

APPROVED MAY 26TH

**CITY OF EDMONDS
PLANNING BOARD MINUTES**

May 12, 2010

Vice Chair Lovell 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

Philip Lovell, Vice Chair
Todd Cloutier
Cary Guenther
Kristiana Johnson
John Reed

STAFF PRESENT

Rob Chave, Planning Division Manager
Mike Clugston, Planner
Jean McConnell, Engineering Project Manager
Frances Chapin, Cultural Services Manager
Karin Noyes, Recorder

BOARD MEMBERS ABSENT

Michael Bowman, Chair (excused)
Kevin Clarke (excused)
Valerie Stewart (excused)

READING/APPROVAL OF MINUTES

BOARD MEMBER REED MOVED THAT THE MINUTES OF APRIL 28, 2010 BE APPROVED AS AMENDED. BOARD MEMBER CLOUTIER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

No changes were made to the agenda.

AUDIENCE COMMENTS

Al Rutledge, Edmonds, reminded the Commission that he has been attending their meetings since February to speak about additional signage at Hickman Park. He said he made three telephone calls to Brian McIntosh, the Parks, Recreation and Cultural Services Director, regarding the issue, and he finally received a call back from him. Mr. McIntosh indicated that he reviewed the recording of the City Council meeting, but did not find the comments about adding an additional sign at Haines Wharf Park. He agreed to email him additional information. Mr. McIntosh indicated that no additional sign would be added to the Hickman Park to recognize other individuals who were nominated. Mr. Rutledge said he informed Mr. McIntosh that his interpretation of the City Council's direction is wrong.

Mr. Rutledge advised that last week he attended a Snohomish County Council meeting where they approved an ordinance prohibiting guns in their parks. They also discussed a proposal to identify the unincorporated area on Highway 99 as Urban Center, which would have a maximum height limit of 180 feet. The vote was 3-2 because some members of the Council wanted to limit the height to 60 feet. He encouraged the Planning Board to review this proposal (Ordinance 09-079) and provide comments to the Snohomish County Council. He noted the City has 60 days to make comments regarding the proposed zoning, and he encouraged them to be particularly thoughtful about the proposed height limit.

Lora Petso, Edmonds, said she was present to speak to the Board about the update to the Subdivision Regulations. She expressed concern that the existing code is getting a bit of unnecessary bad rap, particularly regarding the sustainability issue. She submitted photographs showing the following:

- The first set of photographs represents a development within a standard subdivision (her property) with a 25-foot setback area in the back. The photographs are intended to illustrate some of the sustainable things she can achieve even with a small amount of space. She has planted crops, and they are hoping to have chickens and solar power some day. Just because it is a standard subdivision, does not make it unsustainable.
- The second set of photographs represents a Planned Residential Development (PRD). In fact, it is the original PRD that was approved approximately 10 years ago while she was serving on the City Council. There is some evidence of sustainability, but it would be difficult for the property owners to have crops and chicken. However, there are some play areas for the children, and the development was able to save some tall trees.
- The third set of photographs represents a multi-family development on 212th Street between Five Corners and the High School. She said she does not know if this development was permitted under the multi-family regulations or the PRD regulations, but she cannot find any sustainability elements included. It seems to be 100% covered with stuff.

When the Board considers potential changes to the Subdivision Regulations later on their agenda, Ms. Petso encouraged them to keep in mind that the City already has some good regulations if properly enforced. If they decide to move towards allowing developments such as the one illustrated in the third set of photographs, she hopes they do not do so as an attempt to encourage sustainability. She said she hopes they will restrict their proposed changes to properties that are zoned multi-family. She said she cannot picture having town house style development in the Emerald Hills or Talbot Park neighborhoods. There is a park in her neighborhood, and she would hate for this park to be blocked from the existing single-family residential neighborhood by a development of this type. She summarized that it would be best to address the problems associated with condominium ownership rather than expanding the rewrite to include all elements of the Subdivision Regulations.

George Murray, Edmonds, said he was present to discuss the second item on the Board's agenda, the update of the Comprehensive Plan. As a citizen that cannot spend a lot of time reviewing the information presented in the Staff Report, it would be helpful for staff to provide an explanation for each of the changes in the margins of the document. He specifically referred to Item A.4.c, and noted that "view" would be replaced with "public view." He questioned the purpose for this change. He asked if the proposed change would mean that private views would not be considered when development proposals are reviewed. He referred to the development located at 523 Alder Street, which ended up blocking the view from 18 condominiums located behind it. The development is currently on the market for almost \$1 million. However, the 18 condominiums that are located behind it have dropped in value by about \$80,000 each. This has reduced property tax revenue by about \$5,000 per unit, in exchange for the additional property tax revenue from just this one unit. He said this situation puts him in a skeptical frame of mind about why changes are being made. He noted that the house at 517 Alder Street is small, but it is located on very valuable property. If building heights change and the site is developed at a greater height, it will end up blocking the view from the property at 523 Alder Street. He summarized that how the City deals with height is critical for the long-range future of Edmonds. He observed that Swedish Hospital is beginning to move forward with plans to redevelop in the hospital area, and he suggested this would be a wonderful area to allow additional height to increase revenues for Edmonds.

Roger Hertrich, Edmonds, said he was present to express opposition to including the PRD Ordinance as part of the Subdivision Regulations. He recalled that PRD's used to be called Planned Unit Developments (PUD), and at one time, common walls were allowed. The original ordinance allowed homes to be clustered on the upland portion of a property, which resulted in solid lines of houses, with no separation at all. At a later date, the City changed the PRD Ordinance to require separation between the houses. He explained that PRD's are supposed to be consistent with the character of the surrounding neighborhoods in which they are located. He recalled that many hours have been spent developing the existing PRD Ordinance, and it works very well at this time. He recognized that it is not used a lot, but it is supposed to allow a developer to save trees by changing the development pattern. He emphasized that, at no time, has the PRD Ordinance allowed an increase in density. He recommended no changes be made to the PRD Ordinance. It has been in place for a long time, and he does not want to throw it out to create something else. He said the PRD Ordinance is an essential part of the code. However, he acknowledged it does not work in every situation. The current ordinance requires a public involvement

process, which is essential to its success. He said that people in single-family residential neighborhoods often see a PRD proposal as something radically different, so it is important to allow them an opportunity to voice their concerns.

Mr. Hertrich expressed his belief that “sustainability” is a term that can have a different meaning every time it is used. He suggested that each time the word is used in code language, an explanation should be provided regarding its meaning. He further suggested the City establish criteria for determining sustainability.

Mr. Hertrich said he has heard some very negative comments from citizens in the community about cottage housing, and they do not want it in single-family zones. He questioned what would be gained by going from a single building with setbacks, open space, green areas and trees to a bunch of small buildings with the same density and the only actual open space is the sidewalks between the buildings. He suggested this would be a radical look for the community. He recalled previous Planning Board discussions about what can happen when houses are constructed very close together and there is not room for traffic movement, emergency access, pedestrian access, and parking. He cautioned the Board to avoid the “Snohomish County problem” where they allowed some extremely tight development and have now changed their minds. He suggested that this concept results in neighborhoods that quickly deteriorate because there is no space for people to live. He summarized that sustainability has much to do with the design of a structure, light and open space. Again, he asked the Board to take PRD’s off the list for potential change. The ordinance works well in its present form.

