried to justify the proposed zoning because they wanted to preserve the large lot residential character of the neighborhood, but the Hearings Board did not find this justification as valid either.

Mr. Chave said that a significant portion of Edmonds has historically been developed as RS-12 or RS-20 square foot lots, and this does not comply with the GMA mandate. The City must, therefore, justify why the RS-12 and RS-20 zoning designations are valid. The City must show that they are allowing infill development to occur, and that is one reason for the PRD ordinance. The intent was to allow PRD's in an effort to protect or retain the underlying densities. If the PRD ordinance goes away or if the City has vague standards that PRD's must be compatible with the neighborhood character, the City could end up with a serious problem defending the existing large lot zones. He suggested that one of the best ways to protect the large lot areas in the City is to have a PRD ordinance that encourages compatible development.

Mr. Chave advised that the Board will be taking a serious look at this ordinance, but they must consider the big picture of how the City will be impacted if the PRD ordinance is significantly changed or deleted from the code.

Mr. Dewhirst said his head is swimming with what he has just heard so far. He proposed that the Board take the public and staff comments under advisement and give each individual Board Member a chance to reread all of the information received thus far and any new information they will receive in the future before coming back the first meeting in September to discuss the issue further. He advised that the Council has asked that he report back to them in September as to how the Board wants to proceed. That doesn't mean that the Board must have a new ordinance available to recommend to the City Council, but they need to respond to some of the questions that have been raised by the public.

Mr. Young said he would spend some time trying to insert some of the proposed suggestions into the current ordinance to see if it is legal and palatable, while still promoting what they are mandated to do under GMA. He said he is willing to have another session to allow further public input—particularly to learn about what is not working with the current ordinance. He said he is not convinced that what they have is a poor ordinance. It may be that the ordinance is okay, but a proposed PRD development is poorly administered.

Mr. Dewhirst said he would like the City Attorney to review the information submitted by the North Talbot and Talbot Groups, and other letters that have been submitted and provide his advice to the Board by the first meeting in September.

Approved

Mr. Crim agreed that a review by the City Attorney would be helpful because the existing ordinance was reviewed by the City Attorney, as well. If he feels that portions of it are suspect, it would be helpful to have further direction as to how this could be resolved.

THE BOARD TOOK A TEN-MINUTE BREAK AT 8:35 P.M. THEY RECONVENED AT 8:45 P.M.

**PUBLIC HEARING ON ADMENDMENT TO CHAPTER 20.60 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE ADOPTING A NEW DEFINITION AND REGULATIONS FOR CONSTRUCTION SIGNS (FILE NO. CDC-2002-149)**

Mr. Chave advised that the City Council adopted an interim zoning ordinance permitting "construction signs" related to building permits. The interim ordinance enables the Planning Board to review the amendment and recommend a final ordinance to the City Council. He said that, historically, these types of signs have been permitted, but they do not neatly fit into the City's "temporary" or "permanent" sign regulations under the re-written sign code. If amended to allow construction signs, staff proposes that they be allowed in all zones, that they be limited to 32 square feet in size and that they only be allowed in conjunction with valid building permits. Also, only one sign would be allowed on each street frontage. The purpose of this hearing is to allow the public to express their views on the matter. Ultimately, the Board will need to make a recommendation to the City Council as to whether this provision should become a permanent part of the sign code. The Council has asked that the Board specifically review the conditions placed on the signs such as the length of time the sign can be up and whether or not the size limitations should be different for different zones.

Mr. Dewhirst pointed out that the proposed ordinance would allow the same size of sign, regardless of the zone. He also noted that no sign permit would be required for construction signs. Mr. Chave said that as long as the sign complies with the regulations, no permit would be necessary. However, the building permit must be active in order to place a construction sign on a property.

Mr. Guenther asked who would enforce the construction sign regulations. Mr. Chave answered that there are extensive public information handouts available to developers and the public to explain all of the regulations, but the sign code is only enforced on a complaint basis.

