

## PLANNING BOARD MINUTES

November 13, 2002

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Chair Dewhirst 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  
Janice Freeman  
James Young  
Cary Guenther (arrived at 7:10 p.m.)  
Wayne Zhan

### ABSENT

### STAFF PRESENT

Steve Bullock, Senior Planner  
Darrell Smith, Traffic Engineer  
Karin Noyes, Recorder

### READING/APPROVAL OF MINUTES

BOARD MEMBER CRIM MOVED TO APPROVE THE MINUTES OF OCTOBER 23, 2002 AS CORRECTED. BOARD MEMBER CASSUTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

### ANNOUNCEMENT OF AGENDA

There were no changes made to the proposed agenda.

### REQUESTS FROM THE AUDIENCE

There was no one in the audience who desired to address the Board during this portion of the meeting.

### PUBLIC HEARING ON FILE NOS. CDC-01-215 AND R-01-216 (COMPREHENSIVE MAP PLAN AMENDMENT AND REZONE REQUEST FOR PROPERTY AT 9521 – 31 EDMONDS WAY)

The following is a verbatim transcript of this hearing:

**Board Member Dewhirst:** That brings us down to the public hearing for File No. CDC-01-215, a public hearing on a request for a Comprehensive Plan Map amendment and rezone of property at 9521 – 31 Edmonds Way. Because this is a rezone hearing, I am required to ask if there is anybody in the audience that has a problem with any of the Board members hearing this and making the recommendation tonight. Seeing nobody moving, I will turn it over to staff.

**Mr. Bullock:** Thank you, Mr. Chair. My name is Steve Bullock. I will be representing the City on this matter. I am a senior planner with the City of Edmonds Planning Department. To start off my presentation, I have put a number of different

documents in front of each of your chairs tonight. I would like to start by saying I would like to enter the staff report into the record as Exhibit A. I also gave you a document that is an exert out of the Comprehensive Plan. It is actually Page 7 out of the Comprehensive Plan. I would like to enter that into the record as Exhibit B. I have a letter from Rubie Johnson that I would like to enter into the record as Exhibit C. She states some concerns with the proposed Comprehensive Plan amendment and rezone application. She has some concerns regarding access and traffic and would like to see it stay as it is. I also have a letter from Margaret Fredericks and Lewis Chris Thompson. I would like to enter that into the record as Exhibit D. They do not seem to be opposed to higher density development. Then the final. . . It is not a final. I am sorry. I have a letter from Michel Construction, Inc., which I would like to enter into the record as Exhibit E. They support the proposed Comp Plan amendment and proposed rezone. The final thing is some photographs that I will show you as part of my presentation. I would like those photographs to be entered into the record as Exhibit F. We will be getting to those as I go through my presentation here.

**Mr. Bullock:** First of all, the property that is the subject of the Comprehensive Plan amendment and proposed rezone, Mr. Hans Lammersdorf owns the two western most partials in this area and actually initiated the Comp Plan amendment request at the end of 2001. As the City staff was looking at reviewing this proposal, we felt that it made more sense to try to deal with the entire block of properties as it moves eastward to 95<sup>th</sup> Place West and try to deal with those as an entire block as opposed to just dealing with his two properties. The current Comprehensive Plan designation for the property is single-family, small lot, and it is zone RS-8. The zoning designation of single-family, with the minimum lot size of 8,000 square feet is consistent with the single-family, small lot Comprehensive Plan designation.

**Mr. Bullock:** All of the parcels that are up for consideration with this Comprehensive Plan amendment approximate about 2 acres of land. They are bounded by Edmonds Way on the south, 95<sup>th</sup> Place West on the east and 228<sup>th</sup> Street Southwest on the north. If you recall, the last the time the Planning Board looked at this, it actually also included the property immediately adjacent to the west (the real large one) that has subsequently been developed. That property was this one right here that had a split Comprehensive Plan zoning designation of single-family on the northern portion, multi-family on the southern portion. It ultimately was divided into ten lots, eight in the single-family portion of the property and two in the southern portion of the property. That development was approved as a plat and is moving forward with construction. We expect to see building permits on the single-family residences any day. The letter that we included in your packet as Exhibit E from Michel Construction indicates that he has a project that he is going to be proposing for the eastern most lots of the property that are in the multi-family—the southern part—of the property. He is looking at doing a 22 unit multi-family project there that fronts onto Edmonds Way.

**Mr. Bullock:** The Development Code, Chapter 20, talks about changes to the Comprehensive Plan and the criteria that have to be considered in looking at that Comprehensive Plan amendment. We have outlined that in Pages 3 of the staff report that was submitted to you, and then specifically some of the Comprehensive Plan policies are addressed on the end of Page 4 and most of Page 5. Some Comp Plan policies that I meant to include and I overlooked when I was actually doing a final writing of it up, I included in your packet as Exhibit B. Quite honestly, these Comprehensive Plan policies are even more pointed to this particular area of Edmonds. If I can call your attention to Exhibit B, in the top portion of the page under Item G, you will see it is entitled “Goals for the Edmonds Way Corridor.” The Edmonds Way Corridor runs from Westgate, along Edmonds Way east until it runs into Highway 99. So this is obviously a part of that corridor. Some of the things that this section talks about encourages that this corridor, since it is such a high density, a high intensity use from a traffic perspective, the types of uses that should be there should be commercial or multi-family type uses.

**Mr. Bullock:** At the same time, we need to make sure that when commercial or multi-family uses are initiated on those properties that front Edmonds Way, special care needs to be taken through the design review portion of the project to ensure that those projects won’t adversely impact the adjacent single-family neighborhoods that are immediately outside those areas. That goes from a transportation perspective as well as a building design and massing perspective, as well. That is going to be something that is a fairly major concern. I think that is a concern that Rubie Johnson brought up in Exhibit C, that we have given to you. I think that some of the things that you will see on Items G.4 and G.3, talks about the fact that the design review process and the Architectural Design Board, in their review of potential projects along this area, is supposed to take into account some of those transportation impacts and how to minimize them and ensure that they are not going to adversely encroach into the single-family neighborhoods and cause some negative impacts. And from the same perspective, that the

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design of the buildings and the design of the site is, again, not going to adversely encroach and negatively impact those single-family neighborhoods that are immediately adjacent.