Board Member Reed advised that he received an email from Finis Tupper, asking him to read the following into the record:

“The purpose of a Comprehensive Plan is to establish a long-range plan, looking into the future, addressing the needs and vision relating to land use, transportation, parks and open space, community facilities and economic development. The Edmonds Comprehensive Plan sets a foundation for decision-making from a broad and far-reaching policy standpoint for all governmental action even though the plan itself is not regulatory. The most important power and duty granted to the City of Edmonds is the authority and responsibility to regulate land-use for the sole purpose of protecting and promoting public health, safety and general welfare of current and future citizens.

All private projects requiring City review and approval should be consistent with the Comprehensive Plan. All public projects should have Hearing Examiner review and advisory opinion. All public projects and street vacations must be consistent with and satisfy the goals of the Comprehensive Plan. Having this requirement of a Hearing Examiner advisory opinion for all public projects, capital facilities projects and street vacations provides additional public participation and ensures the City Council has another legal opinion ensuring consistency. Planning staff’s recommendation to the Planning Board to make changes to the Effect of Plan is inconsistent and contrary to the Edmonds Municipal Code (EMC) and Hearing Examiner duties. Specifically, EMC 10.35(F) requires Hearing Examiner review. (Vacations and Dedications, The hearing examiner will review the comprehensive plan and report on the same prior to any street vacation of dedication as provided in ECDC 15.05.02).

ECDC 15.05.020 was the Comprehensive Plan prior to the 1997 adoption of the Comprehensive Plan as a separate stand-alone document. The Mayor and City staff admitted their failure to not act according to the mandatory requirement of a Hearing Examiner advisory opinion prior to Council decision-making in the adoption of the street vacations, capital facilities and property purchases. This failure is not a good enough reason to make changes to the current Comprehensive Plan. Saying long ago adopted procedure is forgotten and does not apply does not make it ripe for wholesale edit and elimination. The Planning Board should not accept any change to the current Edmonds Comprehensive Plan that is inconsistent with the Edmonds Municipal Code. Actions like this just make the process less certain and contentious for those who know the code and understand the meaning of the words.”

PUBLIC HEARING ON DRAFT SIGN CODE AMENDMENTS TO PROVIDE CLARIFICATION OF DEFINITION AND CRITERIA FOR WALL GRAPHIC MURALS OR ARTWORK

Vice Chair Lovell referred the audience to the rules and procedures for the public hearing, which are found on the back of the Board’s agenda. He advised that the public hearing is related to draft sign code amendments to provide clarification of definition and criteria for wall graphic murals or artwork.

Ms. Chapin recalled that the Development Services Department became aware that the section of the code dealing with wall graphics and therefore murals (Section 20.60) needed clarification after a mural was installed downtown in the fall of 2009. Since that time, she has worked with the Development Services Director, Planning Manager and City Attorney to develop the proposed amendments. She emphasized that the proposed changes are intended to address wall graphics that are applied to walls on private property and would not be applicable to public art and/or public property. Ms. Chapin advised that staff met with the City Council's Community/Development Services Committee, and they forwarded the item to the Planning Board for discussion March 24th. She explained that staff obtained information from several cities in the region and reviewed the existing code and policies related to the issue. They learned that jurisdictions handle murals in a number of different ways such as:

- Establish a theme and require that all murals must conform to the theme.
- Set up a City-run mural program to regulate murals, which would necessitate staff time and dollars.
- Address murals and artwork as a type of sign for which a permit and a fee is required as part of the basic sign code.

Ms. Chapin advised that, at this time, Edmonds regulates murals and wall graphics via their sign code. However, she cautioned that murals and wall graphics cannot be reviewed based on aesthetics alone unless the community has an established theme. Wall graphics are different than public art for which the City has a selection process that does look at aesthetic elements. She summarized that the goal of the proposed amendments is to clarify the definition, outline the application process, identify the submittal requirements and provide criteria for staff to consider when reviewing applications. She reviewed each of the proposed changes as follows:

- **Section 20.60.005 – Definitions.** The definition for “wall graphic” was changed to include the word murals. In addition, the word “primarily” was inserted before “without the use of words,” to allow flexibility for wall graphics to include at least some words. However, inserting the word “primarily” ensures that the artwork would not be simply a written piece.
- **Section 20.60.015.A – Design Review Procedures.** The language in this section was changed to make it clear that wall graphic applications would be reviewed by the Planning Manager, or designee. Language was also provided to clarify that the applications would be reviewed in accordance with the criteria set forth in Subsection C of the section.
- **Section 20.60.015.C – Staff Review of Murals and Artwork.** This is a new section that describes the review process. The intent is to streamline the application process, and one way to do that is to allow applicants to have a single design review for multiple wall graphic proposals that are all related. However, she emphasized that the proposed language would still require a separate sign permit for each wall graphic.
- **Section 20.60.015.C.1.** This section was added to make it clear that art, like other exercises of First Amendment rights, may be limited to reasonable time, place and manner restrictions. The criteria provided in the code would be used to ensure quality and maintenance standards are observed. She explained that no proposal could be denied based on its content or message, but applicants would be strongly encouraged to coordinate the artwork with the design of the building and the historic and pedestrian-oriented character of the downtown.
- **Section 20.60.015.C.2. Specific Submission Requirements.** This section was added to identify the items an applicant must provide as part of a proposal. The requirements include a site sketch showing location of the artwork, minimum ¼-inch scale drawings of the art concept or art component and material/color samples. A written proposal would also be required to include a description and summary of the final design proposal, detailed maintenance requirements, a schedule for development, an artist's resume, and evidence of assumption of liability by applicant or designee. In addition, a Certificate of Appropriateness from the Historic Preservation Commission would be required for murals on designated historic structures or within a designated historic district.
- **Section 20.60.015.C.3 – Review Criteria.** This section was added to identify review criteria for design review. It addresses the quality of materials used to create the artwork and requires that the materials be resistant to fading. No florescent paint would be allowed. It also addresses the issue of durability and permanence, including the ability to withstand age, vandalism and weathering. It recommends consideration be given to anti-graffiti coating. In addition,

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the artwork would be reviewed for compatibility with architectural elements, other elements of the street and adjacent structures.

Board Member Cloutier referred to the proposed definition for “wall graphic” and questioned the purpose of limiting the art to a thickness of ½ inch. He asked if there is a process for allowing exceptions to this requirement. Mr. Chave answered that if the code states that a wall graphic cannot be more than ½ inch thick, then that is the standard the City would enforce. Ms. Chapin pointed out that this limitation is part of the existing code. Mr. Chave said the only procedure for obtaining a greater thickness would be a variance, which would require Architectural Design Board (ADB) review. In the case of a variance, the applicant would be required to explain the specific circumstances that warrant a variance. Ms. Chapin said that if a wall graphic is allowed a greater thickness, there could be issues with public safety because the tiles would weigh more. However, she acknowledged that she does not have any scientific data to support the limitation.