THERE WAS NO ONE IN THE AUDIENCE WHO DESIRED TO PARTICIPATE. THEREFORE, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

Mr. Dewhirst said he can understand the need for a 32 square foot sign in multi-family and commercial zones, but he questioned whether this same size of sign should be allowed in the single-family residential zones. Ms. Cassutt agreed that the signs in single-family residential zones should be smaller in size.

Ms. Noel inquired if a builder would have the ability to place three signs on the construction site if he were building three separate homes. Mr. Chave said the way it is proposed, each individual site would be allowed to have one sign. However, if the building permit expires and/or construction is suspended on the site, the signs would have to be removed.

Mr. Young agreed with Mr. Dewhirst that they need to make some distinction between the size of sign that is allowed and where they are allowed. However, he also pointed out that the construction signs create a form of quality control for the construction project. If a developer has a sign identifying his/her company on the site, he will be conscientious about how the development looks and the impacts that are created. He agreed that the construction signs on small single-family residential project should be less than 32 square feet in size. He suggested that perhaps all projects that require ADB review could be allowed a larger sign. Projects that do not require ADB review could be limited to a smaller sign.

Ms. Cassutt suggested that the construction signs for small projects be limited to 16 square feet.

Ms. Noel inquired if staff has any information about what other jurisdictions do with construction signs. Mr. Chave answered negatively. Ms. Noel said it seems that most of the time in Bellevue, the signs in single-family zones are smaller

and more subtle than those in multi-family and commercial zones. She agreed that a 16 square foot sign would be adequate in single-family residential zones.

Ms. Freeman inquired what a large subdivision development would be allowed for signage. Ms. Cassutt suggested that large subdivision developments should be allowed to have larger signs, as well.

Mr. Zhan pointed out that the size of the sign may have other issues attached, such as blocking views of local traffic. He said he is not clear about what the size of the sign should be so that it only serves the purpose it is intended to serve and so that it does not disturb or obstruct some other things in the neighborhood. He questioned how high the signs could be. Mr. Chave answered that if construction signs are over 30 inches in height, they would be required to meet the setback requirements. There are also requirements for sight distance and so forth that would be enforced by the City's Traffic Engineer. Smaller signs would have to follow the same code requirements as larger signs.

Mr. Dewhirst proposed that construction signs for developments of between one and three houses in single-family residential zoning districts be limited to no more than 16 square feet. Single-family projects that have more than three houses would be allowed 32 square feet. Construction signs in commercial and multi-family zones would be limited to 32 square feet. The Board agreed that staff should create a separate paragraph in Section 20.60.070 to incorporate Mr. Dewhirst's recommendation. They agreed to review the new draft ordinance at their September 11, 2002 meeting.

**REQUEST FOR PUBLIC INPUT ON THE CITY'S REVIEW OF BUILDING LANDS INFORMATION (FILE NO. CDC-2002-55)**

Mr. Chave advised that there is some time importance related to this issue because there will be a hearing sometime later this month before the Snohomish County Tomorrow Council, who is charged with working with the State on buildable lands. Any public input should be provided as soon as possible so that it can be forwarded to the Snohomish County Tomorrow Council.

Mr. Chave provided a PowerPoint presentation to illustrate the buildable lands information. He explained that the City is required to report on buildable lands as per the Growth Management Act (GMA) requirements. Reporting for 2002 is being done by Snohomish County through a collaborative countywide process led by Snohomish County Tomorrow. He said the buildable lands report provides technical information that is intended to be used by policy makers in the review of plans and programs. It also provides an opportunity for the City to evaluate its policies and its responsibilities under GMA. Each jurisdiction was required to plan for a target as adopted by the County after consulting with the cities.

Next, Mr. Chave provided graphs illustrating how the population in Edmonds and Snohomish County has been increasing substantially over the years. The graphs illustrate the annual percentage increase in population for the County and the City from 1940 to 2012. He pointed out that this information helps identify how rapidly the population is increasing. He noted that while population continues to increase, the rate of growth has dropped off. However, even a small percentage of growth equates to a large number of people. He noted that while the County's boundaries have not changed, the City's boundaries have changed significantly over the years through annexations.

