

APPROVED DECEMBER 10, 2008

**CITY OF EDMONDS
PLANNING BOARD MINUTES**

November 12, 2008

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

BOARD MEMBERS PRESENT

Cary Guenther, Chair
Michael Bowman, Vice Chair
John Dewhirst
Judith Works
Jim Young
Don Henderson
John Reed
Philip Lovell

STAFF PRESENT

Rob Chave, Planning Division Manager
Mike Thiess, Code Enforcement Officer
Karin Noyes, Recorder

READING/APPROVAL OF MINUTES

BOARD MEMBER DEWHIRST MOVED THAT THE MINUTES OF OCTOBER 8, 2008 BE APPROVED AS CORRECTED. BOARD MEMBER HENDERSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY, WITH CHAIR GUENTHER, BOARD MEMBER REED AND BOARD MEMBER YOUNG ABSTAINING.

BOARD MEMBER DEWHIRST MOVED THAT THE MINUTES OF OCTOBER 22, 2008 BE APPROVED AS CORRECTED. BOARD MEMBER REED SECONDED THE MOTION, THE MOTION CARRIED UNANIMOUSLY, WITH BOARD MEMBER WORKS AND VICE CHAIR BOWMAN ABSTAINING.

ANNOUNCEMENT OF AGENDA

No changes were made to the agenda.

AUDIENCE COMMENTS

No one in the audience indicated a desire to address the Board during this portion of the meeting.

PUBLIC HEARING BY EDMONDS SCHOOL DISTRICT ON CAPITAL FACILITIES PLAN 2008-2013

Terry Brunner, Planner, Shockey Brent, Inc., advised that his firm was hired to assist the Edmonds School District in updating their Capital Facilities Plan (CFP). He introduced Bryan Harding, Director of Facilities and Operations, and Stephanie Hall, Planning and Property Management Specialist who were present to represent the School District. He recalled that they previously presented the School District's CFP to the Board on October 22nd. They described the purpose

of the plan, reviewed enrollment projections and discussed the District's ability to assess impact fees. He said that while they did not anticipate providing another formal presentation, they are available to answer questions from the Board and public.

Board Member Reed inquired if the District's CFP comes before the Planning Board on a yearly basis. Mr. Brunner answered that the CFP is a six-year document that is updated every other year, which is consistent with Snohomish County's ordinance that requires an update every two years.

Board Member Reed noted that the proposed CFP does not provide any information about the District's future plans for the Old Woodway High School site. Mr. Harding said the District would continue to house several different programs at this site, and some field improvements are planned over the next few years. However, the District does not have any plans to dispose of or alter the site at this time.

Board Member Dewhirst pointed out that the proposed CFP lists active schools and other assets. However, he noted that the District also owns additional properties within the District boundaries, including key sites in Edmonds. He particularly referenced the Civic Center Playfield, which the City leases from the District for \$1 per year until 2020. He suggested that, as the City plans for the future, it would be important for them to know what the District has in mind for the property. He suggested that the District include these properties in their CPF in the future. Mr. Harding said he has been employed by the District for three years, and there have been no discussions about changing the status of this property. Board Member Dewhirst said the City would need some lead time if the District has plans to sell the property at the end of the lease. Mr. Harding said discussions with the City and District would take place early in the process if the use of the property were to change. Again, he said that to his knowledge, the District does not have any plans to change the status of the site.

Board Member Lovell said he is currently participating on the City's Aquatic Feasibility Study Team that is assisting the City with a feasibility study for a new aquatic center. This effort would actually be an update of the existing study that was initially completed ten years ago. The City Council recently approved a consultant contract to aid in the effort, and a kick off meeting has been scheduled for November 14th. He noted that the Old Woodway High School is one site the City Council asked the consultant to study as a possible location for an aquatics facility. Mr. Harding said this possibility has not been raised to the District. If the Old Woodway High School property is being considered as a possible location for an aquatics center, the City should contact Marla Miller, Assistant Superintendent of the Edmonds School District, as soon as possible since the District has plans to make major improvements to the existing playfields at this site.

