

APPROVED JULY 14TH

**CITY OF EDMONDS
PLANNING BOARD MINUTES**

June 23, 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
Valerie Stewart

STAFF PRESENT

Rob Chave, Planning Division Manager
Kernen Lien, Planner
Michael Clugston, Planner
Karin Noyes, Recorder

BOARD MEMBERS ABSENT

Michael Bowman, Chair
Kevin Clarke

READING/APPROVAL OF MINUTES

Board Member Reed referred to the third paragraph of Page 7, in which Mr. Rutledge provided some inaccurate information. Mr. Rutledge meant for the second sentence to say, “. . . since 2000, the population of Snohomish County District 1, which encompasses Edmonds, Mountlake Terrace, Bothell, Lynnwood and Brier, increased by 28,400.

BOARD MEMBER REED MOVED THAT THE MINUTES OF JUNE 9, 2010 BE APPROVED AS AMENDED. BOARD MEMBER JOHNSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

A presentation by Mayor Haakenson was added to the agenda as Item 5a.

AUDIENCE COMMENTS

Colleen McDonald said she lives in unincorporated Esperance, within 300 feet of the block bounded by 220th, 218th, 76th and 80th. She said she was present to oppose the change to the Comprehensive Plan and zoning map for this block (single-family residential to mixed-use commercial), which is being proposed by Tony Shapiro on behalf of his client, the Kruger Clinic. She said that although it appears Mr. Shapiro has been talking with the City since February, the first time the citizens in the impacted area heard of the proposal was May 24th at an informal meeting hosted by Mr. Shapiro. She noted that Mr. Shapiro also scheduled a second meeting for June 21st. While 28 people from the neighborhood attended, no one from Mr. Shapiro’s firm was present. She said the initial information seemed to indicate that Swedish and Stevens Hospitals were behind the request. However, Mr. Rick Canning, COO and CFO of Stevens Hospital, confirmed via email that “Neither we nor Swedish are endorsing this or have in anyway expressed the need to request zoning changes as this architect has proposed. We are not familiar with their firm.”

Ms. McDonald observed that both the Comprehensive Plan and the current zoning allow for focused development along the Highway 99 Corridor; and this is the appropriate place for such development, not in an existing single-family neighborhood. She noted that one goal of the Comprehensive Plan for the Medical/Highway 99 Activity Center is “to provide a buffer between the high-intensity, high-rise commercial areas along SR 99 and the established neighborhoods and public facilities

west of 76th Avenue West.” She expressed her belief that changing the Comprehensive Plan and zoning to allow mixed-use commercial development in the block mentioned would completely contravene this goal and allow development to spread well beyond the targeted corridor. It would change the character of the neighborhood irreparably. She pointed out that the proposed change would go directly against what is already in the Comprehensive Plan. She referred to Policy A.5, which states “support a mix of uses without encroaching into single-family neighborhoods.”

Ms. McDonald said that while it is possible to say the proposed change would have no immediate impact, in this case it would. Mr. Shapiro’s client is interested in two vacant lots located within the block, with the intent of constructing a 35,000 to 40,000 square foot medical facility with 150 parking spaces if the change is approved. She observed that traffic on 220th is already substantial and the proposed building would only increase traffic. In addition, the area in question is an existing single-family neighborhood, which would be significantly and negatively affected. As a homeowner in the impacted area, she emphasized that she lives in a neighborhood and not a business zone. She pointed out that several lots are available for purchase further north in the 212th area that are already zoned for this kind of use. She suggested it would be more appropriate to contain development in these targeted areas rather than changing the Comprehensive Plan and rezoning to accommodate a single business and allow commercial development to spread into existing single-family areas. She urged the Planning Board to reject the proposed changes and retain the existing zoning and Comprehensive Plan designation for the two lots in question.

Mr. Chave clarified that Mr. Shapiro has not submitted an application for a Comprehensive Plan amendment and/or rezone for the property in question. If Mr. Shapiro does submit an application at some point in the future, a public hearing would be conducted and everyone living with 300 feet of the subject property would be notified. He noted that Mr. Shapiro cannot apply for a Comprehensive Plan change this year unless the City Council waives the deadline, which they chose not to do.

Al Rutledge, Edmonds, said he cannot move forward with his proposal to place additional signs at Hickman Park until Board Member Clarke is present to answer his questions. He said Mr. McIntosh, Parks, Recreation and Cultural Services Manager, informed him that he reviewed the recording from the City Council meeting at which the issue was discussed, but he is still waiting to receive transcripts of the City Council’s discussion. He also recalled that at the last meeting he raised a concern that, as currently proposed, all appeals must be filed in person or by mail. He suggested the Board consider changing this requirement to allow appeals to be faxed to the City, as well.

Joe St. Laurent, Edmonds, said he was present to represent his client, James Plute, a major land owner in the 220th Block, who is opposed to the potential Comprehensive Plan amendment and rezone proposal that is being put forth by Mr. Shapiro. He thanked the City Council for voting against modifying the deadline to allow the proposed Comprehensive Plan amendment to move forward in 2010. He said his client agrees with the statements provided by Ms. McDonald. The neighborhood is very upset with the proposed change. He noted that a creek runs through the property where the Kruger Clinic is proposed to be constructed, and his client is opposed to any changes to the State Environmental Protection Act (SEPA) rules at this time. He emphasized that the waterway is a creek and not a drainage ditch. It runs under the condominium project on the north side of 218th and is open the entire block of 220th before going into a pipe and then another creek before being discharged into Lake Ballinger. He emphasized that numerous wildlife use this creek, and the SEPA laws should be applied to protect this valuable habitat. He summarized that his client is not opposed to development on 220th, and he supports economic development if it is done in the proper place, at the proper time and after a proper public process.

