

**APPROVED AUGUST 24<sup>th</sup>**

**CITY OF EDMONDS  
PLANNING BOARD MINUTES**

**August 10, 2011**

---

---

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

**BOARD MEMBERS PRESENT**

John Reed, Vice Chair  
Kevin Clarke  
Todd Cloutier  
Bill Ellis  
Kristiana Johnson  
Valerie Stewart  
Neil Tibbott

**STAFF PRESENT**

Rob Chave, Planning Division Manager  
Jen Machuga, Planner  
Karin Noyes, Recorder

**BOARD MEMBERS ABSENT**

Philip Lovell, Chair (excused)

**READING/APPROVAL OF MINUTES**

**BOARD MEMBER ELLIS MOVED THAT THE MINUTES OF JUNE 27, 2011 BE APPROVED AS AMENDED. BOARD MEMBER CLOUTIER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

Mr. Chave referred to the July 13<sup>th</sup> Planning Board Minutes. He noted that during her report on parks, Carrie Hite, Parks, Recreation and Cultural Services Director, inadvertently mentioned that impact fees could add \$600,000 to the parks maintenance budget. However, impact fees cannot technically be used for maintenance. They can only be used for park improvements associated with new development.

**ANNOUNCEMENT OF AGENDA**

A discussion about how the Board could improve their communications with the public was scheduled as new business. The remainder of the agenda was approved as presented.

**AUDIENCE COMMENTS**

There was no one in the audience.

**PUBLIC HEARING ON POTENTIAL AMENDMENTS TO THE OUTDOOR DINING REGULATIONS OF EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) CHAPTER 17.75**

Ms. Machuga reviewed that, as per the current code, outdoor dining is permitted outright for an additional 10% of interior seating or 8 seats, whichever is greater. If an applicant is proposing more than 10% of the interior or 8 seats, a Type III-A Conditional Use Permit is required, which includes review by the Hearing Examiner. The current code allows outdoor dining in the Neighborhood Business (BN), Commercial Business (BC), Downtown Business (BD), Commercial Waterfront (CW) and General Commercial (CG) zones. She reminded the Board that a public hearing was held on July 13<sup>th</sup>. At that

time, the Board discussed several changes and decided to continue the public hearing so that staff could return with updated code language and a definition of “outdoor dining” for further review and discussion. She referred to the latest draft code language, which implements the Board’s direction. As currently proposed, outdoor dining would be closed between 10:00 p.m. and 7:00 a.m. In addition, outdoor dining would be an outright permitted use if it can meet one or more of the following conditions:

- Site is not directly adjacent to residentially-zoned properties, or
- Dining area contains no more than 8 seats or 10% of interior seating, whichever is greater, or
- Site complies with landscaping requirements along property lines adjacent to residentially-zoned properties, or
- Dining area will be screened by a 6-foot wall, hedge or fence.

She explained that, as proposed, if none of the above conditions are met or if the outdoor dining area is proposed to be open to the public between the hours of 10:00 p.m. and 7:00 a.m., the Board suggested that a Type III-A Conditional Use Permit should be required, which would be reviewed by the Hearing Examiner. In addition, the proposed language would expand the zones where outdoor dining is permitted to include the Medical Use (MU), Planned Business (BP) and Firdale Village Mixed Use (FVMU) zones.

Ms. Machuga provided illustrations of how the proposed screening requirements would be applied when outdoor dining is located on properties adjacent to residential zones. She emphasized that no screening would be required for outdoor dining if the subject property is not located adjacent to a residential zone. She also provided photographs of existing outdoor dining located throughout the City to illustrate the various methods that can be used for screening such as fences and hedges. She noted that the proposed language would require a 6-foot solid hedge, wall or fence, but the Board could decide to reduce the height. For example, they could change the language to require a 4-foot solid fence, but then allow the property owner to place a lattice on top.

Board Member Ellis asked if a residential property located across the street from an outdoor dining area would be considered adjacent. Ms. Machuga answered that if the residential property is separated from the subject property by a road or alley, it would not be considered “adjacent.” She noted there are not a lot of commercial properties in the City that share property lines with a residential zone. They are typically separated from the residential zones by alleys or rights-of-way. In most cases, outdoor dining would be an outright permitted use as long as the establishment can meet the limits related to hours of operation.