**Mr. Bullock:** Page 4 of the staff report addresses the rezone criteria and what a project needs to address to comply with the rezone criteria. One of the significant issues that came up last time we reviewed this project was some of the topographic concerns. Although the majority of the really significant topography issues were on the adjacent property to the west, there is still significant topography on the properties that are under consideration with what we are looking at today. Most of that topography is on the northern and western side of the property. But as 228<sup>th</sup> comes down the hill from the west as it goes towards 95<sup>th</sup> Place West, the topography does somewhat level out. There are some dips and valleys in there, and there is some concern that there might be some wet areas. Those are things that would have to be addressed with any development of that property. A critical areas review would have to be done of the property. That is really not part of the scope of what we are looking at here today. We are looking at should this area be identified on the Comprehensive Plan as something different than what it is right now. Should it be something maybe more intense because of the fact it has been zoned as it is right now for a large number of years and it continues to deteriorate and not be redeveloped or improved? That being the case, is there something that we can do, as a City, to encourage the redevelopment of this site that is going to be more profitable and more benefit to the City and the Community in general?

**Mr. Bullock:** Some additional pictures. This is a picture taken from the southwest corner across Edmonds Way from the site. You will see that there is a curb cut here, one here and another one here. So there already is three curb cuts for the properties going out onto Edmonds Way. As you get right close to the corner of 95<sup>th</sup> Place West and Edmonds Way, there are no curb cuts. You will see a chain link fence in that location. Something I think staff would like to see some of the property owners in this area do is try to get together and see if there is any possibility for consolidating lots and ultimately be able to propose some type of consolidate project as opposed to just doing them a little piece at a time. You will notice, again, from the Michel Construction letter, and I am sure that the applicant, Mr. Lammersdorf may want to address this as well. They have been working together and plan to do a consolidated access point for Mr. Michel's multi-family project and then Mr. Lammersdorf's multi-family project if this Comprehensive Plan designation and rezone is approved. What he would like to do on his property. But City staff would love to see the other property owners in this group of properties be pulled into that, as well. We are looking at trying to see what we can do to encourage that to happen. I am not sure if we can actually require that to happen as part of this, but that may be part of your discussion.

**Mr. Bullock:** These two photographs kind of show you some of the change in elevation along 228<sup>th</sup> Street. The picture on the left shows you 228<sup>th</sup> Street looking east from the northwest corner of the site. This is about mid point of the site, looking back west along 228<sup>th</sup> Street. You can see a fairly significant fall of land. This is probably the most level portion of the property coming off 228<sup>th</sup>, but then it does drop down after you get off here and as you move further east, the access is kind of awkward to tell right now because it is so overgrown. It looks like there is some portions that drop down and other portions that go up, but not a real major topographic issue from that point east. These are some of the photographs taken on that from the 228<sup>th</sup> Street Southwest right-of-way, looking into the property. This is right at the eastern most end. 95<sup>th</sup> Place West is right here on the left. As you look in, you can see that it is fairly level. It even bumps up right here. You can see it comes in here and then pops up a little bit. But then a little bit further west, as you look in, you can see it kind of dropping down a little bit, too. There is some funny things going on there, but again, that is something that would be reviewed on a project-by-project basis later.

**Mr. Bullock:** I think at this point in time we don't have a huge audience. I will close my presentation and be happy to answer any specific questions. Then if there are some other specific questions that come up by means of public testimony, I will address those later.

**Board Member Dewhirst:** I have one question. How many property owners are there in this whole rezone? I mean the Comprehensive Plan change first.

**Mr. Bullock:** The two western most properties are owned by the same property owner. The middle property is owned by a separate property owner, and I think the last two are under the same owner, as well. But I am not sure. So there is either

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three or four property owners here. There is three, somebody in the audience has said, and they may be able to give some testimony regarding that.

**Board Member Freeman:** Question. In approving a Comp Plan amendment, do we have to, at this point, discuss access? Or is that a separate issue, altogether?

**Mr. Bullock:** What we would say is that access is kind of covered by some of the Comp Plan goals and policies identified on Exhibit B. The fact that our Comprehensive Plan talks about encouraging property owners to do joint access and shared accesses, is something that will be looked at a part of the design review process for the projects that go in there. That is how we would say that the issue is supposed to be addressed.

**Board Member Freeman:** That is not in the Comp Plan amendment itself.

**Board Member Young:** What has the State said about access to 104? I know they are real particular about that, and I would suspect they will be real, real particular at this location because there is a lot of testimony verifying that it is not the most functional intersection in town just because of various natural features out there. I am sure that those curb cuts that exist in State Route 104 were probably approved long before there were ever the population or traffic volumes on 104 that there are today. I didn't see where, you know, the State had taken a position. I could have missed it.

**Mr. Bullock:** No, we don't have an official position from the State on this as of yet. They, typically, I don't know, Darrell, we have our Transportation Engineer, and he may be able answer that better than I can.

**Mr. Smith:** The State, typically, comments during SEPA reviews. That is when they generally like to give the majority of their comments. Access is something we would seek their advice from and certainly the impact to the SR route. Access, however, onto a State route that is not in limited access actually falls underneath the City's jurisdiction. It is our right. However, the State does have approval of the channelization onto the highway, which means, yeah, we have a certain amount of control, but they do as well. We have to work with partners with them.

**Board Member Young:** So, we (the global we, the City of Edmonds) can analyze the traffic characteristics generated by this if it is approved and if it is as part of the development plan. Then by a process back and forth with the State, they will decide, yeah you can access it but here's how kind of a thing?

**Mr. Smith:** Yeah. That's correct.

**Board Member Young:** Okay. Thank you. What is the actual boundary that we are asking to amend the Comprehensive Plan for? Is that the one that is sort of drawn in that oval?

