

Approved April 28th

CITY OF EDMONDS PLANNING BOARD MINUTES

April 14, 2010

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

Michael Bowman, Chair
Philip Lovell, Vice Chair
Todd Cloutier
Cary Guenther
Kristiana Johnson
John Reed
Valerie Stewart

STAFF PRESENT

Kernen Lien, Associate Planner
Michael Clugston, Associate Planner
Karin Noyes, Recorder

BOARD MEMBERS ABSENT

Kevin Clarke (excused)

READING/APPROVAL OF MINUTES

BOARD MEMBER REED MOVED THAT THE MINUTES OF MARCH 24, 2010 BE APPROVED AS AMENDED. CHAIR BOWMAN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

No changes were made to the agenda.

AUDIENCE COMMENTS

Al Rutledge said he was once again present to ask the Board about the correct process he should follow to place an additional sign at Hickman Park honoring other people whose names were suggested as potential park names. He reminded the Board that the City Council approved a proposal to place an additional sign at the new south park to honor former City Council Member Peggy Olson. He felt the same consideration should be given at Hickman Park to recognize other individuals who played a roll in the park's creation.

Mr. Rutledge also referred to State law regarding the correction of minutes. State law requires that if minutes need to be corrected, the best way to do so is to listen to the recording.

Board Member Reed referred Mr. Rutledge to a memorandum that was prepared by the Parks, Recreation and Cultural Services staff to address the issue of park names. Mr. Rutledge indicated he has not received a copy of the memorandum, and Board Member Reed asked that a copy be forwarded to Mr. Rutledge.

CONTINUED DISCUSSION ON SUSTAINABILITY INDICATORS

Board Member Cloutier advised that since the last meeting, the subcommittee has received input from each City department. Input was also received from other City commissions and boards and several community groups. He advised that the additional input was annotated onto the chart that was prepared by the subcommittee. He agreed to forward each of the Board Members a copy of the newest version of the document, which now includes between 80 and 90 items to measure. He

said the subcommittee would continue to refine the spreadsheet. He recalled that their original thought was to solicit input from the various City and community groups and then group the indicators into common categories to better understand what they are looking at. From there, they could identify those indicators they believe are appropriate for the City of Edmonds.

Board Member Stewart asked if it is possible to have information available to present at the City's Earth Day event on April 22nd. Board Member Cloutier explained that the Earth Day event would break participants into groups to review the City's Climate Action Plan. The groups would be invited to choose projects they believe are the most doable in Edmonds and describe how they should be done and who should be responsible. He suggested the indicator spreadsheet could provide additional information for the groups to consider, but he does not believe the final draft of the spreadsheet and survey would be available for public comment by Earth Day. Instead, the Board could use the Earth Day event as a way to fine tune the product.

Board Member Stewart observed that, at this time, broad categories and goals have been identified on the spreadsheet. Board Members could participate in the small group discussions on Earth Day to facilitate public comments regarding the spreadsheet. For example, a white board and sticky notes could be used by the groups to place the indicators into categories. In addition, the Board Members could educate the participants about the criteria for identifying good indicators. She referred to Vice Chair Lovell's earlier submittal that provided great ideas for how to evaluate indicators to determine if they are meaningful and measurable.

Chair Bowman expressed concern that, in its current form, the spreadsheet is too large and unwieldy to move forward for public discussion. Board Member Cloutier explained that the purpose of sustainability indicators is to measure the City's progress towards a goal or program. The spreadsheet can be used as a "grocery list" of things that could be measured. Once a project or program has been identified, the City could refer to the spreadsheet and identify those indicators they believe would be most appropriate to measure the success of that particularly program or project. He summarized that the spreadsheet is intended to provide a list of potential opportunities.

Chair Bowman suggested the Board hold a retreat discussion to prioritize the items on the spreadsheet. From his experience he observed that moving forward a miniscule amount on a broad front would not have a significant impact on any project. Instead, the City could focus on a single project that is highly visible to move the concept forward.

Board Member Reed referred to the work of the Citizens Economic Development Commission (CEDC) and reminded the Board that the initial list the Commission started with was very lengthy. However, they were able to condense the list into six of their most important recommendations. While he recognized that sustainability indicators are a more complex issue, he suggested the Board find a way to prioritize the most important indicators in each category. He agreed with Chair Bowman's suggestion that the Board consider this topic at their future retreat.

Board Member Guenther agreed with Board Member Cloutier that the spreadsheet is intended to be a "shopping list" of indicators. The Board can use the list to identify the appropriate indicators for each individual project or program. He referred to an outline he prepared, which prioritized the indicators into the following categories: what the City can do, what the City can affect, what the community can do, and what the community can reflect. He suggested the Board start by identify a vision of where they want the City to be in five or ten years. The next step would be to identify goals that would allow them to reach this vision. He suggested the Board use the "SMART" (specific, measurable, attainable, relevant, and timely) process to identify goals. Board Member Cloutier pointed out that the spreadsheet identifies 15 goals, then notes which of the indicators would relate to each of the goals.

Board Member Stewart observed that Shoreline, which is similar in size to Edmonds, only has 34 indicators. She agreed with Chair Bowman that focusing on a particular program or goal that makes more of a "big bang" statement would be a good idea to get people focused on the concept of sustainability.