Board Member Clarke referred to the example of an outdoor dining area at Five Corners, and pointed out that while the subject property is located adjacent to a residential zone, the business with the outdoor dining area is actually separated from the residential zone by a strip mall development (buildings). He suggested the language be changed to state that if the parcel or property lies adjacent to a residential zone and a building is located between the residential zone and the proposed outdoor dining area, no screening or landscaping buffer would be required. Mr. Chave agreed this would be an appropriate change and could be implemented by simply amending Section 17.75.010.A.3 to add the words “building or” before “6-foot.”

If a hedge would qualify as screening even though it is not solid material, Board Member Clarke suggested that perhaps the fence should not be required to be solid, either. He noted that other attractive materials could be used to serve the same purpose. Vice Chair Reed observed that the purpose of the wall, fence or hedge is to buffer noise. Mr. Chave pointed out that, sometimes, hedges around outdoor dining areas are lower in height because people in the area are typically seated. He agreed that six feet may not be necessary to buffer for noise. Perhaps they could require a wall, fence or hedge up to four feet in height. Beyond that, a property owner could place a trellis, arbor, etc. Board Member Clarke felt this change would allow more architectural design options to make the space attractive from both sides. Mr. Chave agreed it would accomplish the purpose while allowing more design flexibility.

Board Member Ellis reminded the Board that the proposed screening requirement was tied to other sections of the code in which screening is required. Board Member Cloutier agreed that the intent was to make the screening requirement consistent with other screening requirements that already exist in the code. Mr. Chave advised that there is some latitude to gear the screening language to meet a specific purpose.

**APPROVED**

Board Member Clarke observed that based on the area's climate, the outdoor dining areas are not used that many days each year. He suggested it may be overkill to require a business to build a "fortress" type screening that ends up being unattractive. It is important to create an environment that provides adequate screening, but also allows the eatery to provide a pleasant atmosphere for their clients to enjoy.

Board Member Stewart referred to other jurisdictions that do not require screening around their outdoor dining areas. She expressed her belief that outdoor dining brings life to the community. She cautioned against making the screening requirements too stringent. They should allow flexibility for restaurants to create some life in their business area, and this would be good for the overall community, as well.

Board Member Ellis reminded the Board that the screening requirement would only be applicable if a property is located adjacent to a residential zone. The point of the proposed code language is to make it easier for businesses to have outdoor dining, but also to protect residentially-zoned properties.

Vice Chair Reed questioned if the code language should address the issue of safety, particularly when an outdoor dining area is located next to a parking area. Ms. Machuga pointed out that safety is addressed during the Engineering Division's review of a proposal.

Vice Chair Reed opened the public hearing. There was no one in the audience, but he referred to a letter the Board received from Pam Stuller, the owner of Walnut Street Coffee, voicing support for the proposed changes so it is easier and less costly for small businesses to establish outdoor dining areas. He closed the public hearing.

Board Member Clarke referred to staff's suggestion that Section 17.75.010.A.4 be amended to raise the number of seats from 8 to 16. Ms. Machuga explained that, as currently proposed, most small businesses would be limited to just eight seats, which is just two tables. Board Member Johnson inquired how the current seating number was selected. Mr. Chave suggested it was likely an arbitrary number. Board Member Clarke pointed out that allowing 16 seats would only require four tables. Mr. Chave suggested the Board stick with some number that is a multiple of four, since tables usually are designed to seat four people. Board Member Johnson said she would prefer to allow 12 seats or three tables; from an aesthetic standpoint, three is usually a more attractive number than four.

Board Member Clarke said he drove around the City to find good examples of outdoor dining. He noted that if the City does not require additional parking space for outdoor dining and circulation works well throughout the site, entrepreneurs should have an opportunity to provide this unique experience on nice days. Mr. Chave pointed out that, in most cases, outdoor dining is not in addition to what is going on inside an establishment. It is largely in place of what would typically occur inside. Only in unique situations are businesses so busy that they use their outdoor dining area as overflow. Again, Board Member Ellis pointed out that the seating limit would only apply if a property is adjacent to a residential zone and cannot meet the landscaping and screening requirements.

