

**APPROVED MARCH 11<sup>TH</sup>**

**CITY OF EDMONDS  
PLANNING BOARD MINUTES**

**February 25, 2015**

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Chair Tibbott 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**

Neil Tibbott, Chair  
Philip Lovell, Vice Chair  
Mike Nelson  
Careen Rubenkönig  
Daniel Robles  
Valerie Stewart  
Evan Zhao, Student Representative

**STAFF PRESENT**

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

**BOARD MEMBERS ABSENT**

Todd Cloutier (excused)

**READING/APPROVAL OF MINUTES**

Vice Chair Lovell noted that the Board had a lengthy discussion at their February 11<sup>th</sup> meeting relative to the Economic Development Element of the Comprehensive Plan. He suggested members of the Economic Development Commission would benefit from reviewing the minutes from that meeting.

**BOARD MEMBER NELSON MOVED THAT THE MINUTES OF FEBRUARY 11, 2015 BE APPROVED AS AMENDED. BOARD MEMBER RUBENKONIG SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

**ANNOUNCEMENT OF AGENDA**

The agenda was accepted as presented.

**AUDIENCE COMMENTS**

**Steve Hatzenbeler, Chair, Edmonds Tree Board**, reported that the Tree Board had a great opportunity in 2014 to move forward with the task of updating the Tree Code, which has been on their agenda for quite a few years. The City Council was generous enough to allocate \$25,000, along with a \$10,000 grant, to hire a consultant who is an expert on tree code writing and has worked in other jurisdictions in the Puget Sound area. The consultant was a great resource and steered the conversation where it needed to go to move forward with the update.

Mr. Hatzenbeler commented that this is a great opportunity for the City to step up and start following the lead of other jurisdictions in the Puget Sound Region. Edmonds is probably a more difficult city for adopting a new tree code because it has to address the challenge of trees competing with views. He said he anticipates views versus trees will come up often as the Tree Code moves through the public review process. He commented that the proposed language provides some teeth

related to tree removal, whereas the existing code does not. The existing code provides no disincentive for people to remove trees. Trees are removed everyday throughout the City, and few are being replaced. The Tree Board's goal and hope is that the new Tree Code can be adopted similar to its current draft form, which would make the tree removal process a little more complicated rather than allowing removal of the tree canopy at will. He advised that members of the Tree Board were present to answer any questions the Board might have relative to the proposed language.

**Mike Echelbarger, Edmonds**, said he is not present to talk against tree preservation. However, he is concerned about how trees can impact views. He recalled that his great grandfather built a house in Alderwood Manor about 100 years ago at the top of 188<sup>th</sup> Street near the current Alderwood Mall. He remembered his grandmother saying that they used to have a view of Puget Sound from the top of the hill. When they built the home in the early 1920s, there were no trees in Edmonds; and it is likely that few trees existing when Edmonds adopted its first tree code in 1928. He said he is concerned about the long-range impacts of the proposed Tree Code and the possibility that it could end up eliminating the view of Puget Sound from Emerald Hills, 7<sup>th</sup> Avenue, 8<sup>th</sup> Avenue, and other streets along the hillside.

Mr. Echelbarger pointed out that Edmonds is located on and identifies itself with Puget Sound. He questioned how many of the fir and maple trees that are planted today on 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> Avenues will grow to block views 30 years from now. He also questioned if the proposed Tree Code would place a height limit on trees. He noted that many politicians in the town have placed a great importance on maintaining the 25-foot building height limit in the downtown area, and tree heights should be germane to this discussion, as well. He questioned the need for a 25-foot height limit if the City allows 200-foot trees to block the view. The idea is to open the view for the public. He said he hopes the plan has a longer view than just planting a bunch of trees in downtown Edmonds.

#### **DEVELOPMENT SERVICES DIRECTOR REPORT TO PLANNING BOARD**

Ms. Hope referred the Board to her written report. In addition to the items discussed in the report, she noted that the State Department of Ecology (DOE) has informed the City that they are in the public comment process now for the City's Shoreline Master Program (SMP). They will continue to accept public comment through March 27<sup>th</sup>. At that point, they will consider the comments and other information and ultimately provide feedback either approving the document as written or approving the document with some changes. Vice Chair Lovell asked if the City would be required to take additional action after the DOE has completed its review and issued its findings. Ms. Hope answered that the document must still be formally adopted by the City Council, and the DOE may ask for minor changes. If they request more significant changes, the Planning Board will likely be involved in the process again, as well.