Board Member Johnson noted that climate change is just one part of the Community Sustainability Element. He asked if climate change would be the sole focus of the Earth Day event. Board Member Cloutier answered that the Earth Day event would focus on the Climate Action Plan rather than the Community Sustainability Element. The discussion groups would be invited to review the projects identified in the Climate Action Plan and prepare a project outline. Board Member Johnson

asked if the participants would have an opportunity to suggest additional indicators that are not included on the Board's spreadsheet. Board Member Cloutier answered affirmatively.

Board Member Stewart recalled a discussion amongst Board members about the focus of the Community Sustainability Element. The discussion picked up on key points such as community health, climate change, etc. Since the City has already adopted a Community Sustainability Element, she suggested the next step is to identify indicators that are meaningful and clear to the public.

Board Member Cloutier said the subcommittee is looking for ideas from the Board about how to organize the items on the spreadsheet. He summarized there are now 15 goals and approximately 80 indicators, which he felt is an appropriate balance. There should be approximately five indicators for each goal. He suggested one approach would be to pick a goal and identify the indicators that are the most important for that goal and then move onto the next goal. Board Member Stewart said another approach would be to bundle the indicators into categories. She referred to examples she provided earlier about how the indicators could be sorted out.

The Board agreed it would be appropriate to hold a retreat discussion about sustainability indicators.

CODE REWRITE: PROPOSED UPDATES TO THE CITY'S STATE ENVIRONMENTAL POLICY ACT (SEPA) RULES (ECDC 20.15A) (FILE NUMBER AMD-2009-6)

Mr. Lien reminded the Board that potential updates to the SEPA rules (ECDC 20.15A) were presented to the Planning Board on July 22, 2009, and the Board directed staff to propose new flexible thresholds for categorical exemptions under SEPA. Staff's proposed new flexible thresholds were presented to the Board on February 24, 2010, and the Board agreed they would like to consider the changes, but only for the Highway 99 Corridor and multi-family residential areas along main arterials such as 212th Street Southwest, 196th Street Southwest, and State Route 104 (Edmonds Way Corridor or SR-104). They directed staff to update the proposal and bring it back for further Board review.

Mr. Lien explained that the Washington Administrative Code (WAC) establishes thresholds for certain minor new construction projects that are categorically exempt from threshold determination and Environmental Impact Statement (EIS) requirements. It allows cities to raise the exemption levels to specified amounts, and currently the City has only raised one of the thresholds to the maximum amount allowed. He reviewed each of the flexible thresholds as follows:

- **The construction or location of any residential structures of four dwelling units.** This threshold can be modified up to 20 dwelling units.
- **The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the project.** This threshold can be modified up to 30,000 square feet, but it is not really applicable to the City of Edmonds.
- **The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for twenty automobiles.** This threshold can be modified up to 12,000 square feet and 40 automobiles.
- **The construction of a parking lot designed for twenty automobiles.** This threshold can be modified up to 40 automobiles.
- **Any landfill or excavation of 100 cubic yards throughout the lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations hereunder.** The City has already bumped this threshold up to the maximum of 500 cubic yards.

Mr. Lien reported that, as per the Board's direction, staff prepared four alternatives for raising the flexible threshold levels for the Board's consideration. He reviewed each of the alternatives as follows:

- **Alternative 1.** This alternative would raise the flexible thresholds for areas within the Edmonds Way Corridor and the Highway 99 Corridor as identified in the Comprehensive Plan. It would also raise the thresholds along 212th Street Southwest and 196th Street Southwest. This alternative would raise the threshold for residential units along the

Edmonds Way Corridor from 4 units to 20 units for residential structures, but it would keep the remaining thresholds as they currently exist. He noted that the majority of the Edmonds Way Corridor is zoned RM-1.5, with a few pockets of commercially zoned property. Given the potential traffic issues and critical areas along SR-104, only the residential units are proposed for an increase in threshold levels.

Along the Highway 99 Corridor, the proposal is to raise the flexible threshold for all categories to the maximum. The City is looking to encourage development in this area, and raising the thresholds that trigger SEPA review is one way to simplify the process for developers.

The 212th Street Southwest and 196th Street Southwest Corridors do not have specific Comprehensive Plan corridor designations, except those portions within the Medical/Highway 99 Activity Center). The 196th Street Southwest arterial is lined with multi-family development and has a variety of multi-family zoning. There are no commercially zoned properties along this strip, so the proposal is to only raise the residential structure threshold to the maximum 20 units. A variety of zones exist west of the Five Corners area along the 212th Street Southwest arterial. Therefore, the proposal is to increase all of the flexible threshold levels to the maximum.