PRESENTATION BY MAYOR HAAKENSON

Mayor Haakenson presented a plaque to outgoing Board Member Cary Guenther and thanked him for his years of service. He thanked the other Board Members, as well. He observed that theirs is not an easy job, and they have had to make some difficult decisions that impact everyone in the City. He also announced that Board Member Bowman has submitted his resignation effective July 14th.

PUBLIC HEARING ON UPDATING THE NUMBER OF PERMITTED PERMANENT SIGNS PER SITE IN BUSINESS AND COMMERCIAL ZONES (EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) 20.60.025) (FILE NUMBER AMD20100014)

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Mr. Clugston recalled that the Board discussed the proposed amendment to the sign code at their April 14th and April 28th meetings. He explained that the proposed amendments would change the total number of permitted signs allowed in business and commercial zones to provide more flexibility for businesses on multi-tenant sites. He emphasized that all other requirements related to height, area, location, etc. would remain the same. He reminded the Board, that at the end of their last discussion, they directed staff to prepare code amendment language that would:

1. Increase the maximum number of signs allowed on multi-tenant business sites from one to three per subtenant business while allowing one group directory sign per multi-tenant site.
2. Exempt window signs from the total number of permanent permitted signs.

Board Member Johnson recalled that at their April 28th meeting, Mr. Chave noted that some businesses use incidental information signs, which would be inconsistent with Option 2. He suggested the language include a provision that while incidental signs would count against the total sign area, they would not count against the number of signs allowed. Mr. Clugston explained that the proposed amendments are intended to deal strictly with the number of permitted signs in business and commercial zones. However, he suggested it would be entirely appropriate for the Board to address the issue of incidental signs when they conduct a more comprehensive review of the sign code at some point in the future. Board Member Johnson agreed that would be a good approach.

Roger Hertrich, Edmonds, said that he has participated in many sign code changes over the years, and he has witnessed that businesses tend to place as many signs as possible in their windows. He said he lives across the street from a deli that had so many window signs it was unsightly. He complained to the City and the owner was required to comply with the sign code. The situation is much better now. He cautioned against approving any amendment that would make it easier for businesses to use window signs.

Al Rutledge, Edmonds, recommended the Board maintain the existing sign code, which only allows three signs per commercial lot. This will require the person who owns the property to work with tenants to ensure that each business has adequate opportunity for signage. He concluded that signage should be addressed as part of the lease agreement.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

Mr. Chave explained that the proposed language would not change the current code provisions for window signs, which are based on area and not number of signs. Mr. Clugston added that the current code limits the area of window signs to one square foot per linear foot of window frontage, and this would not be changed by the proposed amendments. Board Member Stewart said she can appreciate Mr. Hertrich's concern about window signs. She felt the current code provision could result in a lot of visual obstruction, particularly on large windows. Mr. Chave expressed his belief that the current formula works well, and he recalled Mr. Hertrich's earlier statement that when the code provisions were enforced, the situation at the deli across from his home was improved. He emphasized that the linear length of a window does not take into account the height of a window, so the amount of window sign area actually adds up to a fairly small percentage of total sign area on windows with more vertical height.

BOARD MEMBER CLOUTIER MOVED THE COMMISSION FORWARD THE PROPOSED CHANGES TO ECDC 20.60.025 (FILE NUMBER AMD20100014) TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PROPOSED BY STAFF. BOARD MEMBER GUENTHER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING ON PROPOSED UPDATES TO EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) 20.15A ENVIRONMENTAL REVIEW (SEPA) (FILE NUMBER AMD20090006)

Mr. Lien advised that potential updates to 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 the State Environmental Protection Act (SEPA). The proposed new flexible thresholds were presented to the Board on February 24th, and the Board agreed they would like to consider changes to the thresholds, but only for limited areas. Four flexible thresholds alternatives were

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presented to the Board on April 14th, and the Board chose an alternative that increased the flexible threshold for the Medical/Highway 99 Activity Center and the Highway 99 Corridor. He reviewed that the SEPA rules were adopted by the City in 1984 (over 25 years ago), and only very minor changes have been made since that time. Due to changes in the Revised Code of Washington (RCW), the Washington Administrative Code (WAC) and the City's own Development Code, staff believes it is appropriate to review and update Section 20.15A as part of the City's comprehensive review of its development regulations. He briefly reviewed the items and issues that have been considered under the review as follows:

1. **Adoption by Reference.** Sections of WAC 197-11 have been added and/or removed since the City adopted Ordinance 2461 in 1984, particularly in regards to SEPA and the Growth Management Act (GMA) integration. The update reviewed changes in WAC 197-11 and the option lists in ECDC 20.15A to ensure the City is up-to-date with State regulations.
2. **Model Code.** As with WAC 197-11, there have been changes to WAC 173-806 since 1984. Staff reviewed WAC 173-806 and made updates to ECDC 20.15A where appropriate to ensure the City is up-to-date and compliant with State regulations. Many of the changes in the model code had to do with consistency between the GMA and zoning regulations.
3. **Consistency.** As with the state rules, the ECDC has undergone a number of amendments since 1984. Staff reviewed ECDC 20.15A to ensure it remains consistent with the rest of the City's development regulations.
4. **Categorical Exemptions – Flexible Thresholds.** State SEPA rules allow local jurisdictions to modify the categorically exempt threshold levels for certain minor new construction activities. He reviewed the City's current flexible thresholds and what state law allows .
5. **Climate Change.** How to evaluate and mitigate climate change impacts through SEPA is a subject that is garnering a lot of attention. The Climate Action Team's SEPA Implementation Working Group released a report in 2009 in an attempt to clarify how consideration of climate change should be incorporated into environmental review and decision making under SEPA. However, the report was not definitive, and there was no strong consensus amongst the group and no strong recommendations other than the Department of Ecology (DOE) should look into the issue and develop guidelines. The DOE released draft guidelines in May, and the comment period expires in just a few days.

