

**CITY OF EDMONDS
PLANNING BOARD MINUTES**

January 8, 2014

Chair Cloutier 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

Todd Cloutier, Chair
Neil Tibbott, Vice Chair
Ian Duncan
Bill Ellis
Philip Lovell
Valerie Stewart

STAFF PRESENT

Rob Chave, Development Services Director
Mike Clugston, Senior Planner
Carrie Hite, Parks, Recreation and Cultural Services Director
Renee McRae, Recreation Manager
Frances Chapin, Arts and Cultural Services Manager
Karin Noyes, Recorder

BOARD MEMBERS ABSENT

Kevin Clarke (excused)
Madeline White, Student Representative (excused)

READING/APPROVAL OF MINUTES

BOARD MEMBER LOVELL MOVED THAT THE MINUTES OF DECEMBER 11, 2013 BE APPROVED AS AMENDED. VICE CHAIR TIBBOTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Board Member Lovell noted that there has been increased discussion in the media and comments from the public, expressing displeasure with the design of the buildings that have recently been constructed in the Westgate area. He noted that, as currently drafted, the proposed form-based code for Westgate only addresses building type. He suggested the code should also address building design.

ANNOUNCEMENT OF AGENDA

The agenda was accepted as presented.

AUDIENCE COMMENTS

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

CONTINUED PUBLIC HEARING ON CLARIFICATIONS TO WIRELESS REGULATIONS IN ECDC 20.50 AND 17.40.020 (FILE NUMBER AMD20130016)

Mr. Clugston reviewed that the Board conducted a public hearing on proposed changes to the Wireless Telecommunication Facilities (WTF) regulations (ECDC 20.50 and 17.40.020) on December 11th. The intent of the proposed changes is to make the code consistent with Section 6409 of the Federal Communication Commission's (FCC) Middle Class Tax Relief and Job Creation Act of 2012. The Board continued the hearing to January 8th in order to work on additional refinements. He referred to the updated code language (Exhibit 8) and reviewed the following changes that were made based on Planning Board direction.

1. The word “new” was added before “structure-mounted facilities” in Table 20.50.060(B)(1). This change was based on the Busch Law Firm’s suggestion described in Bullet 1 of Exhibit 4.
2. The changes originally proposed in ECDC 20.50.080(A)(3)(b) as contained in Exhibit 1 were removed. Although the changes were intended to make the language more consistent with Section 6409, staff did not believe the proposed language met the expected intent.
3. ECDC 17.40.020(J) was reworded to reflect the Board’s suggested language, which provides more flexibility to both staff and applicants to address replacement antennas and equipment on existing sites in the best way possible. The proposed language was provided by the Busch Law Firm. As currently proposed, the language would read, “*The antenna and related equipment of a nonconforming Wireless Communication Facility may be completely replaced with a new antenna and related equipment, provided that, upon replacement, the applicant shall use the best available materials to enhance the appearance of the antenna and related equipment and/or screen it from view in a manner that improves the visual impact or the conspicuity of the nonconformity.*”
4. The Busch Law Firm recommended design/appearance language for ECDC 20.50.020(C) (Exhibit 7), which would apply to existing sites and require that replacement equipment be similar to existing equipment. Staff was generally comfortable with the language, with some minor modifications (Exhibit 8). As currently proposed, the language would read, “*For existing sites only, to the extent feasible, additional antennas and equipment shall maintain the appearance intended by the original facility, including, but not limited to, color, screening, landscaping, camouflage, concealment techniques, mounting configuration, or architectural treatment.*”

Mr. Clugston concluded his report by referring to a letter from Ken Lyons, Busch Law Firm, dated January 8th, expressing support for the draft amendments as currently proposed.

No one in the public indicated a desire to address the Board, and the hearing was closed.

Board Member Lovell suggested that the language in ECDC 17.40.020(J) should be further modified by inserting the words “methods and” before “materials. The remainder of the Board concurred.

Board Member Stewart commended Mr. Clugston for his hard work and attention to detail when preparing the draft WTF amendments. She also thanked Mr. Lyons from the Busch Law Firm for working with staff to come up with changes that work for the City and the providers.