Board Member Stewart asked if citizens would be privy to the comments that are submitted by others related to the SMP. Ms. Hope answered that the public process would be controlled by the DOE, and they will keep track of the comments that are submitted. Mr. Lien added that all of the public comments the DOE receives on the SMP will be sent back to the City. Just as the City staff responded to comments during the SMP update process, they will have to respond to each of the comments submitted to the DOE. All of the comments will be available to the public.

Chair Tibbott said he recently reviewed the Regional Transportation Task Force's list of recommended projects, and it appears that projects in Edmonds are low priorities. He asked Ms. Hope to describe what the transportation projects in Edmonds might look like. Ms. Hope said there are a number of processes going on now, and some of the discussion with the Regional Transportation Task Force is thinking long-term into the future and how to address transportation differently. There is also work going on at the legislative level, and the City's proposal for \$10 million to do improvements on Highway 99 was included in the conversation. The project has been included on the list of high-priority items that is making its way through the Legislature. At this time, they do not know what will eventually be funded, but the City is very hopeful. There are also funding opportunities through the Puget Sound Regional Council and Snohomish County that utilize Federal and State funds, but these processes have not opened yet.

#### **2105 COMPREHENSIVE PLAN UPDATE PROCESS**

Ms. Hope reviewed that the Board is very familiar with the public process that is currently in progress for updating the Comprehensive Plan. The Board is reviewing each of the elements and moving them forward to the City Council for review. Given the short timeframe (mid 2015) for completing the update, the Planning Board and City Council concurred that the

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update should focus primarily on updating data, with some housekeeping changes as needed, as well as the addition of one performance step for each major element. The goal was to avoid significant policy changes. She advised that the City Council reviewed the Economic Development Element on February 24<sup>th</sup>. They made some small, important changes, but were generally pleased with the work done by the Board. The Board will continue to work through the process, with their review of the Community Culture and Urban Design, Streetscape/Street Trees, Capital Facilities, and Transportation Elements.

Ms. Hope reported that an open house on the 2015 Comprehensive Plan Update was held just prior to the Planning Board's regular meeting. The event was successful and well attended. It provided an opportunity for citizens to review displays, obtain more information, provide feedback, and discuss specific issues. In addition, she reported that the homepage on the City's website now provides a link to information related to the Comprehensive Plan Update. She encouraged Board Members to visit the site, noting that information from the recent open house would be made available.

### **UPDATE ON THE SR-104 COMPLETE STREETS ANALYSIS PROCESS**

Ms. Hope reviewed that the SR-104 Complete Streets Analysis began in 2014. While the study will include the entire section of the SR-104 Corridor that is within Edmonds, the current focus has been on recommendations for the Westgate portion of the highway in light of future development and transportation issues being considered under the Westgate zoning changes recommended to the City Council by the Planning Board. A final draft of the full study is expected this summer.

Ms. Hope reported that a consultant was hired to assist the City staff with the technical aspects of the study, and an advisory committee, which includes the Planning Board Chair, a representative from the Washington State Department of Transportation (WSDOT), and various community members, has been meeting to provide input on the analysis. Thus far, the analysis specifically addresses the following questions:

- ***What are the long-term street lane and width requirements on SR-104 and 100<sup>th</sup> Avenue West through Westgate?*** The study concluded that there is not a need for more traffic lanes, as there is plenty of capacity for the coming years. That does not mean there won't be traffic issues, but no new lanes will be needed.
- ***How should bicycles and pedestrians be accommodated?*** The study shows that the City needs to work more towards improving bicycle and pedestrian facilities. SR-104 is not looking like a desirable location for bicycle lanes because there are too many gaps that create safety problems. While there may not be direct bicycle lanes on SR-104, some complimentary routes could be identified.
- ***What should the Westgate Zoning Code say about building setback requirements along 100<sup>th</sup> Avenue West and SR-104?*** The study considered what would be the appropriate sidewalk widths, travel lanes, buffers and setbacks to accommodate the type of development discussed in the proposed Westgate Zoning Code. The analysis concluded that in order to adequately accommodate the sidewalks and amenity areas, buildings along SR-104 and 100<sup>th</sup> Avenue West should be set back 12 feet from the property line. However, the analysis recommended a greater building setback of 15 feet in the vicinity of the intersection. The findings in the analysis are slightly different than what the Planning Board recommended, but it is consistent in a number of ways, as well. The analysis recommends doing more to emphasize the landscape features at the intersection.

Ms. Hope summarized that a status report on the SR-104 Complete Streets Analysis process will be presented to the City Council on March 10<sup>th</sup>. The consultant, staff team and advisory committee will continue their work on the analysis, and they hope to complete the study summer.