Recently, the City started laying the groundwork for addressing climate change impacts via the SEPA process through the adoption of the Community Sustainability Element and the development of a Climate Change Action Plan. The policies in these two plans establish a foundation for the City to begin developing SEPA regulations to evaluate and/or mitigate impacts of climate change. The current phase of SEPA amendments focuses on technical updates to ensure the City's code is consistent with State regulations. Once these updates are in place, the City can start developing a program for analyzing and mitigating climate change through the SEPA process. He cautioned that developing a program of this type will take some time and can be incorporated into ECDC 20.15A at a future date.

Mr. Lien advised that determining the environmental impact of a development involves the context and intensity of the development and does not lend itself to a formula or quantifiable test. The context may vary with the physical setting. Intensity depends on the magnitude and duration of an impact. The same proposal may have a significant impact in one location but not another. He recalled that, with this in mind, the Board reviewed the flexible threshold levels for categorical exemptions and discussed a number of options:

1. Leave the levels at the minimums established by WAC 197-11-800(1)(b).
2. Increase all, or a portion of the levels, for the entire City.
3. Establish different threshold levels for different Comprehensive Plan designations.
4. Establish different threshold levels for different zones.
5. Establish different threshold levels considering zoning and Comprehensive Plan designations.

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Mr. Lien reviewed that the Planning Board proposed to increase the categorical exemption thresholds for the Medical/Highway 99 Activity Center and the Highway 99 Corridor as defined by the City of Edmonds Comprehensive Plan. This would result in the following changes:

- The flexible threshold for residential structures would be increased from 4 dwelling units to a maximum of 20 dwelling units.
- The flexible threshold for new construction would be increased from 4,000 square feet to 12,000 square feet.
- The flexible threshold for parking lots would be increased from 20 automobiles to 40 automobiles.
- The flexible threshold for excavation and grading would remain at 500 square feet, which is the maximum allowed by State law.

Board Member Reed asked staff why they added the words “in all locations throughout the City of Edmonds” in Section 20.15A.090,B.1. Mr. Lien said the additional language makes it clear that while the flexible threshold for landfills and excavation have been increased to the maximum throughout the City, the other flexible threshold increases would only apply to the Medical/Highway 99 Activity Center and the Highway 99 Corridor. Board Member Reed asked if the boundaries for the Medical/Highway 99 Activity Center and the Highway 99 Corridor are clearly defined in the Comprehensive Plan. Mr. Lien answered affirmatively.

Jessie Byer, Edmonds, said she lives in the area designated as the Medical/Highway 99 Activity Center and is opposed to the proposal to increase the flexible thresholds. While the SEPA requirements do not present a barrier for development within the activity center, they do help protect the neighborhood when development does occur. She expressed her belief that the proposed changes would do no one any good. She emphasized that no one living near a proposed development of up to 20 units and 12,000 square feet would consider the project minor, particularly given that the average size of the residential homes located in the activity center is about 1,500 square feet. She said it is insulting that her neighborhood is of less importance to the City than the neighborhoods in the bowl. It appears the City Council is trying to push development out into other neighborhoods that do not have as much pull as the property owners in downtown Edmonds. She asked the Board to consider all citizens who live in established neighborhoods throughout the City. She said she is opposed to the proposed changes to the SEPA requirements and implored the Board to do the same and keep the neighborhood’s process in place.

Colleen McDonald said she lives 300 feet from the Medical/Highway 99 Activity Center and is concerned about the proposed change to the flexible thresholds under SEPA that would only apply to the activity center and the Highway 99 Corridor. She pointed out there are a significant number of residential properties in established neighborhoods within this area. People continue to move to the neighborhood because it is one of the few places in Edmonds where affordable housing options are available. She said she is particularly concerned the proposed change would eliminate the citizens’ opportunity to participate in the process and there would be no ability to appeal. She suggested this seems a bit harsh. She expressed her belief that the existing thresholds are appropriate for a City the size of Edmonds, and it does not make sense to adjust them to the maximum just because State Law allows them to do so. While the higher thresholds may be appropriate for large cities, they are not appropriate for Edmonds. She agreed with Ms. Byer. If someone were putting 20 homes in her neighborhood, she would consider it a massive development that could result in increased traffic and other problems. She also expressed concern that because she lives downstream from the activity center, she could experience flooding from the stream that runs past her back yard as a result of significant development in the activity center. If this were to occur, she would have no ability to voice her concerns. She summarized that she is opposed to the proposal that would raise the flexible thresholds in the activity center to the maximum allowed by State law, thus removing the public’s ability to participate in the process.

Joe St. Laurent, Edmonds, said he lives within the Medical/Highway 99 Activity Center and agrees with the concerns raised by the previous speakers that there would be no opportunity for public review or appeal if the proposed amendments are approved. He suggested this would be contrary to due process and would be considered arbitrary and capricious. He said it is important to remember that there is a residential neighborhood located right in the middle of the activity center. It is not just developed for medical uses, the high school, etc. There are single-family homes. He said his client, James Plute, has owned the majority of the land on the 220th block where Mr. Shapiro is proposing redevelopment for nearly 50 years. He has contributed to the community and is opposed to any type of change in the SEPA law that would result in the citizens having less or no opportunity to review or appeal future development applications.