**Mr. Bullock:** The actual boundary is actually shown by this heavy line. Those are the lots that we want to make sure are addressed by the Comp Plan amendment.

**Board Member Young:** Okay. Comprising there property owners, I think we said?

**Mr. Bullock:** Three, maybe four.

**Board Member Young:** Okay. And one, two, and five lots?

**Mr. Bullock:** Yes.

**Board Member Young:** Okay. Thank you.

**Board Member Dewhirst:** Any other questions of the staff at this time? Okay, we have a chance now to hear from the applicant. Yes, could you come to the podium and state your name and address for the record please.

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**Mr. Lammersdorf:** My name is Hans Lammersdorf, 215 Highland Drive. I think Steve did a very nice job on the presentation on that.

**Mr. Bullock:** Make sure you talk really close into the mike because we need to get this on a tape.

**Mr. Lammersdorf:** I think the only problem everyone is talking about is the access. It was brought up, I am not sure which. . . Rob Michel's document there. He and I have talked about deleting my two curb cuts and creating just one on his to access his property of 22 units and I am not sure how many units would be allowed on my two pieces of property. Then there would be further steepage west, so that would bring the site as you turn around the corner, it would delete those two single-family cuts right now. Other than that, I am not sure what more I have to say other than, I hope you would approve it.

**Board Member Dewhirst.** Thank you. You do have a chance for a rebuttal after everybody else has spoken. Okay, now we have an opportunity for people in the audience to address the Board pro or con on this application. Those wishing to talk, please come to the microphone, state your name and address for the record.

**Mr. Hertrich:** Good evening. Roger Hertrich, 1020 Puget Drive. I have attended most of the meetings that this same property was under discussion with in the past. I believe we ended up making a change on the right hand side of that intersection where it says "236<sup>th</sup>" and of course, further west near the gas station. There was a lot of talk about slope and steep slopes etc. You could find it in your Planning Board minutes of 1998. A lot of concerns about traffic and access. Myself, there may be three curb cuts along Edmonds Way, but I have never, never, in all the time I have driven that highway ever seen anybody access through there. So that indicates that there is very little traffic. Whatever houses or house is located behind there doesn't produce much. Now, if we had it developed as single-family, you would have x number of vehicle trips per day. But high-density multiple seems like a logical location for it, but my biggest concern is how the traffic gets out of there. If you have, by changing the Comp Plan, no way to control the access or the way the traffic leaves, it is not a good thing. If you had some way to control this in a contract rezone, where you could actually mandate or at least indicate that you wanted the traffic to be forced out of one entrance and one location, something more compatible with the traffic that moves down Edmonds Way, I could see it.

**Mr. Hertrich:** The people that were at this meeting before when these changes were produced or considered in the past indicated that they liked the single-family zoning because they live in a single-family neighborhood. I don't know whether or not it is totally real to say that because a piece of property hasn't developed today that that is a requirement that we change the zoning on it to make it easier to develop. I think we need to have good reasoning and we have to think of the vehicle trips that cause problems. A couple members of the Board seem to be not too interest—Mr. Crim and Mr. Dewhirst. They have other things to talk about, so I won't continue. I appreciate the rest of your attention. Thank you very much.

**Board Member Dewhirst:** Anybody else care to address the Board?

**Ms. Mantooth:** Good Evening. My name is Jennifer Mantooth, and I am mostly interested in the rezone process, and I would like some clarifying information if I could. The brown area is northeast of the proposed rezone. Is that high-density, medium-density. Steve, do you know what I am asking?

**Mr. Bullock:** I want to make sure that I understand. Are you talking about this area?

**Ms. Mantooth:** Yeah, what is the zoning on that currently please?

**Mr. Bullock:** Okay, first of all, this is the Comprehensive Plan map, so it is not the same as the zoning map. The Comprehensive Plan designation for all these properties here is a multi-family, high-density, Comprehensive Plan designation. The actual zoning of that area is also zoned RM-1.5. That is shown in Attachment 1 of your report, which is our highest density multi-family zoning designation.

**Ms. Mantooth:** Okay. Now I understand that there is going to be some additional development across the street. Is that correct?

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**Mr. Bullock:** Across the street from where?

**Ms. Mantooth:** If you go to the far left, far west and come down straight down.

**Mr. Bullock:** From here?

**Ms. Mantooth:** No the purple line. See where the WY is. Come straight across Edmonds Way. Down in there I believe four new houses are going to go in there. Is that correct?

**Mr. Bullock:** I know that there is a short plat that is being considered on one of these lots in this area. A short plat is going to be four or fewer lots. I don't know specifically how many lots that short plat is for.

**Ms. Mantooth:** I believe it was four when I took down the information. So if there is new houses going to go in there, is it just going to stay single-family dwelling sandwiched between the brown on the right and the purple on the left?

**Mr. Bullock:** You are talking about this side of Edmonds Way.

**Ms. Mantooth:** Yes.

**Mr. Bullock:** The reason that that is not part of today's discussion is we had the property owner of this lot and this lot submit a Comprehensive Plan amendment proposal to the City. As part of staff's review of that proposal, we decided to include all the properties on the north side of Edmonds Way and try to deal with them at one point in time. Your question about what should the Comprehensive Plan designation be for these properties on the south side of Edmonds Way may be a very valid question, but it is really not part of what is being discussed tonight.

**Ms. Mantooth:** I understand that. I was kind of interluding here. I am trying to figure out where you guys were headed with this stuff because I am getting ready to do a Comprehensive Plan amendment, myself, and I want to find out what you are doing. I am right across the street. I don't have just three people I have to convince, I have got some other folks that were are discussing. But it is right in that area and the same type of situation. So I came here to learn the process and the things people think and how it is done.

**Ms. Noyes:** Could you give me your address, please.

**Ms. Mantooth:** Sure. Post Office Box 462, Edmonds, 98020. Thanks very much.

**Board Member Dewhirst:** Thank you. Anybody else? Okay. Seeing nobody else coming to the mike, the applicant has an opportunity to offer rebuttal or anything else.