- **Alternative 2.** Alternative 2 would expand on the area identified in Alternative 1 by including the Medical/Highway 99 Comprehensive Plan overlay area and the multi-family area along 76th Avenue West. The Medical/Highway 99 Activity Center is intended to encourage development of a pedestrian and transit-oriented area focused on two master planned developments: Stevens Hospital and the high school. There is also a related high-density development corridor along Highway 99. The Comprehensive Plan calls for expanding the economic and tax base of the City of Edmonds by providing incentives for business and commercial development in a planned activity center. Alternative 2 would increase all the flexible thresholds within the Medical/Highway 99 Activity Center to their maximum levels. 76th Avenue West is another main arterial that is lined with multi-family zones and multi-family development. Alternative 2 proposes to increase the flexible threshold for residential structures only from 4 units to 20 units while keeping the remaining thresholds as they currently exist.
- **Alternatives 3 and 4.** The Edmonds Way Corridor serves as a key transportation corridor, providing a link between Edmonds and Interstate 5. Established residential areas lie on both sides of the corridor, and an established pattern of multi-family residential development lies along much of the corridor. There are small-scale businesses found primarily at the intersections. A major concern is that the more intense development that occurs along the corridor should not interfere with the flow of through traffic or intrude into adjoining established communities. Therefore, flexible thresholds for the Edmonds Way Corridor were not included in Alternatives 3 and 4.

Along the 212th Street Southwest, 196th Street Southwest and 76th Avenue West arterials are thin strips of multi-family zones that tight-line the arterials and have single-family neighborhoods behind them. Any dense multi-family development within these multi-family zones would likely have some impact on the adjacent single-family neighbors. Given the potential for impacts, these arterials were removed from Alternatives 3 and 4.

Alternative 3 would increase all flexible thresholds for the Highway 99 Corridor and the Medical/Highway 99 Activity Center since these are two areas where the City wants to encourage and promote development. The Medical/Highway 99 Activity Center contains some single-family neighborhoods that could be impacted by projects so Alternative 4 would raise all the flexible thresholds for only the Highway 99 Corridor, which is mostly commercial in nature with some multi-family development along the fringes.

Vice Chair Lovell summarized that it appears Alternative 2 would be the most generous in terms of area allocated to potential increases. He said he would support Alternative 2 because in the long-term, it is the City's goal to have growth occur in commercial and multi-family zoned areas that are closer to public transportation, main arterials, shopping and other highly used public facilities as opposed to trying to accommodate too many people in the downtown and waterfront. Creating flexibility on Highway 99 and the Medical/Highway 99 Activity Center would be to the benefit of the hospital in the long-term as they plan for their future. In addition, properties near 212th Street Southwest and 196th Street Southwest would continue to grow around the corridor. He expressed his belief that commercial and multi-family expansion should occur on arterials that move east and west from Highway 99.

Board Member Guenther said he has filled out numerous SEPA Checklists and has never felt they were a deterrent to development. He questioned how changing the flexible threshold levels would encourage development. Mr. Lien answered that the change would remove one more step in the permit process. He noted that the majority of SEPA review in the City is triggered by the landfill and excavation threshold, which has already been maxed out.

Board Member Stewart questioned the difference between the threshold related to the number of residential units and the threshold related to the square footage of the gross floor area. Mr. Lien pointed out that the thresholds would be measured separately for mixed-use projects.

Given the City's new Community Sustainability Element, Board Member Stewart suggested the City should encourage developers along the Highway 99 Corridor to utilize the transit opportunities that are currently available rather than providing more pavement for people to park their cars. Instead of pavement, more open space and places for rainwater to infiltrate could be accommodated. She suggested the threshold remain at 20 parking spaces in all areas. Mr. Lien clarified that the City has separate parking requirements that may require more than 20 parking spaces for some projects.

Chair Bowman observed that transportation bottlenecks could occur on major arterials as a result of new development. For example, if the ferry traffic on SR-104 continues to grow creating more traffic gridlock, additional development along SR-104 could result in more impact. Mr. Lien emphasized that Alternatives 3 and 4 have eliminated changes to SR-104 for that reason.

Board Member Cloutier recalled that the last time the Board discussed this item with staff, Mr. Lien pointed out that of all the applications the City has reviewed since 2004, very few would have triggered the SEPA limit even if the flexible thresholds were changed to the maximum allowed as per Alternative 1. Mr. Lien reiterated that of the 178 SEPA reviews that have occurred since 2004, 108 were subject to the flexible thresholds. The most common trigger was the landfill and excavation threshold. He recalled that at the Board's last discussion, the recommendation was to raise the thresholds for all zones through the City, which would only have impacted nine of the SEPA reviews that occurred since 2004.

Board Member Cloutier said that when putting the flexible thresholds in line with the City's vision, changing the thresholds would not alter the City's Development Code. However, adjusting the thresholds would make the SEPA rules consistent with the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC). The changes would also be consistent with the way the City wants to grow.

Board Member Guenther requested information about the types of SEPA determinations that have been made by the City over the past several years. Mr. Lien answered that since 2004, the City has only issued one Determination of Significance. The rest of the determinations have been Determinations of Non-Significance or Mitigated Determinations of Non-Significance. Board Member Reed noted that the applicant who received a Determination of Significance withdrew the application. Board Member Guenther pointed out that changing the thresholds would only have an impact on situations where mitigation would be required.

Board Member Reed said that as development occurs on 196th Street Southwest, 212th Street Southwest and SR-104, he is concerned about additional access to the major arterials. While he said he would support Alternative 3, he is still concerned about how the arterials would accommodate additional access points. He said he would prefer to leave the thresholds as they currently exist.