Board Member Nelson asked if there are plans to show the data that supports the analysis. Ms. Hope said there are approximately 25,000 average daily trips on SR-104, which isn't really that much in the scheme of things. Other street corridors in the region handle up to 40,000 and 50,000 vehicles per day. She said the consultant used data from a State analysis, and the City has also taken the consultant's word and not demanded all the data. They have clearly identified there is no need for additional lanes. Board Member Nelson suggested that, at the very least, a chart or graph that summarizes the supporting data should be provided. Board Member Robles said the data is available.

Vice Chair Lovell said he read through the meeting materials and attended the open house prior to the meeting. Without getting into too much detail, it appears the results of the study with respect to Westgate confirm substantially what the Planning Board sent to the City Council almost a year ago. He questioned if there will be a movement to expedite the City Council's actions on the Westgate zoning or will it remain up in the air as it has for several years. Once again, Ms. Hope said the analysis relative to Westgate will be presented to the City Council on March 10<sup>th</sup>. The Westgate Plan and zoning ordinance is scheduled on the City Council's agenda on March 24<sup>th</sup>.

Board Member Stewart said it appears the study recommends a slightly different setback of 15 feet, as opposed to the 12-foot setback recommended by the Board. She noted that the setback has been a specific discussion point of the City Council, so the study findings should help them make a decision to move the plan forward.

Aside from setbacks at the Westgate intersection, Chair Tibbott asked Ms. Hope to identify other changes she foresees to the Westgate zoning as a result of the corridor study's findings. Ms. Hope said the study will provide more detail than what is identified in the Westgate Plan. For example, the zoning recommendation for Westgate did not address bike lanes and/or bike facilities, and the study will provide a bit more detail on the need for access management.

Board Member Rubenkonig referred to Finding 7, on Page 2 of Mr. Tovar's memorandum, which states that the required building setbacks along 100<sup>th</sup> Avenue West and SR-104 should be 12 feet, provided that within 40 feet of the intersection corners, the setback should increase to 15 feet. Later in the memorandum, Mr. Tovar states that a 12-foot setback, in combination with an 8-foot sidewalk, would provide sufficient width to accommodate safe and comfortable pedestrian movement. She noted that a 12-foot setback and an 8-foot sidewalk would actually mean the building must be set back 20 feet from the street. Ms. Hope explained that Mr. Tovar's finding is consistent with the Planning Board's recommendation. There would be a total of 13 feet for the sidewalk (8 feet) and amenity strip (5 feet). The last 3 feet of the sidewalk is generally where the private property begins; and from that measurement, an additional 12 or 15-foot setback would be required. In reality, a building would be set back about 23 feet from the street lane.

Vice Chair Lovell asked if staff anticipates the City Council will remand the Westgate Plan and zoning proposal back to the Board to make adjustments that incorporate the notes and findings in the consultant's report or if they will take action on the plan without additional Planning Board participation. Ms. Hope reviewed that the study results will be presented to the City Council on March 10<sup>th</sup>, and they will revisit the proposed zoning ordinance for Westgate on March 24<sup>th</sup>. At that time, they will consider the recommendations put forward in the study and determine the best approach for moving the plan forward.

Board Member Rubenkonig said she appreciates that the consultant's report acknowledges that the City has five gateways, which will help people understand what part of the City they are in. She also appreciates the clarification that WSDOT considers SR-104 to be a main street for the community. The report explains that there are differences between highways and main street corridors. Ms. Hope agreed this is a good observation. WSDOT recognizes that not all highways are the same, and SR-104 is a much more community-oriented passage way. However, because it connects with other facilities, it is still considered a state highway.

Board Member Rubenkonig referred to Pages 3 and 4 of Mr. Tovar's memorandum and said she appreciates how he used urban design terms (districts, edges, paths and nodes) to identify Westgate's fundamental urban design structure and character. This approach allows a way to look at the geographical areas, which she found most helpful. It also makes what is taking place in Westgate even clearer. Board Member Robles said this approach is known as the "geographic theory," which is used a lot by social media as an organizational tool.

Board Member Rubenkonig referred to the memorandum from the consultant, Fehr and Peers, and asked if the last paragraph on Page 1 should reference Point Edwards rather than Point Wells. Ms. Hope said the correct reference is Point Wells. She explained that one concern is that development of Point Wells, in the Richmond Beach area, could ultimately impact Edmonds traffic if access is provided through the Town of Woodway. The study concluded that there would be no major impact. Chair Tibbott said the study also analyzed whether traffic from Point Wells would come to the Westgate area to take advantage of the services offered there, and the study indicated there would not be much impact.