**Mr. Lammersdorf:** Hans Lammersdorf again. This gentleman back there regarding traffic and all that. I think that could be alleviated by maybe bringing the curb cut ten to twelve feet towards Mr. Michel's property. That would give people access to get out and get a little speed up before they just access State Route 104. I think even further west there, I think he sold part of that to the BP or something. So there is a lot of access and traffic there already. People are kind of slowing down as they come down the hill. Like I said, I think we could do an elongated curb cut out. I have no examples to bring you, but this would allow them to bring up the speed and get up to 20 or 30 miles per hour before they actually access the road. This makes sense to me, and I wouldn't mind. I think Rob and I already discussed that he would be willing to give some of his property up for that. He agreed to put a bus stop there (I don't know if that is possible) or something. Anyway, that I my rebuttal.

**Board Member Dewhirst:** Thank you. I will close the public hearing now and bring it back to the Board. Anymore questions for staff? Should we do two motions on this, one of the Comp Plan and then one for the rezone? Okay.

**Mr. Bullock:** I think that is a good way to do it.

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**Board Member Dewhirst:** I think this is the third or fourth time that this particular area has come before the Board that I have been on it. The same issues have applied all the previous times. There has been a lot of concern about access to the site. Personally, I think that it is one of the worse sites I have ever seen for access. I mean, generally, when you have streets on three sides it can be considered a good, but in this situation, it is a detriment. I am very concerned about the parcel that is on sort of the tip there between all three. I walk this area a lot, and after a good rain or not even a good rain, there is a huge sound of water running through there. So I think once all the old growth blackberries are whacked out of there, I think they are going to find a major drainage facility that is probably buried on a map somewhere in the City but hasn't seen the light of day for a long time.

**Board Member Dewhirst:** I agree with the testimony that maybe not as high density on here is appropriate just because you limit the amount of access in there. I am really torn. It needs good buffering from the noise on 104, and it needs to be buffered from the single-family to the north of 228<sup>th</sup> there. I don't know. This is a real interesting series of pieces of property. In my mind, I would think this might be. . . I would like to see the whole five parcels master planned. I think that makes a lot of sense that it be looked at as a unit, planned in such a way that it could be potentially developed in phases as the property owners were ready or sold off or however it is going to happen. But I think looking at this as a unit from the standpoint of access and buffering. . . That brings to mind, I think this might be a perfect candidate for a PRD. I really do. I mean if looked at as a unit, addressing all those things as a unit, gives it architectural control, design, that kind of thing, makes a lot of sense in my mind. It potentially could have some sensitive or wetlands or maybe even there could even be a stream that could be daylighted down there. I don't know. It is a tough parcel. I have got mixed emotions all over the place, so I will throw that into the conundrum on this piece of land. I would like to hear some comments from other Board members.

**Board Member Freeman:** I don't know that it will ever come to fruition. I hope it doesn't. But the Brightwater folks, King County, have this intersection named as a site for a portal or pump station if the alternative 228<sup>th</sup> Street conveyance system goes into effect. That just throws another piece into the conundrum. What would happen then? I just bring this up because it is on their latest piece of information they have issued and sent to all the households in Edmonds.

**Ms. Noyes:** I am sorry, if Brightwater is developed at which site?

**Board Member Freeman:** Well if developed at Route 9, but they had two conveyance systems. The preferred one is one that goes through King County, and this is the other one, what they call the 228<sup>th</sup> Street system. There is a portal or Pump Station Number 24, and they say that would be located at 228<sup>th</sup> Street Southwest and 96<sup>th</sup> Place West, which is the corner we are talking about. That is just another thing we might want to consider. I hope it doesn't come to fruition, but it is there.

**Board Member Crim:** It certainly seems to me that this not a very desirable location for single-family dwellings. I am not sure I can see what else we could do with it, but that would be the last thing that I would envision at this particularly location.

**Board Member Cassutt:** I agree. John, when we talked about this before last year, it was pretty much. . . You know, I just can't see a single-family dwelling in there. So I think that we . . . And this piece of property has been like it is now for the 27 years I have lived here. I think it is about time that we did get something in there that looks a lot better. Some type of housing, but definitely not single-family.

**Mr. Bullock:** Mr. Chair. One thing that you may want to consider is that if you want to potentially provide for somebody to put a group of properties together and ultimately submit some kind of master plan/PRD development, it is still going to take this kind of Comprehensive Plan designation. This may be one of those situations where you go, we do think from a Comprehensive Plan perspective, this is an area that should be identified as a higher density residential area. But we are not satisfied or comfortable with the fact that just a straight rezone of the property is really going to address some of the issues here. Maybe, you could look at sending or framing a recommendation to the Council that addresses what you would like to see on the property from a Comprehensive Plan perspective, but maybe not the same way with the rezone request.

**Board Member Dewhirst:** Can we add conditions on the Comp Plan? Could we put, say, like a master plan overlay on it or something along those lines? I mean this has happened on a few other sites in the town.

**Mr. Bullock:** Yeah, the other sites that had it placed on them were sites that were all under single ownership. This is a little bit awkward because it isn't. I think some of your discussion is going to potentially lead property owners to talk to each other and maybe try to put together some kind of consolidated application. But it seems to me it would be difficult for us to place that requirement on them when they are different property owners.

**Board Member Dewhirst:** Could we continue this until the first meeting in December and see if the City couldn't get the various property owners around the table?