Al Rutledge, Edmonds, said he lives in the Ballinger area near Highway 99. He pointed out that when there are events at the cemetery, there are between 35 and 150 cars that end up backing up traffic. He recalled that the Comprehensive Plan indicates the City's goal of encouraging development on Highway 99, and there are several projects in the works. He reminded the Board that this additional development would result in more traffic, which is an issue that needs to be addressed in the Development Code.

Roger Hertrich, Edmonds, said he has lived in Edmonds for a number of years and happens to live on a State highway (196th). He said it is difficult to understand how he would be impacted if the same thresholds were being proposed for the properties along 196th. He expressed his belief that the Comprehensive Plan actually extends the boundaries of the Medical/Highway 99 Activity Center further than it should have, and it currently incorporates neighborhoods that have been stable for many years. He suggested that perhaps it would be appropriate for the Board to review the boundaries again and consider potential adjustments.

Mr. Hertrich suggested the Board ask staff to provide a clear explanation of the benefits that SEPA provides for the citizens of Edmonds. He pointed out that there are other aspects associated with clearing and grading aside from the amount of earth that is removed or added. The City must also address how the removal process would impact surrounding property owners. He questioned why the City would want to eliminate the SEPA requirement if it provides additional protection to address issues such as stormwater runoff, traffic impacts, environmental concerns, etc. He further questioned how staff would resolve these issues if no SEPA is required. He observed that many times in the past, staff has indicated that they use the SEPA process to mitigate impacts.

Mr. Hertrich summarized that he believes the proposed changes are too zealous, and the idea of eliminating the SEPA requirement is not appropriate. He recalled that Board Member Guenther previously stated that he has filled out SEPA Checklists on a number of occasions, and the process is not complicated, costly or time consuming. However, it does give the City the ability to deal with impacts associated with a proposed development. He said he does not see a reason for the proposed change; the City was getting along quite nicely before. He suggested that in some cases, there has not been enough SEPA control because developments fall below the existing thresholds. Expanding the thresholds as proposed would eliminate what little control the City does have to protect residential neighborhoods. He reminded the Board that the City Council recently made a decision to provide additional protection to a neighborhood that is located within the Medical/Highway 99 Activity Center. He suggested they also consider providing more protection for the other neighborhoods that are located in the same area. He urged the Board to ask more questions and carefully consider what would be lost as a result of the proposed changes.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

In response to Mr. Hertrich's question about what the City gains by SEPA, Mr. Lien explained that there are certain notice requirements associated with SEPA, and notice would actually be required for most of the projects that require SEPA anyway. SEPA is a trigger for certain projects to be sent to the Architectural Design Board (ADB) for review; if a project requires SEPA review, it is automatically sent to the ADB.

Mr. Lien recalled the Board previously reviewed the potential impacts of adjusting the flexible thresholds as proposed. Of the 178 SEPA reviews the City has conducted since 2004, 108 were subject to the flexible thresholds. The most common SEPA trigger was for landfill and excavation, which is already set at the maximum allowed by State Law. Of the 108 projects that were subject to the flexible thresholds, 90 exceeded the 500 cubic yard threshold for landfill and excavation, and 40 were triggered solely for that reason. Of all the projects proposed for the Medical/Highway 99 Activity Center and the Highway 99 Corridor, only two would not have required SEPA review based on the proposed amendments. If the flexible thresholds were expanded for all multi-family and commercial zones in the City, five of the projects would not have been required to go through SEPA review. He summarized that based on historical data, the impact of raising the thresholds as proposed would be minimal.

Mr. Lien agreed with Ms. McDonald that if a project is exempt from SEPA, there would be no process to appeal the determination. Mr. Chave said it is important for the Commission to consider the tradeoffs. Mr. Hertrich was right in his explanation of what is gained by SEPA review and what would be lost if SEPA review is not required. He explained that

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SEPA has very little affect on development in single-family zones because the City has other processes that have more sway. For example, subdivisions of more than five units require a public hearing process, and this requirement would not change. He noted that most SEPA reviews were related to landfill and grading, and had very little to do with the scale of the proposed development. This raises the question of what the City would gain from SEPA review versus what it would lose. At this time, many of the City's processes and regulations already control issues that would be considered under SEPA such as transportation impacts and critical areas. He reminded the Board that the City's goal is to promote economic development in the Medical/Highway 99 Activity Center and the Highway 99 Corridor, and the State recognized these situations when they granted local jurisdictions the authority to adjust their flexible thresholds.

Mr. Chave reminded the Board that climate change may have a large impact on development in the future. Until the City adopts local regulations to address climate change, SEPA may be the best mechanism available. This issue must also be taken into consideration when determining the right flexible threshold balance. He summarized that SEPA is only one piece of the development puzzle, and there are many other process the City uses to provide public notice and hearing opportunities. Particularly in single-family zones, there is a clear public process that comes into play outside of SEPA. SEPA cannot control the level of development allowed on a property; it can only condition development based on impacts that are not otherwise addressed in the code. Most issues associated with single-family developed are addressed by the Development Code. That is one of the main reasons why SEPA is less important than it once was.

Board Member Cloutier emphasized that this is not the first time the Board has considered the proposed amendments, nor is it the first public hearing on the matter. When the Board discussed the proposed amendments in February and April, they raised many of the same concerns that have been raised by the public. He reassured the public that the Board is not ignoring their concerns, but he is satisfied that the concerns can be addressed by the current provisions in the Development Code and other City regulations.

Board Member Reed suggested that it would be appropriate to clarify elsewhere in Section 20.15A that the flexible threshold for landfill and excavation has already been raised to the maximum level possible for all zones in the City. The language should also clarify the threshold further.