Board Member Johnson said she tends to favor Alternative 3 or Alternative 4, which both limit the changes to the Highway 99 Corridor and the Medical/Highway 99 Activity Center. She felt that Alternatives 3 and 4 would both be consistent with direction provided by the CEDC to increase sales tax revenue. However, she suggested the Board seek input from the CEDC and the Economic Development Director prior to conducting a public hearing on the proposed alternatives. She said she does not see a compelling reason to change the flexible thresholds for the other arterials where multi-family development currently exists in the SR-99 Corridor. She said she was relatively convinced by the staff's explanation at the last meeting as to why they should keep the

thresholds lower for the downtown zones. Using this same logic, she said she found it difficult to differentiate between one area in the City and another. She said she would prefer to consider threshold changes for the various neighborhood activity centers as part of the individual studies. However, she agreed there is clear direction for increasing commercial development along the Highway 99 Corridor, and if changing the thresholds would help, she would support the changes proposed for the Medical/Highway 99 Activity Center, as well.

Board Member Johnson invited Mr. Lien to share staff's recommendation, based on their experience with and knowledge of SEPA. Mr. Lien said he would recommend either Alternative 3 or Alternative 4. They would be easy to explain and administer and refer to areas that are clearly defined in the Comprehensive Plan. When considering potential changes on 212th Street Southwest, 196th Street Southwest and 76th Avenue West, staff had a hard time drawing the actual lines on the map for where the changes would be applicable. The Comprehensive Plan clearly states that Highway 99 is an area where the City wants to encourage economic development. Staff believes that adjusting the thresholds would make the development process a little easier.

Chair Bowman said he favors Alternative 3 for the reasons stated by staff. He said he is very concerned about the Edmonds Way Corridor, but Highway 99 was built to accommodate a lot of through traffic. He reminded the Board of their previous discussions about transition zones from high-density development to single-family residential neighborhoods. He said the mindset of the City seems to be that the Medical/Highway 99 Activity Center and the Highway 99 Corridor are both places where economic development should be encouraged. He would support changing the thresholds in these areas. However, he suggested the Board take a much more cautious approach when considering changes for other areas.

Board Member Guenther said he would support either Alternative 2 or Alternative 3. He emphasized that Edmonds is a built-out urban environment. He reminded the Board that significant impacts would be addressed through the SEPA review. Raising the thresholds on Highway 99 and in the Medical/Highway 99 Activity Center would be appropriate, and he agreed with Vice Chair Lovell that they could add other areas as shown in Alternative 2.

Board Member Stewart said she would prefer Alternative 3, which would allow the City to capture and utilize the transit opportunities that are already present on Highway 99. In addition, the Medical/Highway 99 Activity Center is ripe for redevelopment. She felt it would be appropriate to focus the changes on these two areas to send a strong message as a starting point.

Board Member Cloutier said he would support either Alternative 2 or Alternative 3, as long as both the Highway 99 Corridor and the Medical/Highway 99 Activity Center are included. He felt that including the neighborhood centers would also be a good idea. However, in the grand scheme, he did not believe the changes would alter the rate of development in the City.

The majority of the Board indicated support for Alternative 3. The majority further agreed that the flexible thresholds should be bumped up across the board for both the Highway 99 Corridor and the Medical/Highway 99 Activity Center. Board Member Reed, however, expressed concern about increasing the threshold from 4 to 20 units in residential areas, particularly near the high school and within the Medical/Highway 99 Activity Center.

Mr. Lien advised that the City's original SEPA regulations were adopted in 1976, and were based off the original model ordinance in place at the time. Most of the proposed changes are intended to incorporate updates in the model ordinance, the City's code and the RCW. He referred to Attachment 2 of the Staff Report, which highlights the more significant changes and reviewed each one as follows:

- WAC 197-11-158 relates to the reliance on existing plans, laws, and regulations, and ECDC 20.04 contains similar language. Therefore, a new section was added (ECDC 20.15.A.025) that points to ECDC 20.04.002.
- The model ordinance identifies adoption of WAC 197-11-238 as optional. It encourages Growth Management Act (GMA) cities to establish a process for monitoring the cumulative impacts of permit decisions and conditions and to use the data to update the information about existing conditions for built and natural environments. Staff believes that establishing such a monitoring program would be a large undertaking. In addition, existing conditions are already analyzed as part of updates to the Comprehensive Plan, the Shoreline Master Program, and the Critical Areas Ordinance.

Therefore, adoption of this section was not included in the proposed changes because it would just add an extra burden on the City for something that is already required.

- In ECDC 20.15A.040, the term “Responsible Official” was changed from the “Community Services Director or his/her designee” to the “Planning Manager or his/her designee.” In addition, the designation would no longer have to occur in writing. This is similar to how the City currently does business.
- The optional Determination of Non-Significance (DNS) Process in WAC 197-11-355 is a newly adopted code that provides GMA cities and counties the option of using a single, integrated comment period to obtain comments on the notice of application and the likely threshold of determination for the proposal. The proposed changes to ECDC 20.15A.060 would provide the City with another tool and may help speed permitting times in some instances.
- As proposed, ECDC 20.15A.070 would be deleted. The time estimates are not binding and Title 20 contains the binding requirements for permitting.
- ECDC 20.15A.120 would be changed to allow the City to modify the Environmental Checklist when a planned action, as identified in ECDC 20.040.003, is used. A planned action is similar to contract rezone or development agreement. A developer would complete an Environmental Impact Statement (EIS) that covers generally what they are planning to do. If what they apply for is consistent with the planned action, no further SEPA would be required. The proposed language would allow the environmental checklist to be modified in these situations.
- ECDC 20.15A.170 was replaced with a pointer to a new section added to ECDC 20.03.002. The intent is for all notice requirements to be located in the same chapter of the ECDC.
- A new list of policies from the model ordinance was added to ECDC 20.15A.220. Substantive authority is what gives the City the authority to attach conditions of approval to permits.