Board Member Rubenkonig observed that Level of Service (LOS) is discussed in numerous locations throughout the SR-104 Complete Streets Analysis. She suggested it would be helpful to provide an explanation of what is meant by the various LOS

levels. Ms. Hope explained that in the traditional way of measuring level of service, the LOS rating translates into seconds of delay and an LOS D is not bad. However, there are different schools of thought on whether the traditional method is a good way to measure traffic. Rather than simply looking at car traffic, there is a need to look more at the various modes of transportation when identifying level of service. While measuring vehicular traffic is reasonable, it is not the only kind of traffic that matters. The trend is to look at ways to measure bicycle, pedestrian and transit modes, as well. She emphasized that the City is not required to use the traditional method of calculating LOS.

Board Member Nelson agreed with Board Member Rubenkönig that it would be helpful to have a barometer from which to measure or an explanation of what is meant by the various LOS levels. He noted that most of the streets in Edmonds are at LOS C or D, which is not considered bad. Ms. Hope agreed that this additional explanation could be provided in the full report.

### **INTRODUCTION OF TREE CODE AND RELATED ISSUES**

Mr. Lien said the purpose of his presentation is to provide a broad overview and introduction of the Tree Code update. He reviewed that Edmonds was incorporated in 1980 and its first tree code was adopted in 1928. Since that time, the tree ordinance has been revised and expanded with a Municipal Tree Ordinance being adopted in 1977, a Street Tree Plan in 1982, and a Land Clearing and Tree Ordinance in 1990 and amended in 2007. The revisions over time, as well as the adoption of other environmental policies (Critical Areas Ordinance, Shoreline Master Program, and Landscape requirements), have resulted in the City's tree-related regulations being spread throughout the Edmonds Community Development Code (ECDC). This has made the tree regulations fragmented and difficult for citizens to understand. In addition, they are often conflicting and cumbersome for staff to implement.

Mr. Lien explained that tree cutting in Edmonds is primarily regulated by ECDC 18.45 (Land Clearing and Tree Cutting), the Right-of-Way Tree Removal and Trimming Policy that was adopted in November of 2014, and the City's Critical Area Regulations (ECDC 23.40 through 23.90). Various other City regulations, such as the landscaping requirements, also have aspects that apply to regulating trees in the City. He said the intent of the Tree Code Update is to develop a more comprehensive tree code with a clear vision that is easier for citizens to understand and for staff to implement. He reviewed that the current Tree Code identifies several exemptions from the requirement of a tree-cutting permit. These exemptions include:

- Removal of trees on developed single-family lots with no critical areas which are not capable of being subdivided into more than one additional lot.
- Routine landscape maintenance. Quite a few trees in the City have been topped over the years. For the past few years, topping has been considered cutting; it is bad for the trees and can open them up to disease and rot. However, the code does allow trees that were previously topped to be maintained at the previous topping level without a permit.
- Removal of hazardous trees. As per the Critical Areas Ordinance, hazardous trees in a critical area or critical area buffer would be exempt from the tree-cutting permit requirement, but the City would still require documentation and an arborist evaluation.
- Emergency situations.

Mr. Lien explained that when permits are required as per the current code, the process and associated fee depends on the location of the trees. If a single-family property requires a tree cutting permit, the permit is a Type II Permit (staff decision with notice), with an application fee of \$795 plus a \$25 City surcharge. For multi-family and commercial sites, the permit would be a Type I staff decision, and design review would be required for consistency with the landscaping requirements in EDCD 20.13. The applicable fee for this permit is \$225 plus a \$25 City surcharge. If a property owner wants to remove a tree in an unimproved right-of-way in front of his/her property, a right-of-way construction permit would be required, and the application fee varies (\$90 to \$270) depending on the scope of the work. No separate permit is required for new development that involves the removal of trees, but a landscape plan or planting of street trees may be required. For example, the City's subdivision regulations require that trees be retained whenever possible. Therefore, the City only allows the removal of the trees required for installation of the subdivision. Landscaping requirements for multi-family and commercial projects are considered as part of the building permit review process.

Mr. Lien said the proposed Tree Code is a complete overhaul of the existing code. It provides a different permitting process and would have the same permitting fees and processes for single-family, multi-family and commercial developments. As proposed, a permit would be required for the removal of any tree not associated with a development proposal, and the current exceptions would no longer apply. It also provides for a tiered permitting system depending on the category of tree and the number of trees proposed for removal. Again, he noted that although a separate permit would not be required for new development, tree removal would be considered as part of a development proposal. He referred to Attachment 2, which is a matrix outlining the different scenarios, permitting requirements, removal criteria and replacement requirements. He specifically reviewed the permit types as follows:

- **Administrative Staff Review Permit.** Tree removal may be authorized on private properties by Administrative Staff Review Permit for the removal of no more than two significant trees within any 36-month period on a single-family residential lot with a critical area waiver or erosion hazard determination.
- **Type I Arborist Consult Permit** (staff decision with no notice). Tree removal may be authorized by a Type I Arborist Consult Permit for removal of nuisance trees, hazard trees, protected trees, any number of significant trees on multi-family, commercial or industrial property; or more than two significant trees within a 36-month period.
- **Type II Arborist Consult Permit.** Tree removal may be authorized by a Type II Arborist Consult Permit for the removal of a landmark tree or trees located within a critical area or critical area buffer.
- **Right-of-Way Permit.** Any pruning or removal of a significant tree on private property that results in falling of the tree or branches into the traveled way of the right-of-way requires a Right-of-Way Construction Permit.

To provide clarification, Mr. Lien reviewed that the following tree types are defined in the proposed new code:

- **Significant** means a tree that is at least 6 inches in diameter.
- **Landmark Tree** means a tree that measure at least 24 inches in diameter.
- **Protected Tree** means a tree identified for retention and protection on an approved plan.
- **Hazardous Tree** means a tree that are in a state of high probability of failure, close to target, and hazard cannot be mitigated.
- **Nuisance Tree** means a tree that cause significant damage to infrastructure and the problem cannot be corrected.

Mr. Lien summarized that the intent of the proposed Tree Code is to make it more difficult for property owners to remove trees. However, he acknowledged that it would be more comprehensive than the current permitting system and significant staff resources are likely to be required to administrate the permitting requirements. In addition, the application requirements may prove to be costly for property owners.

Mr. Lien advised that another major change with the draft Tree Code is a minimum tree density requirement for single-family property, depending on the zone. He referred to the table provided in ECDC 23.20.080, which outlines the minimum tree density requirement for each of the City's single-family residential zones. He specifically referred to the footnote just after the table that explains that for subdividable lots, the minimum number of tree units would be determined by multiplying the number of tree units by the number of potential lots based on area. Mr. Lien also referred to the table in ECDC 23.20.080, which identifies the tree unit value for each size of tree. As an example, he pointed out that a Landmark Tree (greater than 24 inches) would count as four tree units. Therefore, the tree density for an RS-8 lot (4 units) could be fulfilled by one Landmark Tree, two 12-inch trees, or four 6 to 10-inch trees.

Mr. Lien explained that the intent of the density requirement is to maintain or expand tree coverage within the City. However, he acknowledged that without having an Urban Forest Management Plan for the City or some other policy in place, it will be difficult to establish tree density requirements to achieve outcomes which have not been expressed.

Mr. Lien summarized that the purpose of tonight's discussion is to introduce the draft Tree Code, and the Board will review the details at upcoming meetings. Other changes include new definitions, revised penalties for unpermitted tree activity,

subdivision tree plans, and the establishment of a City Tree Fund that will allow people to pay into a fund in lieu of planting replacement trees.

Vice Chair Lovell observed that the Comprehensive Plan includes a policy that says the City will preserve, maintain and protect public view corridors. That means that trees planted by the City should not be allowed to grow to a height that obstructs the view corridors. He asked if this Comprehensive Plan policy was taken into account when the draft Tree Code was prepared.

Vice Chair Lovell said it was particularly helpful for Mr. Lien to compare the current Tree Code with the proposed Tree Code so the changes could be clear. However, he is concerned about how the proposed changes might impact private property owners. The majority of the properties within the single-family residential zones are already developed with existing homes, and there are currently no limitations or restrictions on tree cutting. The proposed new Tree Code would require these property owners to obtain approval from the City via a permit, and a fee would be charged. Mr. Lien agreed that the current Tree Code exempts single-family residential properties from the permit requirement, and this exemption would be eliminated as per the proposed language.

Vice Chair Lovell referenced the problems that have occurred in the downtown area as a result of street trees pushing up the sidewalk, creating a safety hazard. This appears to be a tree versus public safety conflict. He asked if the proposed language would address the need to replace these street trees with a more appropriate species that would not grow and interfere with the sidewalks. Mr. Lien answered that street trees are addressed in the Street Tree Plan rather than the Tree Code. The Tree Code only addresses trees on private properties and within unimproved rights-of-way.

Mr. Lien explained that the proposed code language does not talk about tree cutting for views, which is a touchy subject that the Tree Board discussed at length. Some people think trees are the view and others think trees block the view. Relative to the public view corridors identified in the Comprehensive Plan and the City's current policy for cutting trees in rights-of-way, he said the City does not cut trees for the purpose of preserving or creating views. He summarized that while views are talked about in the Development Code, nothing specifically addresses view. A property owner can remove two trees within a 36-month period provided they are not within critical areas or critical area buffers. The trees that are cut could end up opening a view, but that is not one of the criteria.