Board Member Reed recalled that the Board previously determined there would be minimal time and cost savings associated with the proposed amendments. They also discussed that environmental impacts associated with a proposed project would be addressed by the Critical Areas Ordinance. The Board determined that Option 3 (increasing the flexible thresholds for only the Medical/Highway 99 Activity Center and the Highway 99 Corridor) was the best of the four options. However, he said he would be in favor of adjusting all of the flexible thresholds to the minimum levels identified in State Law because SEPA review is important in every project. Projects in the Medical/Highway 99 Activity Center will have an impact on surrounding schools and residential neighborhoods. If the SEPA process was extremely costly and time consuming, he might have a different position, but it is not. He referred to Section 20.15A.220.C.1, which lists the types of things staff would consider as part of the SEPA review. He expressed his belief that this is a good edition to the language, and perhaps it would also be appropriate to include this language in the opening statement of the Comprehensive Plan. Mr. Lien noted that this language came directly from the model ordinance.

Board Member Guenther said he has filled out several SEPA Checklists, which are used by the City to address all of the different factors related to a proposed development. As Mr. Chave pointed out, there are also development requirements that address specific issues on the checklist, such as the Critical Areas Ordinance. He summarized that the checklist is not intended to be a safeguard, but is used by cities to see how a proposed project complies with the existing ordinances. If there is something that is not addressed by the current ordinances, then some type of mitigation would be required as part of the determination. He summarized that he does not see that changing the thresholds as proposed would change the code requirements the City already has in placed. However, the proposed change could improve the process.

Board Member Stewart asked staff to identify what the City would gain from increasing the thresholds. She recognized that the City is trying to encourage more density and transit-oriented development in the Medical/Highway 99 Activity Center and the Highway 99 Corridor to comply with GMA. She suggested that raising the threshold for parking appears to be counterproductive in this regard. Mr. Lien agreed that the Comprehensive Plan encourages redevelopment in these areas. Having one less hurdle could make the area more attractive to developers. In addition, when considering the impact the

proposed changes would have had on past SEPA reviews, there appears to be minimal difference even if the thresholds were raised for all commercial and multi-family zones.

Board Member Stewart emphasized that changing the thresholds would not alter the zoning in the two areas. However, it would allow for development to occur without SEPA review if the properties are rezoned at some point in the future. Mr. Lien explained that the flexible thresholds would not apply to rezone applications. A rezone application would still be required to go through the SEPA process. Development of properties within the two areas would still be required to meet the zoning requirements, the critical areas provisions, traffic impact fees, etc., but no SEPA review would be required for projects that fall below the threshold levels. Board Member Stewart asked if adjusting the thresholds would result in less environmental protection, and Mr. Lien answered no.

Board Member Johnson observed that SEPA has given local jurisdictions the opportunity to adjust their thresholds if they choose to do so. The City Council has given clear direction that they want to promote economic development in the Medical/Highway 99 Activity Center and the Highway 99 Corridor. While the proposed amendments may be a small step in this direction, it is something the Planning Board can do to further this goal. She recalled that she previously expressed her belief that the flexible thresholds should not be changed for residential structures. There may be certain impacts that are not covered by the existing regulations pertaining to noise, etc. This is one area where additional SEPA review may be appropriate. However, she supports the proposed amendments to adjust the flexible thresholds for new construction and parking lots.

BOARD MEMBER REED MOVED THAT THE BOARD FORWARD THE PROPOSED AMENDMENTS TO ECDC 20.15A ENVIRONMENTAL REVIEW (FILE NUMBER AMD20090006) TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PROPOSED. BOARD MEMBER CLOUTIER SECONDED THE MOTION.

BOARD MEMBER REED MOVED TO AMEND HIS MOTION TO ELIMINATE THE PROPOSED AMENDMENTS TO SECTION 20.15A.090 FROM THE RECOMMENDATION. HE FURTHER RECOMMENDED THAT STAFF CLARIFY THE FLEXIBLE THRESHOLD FOR LANDFILL AND EXCAVATION ELSEWHERE IN THE CODE LANGUAGE. THE MOTION TO AMEND DIED FOR LACK OF A SECOND.

Board Member Cloutier asked if the landfill and excavation threshold is applied cumulatively. Mr. Lien answered that fill and excavation are considered separately. He emphasized that the only change proposed for this section is the addition of the words “in all locations throughout the City of Edmonds.”

Board Member Reed said he would vote no on the motion; not because he is opposed to most of the changes, but because he would like to remove the proposed adjustments to the flexible thresholds. He said he sees no need to eliminate the SEPA requirement when it is not a costly or lengthy step in the development process yet it affords additional protection for surrounding property owners. Board Member Cloutier expressed his belief that the true impact of adjusting the flexible thresholds would be minimal. On the other hand, a potential developer may find the area more attractive because there would be a little less paperwork to fill out.

Vice Chair Lovell observed that the majority of the proposed amendments are intended to make the current SEPA requirements consistent with the WAC and RCW, which is required by State Law. As the Board discussed, changing the threshold levels would have had minimal impact on projects that have occurred since 2004. Given that the City is trying to encourage economic development in the Medical/Highway 99 Activity Center and Highway 99 Corridor, the Board agreed earlier to consider adjustments to the flexible thresholds. He said he still supports this direction and would vote in favor of the motion to move the amendments forward to the City Council with a recommendation of approval.

THE MOTION CARRIED 4-2, WITH BOARD MEMBERS LOVELL, GUENTHER, JOHNSON AND CLOUTIER VOTING IN FAVOR AND BOARD MEMBERS REED AND STEWART VOTING IN OPPOSITION.