Ms. Chapin explained there has been some confusion about publicly-funded artwork on public property as opposed to what they are talking about in the sign code, which is a private entity putting artwork on a private building. Board Member Reed asked what controls the art that is placed on public property. Ms. Chapin answered that the Art Commission has a detailed process for selecting public art, which includes a public process that is juried. The jury consists of representatives from the City Council, the Art Commission, and the public. Prior to final approval by the City Council, a public hearing is held. In addition, public meetings are held throughout the process so people are made aware of what is being proposed. Board Member Reed said he has heard suggestions that a mural should be placed on the south side of the Senior Center Building. Ms. Chapin said the Senior Center Building is fairly high on the Art Commission’s priority list for using public art to enhance the area.

Manya Schilperoort, Edmonds, thanked the City staff for taking great care to put together a proposal to change the sign ordinance. She said it will be helpful to have the requirements listed out in a clear and concise way. She said she serves on the Board of the Edmonds Mural Society and has reviewed the proposed amendments. She offered the following observations and recommendations:

- **Section 16.60.005 – Definitions.** She suggested that in the definition of “wall graphic” the words “in which the business is located” should be changed to “where the wall graphic is proposed.” She explained that the artwork would not necessarily relate to the business that is located inside the building.
- **Section 16.60.015.A – Staff Approval.** She asked for clarification about who the designee would be.
- **Section 16.60.015.C – Staff Review of Murals and Artwork.** She suggested the second to the last sentence be changed to read, “Related murals or artwork may include multiple proposals for sites within reasonable proximity to each other that are related by theme, style, materials used, and/or context.”
- **Section 16.60.015.C.1** – She suggested that the words “design of the building” be changed to “design or architectural elements of the building.” She shared an example of a door that is blocked in and suggested that perhaps artwork could be constructed to take advantage of this element.

There was some confusion as to whether Ms. Schilperoort was referencing the staff’s proposed language, or the language submitted just prior to the meeting by Clayton Moss. Ms. Schilperoort said she supports the staff’s proposed language, with the changes she noted.

Ms. Schilperoort said the goal of the Edmonds Mural Society is to provide attractive murals throughout the downtown that attract tourist to Edmonds. She asked that the Planning Board forward a recommendation to the City Council to waive all fees associated with a mural application. She explained that, at this point in time, the Edmonds Mural Society uses donations from the citizens of Edmonds to pay for the murals, and the effort is citizen driven. She advised that some communities have been able to attract large numbers of visitors to see their mural displays, and this has improved the economic health of their downtown areas. She specifically noted that people come from all over the world to Toppenish, Washington, to see their murals. She said it would be wonderful if the City of Edmonds could see their way to requiring either a very small fee or no fee for a sign permit to install a mural.

Roger Hertrich, Edmonds, said he has dealt with the sign code at various times because he was concerned about things getting out of hand. He said that sometimes good things turn bad if there are too many in an area. He said he has recently been introduced to the need for signs for private businesses, but he questioned where the City should draw the line. He said the City used to go on the idea that it is the business that draws the people and not the sign, but anyone who has a small business knows that signs draw people that pass by. He said he has visited areas where large murals have been on display, but he has never visited a town where there are murals on every building along a street. He questioned if the program would reach the point where the murals detract from the buildings, themselves. If the City were to allow a quantity of murals, decisions need to be made about height limits, etc. He noted that, as currently proposed, wall graphics would have no height limit. As a member of the Senior Center Board, he said he has also proposed that something be done to decorate the southern wall. He said he shares the enthusiasm of others who want murals on buildings throughout the downtown.

Mr. Hertrich referred to Section 20.60.015.C.3.c, which states that the artwork must be compatible with architectural elements, other elements of the street, and adjacent structures. It further states that compatibility would be determined by relationship of the elements of the form, proportion, scale, etc. He questioned if there is a true definition for what this section means. He noted that compatibility can mean different things, depending on the person. This language would be open to interpretation by the applicant, the Planning Manager, and perhaps even the ADB. Who will make the final decision about which opinion would be considered right? He agreed it is appropriate to have some elements of control in the definition, but he questioned how the rules would be set up. For example, would the City limit the murals to every other building, or would every building be allowed to have a mural? Should murals be allowed on second story walls, or should they be restricted to the ground floor, only? He said it will be a tough job for City staff to come up with answers.

Alvin Rutledge, Edmonds, announced that he has submitted a letter to the City from a group that is working to provide a new sign at the Edmonds Museum. He said there are currently two signs on the property, and they are requesting an additional sign. He referred to the City's current definition for a freestanding sign, which is any sign that is not attached or affixed to a building. He said the new sign would not be attached to the building, so they would be asking for an exemption to the sign code.

Pat Brier, Edmonds, said she was the culprit behind the first mural that was installed in the downtown, and she knew she would have to break ground. She worked closely with the building owner and the neighborhood to identify a theme, a design, etc. The Edmonds Mural Society makes sure that any artist who wants to participate in the mural program follows this same careful approach. Each artist must sign off that there will be nothing outlandish or out of line or that others might construe as obscene. They are careful to make sure they work with the architectural idiosyncrasies and historic elements of the buildings. Their goal is it to create an outdoor fine art gallery.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

In answer to Ms. Schilperoort's question, Mr. Chave explained that the Planning Manager's designee would be the staff person who is assigned to work on an individual mural project. He noted this is standard language used throughout the code. He also referred to Ms. Schilperoort's recommendation to change the wording in Section 20.60.015.C by adding the words "materials used" to the second to the last sentence. He said staff would support this change, if it is the desire of the Board.

Mr. Chave referred to the changes recommended by Clayton Moss and noted that most are intended to provide more detail rather than change the intent of the proposed language. For example, requiring a certificate of insurance (Section 20.60.015.C.2.c) would go above and beyond what staff believes is necessary. Therefore, staff would not support the change. In addition, his proposed amendments to Section 20.60.016.C.2.a and C.2.b would add more specific requirements for the application submittal. He explained that Mr. Moss is very capable of providing these additional materials, but someone else might not be. He urged the Board to consider submission requirements that are the minimum necessary rather than imposing requirements that go beyond what someone could easily provide. However, he agreed it would be appropriate to change Section 20.60.015.C.2.b to insert the word "color" between "scale" and "drawings."

Board Member Guenther observed that the information identified by Mr. Moss would be good to include as part of the application. However, unless the code specifies that certain colors be used, the information would not be necessary in order

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to approve a proposal. Requiring the information would mean extra work for staff when it is not needed. He said he does not see the advantage of adding more specific submission requirements than what has been identified in the staff's recommended language.

Ms. Chapin referred to the language Mr. Moss recommended for Section 20.60.016.C.3.a. She noted that staff's proposed language for this section would already require a review of the quality of materials used to create the artwork. It would also require that materials be resistant to fading and that no fluorescent paint be used. However, she agreed that the language could also prohibit lead-based paint and other materials proven to be harmful to humans or the environment. The section could also prohibit reflective paint and materials, which could be problematic for traffic. Board Member Cloutier pointed out that lead-based paints are already prohibited by other sections of the code. He further noted that all paint is harmful if ingested.