Mr. Chave said that combined with recent census data, the buildable lands report provides a status report on growth and development issues. The official population targets were based on a period of 1992 to 2012. Overall growth has been following the projections that were made, but the State Office of Financial Management has now come out with a new set of forecasts out to the year 2025. In order to achieve the urban densities, the minimum density in urban areas has been identified at 4 units per acre. Using this calculation, there is still capacity to accommodate the growth that has been projected for the City in the 2012 projections. However, they are at the lower end of the new 2002-2025 projected population growth. Because the City is still within the range identified by the State, they don't have to change their plans right now. But since they are so close to the bottom line, they could get into trouble in future years.

Mr. Chave explained that the City's 1995 Comprehensive Plan adopted a policy of "designed infill" to meet its growth target of 6,000 more people by the year 2012, which is a growth rate of .9 percent per year. The plan emphasized a balanced

community with its dominant land use pattern being single-family neighborhoods. The top two land uses in Edmonds are single-family and public facilities. The City decided not to make wholesale changes in the zoning designations to meet the legal target that was mandated by GMA. Instead, they encouraged infill within the existing zoning classifications.

Mr. Chave said that according to the draft buildable lands report, Edmonds retains the capacity for 5,786 additional people by the year 2012. While the capacity is available, the rate of growth within the City has not met its target. The population target for 2012 assumed a .9 percent annual growth rate, and the City's actual growth rate between 1990 and 2002 was only .07 percent. He emphasized that under the buildable lands analysis, GMA requires that if development does not occur at planned levels, then reasonable measures need to be identified and appropriate action taken.

Mr. Chave said that in the years following adoption of its Comprehensive Plan, Edmonds has adopted a number of measures to encourage infill development consistent with the plan. These measures have been targeted at encouraging infill development consistent with establishing zoning rather than making changes in the overall pattern of uses. Sample measures targeted at multi-family and commercial zones include:

- Establishment of new mixed-use zoning along Edmonds Way.
- Establishment of new mixed use zoning and a master plan for the UNOCAL site.
- Revised regulations lifting artificial density cap for multi-family units downtown.
- Revised parking standards for multi-family developments.

Sample measures targeted at single-family zones infill development include:

- Revised regulations for Accessory Dwelling Units (ADU's) to promote efficient use of housing stock and improve affordability.
- Revised regulations for planned residential developments (PRD's) to provide for flexible infill development on difficult sites, consistent with underlying zoning densities.

Mr. Chave explained that the main purpose of creating the new PRD ordinance is to allow development on difficult lots to occur consistent with the underlying zoning. The intent was that a PRD would enable the City to preserve the character of the single-family neighborhoods instead of wholesale rezoning.

Mr. Chave advised that the next steps the City must take is to review the reasonable measures it has taken and determine whether any additional steps are warranted. He added that a major update of the Countywide growth targets and the City's Comprehensive Plan is due by the end of 2004. The City's analysis of its buildable lands and capacity will be crucial in determining its future GMA responsibilities.

Mr. Crim suggested that the City needs to find out ways to get this information disseminated to the public. As evidenced by the earlier discussion, he doesn't think the public appreciates that the Board cannot just thumb their noses at these regulations. Mr. Chave said the Growth Management Hearings Board will be looking closely at what the City does with large lots. There must be sound researched reasons for why some lots in the City remain large.

Mr. Dewhirst inquired if it would suffice for the City to put additional density in other places so the overall net density is higher. Mr. Chave said that according to the Hearings Board decision, the minimum density is 4 units per acre everywhere unless a city can justify the higher lot sizes on an individual basis. He said that appears to be a clear statement from the State. In the Federal Way and Woodway cases, the Hearings Board was not looking at the City overall. They were looking at the potential for that site. Mr. Chave said there are interest groups in Snohomish County, particularly out in the fringes, that do not want to see the growth pushed out. They are clambering that the cities are not doing their job in keeping the densities within the City limits.