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PUBLIC HEARING ON PROPOSED UPDATES TO THE COMPREHENSIVE PLAN PURPOSE, EFFECT AND CONTEXT STATEMENTS, AND HEARING EXAMINER COMPREHENSIVE PLAN REVIEW REQUIREMENTS

Mr. Chave recalled that the Commission previously discussed the proposed amendments to the introductory sections of the Comprehensive Plan addressing the plan's purpose and scope. He said that, as previously noted, the reasons for making the changes include:

- The region, through the Puget Sound Regional Council (PSRC), adopted Vision 2040 in 2008. The document was updated in 2009 to provide new guidance and a framework for planning in the Puget Sound Region.
- Snohomish County Tomorrow is in the process of updating the countywide planning policies to be consistent with Vision 2040.
- The City's 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.

Mr. Chave reminded the Board that the City Council directed them to update the various introductory sections (purpose, effect and context statements). He noted that some of the language can be traced back to the original Comprehensive Plan, which was adopted as part of the City's Development Code. When GMA was adopted, the City revised the plan and made it a separate document. However, some sections were not adequately updated to fit within the context of the GMA. Some of the language in the Comprehensive Plan talks about code provisions that have been superseded by other processes such as the Capital Facilities Element. For example, having the Hearing Examiner make legislative decisions is out of date and does not separate the powers of the legislative authority (City Council) and the quasi-judicial authority (generally the Hearing Examiner). The intent is to bring these sections up to date with current City practices.

Vice Chair Lovell observed that a lot of language from Vision 2040 was inserted into the draft language. Mr. Chave said staff's goal was to provide context and identify the high-level goals and statements from the Vision 2040 Plan so the casual reader would have some idea of what the regional vision talks about. This is important because local plans must be consistent with and ultimately implement the regional vision. Vice Chair Lovell said he finds the excerpts from Vision 2040 to be applicable to the City. He specifically referred to the language related to development patterns (Page 7), which supports the policies called out in the Community Sustainability Element.

Board Member Reed asked staff to respond to the question of whether or not it is appropriate for the Hearing Examiner to consider consistency with the Comprehensive Plan as part of his/her decision. He recalled that Finis Tupper submitted a statement regarding this issue, which was read into the record at the Board's May 12th meeting. Mr. Chave responded that the Comprehensive Plan is a legislative document that establishes goals and a vision for the City. As required by GMA, the City has adopted development regulations that are intended to implement the Comprehensive Plan, and these regulations are used by the Hearing Examiner to review projects. The development regulations must be consistent with the Comprehensive Plan. He explained that because the Comprehensive Plan is intended to provide a balance of goals and policies, it would be nearly impossible to find that a project is absolutely consistent with each and every one. The appropriate balance for the City is reflected in their adopted Development Code. The City would essentially be mixing the legislative and quasi-judicial standards for review if they were to look at the overall Comprehensive Plan policies and goals while reviewing projects for compliance with the Development Code. He further explained that GMA requires that comprehensive plans set the policies and guidelines, but the development regulations are intended to implement the goals and policies in comprehensive plans. Cities must use their development regulations to evaluate projects.

Board Member Cloutier referred to Item A.4.c (Page 3) and explained that the Board previously discussed the proposed amendment that would change "views" to "public views." He suggested staff explain why this change is being proposed. Mr. Chave explained that the City has taken the general approach that the overall height limits and bulk restrictions are the blunt instruments for dealing with public views, but there are no tools to deal with individual views. The current language seems to imply that the Development Code includes provisions to protect private views, which is not the case. The City

Council determined that all references to protection of private views should be removed from the Development Code, and staff felt it would be appropriate to remove the reference from the Comprehensive Plan, as well.

Board Member Stewart noted that the Development Code includes a reference to “retaining view corridors.” Mr. Chave said this term is used prominently in the shoreline regulations, but it is related to public rather than private views. In addition, there is some discussion in the Comprehensive Plan related to public views in the downtown/waterfront area from streets, and the issue is addressed in the Development Code via setbacks, step backs, height limits, etc. Board Member Reed inquired if “public view” is defined in the Development Code. Mr. Chave answered no. Board Member Reed suggested that perhaps the proposed change would be unnecessary if the Development Code does not include a definition for the term. He observed that whatever language is used in the Comprehensive Plan will not change the fact that the Development Code will not protect private views. Board Member Cloutier agreed that having a vision that public views should be protected will not change the Development Code now, but it would guide future regulations. He emphasized that the City does not have the ability to regulate private views, but they can regulate the public’s access to a view. Mr. Chave added that private views are difficult to regulate in Washington State because property rights are very strong.

Board Member Stewart referred to Item B on Page 1 and asked if community values have been identified. Mr. Chave said community values can be discerned from the goals and policies in the Comprehensive Plan, but they are not laid out specifically as the community’s values. Board Member Stewart noted that many municipalities innumerate their values and adopt vision statements. Mr. Chave summarized that the City’s vision is inferred in the Comprehensive Plan as a whole, but staff would not want to presume to write a vision statement at this time. He suggested the Board ask the City Council to take this project on as part of the next Comprehensive Plan update.

Board Member Stewart requested clarification from staff regarding Section A.4.a, which references light. Mr. Chave explained that one of the purposes of step back requirements is to provide some access for light to reach adjacent properties, particularly in zones where development is allowed to occur lot-line-to-lot-line. Many of the zoning regulations draw to the notion of air, light and open space. Board Member Stewart asked if this reference refers to buildings that block light or if it includes trees, as well. Mr. Chave answered that trees could potentially fit into this category, as well.