Mr. Chave suggested that the language Mr. Moss proposed for Sections 20.60.015.C.2.a and C.2.b could be included as suggestions of what an applicant might want to include in the submission materials. However, they should not be requirements. He reminded the Board that it would be difficult for some applicants to provide this level of specificity. Ms. Chapin agreed. Ms. Chapin suggested that perhaps the information submitted by Mr. Moss could be summarized in a handout as things an applicant might want to consider. Ms. Schilperoort pointed out that the Edmonds Mural Society already includes this information on their website. Board Member Cloutier agreed that while they are important suggestions, they should not be included in the code. The remainder of the Board concurred.

Ms. Chapin referred to Ms. Schilperoort's recommendation that the last sentence in Section 20.60.015.C.1 be changed by replacing "design of the building" with "design or architectural element of the building." She reviewed that applicants are encouraged to coordinate their artwork with the design of the building, so she would support the proposed change.

Ms. Chapin also referred to Ms. Schilperoort's recommendation that the third sentence in Section 20.60.015.C be changed by adding "materials used and/or" after "style." Board Member Cloutier cautioned against placing too many requirements on an applicant that wants to submit a package of mural applications for design review. In his view, they should encourage this approach rather than requiring staff to review each submittal separately. Ms. Chapin cautioned that the language must be clear to require that the proposals be related in one of the ways identified. Otherwise, staff could end up with a package of unrelated murals.

Vice Chair Lovell referred to the first sentence of the proposed definition for "wall graphic" and suggested the words "on the building" be changed to "of the building." After further discussion, the Board decided not to make this change. However, they indicated support for Ms. Schilperoort's recommendation that the words "in which the business is located" should be replaced with "where the wall graphic is proposed."

Vice Chair Lovell requested clarification of Section 20.60.015.C.1. Mr. Chave explained that this section should be read in relation to the sentences that follow, which explain that the City cannot regulate the content of artwork.

Vice Chair Lovell said he believes murals will be a great addition to the community and will help promote tourism. However, he referred to an article in the May 12th edition of *THE SEATTLE TIMES*, which describes a situation where someone tagged a mural with graffiti. He expressed concern that the more murals are highlighted in Edmonds, the more opportunity there will be for taggers to damage them. Ms. Chapin reminded the Board that the proposed language recommends that consideration be given to using anti-graffiti coating, but there are also materials that can be cleaned. There has been a lot of documentation published regarding this issue, and the City wants artists to be cognizant of the concern. There are many places where murals are not tagged and certain materials can be used to help resolve the issue.

Vice Chair Lovell pointed out that art is "in the eye of the person who is looking at it." He noted that, at least once a week, he hears a story about someone in the country wanting to make a statement by putting up art that is offensive or sends a message that is not at all appropriate. He said he understands that the Edmonds Mural Society has guidelines in place to prevent this type of artwork. Mr. Chave agreed that the Edmonds Mural Society has strict guidelines, but the Board should keep in mind that the proposed language would be applicable to all mural applications, even those that are not associated with the Edmonds Mural Society.

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Ms. Schilperoort said the Edmonds Mural Society has tried hard to avoid these situations by providing a number of checks and balances. Their mission is to celebrate the beauty, history and people of Edmonds. Every mural will in some way celebrate these three aspects of the community. They raise funding from private citizens to pay for the murals. If the citizens do not like what they put up, the funding will disappear. They work with landowners to apply the murals to their walls, and they must approve all murals that are placed through their organization. Ms. Chapin agreed the Edmonds Mural Society has done a good job of addressing these concerns. However, she once again reminded the Board that the sign code would be applicable for every private property owner, and that is why staff proposed language to encourage compatibility of the artwork with the nature of the buildings, the space and the community.

Mr. Chave recalled that when the Board discussed the proposed amendments in March, staff suggested the City has a choice for how they regulate murals and other wall graphics. They can do so via the sign code, which leaves it open to all private properties; or they can establish a City-run mural program, which is entirely different.

Board Member Reed suggested that perhaps the language could be changed to involve the Edmonds Mural Society in staff's review of wall graphic applications. Mr. Chave said this approach would not be allowed. If the Board decides that the applications should be reviewed administratively, no outside party can be brought in to help make the decisions. Again, he said the other option is to establish a City-run mural program, at which point the Art Commission would be responsible for reviewing applications and making the final decision. Staff would not be part of the review.

Board Member Reed suggested the Board consider eliminating wall graphics from the sign code. He noted that while a wall graphic is considered art, it could have some message related to the business. Ms. Chapin pointed out that if it does, it would be considered a sign and not artwork. Mr. Chave explained that if wall graphics are regulated via the sign code, staff would not be deciding whether to approve an application or not based on content. The staff's review would be based on size, location, durability, etc. and not what the sign actually looks like. If the Board wants the City to have the ability to regulate the content of a wall graphic, they would have to establish a separate mural program, which would be a much more elaborate and lengthy process.

Board Member Cloutier said the issue is a matter of property rights and trusting private property owners to do the right thing. They must have confidence that building owners will not do anything that would be counterproductive to their goal of drawing people to their businesses. He reminded the Board that there are no regulations in place to limit what a single-family residential property owner places on his/her home. The proposed amendments are applicable only to commercial properties.

Board Member Johnson suggested that the phrase "not to exceed one-half inch in thickness" be deleted from the definition for "wall graphic." She said she would like the City to encourage murals made of clay or ceramics. She said she understands that the amendments are being brought forward because of the efforts of the Edmonds Mural Society, but they need to look at the issue from a citywide perspective. She noted there is beautiful artwork in adjacent communities that is carved in relief style. For example, a relief carved clay mural has been incorporated into the brick of a building in the City of Lynnwood, and a bank on Highway 99 in the City of Shoreline has used this same approach. She said she would like to encourage this type of mural in Edmonds, as well. Ms. Chapin explained the two pieces referenced by Board Member Johnson are actually integral parts of the buildings and not murals that were applied after the building was constructed. She noted that this type of art would not be prohibited by the proposed language. She recommended the Board maintain the one-half inch requirement, which would allow for tile murals. Larger sculptural pieces could be sent to the ADB for review of a variance. She noted there could be structural issues related to public safety if materials are greater than one-half inch thick.

Board Member Johnson observed that, in many cases, the tile itself is less than one-half inch, but when it is mounted to the building, it can protrude beyond one-half inch. Board Member Guenther said this all depends on the type of tile that is used. He pointed out that murals with relief are actually considered masonry carvings from bricks. When bricks are applied to the side of a building, it goes beyond something that is adhered to the side. Rather than a thickness of one-half inch, it would be more like three or four inches. This would be considered a structural element and not a wall graphic.