In addition to the changes identified in Attachment 2, Mr. Lien referred to ECDC 20.15A.210. As proposed, the DNS or draft EIS for non-exempt proposals must accompany the City staff’s recommendation to any appropriate advisory body such as the Planning Board. He explained that after further consideration, staff is not considering the option of requiring the final EIS to be provided as part of the Planning Board’s information. He asked for feedback from the Board regarding this issue. He noted that the final EIS must be completed before a permit can be forwarded to the City Council for final approval.

Vice Chair Lovell noted that preparation of a final EIS can be costly, and he questioned if requiring a final EIS could impact a potential developer’s willingness to proceed to the final permitting stage without some indication from the City that the permit would likely be approved. Mr. Lien said most of the EIS work would be done up front to address the issues raised by the City. Moving from a draft EIS to a final EIS does not involve a lengthy process and includes responding to each of the comments and perhaps making some minor adjustments. Typically, not a lot of changes are made between the draft and final EIS documents. However, he recognized that a draft EIS can take a lot of time to develop, and it will take additional time to complete the final EIS. Vice Chair Lovell expressed his belief that the sooner the Board is presented with information, the better. He said he would be in favor of allowing an applicant to submit a draft EIS for Planning Board review. Board Member Stewart concurred and noted that a draft EIS would propose various alternatives, and it would be helpful for the Board to view the range of options for mitigation. The Board agreed that a draft EIS would be adequate for Planning Board review.

Next, Mr. Lien advised that WAC 197-11-164 defines planned actions, and the definition is already in the City’s title 20. Therefore, staff does not believe it is necessary to incorporate the definition into ECDC 20.15A.

Board Member Reed referred to the proposed changes for ECDC 20.15A.040, which replaces “Community Services Director” with “Planning Manager.” He noted that throughout ECDC 20, the term “Development Services Director” is used. He questioned if a change would be appropriate to make the two documents consistent. Mr. Clugston explained that, in SEPA, the Planning Manager has always been the responsible party. However, he agreed this could be changed if the Board desires. Mr. Lien suggested that the Planning Manager continue to be the responsible official, since that is consistent with how the City current operates. The majority of the Board concurred.

Mr. Lien said the next step in the process is to prepare updated materials using Alternative 3 as directed by the Board, and then schedule the item for a public hearing. Board Member Reed inquired if the other alternatives would also be reviewed at the public hearing. Mr. Lien answered that is possible, but he would rather present just the Board’s preferred alternative.

The Board concurred and Board Member Reed noted that the other alternatives would be available to the public as part of the record.

UPDATE ON TITLE 20 PROCEDURES

Mr. Clugston reviewed that Title 20 was adopted by the City Council in June 2009. As staff has administered the new code over the past several months, they have identified several areas that need further refinement. He advised that the proposed amendments focus on the following:

- The majority of the changes are intended to better organize and/or clarify the language in an attempt to make it easier to use and administer.
- While staff had originally felt it would be a good idea for applicant's to be responsible for providing notice, they have found it difficult to get applicants to do the notices correctly. Staff now believes it would be appropriate for the City to reassume the public noticing requirement, and they believe the change would result in a more efficient use of staff time and ensure that notice is handled consistently.
- Staff found that a number of permit descriptions and types identified in the matrix in Section 20.01.003.A do not actually exist in the City or they are called something else. They reviewed the chart and made changes to more accurately describe the City's current processes.

Mr. Clugston referred to Section 20.01.000, which is a new section outlining the purpose and intent of Title 20. Staff believes it is important to identify the purpose of Title 20 upfront.

Board Member Reed referred to the proposed amendments to the decision matrix and noted that all Type III-A decisions have been eliminated from the matrix. Mr. Clugston agreed and explained that the City Council recently made the decision to change the permits that were identified as Type III-A decisions to Type III-B decisions, allowing the applications to come before the City Council for closed record reviews. He said staff tried to identify all the relevant permit types on the matrix, but they may have missed some that could fit into the Type III-A category.

Board Member Reed explained that the City Council enacted an ordinance on January 5th that placed the City Council back into the decision-making process for certain items. These items were moved from Type III-A decisions to Type III-B decisions. The procedures for Type III-B decisions were not changed; as currently written, there is a provision for closed record reviews before the City Council.