BOARD MEMBER LOVELL MOVED THAT THE BOARD FORWARD A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR THE AMENDMENTS TO ECDC 20.50 AND 17.40.020 (FILE NUMBER AMD20130016), AS PROPOSED IN ATTACHMENT 8 AND INCLUDING THE ONE CHANGE TO ECDC 17.40.020(J). BOARD MEMBER STEWART SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

PARKS, RECREATION AND OPEN SPACE AND COMMUNITY CULTURAL DRAFT PLAN PRESENTATIONS

Ms. Hite introduced Ryan Mottau and Lauren Schmitt, consultants from MIG, Inc., who were present to review the Parks, Recreation and Open Space (PROS) and Community Cultural (CC) Plans. She noted that the process for creating the draft plans involved extensive public outreach, and Planning Board Members Stewart and Lovell participated on the PROS Plan Advisory Team (PAT). The PROS Plan was published in early December, and the CC Plan was published in early January. At tonight’s meeting, the consultant will provide a brief overview of the plan, review the comments that have been received to date, and invite questions and comments from the Planning Board in preparation for a public hearing on January 22nd. It is anticipated that the two plans will be presented to the City Council on February 4th, with a public hearing before the Council on February 25th.

Ryan Mottau, Project Manager, MIG, Inc., pointed out that updating the PROS Plan and CC Plan on parallel schedules has allowed for more interconnectivity between the two plans. The community has been engaged throughout the process to

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create opportunities for meaningful feedback on the ideas that have been generated. He explained that the planning process was started by identifying the City's current demographics and gathering baseline information for the community. It is important that both plans address diversity. He advised that the public involvement process for both plans included a multi-layer approach to identify where the City is currently, where it wants to be, how to get there, and implementation steps. The public involvement process included the following:

- Meetings between the consultants, staff and the PAT and CCAT.
- Meetings with various focus groups.
- Attendance at various community events in an effort to reach out to the public.
- An online questionnaire.
- Community workshops in various locations.
- A statistically-valid telephone survey.

Mr. Mottau reviewed that common themes from the responses received included the need for more trails and sidewalks to provide connectivity throughout the City and the importance of the City's waterfront parks. Many respondents also emphasized the importance of maintaining and expanding arts and cultural opportunities in the community. They particularly expressed the need for more publicly-accessible arts and cultural events.

Mr. Mottau reported that at a community workshop in November, participants were asked to respond to a visual preference survey, similar to the one the Board participated in at an earlier meeting. The intent was to gauge the public's reaction to various concepts to help guide the specific recommendations that the consulting team was in the process of developing. The survey results were consistent with other public comments that indicated support for integrating more arts and cultural opportunities into the community and an improved trail system that provide interconnectivity throughout the community.

Mr. Mottau advised that the statistically-valid telephone survey involved a random sample of registered voters, and 400 responses were received. The intent of the questions was to get at some of the more difficult questions related to priorities and funding mechanisms. Once again, participants indicated strong support for more trails and sidewalk connections.

Mr. Mottau referred the Board to the draft PROS Plan, and described the contents of each of the chapters as follows:

1. **Introduction.** This section describes the purpose of the plan, as well as the process that was used to update it.
2. **Parks, Recreation and Open Space System Needs.** This chapter provides information about the City's existing parks system, as well as the opportunities and programs that are available. It also provides a summary of the City's current level of service (LOS) based on acres of park land and population. The chapter identifies not only the park sites that are owned by the City, but additional recreational sites in and immediately around Edmonds, such as properties owned by Snohomish County and the Edmonds School District.

In addition to LOS, analysis was done to identify how accessible parks are to City residents. A geographic model was created that reflects the pathways people travel to get from their homes to parks. This analysis resulted in a much more refined view of where the gaps are. The plan also identifies the distribution of shoreline assets, performance centers and community gathering places, sports fields and potential wildlife habitat areas. In addition to analyzing where the parks are located and how people can get to them, the plan analyzes the condition of the existing parks and the opportunities they provide. He noted that newer parks tend to be more interesting to the community because they offer a greater variety of activities.