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Board Member Johnson said she would still like to encourage ceramic, glass and mosaic murals. She said she works in this medium and feels it is very difficult to stay within a one-half inch thickness. Board Member Guenther again said that artwork that is greater than one-half inch thick would be considered a sculptural element rather than a mural. Board Member Johnson said that if they are only talking about paint and its application, then the one-half inch limitation makes sense. But if they require a variance process before the ADB to do anything with a greater thickness, the process would be more cumbersome. Again, she said she would like to encourage these other types of mediums. Board Member Guenther clarified that the proposed amendments are intended to apply to wall graphics and murals. While he understands Board Member Johnson's point, it would require the Board to expand beyond the scope of what the proposed language is intended to address.

BOARD MEMBER CLOUTIER MOVED THAT THE BOARD FORWARD A RECOMMENDATION OF APPROVAL OT THE CITY COUNCIL FOR THE DRAFT SIGN CODE AMENDMENTS WITH THE FOLLOWING CHANGES:

- **SECTION 20.60.005. CHANGE THE FIRST SENTENCE OF THE DEFINITION FOR "WALL GRAPHIC" TO READ, "WALL GRAPHIC IS A WALL SIGN, INCLUDING MURALS, IN WHICH COLOR AND FORM, AND PRIMARILY WITHOUT THE USE OF WORDS, IS PART OF THE OVERALL DESIGN OF THE BUILDING WHERE THE WALL GRAPHIC IS PROPOSED."**
- **SECTION 20.60.015.C. CHANGE THE THIRD SENTENCE TO READ, "RELATED MURALS OR ARTWORK MAY INCLUDE MULTIPLE PROPOSALS FOR SITES WITHIN REASONABLE PROXIMITY TO EACH OTHER THAT ARE RELATED BY THEME, STYLE, MATERIALS USED, AND/OR CONTEXT."**
- **SECTION 20.60.015.C.1. CHANGE THE LAST SENTENCE TO READ, "APPLICANTS ARE ENCOURAGED TO COORDINATE THEIR ARTWORK WITH THE DESIGN OR ARCHITECTURAL ELEMENTS OF THE BUILDING AND THE HISTORIC AND PEDESTRIAN-ORIENTED CHARACTER OF THE DOWNTOWN AREA."**
- **SECTION 20.60.015.C.2.b. CHANGE TO READ, "MINIMUM 1/4-INCH SCALE COLOR DRAWINGS OF THE ART CONCEPT OR ART COMPONENT."**

BOARD MEMBER GUENTHER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

BOARD MEMBER CLOUTIER MOVED THAT THE BOARD RECOMMEND THE CITY COUNCIL CONSIDER MAKING THE APPROPRIATE CHANGES TO THE FEE SCHEDULE TO ENABLE THE CITY TO WAIVE THE FEES FOR BOTH THE BUILDING PERMIT AND THE DESIGN REVIEW RELATED TO MURALS. BOARD MEMBER GUENTHER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

The Board took a break from 8:40 P.M. to 8:48 P.M.

DISCUSSION ON UPDATE TO THE CITY'S SUBDIVISION REGULATIONS AS PART OF THE CODE REWRITE PROJECT

Mr. Clugston reviewed that the Subdivision Regulations have been discussed for the past 18 months in one form or another, starting with a narrow analysis of how the City's townhouse subdivision policy could be more effectively codified and implemented. The focus later extended to how Planned Residential Developments (PRD's) are regulated, and then to how low-impact development and sustainability could be incorporated into the City's subdivision processes. He advised that staff anticipates the following outcomes from the comprehensive rewrite of the Subdivision Regulations:

- Innovate by including additional flexibility to foster low-impact development, distributed energy generation, and tree retention while increasing affordable housing options.
- Balance predictability and flexibility in a subdivision regulation that includes formal and short plats, as well as PRD type and townhouse design standards for lot creation whether in single or multi-family zones.
- Streamline the regulation to make it easier to use and administer.

APPROVED

In addition to the minutes from previous Planning Board discussions (Attachment 1) regarding the Subdivision Regulations, Mr. Clugston said the Staff Report also included an outline of his PowerPoint presentation (Attachment 2) and information from the American Planning Association regarding solar design (Attachment 3). He pointed out that climate change initiatives continue to move forward, and the City Council has acted on several occasions to address sustainability. These efforts include:

- Resolution 1170 (Environmental Principles and Policy) was approved in 2008 with the goal of fostering low-impact development.
- They are currently working on a proposal to streamline the PRD and townhouse processes.
- The Community Sustainability Element was added to the Comprehensive Plan in 2009
- Phase I municipalities must require low-impact development, and Phase II (Edmonds) must require low-impact development when feasible.
- LEED Standards were created for neighborhood development.
- The Merton Rule was established, which talks about generating some of your own energy on site.

Mr. Clugston provided a picture of the Meadowdale Beach plat in 1904 and noted that property lines were drawn irrespective of the topography. He said that the City's first Subdivision Regulations were adopted in the 1950's, and the PUD Ordinance was adopted in 1965. Major changes were made to the Subdivision Regulations in 1974, but the layout of the lots remained the same. In 1976, PUD's were changed to PRD's and the language was updated. In 2003, the PRD regulations were further updated. Also in 2003, staff issued a townhouse interpretation.

Mr. Clugston provided an aerial photograph of a traditional subdivision based on the City's current code language. He briefly reviewed the purpose of the existing Subdivision Regulations, noting that they were intended to be predictable and straightforward and resulted in cookie-cutter shaped lots. He said staff believes it is now time to take another look at the existing regulations. He provided an aerial photograph to illustrate a typical PRD subdivision and explained that the purpose of a PRD is to maintain open space by clustering the structures to minimize impervious surfaces and protect critical areas. Staff believes that the PRD concept is good, but the regulations should be reviewed and updated. He also provided an aerial photograph of a townhouse development. He explained that this style of development came about from a desire to create single-family living opportunities in multi-family settings. The design review is the same regardless of whether or not lots are created around the individual townhouses. Once the units are placed on the site based on density, lot lines can be drawn around individual units to create ownership opportunities. This was one way to make condominium ownership easier.

Mr. Clugston suggested that as the Board moves forward with their review of the Subdivision Regulations, they should focus on the following:

- Encouraging sustainable site design that protects critical areas and the larger environment.
- Encouraging low-impact development practices when providing for sewer and water, utilities, stormwater management, streets and sidewalks, parks and recreation areas, sites for schools and playgrounds, and other public requirements.
- Protecting and preserving the urban forest for its environmental and economic benefits.
- Encouraging site design that can make the best use of renewable energy resources, including solar and geothermal.
- Providing the opportunity for affordable housing to meet the needs of a wide range of income and age groups.
- Allowing for the subdivision of land for commercial, multi-family and mixed use, and accomplishing uniform monumenting of land divisions and conveyance of accurate legal description.

Ms. McConnell explained that low-impact development incorporates both structural and non-structural sight design elements. She briefly described the following low-impact development strategies:

- **Clustered versus Conventional.** This is the concept of designing a project to fit the site versus the book. She provided an illustration of how the conventional subdivision requirements and the cluster design concept would be applied to the same lot. The conventional design represents what would be allowed on the property by code, but it does not take tree retention or topography into account. She explained that implementing flexible guidelines allows designers to account for, maintain and preserve natural features and topography. Clustering homes on a site reduces the overall development

envelope and road length and also reduces the amount of impervious area. The loop road shown on the clustered design concept provides for easier movement for fire and safety vehicles, and open space in the center of the loop provides for stormwater storage and a visual landscape break for homes facing the road. A clustered development can result in homes that are facing a vegetative landscaped area instead of hardscape or impervious paved roads or sidewalks. Some of the same basic guidelines are accomplished, but the clustered design better implements low-impact development techniques.