Board Member Stewart referred to Section 20.07.005.H, which allows the City Council to determine whether a decision by a hearing body/officer is clearly erroneous given the evidence in the record. After a closed record review, the City Council could affirm, modify or reverse the decision accordingly. She asked if this process has always been the case in the City of Edmonds. Mr. Clugston answered that this process was used previously by the City for many types of permits. When Title 20 was updated in June of 2009, a number of appeals were moved to the Hearing Examiner or Superior Court rather than to the City Council. However, in a recent action, the City Council decided to once again assume this responsibility some types of permits. Board Member Stewart asked if the City Council is in the position to do all of the necessary research to make an informed decision. She observed that the Hearing Examiner puts a lot of time into the process, and it appears the new process would allow his or her work to be undone too easily. Mr. Clugston advised that when amendments were presented to the City Council in early 2009, the City Attorney advised that they should move away from having closed record appeals. Instead, they should utilize the services of a Hearing Examiner (an independent body) to make these decisions. He recalled that when Title 20 was approved in 2009, it was a very contentious issue. When the new City Council was put in place in January 2010, this change was one of their first tasks.

Vice Chair Lovell referred to Section 20.07.006 and expressed his belief that the currently-approved process has the potential of becoming quite a legal struggle. If the applicant or party of record does not like the City Council's decision, they can take an issue to Superior Court for adjunctive relief. In these cases, the City Council would no longer be in the loop. Mr. Clugston agreed the current process offers an additional level of judicial appeal. Vice Chair Lovell noted that the process could be costly for either the City or the applicant. Chair Bowman agreed and said that was one of the Board's original concerns when they forwarded their recommendation to the City Council in 2009.

APPROVED

Board Member Cloutier asked staff to share information about how many appeals went to the City Council in the last several years under the old Title 20 and what the outcomes were. He questioned if there were unsatisfactory outcomes that drove the City Council to make a change in June of 2009. If so, he questioned if this information was conveniently forgotten when the City Council made their most recent decision to go back to closed record reviews.

Mr. Clugston said that if the proposed changes appear reasonable to the Board, staff would prepare them in final form for a public hearing in the near future. He agreed to provide information about appeals and their outcomes. The Board suggested it would also be appropriate for staff to solicit information from other jurisdictions that use a similar review procedure. They further requested information about the City Attorney's position on the matter.

Board Member Johnson suggested that because there are no permits listed in the Type III-A category, perhaps it could be eliminated and Type III-B permits could be changed to Type III permits. Mr. Clugston agreed that could be possible, but he suggested staff review the permit types again to make sure there are none that would fall within the Type III-A category before it is eliminated. The Board agreed that if the Type III-A category is not used, it should be deleted.

DISCUSSION OF SIGN CODE (ECDC 20.60) RESTRICTIONS ON NUMBERS OF SIGNS PER SITE IN COMMERCIAL ZONES

Mr. Clugston advised that the sign code was last updated three or four years ago, and the purpose of the current discussion is to consider just one specific change to ECDC 20.60.025.A(4). He explained that, as currently written, the maximum number of permitted permanent signs is three per site, or one per physically enclosed business space on commercial sites with multiple business tenants, whichever is greater. In addition, the total sign area of all signs permitted on site must also comply with the maximum total permanent sign area specified in the chapter. He advised that for a stand-alone business on a site by itself, the maximum sign provision has been workable, allowing the business a total of three signs of whatever types are permitted in the area. However, the provision has been difficult to implement in many instances on sites with multiple tenants. While wanting to minimize the total number of signs at a multi-tenant site is not unreasonable, it is uncertain why there is a difference between the number of signs allowed on an individual site as opposed to a multi-tenant site. He noted there are a variety of design standards for signs in the Development Code and Comprehensive Plan to control the appearance of individual signs in addition to the size and location requirements of Section 20.60. These standards apply to all business and commercial sites. He said staff is recommending the Board consider the following two options:

- **Option 1.** Remove the maximum number of permitted signs in business and commercial zones by striking ECDC 20.60.025.A(4). In this case, each business would have a maximum amount of sign area to divide up into the number of signs they felt appropriate. The type, size and design of the signs would be limited by the provisions of ECDC 20.60 and the applicable design standards.
- **Option 2.** Continue but extend the three signs rule to provide additional flexibility in how multi-tenant sites are addressed. The maximum number of permitted permanent signs would be three per site, or three per physically-enclosed business space on commercial sites with multiple business tenants. Multi-tenant sites would be allowed an additional group sign identifying the individual subtenants at the site. This option would allow up to three signs per business regardless of location and would provide for a directory-type sign for multi-tenant sites. The maximum total permanent sign area allowed would not be changed.

Chair Bowman observed that commercial signs are fairly self limiting because of their cost. It is important that the City use common sense when dealing with multi-tenant sites. He noted that if a change is implemented and found to be undesirable, the Board could recommend additional changes to address the issues. He summarized that because of the high cost for signs and the existing limitations on square footage, he felt comfortable with the either of the options proposed by staff. He noted that temporary signs are the most significant concern in the downtown at this time. Mr. Clugston agreed that the Board will need to address temporary signs at some point in the future, but the intent of the proposed change is to address permanent signs on multi-tenant sites, only. He shared several examples of how the proposed new language could be applied to various sites throughout the City.

Chair Bowman inquired if it would be possible to craft a sign code that is specific to each zone rather than applied citywide. He observed that people are very reactive to changes in certain parts of the City, yet they are less concerned about other areas such as Highway 99. Mr. Clugston said staff has not considered creating a sign code that is zone specific. While he agreed it would be possible, he cautioned that it could be very difficult to administer. He reminded the Board that the City recently adopted design standards for the BD1 zone, which further describe how signage must look. Presumably, the City would do the same for Highway 99. The intent of the proposed amendment is to capture the change in a fairly simple fashion, with the understanding that a more comprehensive review of the sign code will take place in the future to address other issues. He agreed to research other jurisdictions to see if any have created sign regulations that are specific to individual zones.