**Mr. Bullock:** I don't see why not.

**Board Member Young:** I am sorry. Philosophically, I am opposed to that. I agree with everything that you have said. Yes, it would make a great site for a planned development. But we are getting back here to how can we, as the Planning Board, an appointed body who advises the City Council, pull together the market forces to make this into something we think would be really neat. We are talking past what, I think, is the essential question here. I am reading the Community Development Code. Nobody has told me why a change in the Comprehensive Plan for a fairly specific parcel is in the public interest. I guess I would like to hear that before I approve or disapprove. You know, if I disagreed with the reason as to why this was in the public interest. . . So, it has been there fore however may years. It has been there zoned single-family and nobody has built on it. That doesn't make a persuasive case, in my mind. That is hardly the only single-family zoned parcel or parcels in the City of Edmonds that haven't had a home built on them. If you start following that train of thought, you go around picking all of them and rezoning them multi-family.

**Board Member Young:** I was looking at the rest of the handout material here and also from the Community Development Code. It says, "In the case of an amendment to the Comprehensive Policy Plan Map the subject parcels are physically suitable for the requested land use designations and the anticipated land use developments, including but not limited to, access, provision of utilities, compatibility with adjoining land uses and absence of physical constraint." Nobody has come to me with a presentation that says, "Yes, this meets all of those criteria." The goals for the Edmonds Way Corridor don't really illuminate the situation very much. I mean, they say. . . Goal 1 is to permit uses in planned multiple-family or small-scale business developments that are designed to minimize contributing significantly to traffic congestion. I don't know that this is or isn't going to do that. It says to use design review to encourage the shared or joint use of driveways and access points. At any rate, if you go down this list and we are addressing this all piece meal. You are not supposed to, I don't think, amend your Comprehensive Plan map because there is a couple of little points that you can make. I guess, first and foremost, I am not persuaded that there is any enormous public benefit to us changing the Comprehensive Plan map with all due respect to the owner just be the owner of two parcels wants to develop, you know, an apartment complex. I mean, it just doesn't wash. I mean, if there was some information that, you know, the vacancy rate in apartments in the City of Edmonds, you know, is way below, you know market levels and there is this pressing need for multi-family housing, okay. I would listen to that. But I mean, gee, I have this property and it doesn't work for single family. I think I will change the Comprehensive Plan map and rezone it so I can build something there that will work better. I don't have anything against apartments. I think they are wonderful, and I think there is a lot of things that can be said about this location, but I am not hearing them. I just don't think it is a very well thought out proposal, in all honest and with all due respect to the applicant and to the staff.

**Board Member Dewhirst:** Anybody else?

**Board Member Zhan:** I have a question for you. The recommendation on the proposed contract rezone, I would like to understand it a bit more. What does a contract rezone mean here?

**Mr. Bullock:** Tell me exactly where.

**Board Member Zhan:** Page 2 of your record under Point B—Recommendation on the Proposed Contract Rezone. Can you explain that a little bit? What is the proposed contract rezone here?

**Mr. Bullock:** Does it say contract rezone?

**Board Member Dewhirst:** Uh huh.

**Board Member Zhan:** Page 2 in the middle of the page.

**Board Member Dewhirst:** B. Recommendation on Proposed Contract Rezone.

**Mr. Bullock:** Oh, the title says contract rezone. I missed that. That is a typo on my part. When you actually read the actual recommendation, it is just a straight rezone. It is not a contract rezone.

**Board Member Zhan:** That is the point I wanted to clarify.

**Mr. Bullock:** This is not a contract rezone request.

**Board Member Young:** Thank you for clarifying that because that was part of my confusion. I kept looking for where the off setting public benefit was to this. I know that happens sometimes when you use those word processors.

**Board Member Dewhirst:** Okay. What is the Board's pleasure?

**Board Member Young:** I am going to make a motion and I am going to let it stand or fall on its own merits, that we deny this application for both the rezone and the Comprehensive Plan amendment on the basis that we have inadequate justification per Edmonds Community Development Code Section 20—Changes to the Comprehensive Plan to make a decision that this is in the public interest.

**Board Member Dewhirst:** Do I hear a second?

**Board Member Guenther:** I second.

**Board Member Dewhirst:** Okay, we have a motion to deny the . . . We are going to do this in two motions.

**Board Member Young:** Okay. I agree to the amendment.

**Board Member Dewhirst:** To deny the Comp Plan amendment. It has been seconded. All those in favor say I.

(Board Members Guenther and Young voted in favor and Board Members Dewhirst, Cassutt, Crim, Zhan and Freeman voted in opposition.)

**Board Member Dewhirst:** Okay, the motion fails.

**Board Member Crim:** Do we have a less intensive multi-family zone than the RM-1.5?

**Mr. Bullock:** Yes, we have two. The Comp Plan designation that has been requested is multi-family high density. There are two zoning classifications that are consistent with that Comprehensive Plan designation. That would be the RM-1.5, which is what they requested. The other one is RM-2.4. Another Comprehensive Plan designation is multi-family medium density. The medium density is equivalent to two zoning classifications. Again, RM-2.4 and also RM-3. Those numbers stand for either one unit for every 3,000 square feet of lot area in the case of RM-3 or one unit for every 2,400 square feet of lot area in the case of RM-2.4.

**Board Member Dewhirst:** There seems to be a lot of question in people's minds about this, and I think part of it stems from the issues we talked about previously. Would the Board feel more comfortable if the property owners came back and said we are willing to do this as a joint master plan development with the appropriate studies and all that kind of stuff?

**APPROVED**

**Board Member Zhan:** Yes.

**Board Member Young:** Sure. I mean everybody agrees. Well, I won't put words into anybody else's mouth. There seems to be a consensus that this would make a great site for some kind of planned development. Whether you want to take the risk of putting residential in the middle of that or not is kind of up to you, but some kind of a planned development. But that is not what the applicant applied for, and it is not what we are being asked to consider here. Now, we have an application before us that we can either decide for or against on its own merits as we see it. If it is denied, then the applicant is certainly free to do whatever he wishes, you know, with respect to that entire property in another application. But I don't think that we should be negotiating how we should amend the Comprehensive Plan at this point. I think the same analogy applies to is there is a less dense form of multi-family zoning. Well, that is good information, but the applicant didn't apply for that. He applied for an RM-1.5 zone. In my mind, that either stands or falls on its own merits. If he wants to come back and apply for an RM-2.4, that is his call. If he wants to come back and apply for, you know, a joint venture with all the other property owners, I think that would be wonderful. I think there is some wonderful potential out there, but I don't see it in this application. That is why I cannot support it.