- **Alternative Road Design.** She provided an illustration of an actual subdivision application the City received based on the current regulations. As per the current code requirements, an applicant is not allowed to change the location of the road to preserve trees or reduce the amount of impervious surface. Staff recommends that low-impact development techniques could be incorporated into the code language to allow for alternative road design. She referred to the second illustration and pointed out that by moving the road just a little bit, a large group of trees that follow the property line could be saved. In addition, she said the code currently requires more impervious area for roads than what is actually needed for developments. Staff has discussed with the Fire Department the idea of narrowing the roadway coming into the development. From a public safety standpoint, there are minimum widths that must be met. One option is to use some type of pervious surface that would look like vegetation but could provide for sufficient road width for emergency vehicles to access the properties. The pervious surface would not have to be available for general access by the residents. Pervious pavement allows water to penetrate into the ground so the root system of the trees would not be impeded as much as if an impervious surface were used in this same location.

Ms. McConnell summarized that if the City were to incorporate low-impact development strategies into the Subdivision Regulations, it would allow developers to retain existing vegetation, protect steep slopes, and avoid unnecessary clearing and grading to develop the maximum number of houses on the site.

Mr. Clugston said another innovative idea the Board could consider for inclusion in the Subdivision Regulations is the concept of Distributed Energy. Subdivisions can be thought of as energy producers, incorporating solar, geothermal and wind techniques. However, he cautioned that it is more difficult to apply these concepts to a built out community such as Edmonds.

Mr. Clugston advised that the Comprehensive Plan identifies several strategies for promoting affordable housing including:

- Amending land use standards to allow such things as density bonuses, clustered subdivisions, PRD's and designed infill.
- Amending development standards by adjusting setback requirements and allowing zero lot lines and off-street parking.
- Encouraging low-cost housing types such as accessory dwelling units and cottage housing.
- Making administrative adjustments such as streamlined permit processing, use-by-right and eliminating fees.

Mr. Clugston said another option the Board could consider is cottage housing. He explained that cottage housing is a grouping of small, single-family dwelling units clustered around a common area and developed with a coherent plan for the entire site. Cottage housing developments could be limited to the same density allowed in the zone, but specific design standards could be created to allow a developer to arrange the houses differently than a standard subdivision would allow. Design standards are also necessary to make sure the finished developments are attractive, functional, etc. He summarized that cottage housing is intended to provide more affordable single-family residential alternatives. The Board could consider allowing cottage housing in transition zones between disparate commercial and residential areas, throughout all single-family and multi-family residential zones, only in single-family (RS-6 and RS-8) and multi-family residential zones, or only in multi-family residential zones. Again, he said specific design standards would have to be created to implement the concept.

Mr. Clugston said one purpose of the update is to reorganize the Subdivision Regulations to make them easier to use and administer. He reviewed staff's proposed outlined, which includes general provisions, definitions, design standards, preliminary review and decision, civil improvements, final review and decision, plat vacation and alteration, and lot line adjustment and combination. He noted that civil improvements are not currently addressed in the Subdivision Regulations. He said he would work also with the Engineering Division to make sure the draft language includes everything required for engineering review, including low-impact development elements.

As the Board reviews the Subdivision Ordinance, Mr. Clugston suggested they could explore the following options:

- **Tree retention on single-family lots that are flat.** The current code allows a developer to remove all the trees. Staff would like to move away from this and require developers to design with the land to maintain the maximum number of trees possible. He noted there is a separate tree code, which would come before the Board for review after they have completed their work on the Subdivision Regulations.
- **Regulating the number of dwelling units per acre rather than the minimum lot size.** The current Subdivision Standards are based on minimum lot size. The PRD ordinance has eliminated the minimum lot sizes requirement. Instead, the density is based on the number of dwelling units per acre that are allowed in the zone.
- **Lot size averaging and flexible setbacks with adjacent landowner approval.** The current PRD Ordinance allows for lot size averaging and flexible setbacks.
- **Lot width flexibility.** The current Subdivision Regulations identify a minimum lot width that must be maintained when creating new lots. The Board could consider eliminating this requirement to make the code more flexible.
- **Lot orientation.** The code could be amended to encourage or require developments to consider lot orientation as it relates to solar access.
- **Distributed energy.** This is a concept that could be considered when people are doing utility improvements.
- **Reduce street/driveway width.** Reducing the street and/or driveway width will allow a developer to reduce the amount of impervious surface on the site, which is a critical element of low-impact development.
- **Incentives and bonuses.** The Board's discussion could include the option of offering a density bonus to encourage low-impact development and sustainability.
- **Cottage housing.** As discussed earlier, this concept provides an opportunity to provide more affordable single-family residential development. It allows the units to be clustered around a common area, thus reducing the amount of impervious surface.
- **Binding site plan.** This concept is mentioned in the Revised Code of Washington as an option for subdividing business or commercially-zoned property. The binding site plan process merely creates or alters existing lot lines and does not authorize construction, improvements or changes to the property or the uses. The collective lots continue to function as one site. The binding site plan concept could also be used for subdividing multi-family residential properties into condominiums.

Mr. Clugston referred the Board to a list of resources and references they could use to gather more information about topics related to their review of the Subdivision Regulations.

Mr. Clugston agreed with Mr. Hertrich's earlier comment that the PRD Ordinance is good and provides some flexibility. However, he disagreed with his suggestion that it should not be changed. Mr. Hertrich also observed that the ordinance is not used frequently, which is a good indicator that there are problems. One of the main goals of the PRD Ordinance is to promote flexibility. Staff is suggesting the Board consider combining the PRD Ordinance into the Subdivision Regulations to make these same flexible options available for both subdivisions and PRD's.

Mr. Clugston referred to Attachment 3, related to solar design. He commented that other municipalities are considering the option of establishing requirements related to lot orientation as part of their subdivision process, and this is something the Board should consider, as well.

Mr. Clugston asked the Board to provide direction about how they want to move forward. If the Board is fine with the PRD Ordinance as written, they can leave it as it currently stands and only make changes to the Subdivision Regulations. Mr. Chave explained that in the City's current code, PRD's are merely another form of subdivisions; something a developer is allowed to do within a particular zone. The ordinance is awkward and runs as a separate but linked process to the Subdivision Regulations. Because two separate decisions are required, it is difficult for people to understand the process and to provide public comment. He noted that the PRD Ordinance has not been used as often as it should be. Based on past experience and the Community Sustainability Element that was adopted by the City Council in 2009, it is time to think about PRD's in a different way. Traditionally, they have been thought of as giving the developer a benefit for something they could not do otherwise. It was generally thought that the developer should provide a comparable public benefit to compensate. However, if the City wants to see more alternative types of design that differ from the traditional cookie-cutter

lot system, the code must be changed to provide incentives for developers to address public benefits such as low-impact development, impervious surface, stormwater management, etc. Rather than limiting this option to PRD's, this should be the standard approach for all subdivisions. If the Board agrees, they should provide direction about what requirements should be mandatory in the subdivision code and design standards and what requirements should be encouraged by offering incentives. He recalled that, historically, the City has tried to stay away from offering density bonuses as an incentive. However, once density has been taken off the table, it becomes difficult to find things that ultimately become positive incentives to encourage people to participate.