**BOARD MEMBER CLOUTIER MOVED TO AMEND THE LANGUAGE IN ECDC 17.75.010.A.4 BY CHANGING "8" TO "12." BOARD MEMBER TIBBOTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

**BOARD MEMBER CLOUTIER MOVED TO AMEND THE LANGUAGE IN ECDC 17.75.010.A.3 TO READ, "THE DINING AREA IS SCREENED FROM ADJOINING RESIDENTIAL PROPERTY(IES) BY A BUILDING AND/OR 4-FOOT WALL, HEDGE OR SOLID FENCE." BOARD MEMBER CLARKE SECONDED THE MOTION.**

Board Member Johnson referred to Demetri's Woodstone Taverna located on Main Street near the railroad tracks and questioned whether the restaurant's outdoor dining area was new. Ms. Machuga pointed out that an outdoor dining area has been located on the property for quite some time. Mr. Chave explained that as long as the outdoor dining use was legally established, any new business located on the site would be allowed to continue the use. Ms. Machuga reminded the Board that the goal is to screen the outdoor dining and not the property. Therefore, the 4-foot fence, hedge or wall should be

**APPROVED**

measured from the floor of the outdoor dining area. Mr. Chave noted that the language calls for screening the actual outdoor dining area, which addresses this concern adequately.

**THE MOTION CARRIED UNANIMOUSLY.**

Board Member Johnson suggested it would be helpful if the code provided a clear definition for “adjacent,” since the term can mean different things. She asked if the term “adjacent” applies to adjacent properties or adjacent buildings. Ms. Machuga said it was her understanding that Section 17.75.010.A.1 would apply to the property, itself, and not to just that portion of the property where the outdoor dining is located. Mr. Chave noted that the term “site” is defined in the code as “the property which is the subject of the approval or permit application.” Therefore, “site” is synonymous with “property.”

Mr. Chave acknowledged that the term “adjacent” is not defined in the code. Therefore, the dictionary’s definition would be applied. He said the common definition for “adjacent” is “sharing a property line.” Again, Board Member Johnson felt it would be helpful to specifically make it clear that properties that are separated by a street or alley are not considered adjacent. Member Clarke suggested that including some of the illustrations provided by staff would also help to further clarify the issue.

Board Member Clarke voiced concern about the potential of allowing bars to stay open beyond 2:00 a.m. with the thought that this would allow patrons to trickle out rather than congregate at closing time. He said he does not want the City to encourage all-night bars. Ms. Machuga noted that when Rory’s remodeled, two decks were created. As per the conditional use permit, the deck hours are until 11:00 p.m. on Sunday through Thursday, and 1:00 a.m. on Friday and Saturday. She said she searched other conditional use permits for outdoor dining since 2000 and found that they typically limited the hours of operation to 10:00 or 11:00 p.m.

Board Member Johnson suggested the Board move on since they had a lengthy discussion about hours of operation at their last meeting. Board Member Tibbott recalled that the proposed language is intended to be consistent with the City’s noise ordinance. Board Member Ellis reminded the Board that if a business wants to extend the hours of operation for their outdoor dining area, they can do so through a conditional use permit. Board Member Johnson recalled that staff asked if the hours of operation should be different, depending on the zone. The Board agreed that because the noise ordinance is consistent throughout the City, the outdoor dining hours of operation should be consistent, as well.

Ms. Machuga asked the Board to provide feedback about whether the proposed regulation would adequately cover rooftop dining areas or dining areas on upper floor decks, particularly when adjacent to residentially-zoned properties. She noted that the current building code requires a 42-inch guard rail around rooftop dining areas and upper floor decks, and a height extension of 42 inches is allowed in some zones for this feature. The proposed language could limit properties that are constructed to the maximum height limit because there would not be sufficient height available to provide a 4-foot fence, wall or hedge. She reminded the Board that the BD zone guidelines encourage a clear guard for roof top areas to limit view obstruction. Board Member Tibbott pointed out that the proposed requirement would require a solid, not opaque screen. Therefore a clear guard would meet the proposed code requirement. Board Member Johnson expressed her belief that rooftop dining should comply with the height restrictions of the underlying zone.

Mr. Chave suggested the Board not adjust the language to specifically accommodate rooftop outdoor dining because the required railings are intended to provide a safety feature, and screening is intended to create a noise barrier. Board Member Ellis pointed out that if an applicant does not have sufficient height to meet the screening requirements, he/she could request a conditional use permit. Board Member Johnson observed that this is just one situation in which the development agreement concept would be a useful tool to provide flexibility.