3. **System Concept, Goals and Objectives.** This chapter outlines an overall system concept for what the park system could be and identifies goals and objectives for implementing the concept. It provides four diagrams to illustrate a four-part vision of the system in the future that expands and connects recreational opportunities, capitalizes on the unique identify of Edmonds, looks forward to the future of Edmonds, and stewards and activates key community assets. The chapter identifies a series of goals, most of which were carried over from the City's current PROS Plan. He specifically reviewed Goal 1, which calls for the City to take a leadership role in collaborating and partnering with outside organizations to fulfill the community's need for park, recreation and cultural services. Goal 4 calls for preserving and providing access to natural resource lands for habitat conservation, recreation and environmental education. Many of the

City's park sites have important ecological functions and natural resources. Focusing more attention on these park elements will open the City to additional funding opportunities.

4. **Action Plan.** This chapter breaks down the projects and initiatives that will advance the overall system concept and is organized by goal.
5. **Funding Plan.** This chapter provides funding strategies for not only construction of new facilities, but reinvesting and meeting the on-going maintenance obligations of the current system. The funding plan was built around the needs of the system and the priorities identified by the community. It notes that forming a Metropolitan Park District (MPD) is still one of the best opportunities for funding the existing park system and future capital projects.

Mr. Mottau summarized that the PROS Plan has been submitted to the Washington State Department of Commerce for State Environmental Policy Act (SEPA) review, and they are in the process of collecting final comments. So far, they have heard:

- Strong support for the direction of the plan, as well as specific projects and funding mechanisms.
- A desire from the City Council and the public to make land acquisition a higher focus.
- Edits that improve the accuracy of the plan.
- Conceptual diagrams need additional explanation.

Vice Chair Tibbott invited Mr. Mottau to compare the draft PROS Plan to the recently adopted Strategic Action Plan (SAP). Mr. Mottau answered that some of the themes from the SAP were incorporated into the PROS Plan. For example, they took guidance from the SAP regarding the Senior Center. Also consistent with the SAP, the PROS Plan focuses on the waterfront, creating community gathering places, etc.

Board Member Lovell observed that there is increased awareness and discussion within the community about how to track programs and projects identified in the SAP. Mr. Clifton, Community Services and Economic Development Director, is working to restructure the organizing committee to focus on creating a system of benchmarks or matrices that allow the City to measure the work that is being done to fulfill SAP goals. He suggested it would also be helpful to provide information outlining how the PROS Plan goals interrelate with the SAP goals. For example, restoring the marsh, replacing the senior center, and constructing a new aquatics center are goals found in both plans.

Vice Chair Tibbott asked if the consultants have any hard data to gauge the level of public support for a MPD. He noted that, historically, Edmonds citizens have not looked favorably on tax increases. Mr. Mottau answered that the phone survey included a series of questions related specifically to funding. For example, 50 percent of respondents agreed that the park system had an urgent need for more funds, and 49% indicated they could not afford any new taxes for the park system. About 50% of the respondents also indicated that additional funding was needed to expand the park system, and about 49% indicated they could not afford any new taxes. However, when respondents were asked if they would support an additional tax of about \$10 per month to fund the creation of a park district, 33% indicated strong support, and 38% indicated that they would be somewhat supportive. He summarized that identifying the actual cost makes the request appear more reasonable. To provide additional clarification, he noted that the question was related to funding for maintenance and operation of current park facilities and not the acquisition or expansion of new facilities.

Board Member Lovell advised that Ms. Hite has chaired a subcommittee to study the concept of forming a MPD in Edmonds and has collected a lot of data from other municipalities. He noted that forming an MPD in Edmonds will require a public vote. Perhaps the survey responses will encourage the City Council to allow the committee to continue its work to push the concept forward.

Board Member Lovell commented that the PROS plan is a great report, and he hopes members of the public will read the document before throwing out factoids about parks and recreation issues.

Board Member Lovell observed that over the past few months, the community has raised concerns about the process used to move projects identified in various City plans forward, specifically projects that involve grant funding. He referred to the Five Corners Roundabout, Sunset Avenue Walkway and Railroad Crossing Projects. The public has expressed concern that the projects are moved forward as soon as grant funding is obtained, but without properly notifying the public. He suggested

the City identify a definitive process for moving forward with projects that includes adequate public notification. Ms. Hite explained that it is important for the City to go after grants at opportune times, but the process could be improved to address the public's concern.