Mr. Chave explained that single-family residential zones currently have two density factors: lot size and the number of units per acre. They can continue with the traditional way of doing subdivisions based on lot size, or they can use the concept outlined in the PRD Ordinance, which allows a developer to apply the equivalent density per acre. That means in an RS-8 zone, each lot would not have to be 8,000 square feet, but the overall density would be the same as the traditional subdivision. Again, he asked the Board to identify the essential requirements that should be mandatory for all subdivision applications, as well as those that should be encouraged but not mandatory. They should also provide direction about what types of incentives should be offered in exchange.

Mr. Chave asked the Board to provide feedback about whether or not it would make sense to combine the PRD and Subdivision processes into a single process that encourages better development rather than the standard lot size development. He observed that how a development fits into a neighborhood will have to be part of the discussion. For example, they must consider issues such as buffers, placement of buildings, etc. If they can solve this issue, then issues such as lot size should not matter.

Mr. Chave reminded the Board that the City's demographics has changed substantially, and as people go through the process of growing older, their needs change. Staff has heard comments from people who want to stay in their community, and it can be difficult to find suitable housing that is affordable without moving entirely out of the area. PRD's or some form of flexible subdivision that gives more opportunity to vary the types of housing in a neighborhood can potentially be a good thing. For example, when done well, cottage housing is extremely popular in offering better housing and better designed communities that fit in with the surroundings.

He recalled that Ms. Petso provided an illustration of a type of multi-family development known as a townhouse subdivision. He explained that this concept was created in response to lawsuits and insurance issues associated with condominiums that share common walls. The concept is to create a multi-family development with separate units that are very close together. He agreed with Ms. Petso that this type of development is not desirable, but the current code does not restrict the design. As part of the update, the Board needs to discuss how to handle multi-family developments that want to subdivide into small lots. There must be some standards for landscaping, vehicular access, pedestrian access, etc.

Board Member Guenther recalled that the last time the Board reviewed a subdivision application it was for property in the Talbot Road neighborhood. The developer wanted to use the PRD approach, but the neighborhood was in favor of the more traditional subdivision approach. Mr. Chave clarified that if the proposal came before the Board, the applicant was likely requesting a rezone, which means an increase in density. This was likely a factor in the neighborhood's concerns. In exchange for getting the higher density, the applicant was proposing to cluster the houses to preserve the trees, etc. He concluded that the application was a mixed issue of a zoning change and a density increase.

Board Member Guenther pointed out that the current PRD Ordinance requires a review process that includes public participation. Mr. Chave said a preliminary meeting is required with the neighborhood, and the City Council is more involved in the process. Large traditional subdivisions, on the other hand, go to the Hearing Examiner for review. Small subdivisions (four or fewer lots) are reviewed by the staff, with a potential appeal to the Hearing Examiner. He explained that if the Subdivision Regulations and the PRD Ordinance are integrated, the ordinance would be applied equally. That means that PRD's that involve four or fewer lots would be reviewed by staff, with an appeal to the Hearing Examiner.

Mr. Chave asked the Board to provide feedback about whether they want to move towards integrating the PRD Ordinance and Subdivision Regulations. This decision will allow them to proceed to the next step, which is to talk about various

priorities. The Board agreed it would make sense to combine the two. Mr. Chave cautioned that neighborhood compatibility and the process will still be the main issues of concern, but they will not be insurmountable.

Vice Chair Lovell asked if a person who owns two, 20,000 square foot lots would be allowed to subdivide the properties to increase density. Mr. Chave answered that the density could not be increased. For example, the RS-20 zone would only allow two lots to be created with a 40,000 square foot lot. However, an RS-6 zone would allow up to six lots. The purpose of the PRD Ordinance is to allow developers to cluster homes on a property in order to protect trees or a critical area elsewhere on the site. However, the density would remain the same. Vice Chair Lovell said he would support whatever the City can do to promote better use of land.

Mr. Chave said the issue staff hears time and time again with subdivision proposals is the surrounding property owners' desire to protect vegetation. The codes related to existing vegetation are very weak at this time, and staff recommends that more sensitivity be built into the regulations to encourage and even require tree retention. Instead of subdividing the easy way, the code could provide tools to approach the issue from the standpoint of arranging the building sites to retain trees. This would be a win/win situation for everyone. Board Member Cloutier said that rather than increasing density, the City's Regulations should focus on smarter density. The code should require the same density, but it is more a matter of locating the density in the right place. For example, instead of having large yards in front of each house, they could have one common open space.

Board Member Cloutier said he would support any amendments that eliminates the restrictions on lot size and width. He would also support amendments that encourage passive measures that save overhead for the City, the developer and the property owner. They should also mandate, as much as possible, anything that would facilitate solar access. He referred to Attachment 3, which provides good ideas about setbacks and orientation to encourage better solar access. However, he observed that if the City is going to encourage tree retention, solar access might not be possible in all locations. Mr. Clugston agreed that solar access requirements would work well in some locations, but not in others.

Board Member Cloutier observed that requiring subdivisions to provide geothermal energy for the neighborhood would be a good thing, but he does not know of any city that has been able to accomplish this goal. It must be done in a way that makes sense and is affordable and effective. Mr. Clugston said he had a conversation with a gentleman in Woodinville about whether or not it would be feasible to require subdivisions to provide geothermal energy. He responded that the option might not be possible for small subdivisions, but it could be feasible for larger subdivisions because the payback would be within five to ten years. He suggested that perhaps geothermal energy should not be mandatory but encouraged for larger subdivisions.

Mr. Clugston said he would bring back options for the Board to consider at their next meeting, and the Board could discuss and prioritize the various alternatives. They could also suggested additional options to consider. Mr. Chave said that rather than providing the Board Members each with a copy of the entire code in draft form, they would offer a series of ideas and explain how they could be incorporated into the code language. The items could be grouped together based on the outline provided by Mr. Clugston.

Board Member Johnson said she would like to know more about the history of PUD's and PRD's in Edmonds. There is a PRD in her neighborhood, and she would like to know how many of these developments exist in the City.

Board Member Cloutier questioned how the City could avoid developments such as the one that was recently constructed on 212th (referred to by Ms. Petso). Mr. Clugston said it is all about design standards. The current code allows this type of development to occur on any multi-family zoned property. Board Member Cloutier encouraged staff to place this item on the Board's work list for future consideration. Mr. Chave agreed that the multi-family residential code language is out of sync with new development types. It is predicated on the old style of large, multi-family buildings.

