

## **PLANNING BOARD MINUTES**

### **February 9, 2005**

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Chair Young 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.

#### **BOARD MEMBERS PRESENT**

James Young, Chair  
Janice Freeman, Vice Chair  
Jim Crim  
Virginia Cassutt  
Cary Guenther  
Don Henderson

#### **BOARD MEMBERS ABSENT**

Judith Works  
John Dewhirst

#### **STAFF PRESENT**

Rob Chave, Planning Division Manager  
Karin Noyes, Recorder

#### **READING/APPROVAL OF MINUTES**

**BOARD MEMBER CRIM MOVED TO APPROVE THE MINUTES OF JANUARY 26, 2005 AS CORRECTED. BOARD MEMBER CASSUTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

#### **ANNOUNCEMENT OF AGENDA**

There were no changes made to the proposed agenda.

#### **AUDIENCE COMMENTS**

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

#### **REVIEW OF ZONING CHANGES REQUIRED TO IMPLEMENT THE COMPREHENSIVE PLAN**

Mr. Chave referred the Board to the City Council minutes from their first hearing on the Comprehensive Plan amendments. He reported that the City Council largely approved the Board's recommendation, but they did make one change in the large lot zoning configuration. They divided the Urban II Designation into two parts so they could apply the RS-10 zoning to the large lot zones in the north part of the City now, yet still retain the ability of property owners to apply for RS-8 zoning in the future. He further reported that a number of citizens from the Seaview area provided testimony during the public hearing, and they appeared to be satisfied with the City Council's decision. He said he anticipates that the public hearing on the RS-10 rezone would be much easier. The Board must create an RS-10 zone and then apply it to the large lots zones in the City.

Chair Young inquired if the RS-10 zoning change would calculate into enough density to satisfy the Growth Management Act requirements. Mr. Chave answered that the analysis of existing housing was done using the current zoning, so changing the large RS-12 zoned lots to RS-10 would only have a minor positive impact. Chair Young expressed his concern that one of the significant basis the Board used during their deliberation of the Urban I and Urban II land use designations was that changing from RS-12 to RS-10 would provide additional capacity within the City limits.

Mr. Chave explained that because the City is already built out, significantly increasing the capacity in the single-family residential zones would require substantial changes in the minimum lot size requirements. The lots would have to be very small in order to provide sufficient incentive for people to tear down existing housing to subdivide and redevelop properties. The minor changes that are being proposed for the RS-12 zones will not result in a lot of extra capacity or density. He noted that there are only a few RS-20 properties that would be rezoned to RS-10, which would make it possible to subdivide the lots. However, even in these situations, it is unlikely that a property owner would be willing to tear down a house in order to subdivide. Because there would be so few situations of this type, Mr. Chave concluded that it would not be fruitful for the City staff to do an extensive analysis on the concern.

Chair Young summarized that RS-10 zoning would meet the requirements of the Growth Management Act. Mr. Chave said the next time the City conducts their buildable lands analysis, they would include the RS-10 zoning changes.

Board Member Crim recalled that there was a section in the center part of the City that was pretty much built out as closer to RS-8 zoning than RS-12 zoning, even though it was zoned RS-12. Mr. Chave said the size of these lots is somewhere between 10,000 and 12,000 square feet. Again, he reminded the Board that the City Council created a land use designation that would allow the properties to be rezoned to RS-10 by default. However, the land use designation would also allow a property owner to apply for a rezone to RS-8 in the future. The intent is to make the new, higher density zoning designation as close to the current RS-12 zoning designation as possible.

Mr. Chave said that if the Board is satisfied with proposed draft language for the new RS-10 zone, staff could start work on the public hearing process. The Board agreed that would be appropriate.

Mr. Chave reported that the City Council did not make any changes to the Board's recommendation regarding the new Single-Family Master Plan land use designation, so it appears it will go forward as proposed. In order to implement the new land use designation, the Board must create a Single-Family Master Plan (RS-MP) zoning designation, as well. He referred the Board to the memorandum provided by staff, which represents their first attempt to draft the new language. As proposed by staff, a property owner would not be required to have a master plan in order to develop property in this area. However, in the absence of a master plan, the property could only be developed to a density that is equivalent with the underlying RS-12 zoning. He referred to the table found on Page 2 of the staff's memorandum and noted that the numbers for the RS-12 zone and the RS-MP zone would be equivalent. He noted the reference found below the table, which explains that if property owners want to develop to a higher density than RS-12, they must go through the master plan process.

Mr. Chave explained that the RS-MP zoning designation would work similar to the PRD zoning designation, with two additional criteria to specifically address the concerns in that neighborhood. First, a traffic study would be required to demonstrate that access and lot configurations would not result in additional curb cuts or unmitigated traffic impacts on SR-104. Secondly, Mr. Chave explained that the current PRD regulations require a buffer around the perimeter of the site. The second condition staff is proposing for the new RS-MP zoning designation would give additional guidance related to the buffer requirements.

Mr. Chave said he discussed the proposed traffic study requirement with the City's Traffic Engineer, and he indicated that the proposed language would provide sufficient direction and conditions to mitigate the traffic impacts. He explained that, at this time, the only way to access the properties without getting onto SR-104 is to go south. If the properties were reconfigured or if a joint access agreement were created, a different access point could be created to address the City's concerns. He summarized that because there is sufficient concern about the traffic impacts on SR-104, it is important to have an extra level of review on any proposal that would impact the highway.