Board Member Stewart expressed concern that any eating establishment that wants to extend their outdoor dining hours beyond 10:00 p.m. would be required to obtain a conditional use permit. This would result in a significant hurdle for establishments that are trying to attract a younger crowd. It would be too costly for small business owners to pursue a conditional use permit to extend the hours of operation. Board Member Clarke agreed that requiring a conditional use permit to extend the operating hours of an outdoor dining area is too onerous. Board Member Cloutier suggested that if the concern is related to impacts to adjacent residential properties, perhaps they could amend the language to extend the hours of

operation for outdoor dining areas that are not located adjacent to residential properties. Mr. Chave pointed out that the BN and BP zones require a conditional use permit from the hearing examiner for businesses that want to stay open past 11:00 p.m. He noted that these two zones are typically located adjacent to residential properties. Board Member Stewart voiced her desire to encourage outdoor dining, particularly in the areas around the fountain, to bring more life to the area. Ms. Machuga pointed out that regardless of the hours of operation allowed for outdoor dining, the use would still be subject to the noise ordinance.

Board Member Cloutier reviewed that the proposed amendments would remove a lot of the barriers to encourage outdoor dining. However, they must also be cognizant of the impacts that outdoor dining could have on adjacent residential properties. He said he would support the currently proposed hours of operation. If a business owner wants to expand the hours of operation, they could apply for a conditional use permit. Board Member Clarke said he would also support the proposed hours of operation for properties located adjacent to residential zones. Board Member Cloutier expressed concern that if an outdoor dining area is separated from a residential zone by an alley it would not be considered adjacent, but there could still be significant impacts if the hours of operation are allowed to extend past 10:00 p.m. He suggested that perhaps the language could include a provision that allows extended operating hours for properties that are not located within 100 feet of a residential zone.

Board Member Johnson recalled that, at their last meeting, the Board talked about establishing hours of operation that are consistent with recent conditional use permits approved by the hearing examiner. She asked why the hearing examiner felt it necessary to limit the hours of operation. Ms. Machuga answered that noise was likely one of the hearing examiner's concerns. Board Member Tibbott questioned the need to limit the hours of operation given that outdoor dining must comply with the existing noise ordinance. Board Member Clarke agreed that the noise ordinance would be the governing factor of noise. Board Member Cloutier pointed out that the noise ordinance is enforced on a compliant basis, and he cautioned against removing the hours of operation restriction and relying on a complaint driven system to handle problems that come up. They need to protect the neighborhoods, and he felt that a restriction on the hours of operation would be appropriate for properties located within 100 feet of a residential zone. He proposed that there be no hours of operation restriction for outdoor dining that is located more than 100 feet from a residential zone.

Board Member Ellis said that while he is in favor of making it as easy as possible to obtain permits for outdoor dining, he is satisfied with the hours of operation proposed in the current draft language. He reminded the Board that they discussed this issue at length at their last meeting and provided solid reasoning for the restriction. He recalled that the original draft did not have a time restriction. The restriction was added by the Board based on recent conditional use permits issued by the hearing examiner. He suggested the Board either decide to include the restriction as currently written or leave it out and let the noise ordinance take care of the issue. If hours of operation are restricted, a person would still have the option of obtaining a conditional use permit to exceed the limitation. He summarized that the goal is to make the ordinance inclusive so it can be applied to as many situations as possible, and then allow the hearing examiner to address the unusual situations. He cautioned against rewriting the language to serve just a few potential properties. He said he supports the current language that limits the hours of operation for all outdoor dining unless a conditional use permit is obtained.

**BOARD MEMBER STEWART MOVED THAT THE BOARD STRIKE ECDC 17.75.010.B. BOARD MEMBER CLARKE SECONDED THE MOTION.**

Mr. Chave suggested that rather than eliminating the hours of operation entirely, the language could be changed so it is only applicable to outdoor dining that is located adjacent to residential zones. All other outdoor dining would be governed by the noise ordinance.

Board Member Johnson expressed concern that eliminating the hours of operation would be inconsistent with recent hearing examiner decisions related to outdoor dining. Because the hearing examiner only considers a limited number of cases, Mr. Chave cautioned against applying the hearing examiner record for all outdoor dining situations. Most of the other discussion has been focused on outdoor dining areas on sites adjacent to residential zones, so it seems reasonable to limit the hours of operation for these sites, as well. Longer operating hours could be allowed on sites that are not adjacent to residential zones.