Board Member Stewart thanked the Tree Board for moving the proposed language forward. She asked how the City would know where the landmark trees are located. Mr. Lien said the Tree Board did conduct a GIS analysis to determine the percentage of coverage in Edmonds, but there is no survey of existing trees. He suggested that an Urban Forest Management Plan would be an important aspect of moving forward to identify appropriate tree retention goals for the City. Board Member Stewart suggested the Planning Board could recommend that the City Council provide funding for an Urban Forest Management Plan.

Board Member Robles thanked the Tree Board, as well. He said that while he supports tree retention and has about eight landmark trees on his property, it is also important to address tough questions such as the view amenity. He commented that views add value to people's homes, which is significant. He noted that while the proposed Tree Code quantifies the value of trees and establishes commensurate fines for their illegal removal, it does not quantify the value of views.

Board Member Robles referred to the list of values that trees offer. He specifically referred to Item 11 and asked if it technically correct to state that trees store carbon. He explained that when a tree falls down and rots, the carbon goes back into the atmosphere. He also referred to Item 12, which states that trees contribute to human health improvement by lowering levels of fear of residents, and less violent and aggressive behaviors by its citizens. He asked if this finding is supported by theory or study data. Chair Tibbott said Item 12 could be applicable to a situation where one homeowner decides against removing a hazardous tree that could potentially fall on his neighbor's home. This situation could result in stress and fear on the part of the neighbor. Mr. Lien explained that the intent of this section is to outline the Tree Board's findings. It will not likely be included as part of the actual Tree Code that is adopted into the ECDC.

Board Member Nelson thanked the Tree Board for getting the update started. He agreed with Board Member Stewart that the Board should recommend the City Council support the creation of an Urban Forest Management Plan.

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Chair Tibbott noted that the proposed language does not address trees that interfere with utilities. For example, sometimes trees grow into utility wires and poles and need to be removed. Mr. Lien pointed out that the draft language in ECDC 23.20.040 exempts street trees and tree removal by the Public Works Department, Parks Department, and Fire Department in the course of routine maintenance and/or repair of public facilities or emergency response situations. He suggested that maintenance related to utilities could also be added as an exemption. Chair Tibbott noted that most of the time, utilities are located within the rights-of-way, which means the City could choose to remove a tree or a portion of a tree if it interferes with a utility. Mr. Lien clarified that, most of the time, utilities get permits from the Engineering Division, and a tree removal permit would only be required if the tree is located on private property.

Chair Tibbott noted the significant difference between permit fees for tree removal on single-family residential lots versus multi-family residential lots. Mr. Lien said this variation is related to the old code, where trees could be removed on single-family residential lots without a permit as long as they are not within a critical area or its buffer. The fees outlined in the proposed new code would require a permit for tree removal in both types of zoning. Chair Tibbott said he supports the permit requirement for all tree removal so the City can track how many trees are coming down. However, he felt the fee schedule could be different, depending on the location, number and type of trees being removed. For example, a permit to remove two smaller trees from a single-family residential property would require minimal staff time to process, so the established fee should be lower. He asked if the permit fee would be charge per tree. Mr. Lien answered that a fee would be charged for each tree cutting permit, but a tree cutting permit could include more than one tree.

Chair Tibbott commented that the proposed Tree Code represents a big change over the existing code, and significant public outreach will be needed to let people know of the new requirements. He noted that the draft code language would establish fines for tree removal without a permit, and he suggested it might be appropriate to have an amnesty period as the City educates the public relative to the changes.

Board Member Stewart asked where the 36-month time period came from. Mr. Lien said it was proposed by the consultant who has a number of years of experience working with jurisdictions in the region. Board Member Stewart expressed concern that if a property owner is allowed to remove three significant trees every three years, all the trees on a residential property could be removed within a six-year time period. Mr. Lien reminded the Board that the proposed language also identifies a minimum tree density requirement. Board Member Stewart asked if a property owner would be required to replace trees if tree removal causes the property to go below the minimum tree units required. Mr. Lien answered affirmatively. Vice Chair Lovell asked what diameter the replacement trees would have to be. Mr. Lien answered that a replacement tree would count as one tree unit regardless of its size.

Board Member Rubenkonig thanked the Tree Board for their efforts to come up with a platform to review policy for Edmonds. In looking through the materials, she struggled with where the muscle to enforce the requirements would be outlined. She said it is also important for the plan to clearly identify what they want to have happen in the City relative to trees over the next 15 to 25 years. She expressed her belief that the reasoning behind the proposal is unclear.