Ms. Hite advised that questions related to a potential MPD were included in the random telephone survey to gauge the public's support for the concept. She noted that the committee did a significant amount of research. While they reached the point where they thought it was a good idea, they did not have data to support their case. The City Council had the same reservations. The information gained from the telephone survey is reliable and may help the City Council make a decision on whether to push the concept forward or not. She noted that the top line answers for all of the survey questions are available on the City's website.

Board Member Stewart commented that the PROS Plan is an excellent product, and represents a lot of comprehensive and collaborative work. She said she was particularly pleased to see that funding has been adequately addressed in the plan. She suggested that the plan place more emphasis on open space. For example, wherever the term "parks, recreation and cultural services" is used, the word "open space" could also be included. She noted that there are forested tracts within the City that are still undeveloped. Most are privately owned, but have critical areas that make them difficult to develop. She suggested the plan could provide an aerial photograph that identifies where these land pieces are located. She expressed her belief that the City should seek opportunities to acquire land that is unsuitable for development. She referred to a recent article in *THE EDMONDS BEACON* about how 143 acres of forested preserve in the Everett/Mukilteo area was acquired for open space. The article describes the process and funding sources used for the acquisition. She summarized that when there is a will and good funding sources available, these tracts of land can be acquired for suitable purposes that will ensure an environment for future generations.

Lauren Schmitt, MIG, Inc. advised that this is the first time the Community Cultural (CC) Plan has been presented at a public meeting. It was presented to the Edmonds Arts Commission (EAC) on January 6th, and it was presented to the CCAT just prior to the Board's meeting. She said the plan is intended to be easy to read and tends to be higher level than the PROS Plan. The intent is for all cultural organizations in the community to agree on a future direction for Edmonds. She reviewed the five elements of the plan as follows:

1. **Introduction and Background.** This chapter provides an introduction to the plan, as well as background information that was used as the basis for the plan.
2. **Vision and Goals.** This chapter focuses on the overall vision for the City and outlines goals for implementing the vision. The overarching framework for the vision and goals builds on past plans but integrates "new flavors" to the existing goals. The vision identified in the plan is "Artistic and cultural experiences are integrated into everyday life, working and visiting in Edmonds." Goals include:
 - Goal 1 – Reflect Edmonds commitment to arts and culture through integration of the arts in the City's physical infrastructure, event planning, image and brand.
 - Goal 2 – Embrace an expansive view of art and culture to include and respond to multiple forms of artistic and cultural expression.
 - Goal 3 – Foster creative community partnerships to increase and secure accessibility to the arts and cultural experiences.
 - Goal 4 – Maximize and diversify use of spaces for arts and cultural activities in Edmonds.
 - Goal 5 – Strengthen communication among arts and cultural organizations and projects to enhance scheduling, information sharing and collaboration and to increase cultural awareness in the community.
3. **Objectives and Strategies.** The priority strategies in this chapter are organized by goal and were drawn from past and existing City plans and new direction provided by respondents. The major steps for implementing each strategy is identified in this chapter, and the likely lead is indicated in parenthesis to identify responsibility for implementing that particular strategy over the life of the plan. Leaders include the City of Edmonds, community organizations, and a combination of the and community organizations.

4. **Appendices.** This chapter is included to provide tools to assist with implementation. Appendix A includes an environmental scan evaluating the strengths and challenges; Appendix B consists of an inventory of cultural organizations that are active in Edmonds; Appendix C documents the inventory of cultural facilities in Edmonds; Appendix D provides an implementation table to identify potential partners and track and evaluate progress, and Appendix E contains specific actions and tactics for some of the strategies, as well as a compendium of ideas generated during the planning process.

Board Member Ellis requested more information about the analysis of Level of Service (LOS) standards. Mr. Mottau answered that LOS is a way to measure park land (volume), and is generally defined as the number of park acres provided per 1,000 populations. While LOS does not provide any information about the quality or distribution of available park land, it can be used to measure how well the City is doing over time. Board Member Ellis pointed out that the City currently has just short of 189 acres of park land, which equates to just 4.75 acres of park land for every 1,000 residents. This is well short of the City's 2008 LOS standard of 11.45 acres per 1,000 residents. Mr. Mottau explained that the 2008 standard was set high based largely on national standards that no longer exist. Rather than simply backing off of this goal, the intent is to reevaluate the goal so it is no longer based solely on acreage. Ms. Schmitt pointed out that facilities such as the Civic Field, school fields, etc. were not included in the total acreage for the LOS calculation even though they are important elements of the community's recreational system.