Board Member Guenther said that, as an architect, clients come to him with a vague idea of what they want to develop, and their description usually includes contradictions. It is up to him to balance the contradictions to create a plan that meets his client’s needs. He said the Comprehensive Plan is also vague, contradictory and open to interpretation. It is intended to be a tool to guide development regulations. It is the Development Code that leads the City in the right direction.

Roger Hertrich, Edmonds, referred to the proposed amendment on Page 1 that would eliminate reference to piecemeal or spot zoning. He asked that the Board consider putting this language back in. He agreed with Board Member Stewart that community values have not been clearly defined. He disagreed with staff’s position that the Comprehensive Plan language is out of date and needs to be updated. Mr. Hertrich expressed concern about the amendments on Page 2, which would eliminate the requirement that the Hearing Examiner must review all public projects, street vacations and dedications based on compliance with the Comprehensive Plan and submit an advisory report. As per the proposed language, these projects would become staff decisions. He encouraged the Board to discuss whether or not the value of the Hearing Examiner still exists for these processes, or if Hearing Examiner’s role should be eliminated because staff has previously failed to follow the rules and procedures outlined in the Comprehensive Plan. Mr. Hertrich referred to Item A.4.a on Page 3 and agreed it is appropriate to regulate to ensure there is adequate light to adjacent properties.

Mr. Hertrich asked if the City Council directed the staff and Board to incorporate the Vision 2040 Plan. He agreed that some of the language incorporated from the Vision 2040 Plan is good, but he questioned the definition of the term “central places” in the third paragraph from the bottom on Page 7. He suggested that people can interpret this term in many different ways. Rather than just incorporating large sections of the Vision 2040 language into the document, he suggested the Board review each one to determine if they are worded well enough to be part of the code or if they are ambiguous.

Finis Tupper, Edmonds, said he grew up in Woodway and moved to Edmonds in the early 1980’s when the City was in the process of adopting their original Development Code. He participated in the Chapter 15 discussions at that time, and the adopted language was a grand move for the City. It was through this process that he became acquainted with Roger

Hertrich, Bill Casper, Steve Dwyer, Lloyd Ostrom and other prominent community members who participated in the process. He said the point of his email, which was entered into the record on May 12th, was to suggest the Board review the Edmonds Municipal Code as it relates to the duties of the Hearing Examiner. He noted that the City has only had three Hearing Examiners over the past 30 years. The current Comprehensive Plan requires that the Hearing Examiner review all street vacations and dedications and submit an advisory report. He said he is opposed to the proposed amendment that would eliminate this step in the review process. He pointed out that the Hearing Examiner has not participated in the review of street vacations and dedications in the past, even though it has been a stated requirement in the Comprehensive Plan. These decisions have been made by City staff. He expressed his belief that City plans, they should be executed rather than ignored.

Mr. Tupper observed that the current Hearing Examiner receives \$3,500 per month from the City whether she holds a hearing or not. In 2009, the fees for the hearings that were conducted were not enough to pay the Hearing Examiner's salary, let alone advertisements that were placed in the newspapers or the staff's time. He felt the Board should be concerned that the City is paying for a Hearing Examiner service, yet she is not being required to perform the services specified in the Comprehensive Plan. The Hearing Examiner has cancelled numerous hearings in recent months because there are no items on the agenda, but the City is required to pay her salary regardless. He suggested the City utilize this resource to implement the plan. The Hearing Examiner has a completely different viewpoint than staff, and she can bring expertise to the table to help determine whether or not a proposal is consistent with the Comprehensive Plan.

Al Rutledge, Edmonds, suggested that the last paragraph on Page 2 be updated to identify the population as of 2009 before the draft amendments are presented to the City Council. He observed that there is not as much affordable housing available in Edmonds as in other neighboring communities. He suggested the language be changed in Item A.5 at the bottom of Page 3 to specifically call out affordable housing. Mr. Rutledge advised that he has attended Hearing Examiner hearings for the past four years, and the Hearing Examiner has set requirements that the lights on sports fields be turned off at 7 p.m. on week days and 9 p.m. on weekends to address neighborhood concerns. He said the current Hearing Examiner firm does a good job, but he voiced concern that not very many people attend the hearings to comment.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

Mr. Chave advised that the language related to "spot zoning" was a hold over from the days when comprehensive plans were far more general. At the present time, the City's Comprehensive Plan Map and Zoning Map are consistent. In order to have spot zoning, there would need to be a spot Comprehensive Plan designation. He recommended that this language is no longer necessary.

Mr. Chave agreed with Mr. Tupper that implementation is key, and that is the purpose of the development regulations. He suggested it makes no sense to have an additional requirement of review contained in the Comprehensive Plan that either conflicts with or adds to the already established process. For example, the review of street vacations and dedications is already provided for in the City's Development Code, and an additional Hearing Examiner review would be redundant and could create conflicts.

Mr. Chave explained that the excerpts from Vision 2040 Plan are the broadest goal statements, and they are vague if read in isolation. He suggested Mr. Hertrich review the Vision 2040 Plan, which provides details about what the broad statements are talking about. He reminded the Board that they made the choice not to reiterate the entire Vision 2040 Plan in the Comprehensive Plan. Including excerpts will lead people to be curious enough to perhaps read the Vision 2040 Plan. He emphasized that the City cannot choose whether or not they want to implement the Vision 2040 Plan. It is the regional plan that the City has signed onto so they need to be consistent and understand what it says.

Board Member Reed asked if affordable housing is addressed in other sections of the Comprehensive Plan. Mr. Chave answered that it is addressed extensively in the Housing Element. Mr. Cloutier added that while Item A.5 on Page 3 does not specifically reference affordable housing, he reads it as an implication that affordable housing is included.