Board Member Young asked if the proposed CFP would allow the District to keep up maintenance and repair of their basic infrastructure. He recalled that a few years ago the Board was active and effective in getting the City Council to invest more money in some areas they thought were being underfunded. He asked if the District's CFP provides sufficient funding to maintain their existing facilities using current revenue, particularly given the fact that they cannot assess any impact fees in the foreseeable future. Mr. Harding explained that impact fees can only be collected if the District's enrollment capacity increases. At this time, the District does not anticipate any increase in enrollment so they must depend on their approved maintenance and operations levy. While the current funding level would not allow the District to do every project they would like, it does enable them to keep maintenance at an acceptable level. Board Member Young expressed his belief that the current laws related to impact fees are too restrictive in their application. While the District may not be growing in enrollment, their facilities wear out over time and eventually they will be required to use a disproportional amount of their funding for repair and maintenance. Mr. Harding explained that the State law requires that a certain percentage of the District's funding must be spent on maintenance. Board Member Young said it is important to note that the District's proposed CFP currently places them within an acceptable standard for building maintenance.

BOARD MEMBER YOUNG MOVED THAT THE BOARD FORWARD THE EDMONDS SCHOOL DISTRICT #15 CAPITAL FACILITIES PLAN UPDATE FOR 2008 – 2013 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL. BOARD MEMBER HENDERSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Mr. Chave announced that the District's Capital Facilities Plan is scheduled for a public hearing before the City Council on December 2nd.

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PUBLIC HEARING ON TEMPORARY USES AND BUILDINGS

Mr. Thiess reminded the Board that they last reviewed the proposed language related to temporary uses and buildings found in Chapter 17.70 of the Edmonds Community Development Code (ECDC) on October 8th. Staff was directed to provide additional information for consideration at the public hearing. The Board particularly asked staff to add a definition for the term “temporary.” A slight change was made to the definition of “tent,” as well. Also at the request of the Board, staff provided information from other jurisdictions about how they regulate temporary uses.

Mr. Thiess referred to Section 17.70.035.4, which prohibits tents or canopies that exceed 120 square feet in size. He recalled that the Board asked for two proposals: one at 120 square feet and another at 200+ square feet as the maximum size for temporary accessory buildings. After review, staff conclude that the second option would not be workable because the International Building Code restricts small accessory buildings to no more than 120 square feet. Otherwise, a building permit would be required.

Mr. Thiess referred to Section 17.70.035.3 and advised that staff contacted storage companies to learn more about storage rates for “pod” storage containers. In most cases, the companies charge for a minimum of 31 days. Therefore, staff felt it would be appropriate to change the time limit from 15 days to 30 days. Board Member Henderson suggested that rather than limiting the temporary use to 30 calendar days per year, it might be more appropriate to limit the use to no more than seven consecutive days at any time and a maximum of 30 days per year. Mr. Thiess suggested it would be very difficult, if not impossible, to monitor how many days a storage container is located on a property throughout the year. He clarified that this language was intended to address situations where property owners have large storage containers dropped off in their driveways for a period of time.

Board Member Works questioned if it would be helpful to provide a definition for the terms “tarp” and “portable storage containers.” Mr. Chave said the City’s code defers to common dictionary definitions for terms that are not specifically defined. Typically, the code only defines terms when they want to use a certain definition that is not common.

Board Member Henderson referred to Section 17.70.035.3 and questioned who would keep track of temporary uses to make sure they do not exist for more than 30 days in a calendar year. Mr. Thiess answered that, typically, neighboring property owners would only put up with temporary storage units for a little while before complaining to the City. Once a complaint has been filed with the City, staff would keep track of the number of days the unit has been on the property and take the appropriate code enforcement action. Again, Board Member Henderson expressed his belief that it would be better to limit the temporary use to a certain number of consecutive days. Mr. Thiess pointed out that if “consecutive days” were used, the City would have to monitor when the use is placed on the property and when it is removed throughout the year.