Board Member Rubenkonig voiced concern about how the proposed new regulations would impact those who have been long standing stewards of their lands; those who have cared for their trees and have generous tree canopies in their yards. The proposed language would require these property owners to pay an \$895 fee to obtain a permit to remove a tree that is hazardous. At the same time, developers of new residential properties would be required to submit a tree plan, but no additional permit would be required for tree removal. She asked if developers would be required to replace trees if more than three trees are removed from a property. If not, she questioned why long-standing stewards of trees in the community would be required to comply with the new requirements and developers would not. She suggested that developers should have a comparable replacement requirement.

Board Member Rubenkonig noted that Snohomish County recently adopted a new tree ordinance that included greater requirements for tree replacement. She suggested that rather than a simple 1:1 replacement requirement, the removal of larger trees should require a greater replacement. She expressed her belief that replacing large trees with the same number of small trees will not provide a significant community benefit. She suggested the Tree Board spend more time to address this issue. She also asked that they give further attention to the idea of creating an Urban Forest Management Plan.

Board Member Rubenkönig asked if the City is required to obtain a permit when removing trees within a right-of-way. Mr. Lien answered that the right-of-way policy related to trees applies to the City, as well. When removing trees in the rights-of-way, the City is required to obtain a permit from the Engineering Department and pay a fee.

Board Member Rubenkönig asked where the permit fees go, and Mr. Lien answered that they go into the General Fund. Board Member Rubenkönig requested additional information about the fee-in-lieu-of program, and Mr. Lien advised that the program still needs to be established to address issues such as what the funds can be used for.

Relative to the issue of views, Board Member Rubenkönig recalled that she previously served on the Architectural Design Board for eight years. During that time, it was made clear that protection of views was a private matter that property owners can take up with their neighbors. It is possible to combine easements, create covenants, etc., but views are a private issue and not something the City will enforce. Mr. Lien agreed that is still the City's policy relative to views.

Board Member Stewart asked if the proposed language would prohibit a property owner from clearing a forested lot without having a development proposal in place. Is there another type of permit that would allow the lot to be cleared? Mr. Lien answered that the existing code clearly states that properties cannot be cleared for the purpose of preparing them for development or sale. The City does not generally permit tree removal just because. He said he does know if the proposed code includes this same language, but the intent is to prevent this type of occurrence. He also noted that the subdivision code only allows a developer to remove the trees necessary to install the improvements.

Board Member Stewart asked if a property owner could obtain a clearing permit to clear the trees. Mr. Lien answered that clearing on any property within the City limits would require a permit. Board Member Rubenkönig recalled an earlier situation on Olympic View Drive where an owner cleared property and sold the trees for lumber. She asked if a property owner could obtain a Forest Practices Permit from the Department of Natural Resources (DNR) that would allow him/her to harvest all of the trees. Mr. Lien pointed out that the properties in the City of Edmonds are not considered forestlands, so a Forest Practices Permit would not be required to cut down trees in the City. He pointed out that these permits mandate that the property cannot be developed for at least six years.

Chair Tibbott observed that, based on the proposal, only a limited number of trees could be removed and a certain number of trees would have to remain on the lot. Mr. Lien agreed that a property owner would not be allowed to remove trees from a vacant lot just for the sake of clearing a property, and the land clearing regulations would remain in place after the new code language is adopted. The City would not allow a property owner to cut down all the trees on a site in preparation for a sale or other similar situation.

Mr. Lien said he does not foresee situations in the City where property owners will clear cut land for lumber. Board Member Stewart pointed out where there are four lots in Edmonds that constitute over five acres of land. The property has just been placed on the market, and the owner has already threatened to log the land for lumber. She asked if this property owner could circumvent the City's permit requirement by obtaining a permit from the DNR to clear the property. Mr. Lien said he worked closely with DNR at his previous job. He explained that there are specific requirements attached to a Forest Practices Permits. For example, a property owner would be required to replant a property within two years. He agreed to seek feedback from the DNR and provide additional information to the Board.

Mr. Lien closed by advising that the Board would continue its discussion relative to the Tree Code at a future meeting, at which time more detailed information would be presented.

### **DISCUSSION ON DRAFT COMMUNITY CULTURE AND URBAN DESIGN ELEMENT OF THE COMPREHENSIVE PLAN**

Mr. Chave referred the Board to the draft Community Culture and Urban Design Element of the Comprehensive Plan (Attachments 1 and 2). He explained that the "community culture" portion of the element has some additional language inserted to clarify its role as a distinct section within the overall chapter. The separate Community Cultural Plan (Attachment 3) would be adopted by reference and provides more detail and elaboration. The "Urban Design" portion of the element now consolidates all design objectives in the Comprehensive Plan, including some that were previously included in the Land Use Element.