Board Member Cloutier asked staff to explain the mechanism by which the City is required to follow the Vision 2040 Plan. Mr. Chave answered that the PSRC is a creation of all of the governments in the Puget Sound Region, and the City has signed on to be a part of the group. The PSRC is the mechanism that ensures cities implement the Vision 2040 Plan.

APPROVED

BOARD MEMBER CLOUTIER MOVED THAT THE BOARD FORWARD THE UPDATES TO THE COMPREHENSIVE PLAN PURPOSE, EFFECT AND CONTEXT STATEMETNS AND HEARING EXAMINER COMPREHENSIVE PLAN REVIEW REQUIREMENTS TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PROPOSED. BOARD MEMBER GUENTHER SECONDED THE MOTION.

Board Member Reed suggested that Mr. Tupper's memorandum be added as an attachment to the record that is forwarded to the City Council. The remainder of the Board concurred.

THE MOTION CARRIED UNANIMOUSLY.

REVIEW OF EXTENDED AGENDA

Vice Chair Lovell inquired when the amendments to Title 20 would be brought back to the Board. Mr. Chave said they would be scheduled as an agenda item in the near future. Staff would also provide updates soon regarding other items on the Commission's work program such as wireless facilities.

Vice Chair Lovell announced that the July 14th meeting would include a public hearing on proposed amendments to the civil enforcement procedures related to notice and fines, an update of the Capital Facilities Plan, a discussion regarding potential amendments to the Home Occupation Regulations, a discussion of potential amendments to the Street Tree Plan, and a discussion about the potential annexation of the Meadowdale Beach area.

PLANNING BOARD CHAIR COMMENTS

Vice Chair Lovell reminded the Board that the Parks, Recreation and Cultural Services staff has invited a Board Member to help judge the sand castle contest on August 10th. Board Member Stewart agreed to judge the contest again this year.

Vice Chair Lovell said he received an email from Board Member Bowman announcing that he would resign his position on the Board, and July 14th will be his last meeting. That means there will be two vacant Board positions. He stressed the importance of good attendance over the next few months so that a quorum is present at each meeting. He said he reviewed the Board's attendance policy and determined that Board Member Clarke's absences have not crossed the threshold that would require him to resign his position.

PLANNING BOARD MEMBER COMMENTS

Board Member Guenther said he has served on the Board since 2001, and he has reached a point where he feels it is time for him to resign. He said his decision started last year when work-related responsibilities required him to miss several meetings. He felt he was unable to contribute to the degree he should. He commented that they have an excellent Board and all members are well qualified and have good opinions. He said he felt he was leaving at a good time.

Vice Chair Lovell thanked Board Member Guenther for his service on the Board. He said he helped him a lot when he first joined the Board, and he has been a tremendous asset to the City.

Board Member Stewart thanked Board Member Guenther for his long years of service, and said it has been a pleasure serving with him. He will be missed. She suggested that when new appointments have been made, the Board should consider the idea of appointing a student representative to serve on the Board. She expressed her belief that the Board could use an infusion of young, fresh ideas.

Board Member Cloutier reminded the Board of the decision they made at their retreat to continue their work on sustainability indicators by starting with the Storm and Surface Water Comprehensive Plan. He reported that he and Board Member Stewart would meet with Mr. Chave and Public Works staff to discuss the implementation of appropriate indicators. They would report back to the Board at a future meeting.

APPROVED

Board Member Cloutier said he would miss Board Member Guenther. He has provided a perspective to the Board that was developed over time to know what is important and what is not.

Board Member Johnson thanked Board Member Guenther for his long service on the Board. She announced that the next meeting of the Citizens Economic Development Commission is scheduled for June 24th from 6:00 to 8:00 p.m. in the Brackett Room of City Hall. She also announced that Stevens/Swedish Hospital has scheduled a public meeting on August 3rd. The Board discussed whether or not a public meeting notice would be required if more than a quorum of Board Members want to attend the event. It was determined that as long as the Board Members do not meet together at the event, there would be no need to advertise a special meeting. Board Member Reed suggested staff provide clarification about the public meeting rules at some point in the future.

Board Member Johnson reported that she attended a planning training session on July 14th, which was held during the regular meeting of the Mountlake Terrace Planning Board. There were two speakers, Phil Olbrechts, of Ogden, Murphy and Wallace, and Joe Tovar, the Planning Director from the City of Shoreline, who served for many years on the Growth Management Hearings Board. The discussion on rezones was excellent. It was discussed that a rezone of a single lot is the responsibility of the individual property owner, but best planning practices suggested that area-wide rezones due to changes in the comprehensive plan are best done by the jurisdiction. She recalled Mr. Chave's earlier comment that, for the most part, the City's Comprehensive Plan and zoning maps are consistent. However, she would like to see a map that illustrates where there are inconsistencies. She would also like to have a better understanding of the overlay concept as it is applied to the Medical/Highway 99 Activity Center. She noted that part of the activity center is zoned single-family residential.

Board Member Reed said he was unable to attend the Board's retreat, and his understanding is that the meeting was not recorded and no formal minutes were prepared. He asked Board Members to share their notes with him. Vice Chair Lovell agreed to email his notes to Board Member Reed. Mr. Chave suggested he emails his notes to all the Commissioners, as well as staff.

Board Member Reed said he recently learned from the City Clerk that the City has copies of City Council minutes clear back to 1890.

Board Member Reed observed that Board Member Guenther is the only remaining member of the Board who was serving when he and Board Member Bowman were appointed. He said he appreciates that he always provided good, measured responses that caused him to think of things he had not previously considered. He said he will miss his voice on the Board.

ADJOURNMENT

The Board meeting was adjourned at 9:45 p.m.

APPROVED