Board Member Works referred to Section 17.70.035.1.A, which states that a canopy is a structure that is constructed of fabric or pliable materials supported by any manner, “except by air or the contents it protects.” She questioned what is meant by this term. Mr. Thiess said this definition came directly from the International Fire Code. Chair Guenther explained that there are some structures that are supported by air, but they are typically larger in scale than temporary structures. He said it would be difficult to find a temporary structure that is supported by air. Again, Mr. Thiess reminded the Board that the definition came from the International Fire Code, and staff’s goal was to be consistent.

Chair Guenther asked if the proposed language would regulate pre-manufactured sheds that are purchased from the hardware store. Mr. Thiess said these structures are not specifically addressed in the proposed language as long as they are less than 120 square feet in size. However, a property owner would have to maintain the setback requirements. He noted this is the same rule applied to tents and tarps; they are not regulated as long as they are less than 120 square feet in size.

Board Member Lovell said his understanding is that the reason the proposed language would prohibit tents and canopies that are greater than 120 square feet in size is because the Building Code states that anything over that size needs a building permit. He summarized that, as proposed, a temporary canvas enclosure that is larger than 120 square feet would be prohibited. However, the City would only take action if someone were to complain. Mr. Thiess clarified that temporary structures greater than 120 square feet in size would not be able to obtain a building permit because they would not be able to

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meet the snow load requirements. Board Member Henderson summarized that any structure over 120 square feet in size would have to be constructed according to code, with a building permit.

BOARD MEMBER DEWHIRST MOVED THAT THE BOARD RECOMMEND THE CITY COUNCIL APPROVE THE DRAFT LANGUAGE FOR ECDC 17.70 (TEMPORARY USES AND BUILDINGS) AS AMENDED. BOARD MEMBER WORKS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

REVIEW OF EXTENDED AGENDA

There was no discussion about the Board's extended agenda.

PLANNING BOARD CHAIR COMMENTS

Chair Guenther announced that two Board Members would retire at the end of 2008, and he suggested it would be prudent for the Board to elect their 2009 officers before the end of the year. Board Member Reed inquired when the Mayor's Office would advertise the vacant positions and accept applications. Mr. Chave indicated the process should start in the very near future.

PLANNING BOARD MEMBER COMMENTS

Board Member Lovell announced that a kick off meeting for the Aquatics Center Feasibility Study Team is scheduled for November 14th. The City Council recently approved a contract with NAC Architects as the lead consultant for the study. In addition, the Parks Department would undertake a separate survey of the citizens to find out if they would support an aquatics facility, particularly if they would support bonds as a method of funding the project.

Vice Chair Bowman asked about the anticipated cost of a new aquatics center. Board Member Lovell said the cost would depend upon the type of program. The consultant would specifically study two or three situations: upgrades and improvements to Yost Pool, including an enclosure; a new aquatics center at the Old Woodway High School site; and a new aquatics center at the waterfront properties. He said the study would likely be completed in March of 2009.

Board Member Dewhirst announced that the 4th Avenue Arts Corridor Advisory Committee would hold their last meeting on November 20th. He noted that they recently conducted a public open house where the consultant presented a preferred alternative for the community to comment on. He expressed his belief that the preferred alternative would not be acceptable, mainly from a traffic flow standpoint. He said he does not believe the City's Traffic Engineer would accept the proposal as currently designed. He invited interested Board Members to attend the last committee meeting. He noted that the topic has generated interest from property owners in the area. While property owners along 4th Avenue are generally in support of the concept, some neighbors a block or two away have indicated they don't want change. This opposition is gaining some attention, as well.

ADJOURNMENT

The Commission meeting was adjourned at 7:41 p.m.

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