Mr. Chave said that while he doesn't want to sound an alarm that Edmonds is going to change significantly, they need to make sure that their regulations encourage infill to happen consistent with the Comprehensive Plan and that they do not lightly brush off with the idea that they can do things like they did in the past. They need to justify the lot sizes. In his mind there are good reasons for some of the large lot areas in Edmonds, but they have to be much more careful about the analysis

and background put into that. If the City is taken before the Growth Hearings Board, their ruling will become law for the City. If the City does not comply with the ruling, they would lose state funding, and the City's land use regulations could also get turned down. The end result could be the City losing control of the situation.

When asked if economic downturn could be one of the reasons why Edmonds did not achieve their population growth target, Mr. Chave answered that within the Southwest Snohomish County Urban Growth Area, the target is being met. Most cities in Snohomish County are meeting or exceeding their projections. The combined result is that this area in Snohomish County is doing fine, but Edmonds is not doing their part. The City should make sure they can justify the larger lot sizes and that they are truly providing for infill development consistent with the Comprehensive Plan. The City does have control over economic circumstances and this must be part of the issue. But the City does have capacity and they could argue that factors such as land prices should figure into why they are not meeting their particular target.

Diane Azar, 8202 Talbot Road, referred to Page 2 of the staff report and noted that Item 2.1 states that undevelopable land, such as critical areas, should be factored out. She questioned what portion of the RS-20 zone in Edmonds could be considered critical areas under the criteria. She recalled that a significant portion of that area was identified as sensitive. Mr. Chave said the City has to be careful in that it says undevelopable land and most critical areas are developable so long as a developer can comply with the regulations to protect them. Ms. Azar questioned if these critical areas could really actually be developed. Mr. Chave suggested that the City could use the argument that the RS-20 zone is located in landslide hazard areas, so smaller lots sizes would allow more homes to be developed because it could be engineered to such an extent that they appear to be okay. But historically, because of the damage that results from landslides, it is more prudent to lower the density so that hazards can be minimized.

Mr. Chave further explained that a very large wetland would restrict how many houses could be placed on the site. Undevelopable area will be contingent on the specific circumstances of the property. The buildable lands analysis tried to identify things that would impact a particular property and modified the density that might result. Clustering development to stay away from the streams is an acceptable alternative, but just reserving all of the area because a stream is present is probably not legally defensible.

Ms. Azar commented that there are probably a large number of undevelopable lands in the Talbot Park area, and the City may be able to justify some of the large lot areas because of this. Mr. Chave agreed, but said if they could maintain the overall density of one house per 20,000 square feet and also keep the development away from the streams, it would be more defensible.

Roger Hertrich, 1020 Puget Drive, said that the information presented by the staff raises a lot of questions in his mind. One particularly interesting element of the presentation was Item 5 on Page 3, which explains that in 1995 the Edmonds Comprehensive Plan adopted a clear policy of designed infill as their overall approach to growth. He noted that the underpinning of this policy was a desire to maintain the character of the community. While infill is the way the City chose to go, the Comprehensive Plan requires that the character of the community be maintained, as well. He said that allowing an extra level of development in the BC zone will create a greater density, but it does not maintain the character of the community. He said that allowing the heights to go an additional five feet with a pitched roof has changed the character of the community for people living in the older developments. He said that as changes are made, it is important that the City remember that the character of the community should be maintained.

Mr. Hertrich inquired if the City has a budget for the buildable lands project. He also questioned who is going to do the counting. He said it is interesting that the City didn't even come close to meeting their projected growth target of .9 percent. He suggested that perhaps the original target is more reasonable, and this could be used as an argument to get the target number down. Maybe the reason Edmonds doesn't grow quite as much is because they cannot afford to. The City does not have the commercial area like Lynnwood to build more infrastructure. This issue must come into play when determining how much growth the City can absorb.

Mr. Hertrich suggested that it is important for the City to get the buildable lands information out to the public. He said he takes *THE EVERETT HERALD* and finds that the print size of the Planning Board agenda is very small. It is difficult to read some of them. He suggested that the Board make sure the City Council knows how important it is to advertise their

agendas. The Planned Residential Development ordinance was not well advertised to the public, and the public didn't come forward until their properties were impacted. If the Board really wants to get the message out to the public, they need to tell them what the negative impacts of each proposal would be.