Board Member Ellis asked if there is a national LOS standard for park facilities. Ms. Schmitt answered no. Although in the late 1970's park planners identified an LOS that was propagated across the country, the National Park Service has indicated that it is up to local communities to set priorities based on their landscape, development pattern, etc. Ms. Hite explained that a better measure of LOS is whether or not the City is meeting the needs of its citizens, if people have access to park facilities within reasonable walking distance from their homes, and if enough amenities are provided at the existing facilities. Mr. Mottau pointed out that waterfront park space is limited. Therefore, providing access to the existing waterfront park space is very important and just counting acres does not get the City where it wants to go.

If LOS is less important, Board Member Ellis questioned the need to include the analysis. Mr. Mottau explained that including the analysis provides continuity. Some people are used to measuring park systems based on LOS, and it still provides a meaningful way for the City to track progress. However, the proposed new method will set an even higher standard and will require the City to partner with community organizations.

Ms. Schmitt explained that the PROS Plan identifies specific park projects and programs, and the CC Plan is intended to be more strategic. While it is important to get partners to agree on the strategies in the CC Plan, it does not tell the partners specifically how to implement the strategies. Board Member Lovell observed that the City is currently identifying a process for implementing the Strategic Action Plan (SAP), which will require the support of various City departments and community organizations. He asked if the cultural organizations that currently operate in the City have reviewed the CC Plan and offered their support. Ms. Schmitt answered that representatives from many of the cultural organizations participate on the CCAT, and they have been tasked with reviewing the document and providing feedback. It is easier for organizations to commit to being a part of a strategic level plan because they can help determine the best approach for implementation. Most cultural organizations have agreed to be part of the strategic level.

At the request of the Board, Ms. Schmitt advised that community organizations who are stakeholders in the CC Plan include the EAC, Edmonds Center for the Arts, Port of Edmonds, Edmonds Community College, Chamber of Commerce, Sno-Isle Library System and a number of other organizations. Vice Chair Tibbott asked if any artist groups have participated in the planning process. Ms. Chapin answered that there is a very active group of local artists who participate in various organizations, and many have participated in the planning process. In addition, about 200 people participated in an Arts Summit in 2013, and many of them were people who have not been engaged in the regulatory process of community cultural planning over the years.

Board Member Ellis noted that the Veteran's Plaza project was not identified in the PROS Plan. Ms. Hite explained that the City went through the process of identifying a location for the Veteran's Plaza at the tail end of the PROS plan process, but she agreed the project should be included in the plan.

Board Member Lovell asked if Edmonds in Bloom would be listed as a cultural organization in the CC Plan. Ms. Chapin said the plan uses a very broad definition for arts and culture, and Edmonds in Bloom and the Floretum Garden Club were represented on the PAT and participated in the Arts Summit. She said what they are hoping will come from the CC Plan Update is the integration of various organizations to partner on projects. Along with being an arts community, Ms. Schmitt noted that flowers are important to the City's overall parks program.

Chair Cloutier asked if representatives from the Mural Society were invited to participate on the CCAT. Ms. Chapin answered affirmatively. She said one thing that emerged from the process was the need to look outside of the traditional ideas about art and be as inclusive as possible. The trend nationally in arts and culture is towards more participation, and the community needs to offer people more opportunities.

Board Member Duncan asked if the funding collected by a Metropolitan Park District (MPD) could be used for streetscape improvements within the rights-of-way. Ms. Hite answered that the tools for establishing a MPD are outlined in the Revised Code of Washington. The funding could be used for the flower program and park maintenance program, but not for improvements within the rights-of-way.

Mr. Mottau asked that Planning Board Members submit their additional comments regarding the two plans via the City's website by January 17th so the final drafts can be prepared for the public hearing on January 22nd. Ms. Hite agreed to email a reminder to the Board Members, as well as a link to the website and comment sheet.