Board Member Cloutier referred to ECDC 20.60.30, which identifies the maximum square footage of sign space allowed in each zone. He suggested that one option is to identify the number of signs allowed and then let the property owners distribute the number of signs based on the total square footage allowed. However, he emphasized that neither option would allow a property owner to exceed the maximum amount of square footage. He voiced concern that the first tenants on a multi-tenant site could use up the majority of the total amount of signage allowed, leaving very little for future tenants. However, ECDC 20.60.030(A) would address this issue by limiting the maximum signage to 1 square foot per lineal foot of attached wall in commercial zones. He cautioned that Option 1 could become unwieldy if the City were not able to limit the number of signs per business.

Board Member Reed suggested staff provide some examples of how the two options would be implemented. Mr. Clugston agreed to provide visual information to illustrate how the two options would be applied.

Board Member Johnson asked if the proposed amendments are the result of one situation or a string of problems. Mr. Clugston answered that this has been an issue for quite some time. Originally, staff anticipated the City could address the issue as part of the upcoming comprehensive review of the sign code. However, it has become enough of a problem that staff felt it appropriate to move forward with changes now. He referred to the Old Milltown Building as an example. The new ACE Hardware business has three signs on the building, so any additional tenants would be limited to just one sign. Another example is the Washington Federal Bank, who submitted an application to replace their 11 existing signs. As a tenant of a larger building, the current sign code only allows them to have one sign. It is difficult for staff to reconcile that a business on a site by itself can have three signs, but a business on a multi-tenant site is limited to just one. Staff felt it was appropriate to reach some conclusion on this issue as soon as possible.

As a business person, Chair Bowman said he is in favor of more flexibility. One of the biggest challenges he has had to deal with as a business owner in downtown Edmonds is signage. However, he questioned if they are perhaps trying to craft a solution to a problem that does not exist. He asked if citizens are complaining. Mr. Clugston answered that citizens are not complaining, but business owners are very concerned that there is no flexibility for signage on multi-tenant sites.

Board Member Johnson asked if the City has received complaints from business owners in the strip developments along Highway 99 and SR-104. Mr. Clugston said both of the recent applications in these areas were presented to the Architectural Design Board for review, since they have the ability to offer flexibility.

Board Member Stewart pointed out that the total sign square footage would be the same for either option. However, Option 2 would provide more flexibility. Mr. Clugston agreed the total square footage would remain the same. The only thing that would change would be the number of signs allowed on multi-tenant sites.

Board Member Stewart referred to the City's current effort to become more sustainable. She suggested that perhaps the sign code could give some consideration to what happens to the signs when they are no longer used. Chair Bowman said it depends on the type of sign. He said he has a wood sign on his Edmonds business and an aluminum sign on his Renton business. The majority of both signs are recyclable.

Chair Bowman asked staff to share the driving motivation behind the proposed change. Mr. Clugston said the driving purpose of the proposal is to provide flexibility for tenants on multi-tenant sites to put up more than one sign. He said the Board should keep in mind that they do not want the City to look like Las Vegas, and the existing standards in the sign code

would prevent this from happening. However, providing additional flexibility in the number of signs would be useful for the multi-tenant business owners.

Board Member Johnson summarized that staff has presented two options for the Board's consideration. She asked if staff has a preference of one option over the other. Mr. Clugston said he would recommend Option 2 because it would provide additional flexibility in the number of signs allowed per business. It would also be easier to administer. Option 1 would allow property owners to decide how signage would be divided, and it would be a little harder for the City staff to administer.

Board Member Stewart asked if it is typical for a business to review the City's sign code ahead of time or if they wait until they have the space before they look at the requirements. Mr. Clugston said it seems that signage is one of the last things an applicant looks at. Board Member Stewart suggested that if the City does change their code to be more flexible, it would be wise to make the change known to the business community. Mr. Clugston pointed out that the information would get to the business community via the sign companies that work in Edmonds.

Mr. Clugston agreed to bring back visuals to illustrate how the proposed options could be implemented on various sites in the City. He could also provide examples of what currently exists and explain how they are either compliant or non-compliant. The Board agreed this would be helpful. Mr. Clugston noted that a few applicants are waiting to see what happens with the proposed amendment, so staff would come back to the Board for continued discussion as soon as possible.

REVIEW OF EXTENDED AGENDA

The Board discussed potential dates for a retreat. She expressed her belief that the extended agenda is a little out of step as far as Board priorities. She voiced frustration that the City Council and CEDC are talking about a vision for the City, while the Board is looking at the sign code. A vision for the City and economic development are important issues before the City at this time, yet they are not even identified for discussion on the Board's extended agenda. Board Member Guenther recalled that the Board has spent time at past Planning Board retreats prioritizing the issues before them.

Board Member Johnson said her sense is that this is a low period for the City when there are not a lot of applications coming before them for development review. She recognized that this is a good opportunity for the City to catch up on their work to update the Development Code, etc. However, during this same slow period, there is a movement afoot to rethink the way Edmonds will develop in the future. This long-range and comprehensive planning should certainly be more important than some of the other items currently scheduled on the Board's extended agenda.