Board Member Johnson asked if Scott's Bar and Grill would be required to maintain the hours of operation identified in their conditional use permit if the City were to change the code to eliminate the restriction. Ms. Machuga answered that if the new code language is less restrictive and the property owner can meet all of the requirements of the new code, the property would be subject to the new code language and the conditional use permit would no longer be applicable.

**BOARD MEMBERS STEWART AND CLARKE WITHDREW THEIR MOTION.**

**BOARD MEMBER STEWART MOVED THAT ECDC 17.75.010.B BE CHANGED TO READ, "FOR SITES DIRECTLY ADJACENT TO RESIDENTIALLY-ZONED PROPERTY, THE OUTDOOR DINING AREA SHALL BE CLOSED BETWEEN THE HOURS OF 10:00 P.M. AND 7:00 A.M. BOARD MEMBER CLOUTIER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

Ms. Machuga requested feedback regarding the proposed definition for outdoor dining (ECDC 21.75.120). Board Member Clarke referred to the last sentence of the proposed definition and suggested that the last sentence should be changed to read, "An outdoor dining area must be located on property outside of the City right-of-way." The Board concurred. They accepted the remainder of the definition as written.

Ms. Machuga asked the Board to provide direction about staff's proposal to allow outdoor dining in the MU, BP and FVMU zones. The board agreed that would be appropriate.

THE BOARD TOOK A FIVE-MINUTE BREAK.

**VICE CHAIR REED MOVED THAT THE BOARD FORWARD THE AMENDMENTS TO THE OUTDOOR DINING REGULATIONS FOUND IN ECDC 17.75 (FILE NUMBER AMD20110005) TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS DISCUSSED AND AMENDED. BOARD MEMBER STEWART SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

Board Member Cloutier clarified that the motion includes the proposed modification to the definition for outdoor dining (ECDC 21.75.120).

**DISCUSSION ON HOW THE BOARD CAN IMPROVE THEIR COMMUNICATIONS WITH THE PUBLIC**

Vice Chair Reed recalled that the Commission discussed the need to improve their communications with the public at their last meeting. In addition, Chair Lovell sent out a memorandum to the Board following his participation in a meeting of the Citizen's Economic Development Commission's (ECDC) Communications Subcommittee. A goal of the Communications Subcommittee is to better inform the public about what is going on before any given issue or question gets to the formal public hearing stage before either the Planning Board or the City Council. It is important for the public to be aware of what the Board and City Council is doing and how they can participate in the process. After the Board and City Council has taken action, they should provide some type of notice to explain to the public what was done and why.

Vice Chair Reed further recalled that the Board discussed the idea of using press releases to inform the public of major topics that are coming up, to provide more detailed information, and to explain how the public can participate in the process. The Board discussed that while the City pays for the Planning Board agendas to be published in the local newspapers, there is typically no charge for press releases.

Vice Chair Reed requested feedback on whether or not the Board is in favor of having a City Council member participate on the Planning Board. Mr. Chave cautioned that this could present a problem when the Planning Board deals with quasi-judicial items. The Board agreed that it was not necessary to have a City Council Member on the Board. Instead, they agreed it would be appropriate to continue the quarterly meetings between the Chair and Vice Chair of the Board and the Mayor. It might also be appropriate to include the City Council President in the quarterly meetings. Mr. Chave pointed out that the City Council receives a copy of the Planning Board's agendas and minutes.

**APPROVED**

Board Member Clarke referred to recent letters in *THE EDMONDS BEACON* regarding the Board's recent recommendation related to the development agreement concept. He observed that the letters were based on personal opinion and did not accurately represent the facts of the matter. He suggested the Board should have an opportunity to present the facts as reflected in the record of their meetings so the public can have a fair and balanced perspective. Board Member Tibbott pointed out that Board Members have the ability to comment during the public comment portion of each City Council meeting, and he intends to do just that. He suggested the City Council could also benefit from an executive summary of the discussion leading up to the Board's recommendation. Board Member Stewart expressed concern that if the Board provides an executive summary of their discussion, the City Council members may choose not to read through their minutes, and they may miss important details.