WORK SESSION ON I-502 IMPLEMENTATION (RECREATIONAL MARIJUANA)

Mr. Chave recalled that staff has provided materials to the Board in the past regarding this issue, and the purpose of tonight's meeting is to solicit Planning Board direction to prepare draft code language for a public hearing on February 12th. He reminded the Board that the City is currently under a moratorium on all marijuana-related uses and businesses. However, with the recent passage of Initiative 502, legalizing recreational marijuana, the City must now consider which zones, if any, are appropriate for these types of businesses (producers, processors and retailers). Technical issues related to licensing would be addressed by the City Council and would not require Planning Board review. He emphasized that tonight's discussion is not related to medical marijuana.

Mr. Chave advised that, regardless of the zones where the uses are allowed to locate, there would be limitations based on the 1,000-foot buffers included in I-502 and the Liquor Control Board's rules. He referred to the map prepared by staff to illustrate where the 1,000-foot buffer would apply and noted that there are a number of properties on Highway 99 (within the General Commercial (CG) and CG2 zones) where marijuana uses could be located. However, it is also important to note that Harbor Square is also zoned CG. Since the Port owns Harbor Square as a proprietor, they could decide whether or not these kinds of businesses would be appropriate or not. It was noted that there is a daycare and children's programs at the Harbor Square Athletic Club, and the 1000-foot buffer requirement may apply. The Board agreed that this issue should be explored before they make a final recommendation.

Mr. Chave said that, at this time, staff is recommending that these types of businesses make the most sense to be located in the CG and CG2 zones, especially since producers/processors are considered to be wholesale businesses, and the CG and CG2 zones are considered the City's primary wholesale business zones. Because I-502 prohibits the display of merchandise, retail marijuana uses would not be appropriate in the other commercial and mixed-use zones where businesses are oriented towards the street and window displays are encouraged.

Vice Chair Tibbott asked if a marijuana retail business would be allowed to display other items besides those related to marijuana, such as posters, lights, etc. Mr. Chave said it is his understanding that no window displays of any type would be allowed. He added that state law does allow signs to identify businesses, but the signs cannot advertise the types of products sold. The City's sign code would also apply.

Board Member Ellis asked if the State has allocated a certain number of retail marijuana businesses to the City of Edmonds. Mr. Chave answered that the State has allocated two retail marijuana businesses to the City, but it does not place any limits on the number of producers and processors the City can allow. To date, the City has not been notified by the State that any license applications have been submitted, but he expects them to be forthcoming.

Board Member Lovell noted that the staff is not recommending allowing these businesses to locate in other commercial zones or in residential zones. He asked if this would include mixed-use zones. Mr. Chave said the intent of staff's recommendation is to preclude the uses in all zones, except CG and CG2. He noted that State law would not allow the uses to locate in residential zones, but it would not hurt to clarify this limitation in the City's code, as well.

Vice Chair Tibbott asked if limiting the uses to only the CG and CG2 zones would open the City to legal challenges. Mr. Chave said he does not anticipate this will be a problem.

Board Member Stewart asked if retail businesses would be allowed to sell baked goods that contain marijuana. Mr. Chave answered affirmatively. Board Member Stewart cautioned that signage will be particularly important to warn people of the type of business and that customers must be 21 years old. Mr. Chave noted that this would be a licensing issue as opposed to a land use issue. He noted that the State's licensing requirements are thorough and thoughtful.

Board Member Lovell observed that some property owners on Highway 99 have voiced concern about pushing all marijuana related uses onto Highway 99. Mr. Chave said another option would be to ban the use from the City altogether, but the City Council did not indicate support for this approach. They felt it was important to honor the will of the people who passed I-502. He also referred to the current court case against the City of Kent regarding this exact issue.

Board Member Lovell expressed concern that regardless of the rules and regulations that are in place to restrict the use, someone will find a way around them via a loophole. Mr. Chave responded that as long as the City has a reasonable explanation for the zoning scheme it comes up with, it should be defensible in court. The City should have ample evidence, given that wholesale activities are currently limited to the CG and CG2 zones and window displays are encouraged in the other commercial and mixed-use zones. These two facts support the conclusion that the uses would be best located in the CG and CG2 zones.