Vice Chair Lovell noted that the Board does not decide on the issues that come before them for review. It is their job to update and maintain the Comprehensive Plan and consider other issues that are sent to them by the City Council. He noted that the matter of economic development was discussed extensively by the Board over the past year, and they did a lot of work in parallel with the CEDC. As it turns out, the CEDC has actually been given the charge of moving the issue forward, and they are doing so. He noted that the agenda for the CEDC's next meeting includes four items: strategic planning and visioning, technology, land use and tourism. Of these items, the only one that falls within the purview of the Board is land use. He reminded the Board that any land use changes would require their review and a recommendation to the City Council, and he suggested it would be appropriate to inform the CEDC of the correct process for moving land use issues forward. He summarized that while the Board may feel passionate about the other items on the CEDC's agenda, they must recognize that they are not the prime movers for these issues.

Board Member Johnson expressed her belief that a strategic vision for Edmonds is part of the Comprehensive Plan, which is under the Board's purview. Board Member Guenther agreed that any changes to the Comprehensive Plan must come before the Board for review and a recommendation to the City Council.

Chair Bowman said he can understand Board Member Johnson's frustration as a new member of the Board, but he felt it is very positive and timely that the City Council is now moving as a cohesive unit to work on economic development with the CEDC. There are a lot of very knowledgeable people on the CEDC and they are doing good work. The Board has a lot on their plate, as well. For example, he felt the sustainability issue would be a lot larger than anticipated. He said members who

have served on the Board for a longer period of time understand Board Member Johnson's concerns about wanting to participate and move forward with economic development, but it is important to understand that the ball is moving forward at the CEDC and City Council level.

Board Member Johnson said she had thought the Planning Board was going to be a joint participant with the CEDC to address economic development issues, but the issue is not even identified on the Board's extended agenda. Chair Bowman suggested that staff arrange a joint meeting to allow the CEDC to update the Board on their activities and discuss how the Board can participate in the process.

Board Member Reed agreed that land use is one area in which the Board should participate fully with the CEDC. He said he has been pleased with the work performed by the CEDC; they took a lot of very detailed information and boiled it down into some very achievable goals. In the resolution approved by the City Council, the Board was charged with reviewing and considering strategies for economic development in conjunction with the CEDC that will improve commercial viability, tourism, development and activity in the City of Edmonds. They were invited to report back to the City Council on or before the Council's first meeting in December. He recalled that the Board has talked about this coordinated effort, and perhaps it would be helpful to refresh their minds of previous discussions. He also suggested it would be appropriate for the Board to meet jointly with the CEDC's land use subcommittee, since the Board will be responsible for dealing with land use matters. Perhaps the Board could provide helpful direction to the subcommittee.

The Board agreed to schedule the retreat as soon as possible, perhaps in May. They agreed that the agenda should include the following discussions: sustainability, economic development/vision, neighborhood center planning, and prioritization of issues. In addition, the Board agreed it would be helpful to invite a representative from the City Attorney's office to provide a refresher course on Planning Board procedures. Board Member Cloutier stressed the importance of making decisions at the end of the retreat regarding priorities and the direction the Board wants to go for the remainder of the year. Board Member Johnson said she would like each of the Board Members to also share some of their personal experiences while participating on the Board.

The Board discussed the option of appointing a Planning Board representative to attend CEDC meetings and report back to the Board. Board Member Reed noted that all of the CEDC meetings are open to the public, and Board Members can attend.

PLANNING BOARD CHAIR COMMENTS

Chair Bowman did not provide any comments during this portion of the meeting.

PLANNING BOARD MEMBER COMMENTS

Board Member Cloutier announced that an Art Walk is scheduled for April 15th. In addition, the Earth Day event is scheduled for April 22nd from 6:00 to 8:00 p.m. at City Hall. The Edmonds Branch of the Snohomish County Public Utility District will hold a meeting on April 21st at 7:00 p.m. regarding potential proposals for grant funding for conservation projects. He reported that there is a large amount of grant money available, and they are looking for ways to spend it quickly. He said he plans to attend the meeting.

Board Member Lovell reported that the owner of the Cycle Barn building in North Lynnwood has announced plans to convert the space into a city market place, which will include a farmer's market section. He noted this is an item on the CEDC's agenda, and there is a committee in Edmonds that wants to create a permanent farmer's market in Edmonds.

Board Member Lovell announced that the City Council made a rather bold move at their meeting of April 14th. It appears the City will purchase the Skippers property for \$1.1 million. However, he noted that the City does not currently have the funds to make the purchase. He suggested there may be a plan before the City Council to work with the Port of Edmonds to create a development opportunity that incorporates the WSDOT property, the proposed overpass, etc.

Board Member Stewart announced that the Watershed Fun Fair is scheduled for April 24th at Yost Park. The even is sponsored by the Edmonds Backyard Wildlife Habitat Project and the National Wildlife Federation. At the fair, the City will

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be honored and celebrated for achieving Community Backyard Wildlife Habitat Certification. She thanked Laura Spehar and the others who spearheaded the program.

ADJOURNMENT

The Commission meeting was adjourned at 9:55 p.m.

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