Mr. Chave advised that the Historic Preservation Commission prepares a periodical news sheet that is posted on their website and distributed throughout the City. The Board could prepare a similar news sheet describing their current and future projects. The news sheet could be posted on their website and perhaps published in the local newspapers in the form of a press release. The public could be encouraged to check future Board agenda to find out when items are scheduled for further discussion and public hearings.

Board Member Johnson recalled that the City Council asked the City Attorney to provide a briefing on development agreements and the difference between contract rezones and development agreements. Mr. Chave reported that the City Council's Community Services/Development Services (CS/DS) Committee forwarded the first three items included in the Board's recommendation regarding proposed amendments to the BD zones to the full City Council for action. However, they asked that the City Attorney provide more information about development agreements. Once the City Attorney has responded, the City Council would likely have a workshop discussion regarding the concept.

Board Member Johnson suggested the Board to alert the public that the Shoreline Master Program Update is in progress and inform them of how they can become involved in the discussions. She said she was confident the City can meet the legal notice requirements. However, the Board could follow the Port of Edmonds example and publish the agenda the agenda and meeting summary in *THE BEACON* newspaper. Board Member Cloutier pointed out that if someone on the Board is willing to write a press release, it would likely be published by all of the local news organizations, including the on-line organizations.

Mr. Chave explained that the City's official newspaper for legal notices is *THE EVERETT HERALD*, but staff sends press release and legal notices to all newspapers, even the online organizations. He also pointed out that the agendas for all City boards and committees are available on line via the City's website. Links to the supporting information are also provided. They are hoping to have their new website up and running by Labor Day, so he hesitates to make too many changes until the new site is available.

Board Member Stewart referred to a webpage created by the City of Mercer Island to inform their public about their current Shoreline Master Program Update. The webpage provides direct links to documents and other sites where the public can gain valuable information. Using Mercer Island's webpage as an example, she suggested that a possible outline for a Shoreline Master Plan (SMP) press release could include the following information:

- What is the SMP?
- How does the SMP affect me?
- Why is Edmonds updating their SMP?
- What is the timeline for updating the SMP?
- City Council and Planning Board Meeting Minutes related to the SMP?
- When will the public have an opportunity to comment on the SMP?

Board Member Cloutier pointed out that all this information is available on the City's website now, but it is organized by the meeting date at which each item was discussed rather than by issue. He agreed that reorganizing the links would make it easier for the public to access the information. It would also be helpful to provide a condensed version of the information for people who want to learn about the issue quickly. Mr. Chave recalled that when the Comprehensive Plan was updated in

2004 and 2005, the City provided an extensive website to provide information to the public. The same could be done for the SMP.

Board Member Clarke expressed concern that if one Board Member is responsible for writing a summary for a press release, he/she may present their own perspective rather than the Board's perspective. Board Member Johnson agreed that Board Members often have varied viewpoints. With a topic as important as the SMP, it would be in the City's best interest for staff to help the Board prepare a press release that provides only factual information and describes the issues that will be discussed.

Board Member Stewart agreed to work with Chair Lovell and Mr. Chave to prepare a press release for the SMP Update. However, she suggested the Board review the document before it is released to the public.

Once again, Mr. Chave suggested the Board consider publishing a periodical news sheet that discusses the issues the Board will be working, highlighting the pros and cons of issues without getting into debates about the merits one way or another. He also suggested the Board contact the local newspapers to see if they would be willing to publish periodic articles to inform the public of the issues coming before the Board in the near future.

Board Member Johnson questioned if it is more important to inform the public of recommendations the Board has already forwarded to the City Council or to inform them of upcoming items and how they can participate in the process. She said she is less interested in letting people know what the Planning Board has done and more interested in inviting them to participate in future discussions and hearings. Board Member Stewart agreed. While she supports the idea of publishing a quarterly report, she is more concerned about getting the word out about the reclassification of the marsh and other issues related to the SMP.

Board Member Tibbott said that when he served on the Transportation Committee, he was responsible for sending short articles to the local news organizations. He suggested it would be simple to create a summary of the Board's upcoming agenda items and forward it to the local news organizations via email, with a request that they publish it as a press release.