Chair Cloutier proposed that retail and wholesale marijuana uses should be allowed in any zone where retail and wholesale uses are currently allowed, subject to the buffer requirements and other restrictions contained in I-502. Mr. Chave pointed out that, currently, the code only allows wholesale uses in the CG and CG2 zones. Chair Cloutier referred to the map and noted that, based on the buffer requirement, there are no locations in the Downtown Business zones and just a few places in the Neighborhood Business (BN) zones (northeast Corner of Perrinville, Westgate and at Five Corners) where marijuana uses would be allowed. Mr. Chave reminded the Board that the buffers identified on the map are based on current uses, and uses can change over time.

Board Member Ellis asked if businesses that sell alcohol are required to meet similar buffer restrictions. Mr. Chave answered no. While the City currently restricts where adult entertainment businesses can locate relative bars, he cannot think of any regulations that restrict where a liquor business can locate in commercial zones. However, he acknowledged that he is not familiar with all of the standards related to alcohol uses.

Board Member Ellis summarized that it appears the Board is being asked for direction on where the uses should be allowed, and all other issues will be addressed by the state buffer and licensing requirements. Mr. Chave advised that the City can create their own licensing requirements, but this would not involve the Board. The zoning code should only address the location and types of uses.

Board Member Ellis said it is important to keep in mind that, although the State has legalized recreational marijuana uses, they are still a violation of Federal Law.

Board Member Stewart said she is uncomfortable with the idea of allowing marijuana uses in other zones besides CG and CG2. As a family-friendly City, there will be an outcry from residential neighbors adjacent to where retail marijuana uses would be allowed. She recommended the draft ordinance should exercise the City's discretion to limit where the uses can locate and then let the public and City Council express their sentiment about the issue at the public hearing. She said that before making a recommendation, the Board should carefully consider how the change would impact the Harbor Square property, as well.

Mr. Chave suggested that, for public hearing purposes, the draft ordinance could provide two options for retail sales; one that limits retail marijuana uses to just the CG and CG2 zones and another that allows the use in all commercial zones where retail sales are currently allowed subject to the limitations found in I-502. Just one option could be presented for producers and processors since wholesale uses are currently only allowed in the CG and CG2 zones. The Board agreed that would be appropriate, and they scheduled the item for a public hearing on February 12th.

Board Member Stewart asked if it would be possible for the City to charge more for a license depending on the size of the business. Mr. Chave said it would be difficult to target one type of business for a greater fee based on size. Board Member Lovell reminded the Board that the sales tax would be based on the amount of product produced, processed and/or sold. Mr. Chave noted that the City would receive a portion of the sales tax generated by the use, and a State excise tax would also be applied to each stage of the process.

REVIEW OF EXTENDED AGENDA

Chair Cloutier briefly reviewed the extended agenda, noting that public hearings are scheduled on January 22nd, February 12th and February 26th.

PLANNING BOARD CHAIR COMMENTS

Chair Cloutier thanked the Board for electing him as Planning Board Chair for 2014. He also commented the Board on a very productive meeting.

PLANNING BOARD MEMBER COMMENTS

Board Member Stewart referred to an email from former Board Member John Reed regarding an article about accessory dwelling units, which are currently allowed in residential zones in the City of Seattle. She commented that this is a great way to provide affordable housing as part of the composite of the city and something the Board should discuss in the future.

Board Member Stewart referred to an article in the November planning magazine titled, "Green Goes Mainstream in Low-Income Housing." The article provides a great analysis of how the trend for green building in low-income housing projects became stronger from 2005 to 2012.

Board Member Stewart announced that she presented the Board's quarterly report to the City Council on January 7th. She reminded Chair Cloutier and Vice Chair Tibbott to look ahead to when the next report is due. She also suggested the Board consider possible dates for a retreat.

Board Member Lovell reported on his attendance at the December 18th Economic Development Commission meeting where the majority of the meeting was spent in a quasi-retreat mode to put together a game plan for 2014. They discussed potentially eliminating the Fiber Optics Subcommittee since most of the work has been completed. They also discussed changing the Tourism Subcommittee's name to reflect the City's goal of attracting visitors to Edmonds. Tourism denotes a destination environment, which is not really applicable to Edmonds. The Commission also had some discussion about its role in implementing the Strategic Action Plan.

ADJOURNMENT

The Board meeting was adjourned at 9:10 p.m.

APPROVED