**Board Member Crim:** I see a Comprehensive Plan amendment from single-family to multi-family high density. That includes an RM-2.4 and an RM-1.5. So I would be in favor of the Comprehensive Plan amendment. I am not yet convinced that I want to rezone to an RM-1.5 because of the impact of the traffic. That is the reason I am exploring.

**Board Member Young:** Okay. I think that is a good idea.

**Board Member Crim:** So I would be in favor and I would move that we do a Comprehensive Plan amendment from single-family small lot to multi-family high density.

**Board Member Cassutt:** I would go along with that.

**Board Member Dewhirst:** Okay. We have a motion to approve, as filed. All those in favor say. . .

**Board Member Young:** Okay, can I ask a question before we vote just as a point of clarification from the staff. Because if you call for the question now, I am going to have to vote no and I might want to vote yes. The applicant has made two applications. Can we approve one and not the other?

**Mr. Bullock:** Yes. The thing to remember, I think, is that the Comprehensive Plan proposal is legislative. It is not quasi-judicial. Because of that, you have a lot of latitude to approve, deny, approve something different than was even requested. You are looking at this area and trying to decide what you think is the most appropriate Comprehensive Plan designation for this area. I think you have the latitude to pick just about anything you want. In regards to the rezone, it is approve or deny what they asked for.

**Board Member Dewhirst:** Okay. We have a motion on the table for a Comp Plan amendment to high density residential. All those in favor say aye.

(Board Members Crim, Freeman, Cassutt, Young and Zhan voted in favor of the motion. Board Members Dewhirst and Guenther voted in opposition.)

**Board Member Guenther:** I will say no. I still have questions. I don't feel good about it.

**Board Member Young:** No, I will go with changing the Comprehensive Plan designation, but I will not support the rezone.

**Board Member Dewhirst:** That passed 5-2. So the second half of this application is a request that this parcel, then, be rezoned to RM-1.5. What is the Board's pleasure?

**APPROVED**

**Board Member Crim:** I have a lot of trouble with that right now because I think we need to have something more specific—a contract rezone where there is limits or something that gives us some control besides just leaving it to the good intentions of one or two of the property owners.

**Board Member Cassutt:** But aren't we going to have control on it when it gets to the design review and the ADB and all of that? They have to go through all of the hoops and everything. Isn't there going to be enough control there?

**Board Member Dewhirst:** Not necessarily. I mean if one property owner comes in as the applicant, he can process an application. He has a right to access that parcel from 104 or 228<sup>th</sup>. He could be able to go ahead and develop and then two years from now the middle parcel could then come in and request an application and go through it that way. So, no, it could, theoretically, you have got four parcels up there, and each one could file under a separate application.

**Board Member Cassutt:** But they are still going to have to go through the hoops and everything. Isn't that going to . . .

**Board Member Dewhirst:** The problem everybody has identified is access and if each one of those comes in as a separate application, there would be four or five points of access along there. If it is looked under as one application, they can work out points of access and then cross easements or whatever mechanism they care to use and develop as they see fit. But the big issues that we have talked about would have been decided and then there would be sort like pieces in a puzzle falling together.

**Board Member Cassutt:** Yeah, but before they get a permit, the engineering people are going to go out. Can't they. . .

**Board Member Dewhirst:** Not if there is four separate parcels all scattered over a couple of years.

**Board Member Cassutt:** Okay.

**Board Member Young:** I would move, then, that we deny application, whatever the number is. I don't have my glasses on.

**Mr. Bullock:** It is 2001-216, Jim.

**Board Member Young:** Yeah, thank you. That is what I was going to say. That we deny the application number for a rezone of the subject property to RM-1.5. I will move that we deny that.

**Board Member Crim:** I will second that.

**Board Member Dewhirst:** Okay. We have a motion and second to deny the requested rezone to RM-1.5. All those in favor say aye.

(The motion was approved unanimously.)

**Board Member Dewhirst:** Okay, this will go to the City Council. Do you have a feel for when it might hit their agenda, Steve.

**Mr. Bullock:** I don't. I am going to have to talk with the City Clerk to see when we can get it on. They are kind of busy here in the month of November. I am not sure. I will try to nail something down and be able to tell you guys next week.

**Board Member Dewhirst:** I am more interested in the people in the audience. If you are interested in this particular file and application, make sure you sign up on the sign in sheet on the side there. You will be added to the mailing list. So when this does get to the City Council for their final decision, you will be notified of that action. Thank you.

THE BOARD TOOK A TEN-MINUTE BREAK AT 8:00 P.M.

**APPROVED**

**CONTINUED REVIEW AND RECOMMENDATION ON FILE NOS. CDC-02-4 AND CDC-02-198 (2002 TRANSPORTATION ELEMENT UPDATE)**

Darrell Smith, Traffic Engineer, advised that the City's consultant, Ron Loewen is present to respond to the questions raised by the Planning Board at their last meeting. He would also briefly review the executive summary of the Transportation Element that was prepared at the request of the Board.

Mr. Smith advised that with the recent passage of I-776, the City of Edmonds will lose an estimated \$8,600,000 over the next 20 years. Many of the projects and programs will be cut from the Transportation Plan. He said that although the current draft transportation plan does not reflect I-776 cuts, projects that are at the lower end of the prioritization matrix would not be constructed without secured funding in place. The largest cuts will be felt in the street overlay, walkways and bicycle programs. The crime prevention unit of the police department, which supports the speed watch program is also proposed to be cut altogether, but this is not specific to the passage of I-776. Because the crime prevention unit will be eliminated and the budget will be significantly reduced, the newly proposed traffic-calming program will be cut altogether, as well.