Again, Board Member Clarke voiced concern that the letters published in *THE EDMONDS BEACON* related to development agreements did not accurately represent the Board's discussion and recommendation. He questioned how the Board could clarify the issue from the Planning Board's perspective. Board Member Tibbott pointed out that individual Board Members can respond to editorials. Board Member Clarke expressed concern that any response should provide the balanced perspective of the entire Board.

Vice Chair Reed agreed to meet with Chair Lovell and Mr. Chave to outline a permanent program for communicating with the public and who would be responsible for its implementation. He suggested that getting information out in advance of a Planning Board discussion should help resolve future problems. The Board cannot control what happens after a recommendation is forwarded to the City Council.

Board Member Tibbott said he talked with two former City Council Members who suggested that the Board should wait to provide additional comments until the item comes before the City Council as a public hearing. At that time, the Board could provide summary information and allow the City Council to ask questions if they choose. Mr. Chave recommended the Chair and Vice Chair contact the City Council President to suggest that it might be useful for the City Council to invite Planning Board input when they continue their discussion about development agreements. It may be appropriate for the Chair or Vice Chair of the Board to provide a summary statement of the Planning Board's point of view. Vice Chair Reed agreed it would be good for someone from the Board to explain how they reached their recommendation when the City Council takes up the issue of development agreements again. Mr. Chave said it would be particularly helpful for the Board to emphasize what they were trying to achieve by their recommendation. He noted that the idea behind the development agreement concept is to focus on the vision for the downtown rather than building heights, etc. The goal is to reach a consensus of what they want to achieve and how to get there. The City Council seems to be receptive and interested in a more detailed discussion to arrive at a collective opinion.

**APPROVED**

Vice Chair Reed agreed to work with Chair Lovell to contact the City Council President to discuss what role the Board could play in the City Council's continued discussions about development agreements.

**REVIEW OF EXTENDED AGENDA**

Vice Chair Reed advised that the Board would continue their discussions related to the SMP at their regular meeting of August 24<sup>th</sup> and at a special meeting on September 7<sup>th</sup>. Their regular meeting of September 14<sup>th</sup> was cancelled so the Board Members could attend a kick off meeting for the Strategic Plan. A public hearing for the SMP has been scheduled for September 28<sup>th</sup>. It was noted that the goal is to get the SMP approved by the City Council and forwarded to the Department of Ecology before the December 31, 2011 deadline. However, Mr. Chave cautioned that as long as the City is making progress, there would be no penalty if the City requires more time to get everything right.

**PLANNING BOARD CHAIR COMMENTS**

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

**PLANNING BOARD MEMBER COMMENTS**

Board Member Tibbott announced that he intends to provide a summary sheet to the City Council based on the Board's discussion regarding development agreements. He agreed to forward a draft copy of the summary sheet to the Board Members for comment before it is sent on to the City Council. Mr. Chave cautioned that the summary sheet should be sent individually to Board Members, rather than to the group as a whole. Board Members should forward their feedback to Board Member Tibbott only rather than to all Board Members. Board Member Ellis emphasized that Board Member Tibbott should make it clear that his summary sheet represents his individual viewpoint and is not intended to be the Board's official position.

Board Member Tibbott reported on his experience judging the recent sand sculpting contest.

Board Member Clarke requested clarification about the maximum building height in the City of Edmonds. Mr. Chave explained that the building height is greater than 35 feet in the CG, MP1 and MP2 zones. The height limit is 25 feet in single-family residential zones and 25 feet plus an additional 5 feet for a pitched roof in most other zones in the City. The height limit at Harbor Square is 35 feet, based on a contract rezone. Board Member Clarke inquired how much height is required for each building floor. Mr. Chave answered that if a developer is not worried about building height restrictions, development typically requires 10 to 11 feet for each floor. Commercial space needs more.

Mr. Chave summarized that it is very difficult to develop three floors when the height limit is 30 feet, but it is possible. Sometimes it requires sinking the ground floor somewhat. He pointed out that topography plays havoc with heights. Regulating based on the number of floors works great on flat properties, but not for sloped properties. Mr. Chave recalled the Planning Board discussed the issue of floors versus height, and he advocated to the City Council's CSDS Committee that they have a discussion about what they want the buildings to look like and what their character should be and not the height and number of stories. He acknowledged that this approach would require a significant amount of public input.

**ADJOURNMENT**

The Board meeting was adjourned at 9:40 p.m.

**APPROVED**