Ron Gard, 1114 – 8<sup>th</sup> Avenue South, said he was born and raised in Edmonds and has seen many changes. He said he has been trying to get the Board to address an avenue for infill in residential neighborhoods for the past few years. He encouraged the Board to consider his request. A lot of people find themselves discouraged with the zoning for condominiums that encroaches upon single-family neighborhoods, and he understands the public's desire to maintain their larger lot sizes. He encouraged the Board to consider an amendment to the Comprehensive Plan to allow minimum lot sizes to be smaller in the downtown area only to allow lots that meet 98 percent of the required space to subdivide. This would be a method of encouraging infill development in single-family residential zones.

Jim Mallonee, 217 Fifth Avenue North, Unit C, said he has lived in Edmonds for the past six years, and he bought a nice view property. He has experienced a loss of value because property in front of him was allowed to develop up into the flat roof. The Mayor mentioned that he felt that perhaps the City Council have given the Architectural Design Board a little too much leeway in handling these situations. However, he said he is not sure that the Mayor's comments were ever carried back to the ADB. Mr. Mallonee said there needs to be a balance in meeting the Growth Management Act demands and the concerns of the residents of the City. The City needs to be conscientious of what the residents of Edmonds have come to appreciate. He noted the commercial businesses that are currently vacant on the first floor of mixed-use developments. It appears that the developers are making most of their money from residential uses.

THE PUBLIC COMMENT PORTION OF THE MEETING WAS CLOSED.

Mr. Chave explained that staff would be making the same buildable lands presentation to the City Council on August 27. He pointed out that the report just came out, yet it is due to the State around September 1. Staff will be submitting the report in preliminary form allowing another month for the City to make any changes. He said it is important that the Board has a chance to get the information and the public has the opportunity to comment before the document is finalized. He noted that the public also has the ability to comment before the City Council on August 27. He suggested that the Board members provide any comments they might have to the City Council along with the report. They could also highlight any of the items on the list of reasonable measures for the City Council's consideration.

Mr. Dewhirst recalled that over the past ten years the City has taken numerous steps to meet the GMA requirements, while tailoring them to the local goals and policies.

Mr. Chave said he hopes the public understands that it is not impossible to have RS-20 lots in the City. However, the City must be careful to justify these to make sure they are defensible.

Mr. Dewhirst suggested that the Board reiterate to the City Council that there are a couple of high-density nodes along Highway 99 that have received little or no attention. There are opportunities to further the tax base of the City and the multi-residential density areas at the same time.

Mr. Chave inquired when the Board would like to hold their discussion regarding reasonable measures. He noted that Mr. Gard has been trying to get his issue heard for quite some time, and now that the report has been made available, the Board could consider other issues on the reasonable measures list, as well. Mr. Chave said the report will go to the Council before the Board's next meeting, but the Board could follow up at a meeting in September to discuss reasonable measures. He noted that the City is required to look at all of the options for reasonable measures. They do not need to have this discussion before the Council looks at the buildable lands report because this is just technical information to provide background. This would be a good discussion item for a future agenda. The Board could then issue a report to the Council regarding some measures they think the City should consider to put itself in the best possible position with the Growth Management Hearings Board. The Board agreed that since their September agendas are quite full, this item should be scheduled for a meeting in October.

**REVIEW OF EXTENDED AGENDA**

Mr. Dewhirst reminded the Board that the last meeting in August was cancelled. The Board's next meeting will be September 11, at which time the Board will continue their discussions regarding the PRD Ordinance, construction signs, and the update of the Transportation Plan and Comprehensive Plan Map.

**PLANNING BOARD CHAIR COMMENTS**

Mr. Dewhirst noted that Planning Board term limits is scheduled as an item on the City Council's August 27 agenda. Mr. Chave said this issue is being discussed by one of the Council's committees, and he has no background on the issue. He said he would assume that it is related to the limitation of two terms for Board members.

**PLANNING BOARD MEMBER COMMENTS**

There were no Planning Board Member Comments during this portion of the meeting.

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING WAS ADJOURNED AT 10:10 P.M.

**Approved**