Lastly, Mr. Smith reminded the Board that the Growth Management Act concurrency requirements must be met regardless of funding shortfalls. Minimum roadway capacity improvements must still be achieved to meet this requirement. Under current state law, if concurrency is not met, a moratorium on development must be imposed by the City.

Mr. Loewen advised that their objective is to go through the document and discuss those changes the Board feels are important. It is hoped that the Board can reach a conclusion and make a recommendation of approval to the City Council. He briefly reviewed the changes that are being proposed as a result of the last hearing. He referred to the handout that was provided to describe each of the changes.

Mr. Loewen said the first item is the Executive Summary, which was prepared at the request of the Board at the last meeting. This document briefly describes each of the sections in the Transportation Element. The document also discusses the process, goals and objectives, inventory, traffic modeling, LOS analysis results, and the recommended plan, itself. He noted that this summary would be included at the front of the Transportation Element.

In addition, Mr. Loewen said several modifications were made as discussed at the last hearing. He referred to Page 24, Table 6 (Bike Lane Width). This table had a reference to a 4-foot wide bike lane width when, in fact, the City has a 5-foot bike lane width, which is the standard under the current local agency guidelines or county/state standards for roads. He clarified that in some cross sections within the City, it will be referred to as a 4-foot width. The 4 feet is the pavement width. In addition to that, there is a 1-foot gutter, which makes the full 5-foot width.

Next, Mr. Loewen referred to Page 3 where they added a sentence to the bikeway system that acknowledges that not all of the 41.9 miles of the bike route are signed. However, the City is currently in the process of doing so. On Page 104, under Design Standards, a change was made to acknowledge that the existing standards have been reviewed and the recommendation is that they be upheld in the current plan. That is to say they are following the County standards.

Mr. Loewen said the other major revision they made to the plan was on Pages 130 to the end. In this section, they clarified the financial aspects of the plan, added additional references and discussion of each of the funding elements, and explained why they felt the funds were appropriate at the level suggested. They also included a paragraph regarding contingency planning and options for the City Council to consider, if they choose to reduce the amount of funding. These include: lowering the level of service standard, increasing the revenue from existing sources, adopting new sources of revenue, requiring developers to provide facilities at their own expense, or changing the land use element and reducing the amount of potential development and thereby reducing the demand on the transportation system. On Page 132 is a brief listing of several other municipalities in the vicinity and the mitigation fees they are currently charging. He recalled that at a previous work session they discussed the mitigation fee of between \$800 and \$1,000 that Edmonds would be using under the proposed plan. This can be compared to the various communities on the list. Mr. Loewen said a brief conclusion was added at the end of this section simply recommending the plan and the elements in it.

**APPROVED**

Mr. Loewen referred to the memorandum that was provided to the Board in response to the questions that were raised at the public hearing. He recalled that there was concern expressed that with the introduction of all of the signals along Ninth Avenue, the route would become more attractive as a through route. They reviewed the analysis of the committed projects (those projects that did not have the signal improvements in the year 2022) and compared that with the signals there. They found that in the southbound direction there was a very insignificant amount of increase in vehicle trips during the PM peak hour. There was about a six percent increase in vehicle trips in the northbound direction, which is not dramatic.

Mr. Loewen referred to the concern raised at the public hearing regarding the round about at Olympic View Drive and 76<sup>th</sup> Avenue at Perrinville and whether or not it is necessary. They verified the numbers and clarified that the average vehicle delay with the current conditions is about 15 seconds, which is not much. That delay goes up to 45 seconds in 20 years, which under the highway capacity manual analysis, is a significant delay and would reach a level of service E. Therefore, some concurrency improvements would be necessary. They suggested that the City continue to monitor the intersection. When it reaches Level of Service C, they should start considering the types of improvement that can be made.

With regard to functional clarification, Mr. Loewen agreed that the topography in the City would not allow for the grid system proposed in the document to be applied. He clarified that in all of the recommendations where they are considering whether to reclassify a roadway or not, they did make a visual inspection to make sure the topography was adequate.

Lastly, Mr. Loewen recalled that there was a concern raised about the functional classification of SR-524. There was a concern that the document proposed a downgrade from the Federal standards. However, under the currently adopted functional classification system for Edmonds the classification of SR-524 is lower than the federal classification. The document suggests that this not be changed for the time being. However, over time, especially when the Edmonds Ferry Terminal is moved, the City should approach the Federal Government about reducing the classification on some of the roads and lowering them because they will no longer be prime access routes to the ferry terminal.

Board Member Young noted that the impacts of I-776 were identified on the matrix as primarily to walkways, street overlays, and bikeways. He questioned how the City staff made the decision of what to cut.

Mr. Smith answered that it is still important to strive for a balance as much as possible. The reason the bikeway, street overlay and walkway programs appear to have the largest cut is because there was not as much money identified in these accounts any way. He referred to the graph comparing the distribution of capital expenditures identified for each type of expenditure now as opposed to what was recommended prior to the passage of I-776. He noted that because of the State concurrency requirements, the City must deal with the roadways and increased traffic. This comes before pedestrian or bicycle safety. He said one of his greatest concerns is related to the significant decrease in the budget identified for maintenance of the existing infrastructure.

Board Member Young inquired if Mr. Smith has any sense about what percentage of the capital budget was lost as a result of the passage of I-766. Mr. Smith said the year-to-year revenues that were considered stable equal about \$1 million per year, and this year they will lose \$350,000 of that. That is 35 percent of the budget. Board Member Young felt this fact should be emphasized because he does not know that the people who voted for I-776 really understood what they were doing.

Mr. Smith said that this reduction in funding will make grant opportunities much more difficult to leverage. It will also make the competition for the grants much more difficult. He noted that the walkway the State was funding was going to be funded through R-51. The 196<sup>th</sup> Avenue and 164<sup>th</sup> Avenue Walkway Project Grants were rejected when R-51 failed to pass.

Mr. Loewen emphasized that while the percentages in some categories of capital expenditure were increased, the percentages were based on a much lesser amount of money. Board Member Young suggested that this needs to be emphasized to the public.