UPDATE ON COMPREHENSIVE PAN PURPOSE, EFFECT, AND CONTEXT AMENDMENTS AND HEARING EXAMINER COMPREHENSIVE PLAN REVIEW REQUIREMENTS

APPROVED

Mr. Chave referred the Board to the draft of potential amendments to the introductory sections of the City's Comprehensive Plan, which address the plan's purpose and scope. He reminded the Board that the reasons for making the proposed changes are:

- The region, through the Puget Sound Regional Council (PSRC), adopted Vision 2040 in 2008, which provided new guidance and a new framework for planning in the Puget Sound Region.
- Snohomish County Tomorrow is in the process of updating countywide planning policies to be consistent with Vision 2040.
- The Comprehensive Plan has been updated to include a new Community Sustainability Element, which provides a central framework for the plan.
- Some of the discussion in the City's Comprehensive Plan is out of date, specifically the introductory sections on scope, purpose, effect of plan and state and regional context.

As Mr. Hertrich pointed out earlier in the meeting, Mr. Chave said the Comprehensive Plan was originally adopted as Title 15 in the Development Code. When the Growth Management Act (GMA) was adopted, the City revised the plan and made it a separate document. When this change was made, some sections were not adequately updated to fit within the context of the GMA. It is also important to keep in mind that the Development Code has changed a lot since that time. For example, the processes are described in much more detail. The old language in the Comprehensive Plan points everything towards the Hearing Examiner, which is in direct conflict with the current processes outlined in the Development Code. He explained that, as per the current Development Code language, the Hearing Examiner role is to apply the development regulations to projects, not to interpret and apply Comprehensive Plan policies. It is the Planning Board's role to look for consistency between the Development Code and the Comprehensive Plan policies.

Mr. Chave advised that the purpose of the proposed language is to clarify the relationship between the Comprehensive Plan and the Development Code and describe how the processes work. He emphasized that the Growth Management Act is clear that comprehensive plans are not intended to be looked at for consistency when reviewing development project applications. Cities are supposed to adopt development regulations that are consistent with and implement their comprehensive plans. He emphasized that the Development Code is the decision making point in the process where the City must decide which Comprehensive Plan policies are preeminent and how they should be regulated. He disagreed with Mr. Tupper's written comments suggesting that more process is better. He cautioned that this could create conflict between the Development Code and the Comprehensive Plan.

Vice Chair Lovell referred to the last sentence in the second paragraph on Page 3 of the draft proposal, which states that "It is up to the community to determine its desired growth level and up to the government, particularly elected officials, to implement the desired policies. He asked who "community" refers to. Mr. Chave answered that the citizens of Edmonds would be considered participants in this process. He noted that this language already exists in the current Comprehensive Plan. Board Member Cloutier explained that the desired growth level gets pushed on the City by the County as a target goal. Mr. Chave agreed and said the City has more to say about how to accommodate the growth and less to say about how much growth they must accommodate. He agreed to review the sentence to make sure it accurately reflects the current situation.

Vice Chair Lovell noted that Item A on Page 3 of the draft proposal states that Edmonds continues to be heralded as "The Gem of the Puget Sound." He questioned the use of this phrase. After a brief discussion, the Board agreed that it does not matter whether this phrase is included in the language or not.

Vice Chair Lovell commented that the draft proposal is well done and accomplishes the goals identified by staff, to be consistent with state, regional, and county goals. He recalled, however, that Mr. Murray raised a concern earlier about the proposed amendment to change "view" to "public view." Mr. Chave explained that this change is intended to recognize that the City cannot protect private views, but they can protect public views. In his mind, it is a recognition of reality.

Vice Chair Lovell pointed out that affordability, low-income housing, and preserving existing housing stock is mentioned at least twice in the proposed language. He asked if it staff believes the Growth Management Act will place more pressure on cities to incorporate different types of housing options or convert existing housing to provide more affordable housing. Mr. Chave said there are currently county and state initiatives to work around these concerns. However, he cautioned that the

issue is not just about affordability, but about changing demographics and future housing needs. He said he would be in favor of creating inclusionary programs to create more affordable housing into projects, but the City must be able to offer some incentives to encourage developers to participate. In addition, inclusionary housing requires the support of an agency to help implement and monitor the program, and the City does not currently have sufficient staff to accomplish this task. However, Snohomish County has talked about putting together an agency for this purpose, and once it is in place, the City will have an opportunity to do something more significant to encourage affordable housing. He pointed out that Edmonds has much more affordable housing than people realize. Most of it is in the form of rental housing, but owner-occupied affordable housing is more of a challenge.

Board Member Johnson asked about the time frame for completion of the countywide policies. Mr. Chave said he is not sure of the specific timeline for completion, but he anticipates they will be done by the fall of this year. He noted that the county is currently working towards a draft document that will allow them to start the hearing process in the near future.

Board Member Johnson asked if the City would be required to revisit their Comprehensive Plan again once again when the countywide policies have been adopted. Mr. Chave agreed the City would need to review their Comprehensive Plan again to make sure it is consistent with the countywide policies. However, it is important to keep in mind that as long as the language acknowledges and pays heed to the regional vision, the consistency issue will be moot when looking at the countywide material. The countywide plan will be based upon the regional vision.

The Board agreed to schedule a public hearing based on the draft proposal.

REVIEW OF EXTENDED AGENDA

Mr. Chave announced that staff is in the process of updating the extended agenda.

Vice Chair Lovell announced that a retreat has been scheduled for June 2nd at 6:00 p.m. in the Fournier Room of City Hall. The Board agreed to discuss possible agenda topics at their next meeting.

PLANNING BOARD CHAIR COMMENTS

Vice Chair Lovell did not provide any additional comments during this portion of the meeting.

PLANNING BOARD MEMBER COMMENTS

Board Member Reed reported that he attended the Citizens Economic Development Commission (CEDC) Land Use Subcommittee meeting in place of Board Member Johnson. Their goal is to establish a neighborhood planning process that could be used in various locations throughout the City such as Five Corners, Westgate, etc. Rather than waiting for a private developer to plan for these areas, which was the case for Firdale Village, the subcommittee was interested in a public process that is led by the City.

Mr. Chave said he attended the subcommittee meeting, as well, and made the suggestion that they request help from the Cascade Land Conservancy, which offers 25 complimentary staff hours to help local jurisdictions. The subcommittee met with the Community/Development Services Committee of the City Council, and received approval to move forward. Mr. Chave said he intends to work with the Cascade Land Conservancy, the University of Washington, and the Land Use Subcommittee to put together a process to share with the full CEDC and then forward to the City Council for approval and funding.

Board Member Reed said he mentioned to the Land Use Subcommittee that the Planning Board has expressed an interest in talking to them about land use ideas at some point in time, and they were receptive to the idea. Mr. Chave suggested the project would be a team effort with the staff, the Cascade Land Conservancy, the University of Washington, and representatives from the CEDC and the Planning Board. He noted that because they are legislative issues, Board Members can freely participate in the neighborhood planning processes.

APPROVED

ADJOURNMENT

The Board meeting was adjourned at 10:10 p.m.

APPROVED