Board Member Crim suggested that in addition to identifying RS-6 and RS-8 zoning designations as possibilities for the RS-MP zone, they should also include the RS-10 zone that will be created in the near future. He felt this addition would eliminate potential confusion. Mr. Chave noted that the RS-6 and RS-8 references represent the maximum density that would be allowed, but RS-8 and RS-6 zoning designations would allow for properties to be developed at the RS-10 density, as well. Again, Board Member Crim suggested that since the City would be creating a new RS-10 zoning designation, they should include it in the language for the RS-MP zone to avoid future confusion. Mr. Chave said he would review the

proposed language for the RS-MP Comprehensive Plan Land Use Designation to see if it mandates RS-6 and RS-8 zoning only or if RS-10 could also be included.

Board Member Freeman referred to Page 1 of the draft language provided by staff. She noted that the list of permitted secondary uses does not include adult family homes. Mr. Chave explained that because the City is preempted from regulating these types of facilities, staff decided not to address the use in the proposed language.

Next, Board Member Freeman referred to Page 3 of the proposed language. She questioned if bay windows would be allowed to protrude into the setback. Mr. Chave answered that they would not. He emphasized that only those items listed in the document would be allowed within the setback areas.

Mr. Chave advised that the City Council gave staff direction to prepare ordinances to implement the Comprehensive Plan changes, and once the hearing regarding the Downtown Waterfront Plan has been completed and the City Council has provided their direction, final ordinances would be prepared and presented to the City Council for approval all at the same time as per the State's mandate. Mr. Chave said he would expect the Board would be able to hold public hearings in March on both of the two zoning designation items.

Chair Young said he recently spoke with a reporter from *THE SEATTLE TIMES* who was seeking clarification regarding the Growth Management Act requirement that jurisdictions can only amend their Comprehensive Plans once per year. He questioned exactly what would constitute an amendment. If the City wanted to make changes to the wording of a particular section in order to clarify the intent, would this be considered an amendment? Mr. Chave answered that, technically, even grammatical corrections are considered amendments. However, there are two exceptions: capital improvement programs and emergencies. The City would have to find that the wording problems created an emergency. However, he explained that the City does have the ability to provide clarification through a policy statement identifying the City Council's interpretation. He noted that the City Council often takes action to clarify the intent and purpose of sections of the Comprehensive Plan.

Chair Young expressed his belief that the Board spent so much time discussing the philosophical issues surrounding the Comprehensive Plan amendments that they didn't spend a lot of time proofreading the document. Mr. Chave said the Board would also have an opportunity to clarify their intent as they draft the Development Code regulations to implement the Comprehensive Plan. The other option would be to keep track of these issues and consider them during the next round of Comprehensive Plan amendments.

Mr. Chave reported that the City Council scheduled a meeting in May with the Architectural Design Board to review the Design Guidelines document that was forwarded to them by the Planning Board. The City Council felt it was important for the Architectural Design Board to review the objectives identified in the document since they will be responsible for implementation on a regular basis. The City Council expressed an interest in getting the document adopted soon.

Mr. Chave reminded the Board that they would most likely have to discuss design guidelines when they create new zones for the downtown area in order to implement the proposed changes to the Downtown Waterfront Plan. For example, the Board will need to decide if they want to include design standards in the zoning code and/or the design guidelines when creating the downtown districts. He expressed his belief that the zoning code is more effective when it deals with concrete numbers and general parameters. The Design Guidelines can deal with the subtle architectural features and details that are more difficult to quantify.

Mr. Chave reported that the City Council has scheduled a public hearing on the Downtown Waterfront Plan on February 22<sup>nd</sup>. Hopefully, they can wrap up their deliberations and give direction to the staff by the end of the month. He noted that the design objectives that apply citywide were approved by the City Council to move forward, as well.

**REVIEW OF DRAFT AMENDMENTS FOR TITLE 20 ECDC (REVIEW PROCEDURES FOR STAFF, HEARING EXAMINER, PLANNING BOARD AND CITY COUNCIL)**

**APPROVED**

Mr. Chave explained that staff did not have an opportunity to get very far on the draft amendments to Title 20 of the ECDC. However, they hope to have a preliminary draft available for the Board's review at their next meeting.

### **REVIEW OF EXTENDED AGENDA**

Mr. Chave reported that City Attorney Scott Snyder would be present at the next Planning Board meeting to talk about essential public facilities and the definition of family. He intends to provide preliminary written materials to the Board members prior to the meeting. Mr. Chave reminded the Board that there has been a lot of controversy about essential public facilities and Mr. Snyder would explain the current State law and recent litigation. He would also explain what the Board can and cannot do in regards to essential public facilities.

Mr. Chave advised that, in addition to discussions about essential public facilities and the definition of family, a public hearing on a rezone application is also scheduled on the Board's next meeting agenda. He explained that this application is unusual in that the applicant has decided to consolidate the contract rezone review with the design review. The Architectural Design Board has reviewed the application and provided a recommendation regarding the design, but the actual public hearing must be held at the Board level since only one public hearing is allowed. The staff report would include design materials, as well.

### **PLANNING BOARD CHAIR COMMENTS**

Chair Young once again thanked the Board members for the clarifying comments they provided at the last meeting regarding their recommendation for the Downtown Waterfront Plan amendments. Mr. Chave said that in preparation of the City Council's public hearing, staff has provided copies of the Planning Board Minutes from December 15, 2004, January 12, 2005 and January 26, 2005.

### **PLANNING BOARD MEMBER COMMENTS**

None of the Board Members provided comments during this portion of the meeting.

### **ADJOURNMENT**

The meeting was adjourned at 7:40 p.m.

**APPROVED**