Board Member Dewhirst voiced his concern about the proposed mitigation program. At this time, the City does not have a mitigation program. If the Council adopts the proposed document, Board Member Dewhirst inquired if there are plans to get the program underway. Mr. Loewen answered that the Council needs to clearly understand that about \$6 million of the revenue identified in the budget would come through a mitigation program. If the City Council does not pursue this

opportunity, they will need to make adjustments to the plan. He said that his contract with the City includes some assistance in developing an ordinance to implement the mitigation program.

Mr. Smith explained that the City already has two forms of mitigation at this time. They do not have a concurrency program, but they do impose a \$200 fee for a single-unit of development. However, they do not have a rational document to back up this fee. The City also collects mitigation fees for sidewalk improvements. In the past year and a half, the City has made it substantially more difficult for a developer to pay a sidewalk in lieu of fee. Instead, they want them to build the sidewalks. They have found that the fees that are usually proposed cover the cost of building the sidewalk, only and do not include the cost of stormwater improvements, retaining walls, etc. Since they are being more strict, they are bringing in much less money into this account, but they are bringing more value back to the community. The City does have a contract with the consultant to develop the mitigation ordinance. They are looking at between \$800 to \$900 per single unit, which is about four times more than it is right now. This will apply to all land uses in the City and not just residential units. It could even include tenant improvements to change a low use property to a greater use. He noted that the Growth Management Act does not allow the City to pawn off existing uses onto new developers. Developers are only responsible, under law, to mitigate the impacts their development will put on the system.

Board Member Dewhirst recalled the Board's discussion with the City Council last night about public and private roads. He said he is not sure what Edmonds has in their ordinances to deal with private roads. If it is not addressed elsewhere, the door needs to be opened in this document. He said he has worked in jurisdictions where the taxpayers are fleeced when homeowners come to the City Council asking that the City take over their private road. Usually, at that point it has disintegrated. If this is going to be an issue, the City needs to head this up from the get go. The big issue is that, whether public or private, all roads should be built to the same standards. This should be added to the transportation element or some other appropriate ordinance.

Mr. Smith said that in his professional opinion, it makes a lot of sense for the City to have a clear policy stating that they won't take any road into the system that doesn't meet the full City standards. This same argument could be used for State routes that may be offered to the City by the State. He said he is not sure the document, as proposed, would require that all roads coming to the City as public roads must meet the full design standards. The City does have standard plans and requirements in place now and developers have to build roads to meet these standards. However, a road serving only one or two homes could be more narrow but must still meet the other standards. Narrow roads can have some benefit because they create a lot less impervious surface area and a lot less damage to the environment.

Mr. Loewen pointed out that if the Board wants this statement to be more clear, the goals and objectives section should specifically state that existing private streets would not be accepted into the public system unless they are brought up to public standards. That is a common policy that would be easy to incorporate.

**BOARD MEMBER CRIM MOVED THAT THE BOARD FORWARD FILE NOS. CDC-02-4 AND CDC-02-198 TO THE CITY COUNCIL AS PROPOSED WITH A RECOMMENDATION OF APPROVAL. BOARD MEMBER CASSUTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

### **REVIEW OF EXTENDED AGENDA**

Board Member Dewhirst reminded the Board that the next meeting was rescheduled to Wednesday, November 20 because of Thanksgiving. This meeting will be primarily a work session with the City Attorney on various legal aspects related to PRDs, as well as issues discussed at the joint City Council/Planning Board meeting. He suggested that the Board should spend some time at their next meeting to summarize the concerns that were raised at the joint meeting.

Board Member Dewhirst advised that the last meeting of the year would be December 11, 2002, at which time the Board will hold a public hearing/work session on the PRD ordinance. They will also elect new Board officers. The last meeting in December was cancelled.

**APPROVED**

## **ADMINISTRATIVE REPORTS**

The Board took a few minutes to review the joint meeting between the Planning Board and the City Council.

Board Member Freeman said she found the joint meeting to be useful. She said she obtained a feel as to what the Council thinks on some issues, and this can help the Board formulate their responses.

Board Member Guenther added that it was good to know which way the Council wants to go with the Hearing Examiner appeals.

Board Member Cassutt said she got the impression that a lot of the City Council Members are as torn as the Board about some of the issues on the table. It did not seem like any of the issues were completely "cut and dried" for either side. There will likely be some issues in which the Council disagrees with the Board's recommendation.

Board Member Crim recalled the Council President's comment that the Board should do what they think is the best and then send a recommendation to the Council. They should not worry about whether or not their recommendation is in agreement with comments made by the Council at the joint meeting.

Board Member Dewhirst agreed that the joint meeting was very informative. He said he is glad that issues such as private/public roads and open space were discussed, as well. He said he was generally pleased with the amount of discussion that took place between the Board and Council Members, and he felt this would result in an improved process.

## **PLANNING BOARD MEMBER CHAIR COMMENTS**

Board Member Dewhirst inquired if the Board Members would be receiving a packet for the November 20 meeting, since it is only a week away. Mr. Bullock answered that staff would have a packet available for the Board Members to pick up by Friday afternoon.

## **PLANNING BOARD MEMBER COMMENTS**

Board Member Cassutt inquired if the Board Members all have their own copy of the old PRD Ordinance that was referenced at the joint meeting. The Board Members all indicated that they did. Board Member Crim suggested that it would also be helpful for the Board Members to have a copy of the new PRD ordinance that was recently adopted. Mr. Dewhirst inquired if the Board Members could also receive copies of the open space regulations from Sumner and Bothell, which were referenced by Councilmember Petso at the joint meeting.

Board Member Dewhirst expressed his concern that on one hand, Council Members expressed an interest in maintaining flexibility in the PRD ordinance. However, on the other hand, they seemed to find that all of the measures that would allow flexibility were undesirable. Board Member Guenther added that if all of the recommended requirements are added, the unintentional result would be tighter lots, which has also been identified as undesirable.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 8:47 P.M.

**APPROVED**