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Mr. Chave explained that the goal of the update is to simplify the design objectives into general goal/policy language. He recalled that, previously, the objectives contained a mixture of policy and code-level detailed language that was inappropriate for a planning-level document. While simplifying and combining language, staff attempted to maintain the overall policy direction and make it more clear and concise. For example, duplications and unnecessary verbiage was eliminated.

Mr. Chave specifically referred to the “urban design” portion of the element, which not only contains general design objectives (Section A) that apply throughout the City, but includes design objectives specifically related to the Downtown/Waterfront Activity Center (Section B) and Highway 99 Corridor (Section C). He explained that the objectives in Sections B and C are not intended to stand alone, but would be in addition to the general guidelines in Section A. He emphasized that the intent of the design objectives is to provide “big picture” policy direction; and the details that implement the objectives are found in the zoning code. He reminded the Board that they would also review the zoning code in 2015, at which time the design standards could be “beefed up.”

Vice Chair Lovell recalled that, when reviewing the Land Use Element earlier, the Board discussed that the objectives related to urban design would be moved to the Community Culture and Urban Design Element. He emphasized that the goal is to have all of the objectives related to urban design in one location in the Comprehensive Plan. Mr. Chave explained that the general design objectives (Section A) came directly from the existing Land Use Element. He noted that there are currently no design objectives specific to Five Corners, Westgate, Firdale Village, etc. He suggested perhaps there could be an additional Section D to provide specific objectives relative to neighborhood commercial areas.

Vice Chair Lovell recalled that nearly a year ago, the City Council asked the Planning Board to come up with some design standards for the BD zones. He asked if these areas would be addressed under Section B of the proposed new language. Mr. Chave explained that design standards for the BD zones were incorporated into the zoning code but not the Comprehensive Plan. He reminded the Board that the design objectives in the Comprehensive Plan are intended to provide overall policy direction, and specific standards to implement the policy direction will be located in the zoning code. Vice Chair Lovell said it might be helpful to provide a reference in the Comprehensive Plan to the applicable zoning code chapters. Mr. Chave said perhaps a link could be provided in the electronic version, but he cautioned against adding references to specific code sections in the Comprehensive Plan because code references will change over time.

Board Member Stewart referred to the general statement (1<sup>st</sup> Paragraph) in the Community Culture and Urban Design Element and suggested the language should be much stronger to recognize the first people who occupied the land before it was settled by Mr. Brackett in the late 1800’s. She referred to Item C.1 the Shoreline Master Program (Title 24.20.070), which says that, “*Wherever practical, shoreline development should recognize former and current use of the City’s shoreline area for such uses as boatyards, railroads, ferry landings, logging, and industrial sites, and recognize the earlier uses of the shoreline by Native American cultures.*” She said it would behoove the City to make stronger mention of Native American culture in the Community Culture and Urban Design Element, and noted that the Shoreline Inventory and Characterization Document provides greater detail. She suggested that an additional sentence be added to the paragraph after the first sentence to read, “*It lies within territory once attributed to the Snohomish, Suquamish and Snoqualmie Tribes, all of whom spoke Coast Salish languages. These people were skilled fishermen, hunters and plant collectors who set up a winter village or permanent fishing camp and moved to smaller, more informal settlements at different times of the year to exploit locally available resources.*” She acknowledged that not all of her proposed language needs to be added, but enough to make the point of celebrating the City’s first people. Board Member Robles agreed that more language is needed in the element to define who the first people were, but maybe not as much as Board Member Stewart proposed. The Board can lean on this language in the future as they review the remaining elements of the Comprehensive Plan.

Board Member Robles said he understands that the goals and policies called out in this element of the Comprehensive Plan are intended to be guidelines, but here is very little language relative to cleanliness and maintenance standards. For instance, there is nothing about removing moss, washing sidewalks or promoting a greener environment. Because the element exposes the City’s cultural intent, it would be within scope to also provide more specific goals and policies related to cleanliness and maintenance of properties in the City. Mr. Chave responded that there are some general code requirements for maintaining structures, etc, but he would be hesitant to put policies related to the notion of cleanliness in the Comprehensive Plan. Board Member Robles noted that the proposed language provides guidelines for building entrances and lighting, and he suggested that it could also provide some guidelines for the general appearance of buildings.

Board Member Rubenkönig asked why the Port of Edmonds and the Civic Center Playfield were not specifically called out on Page 170 as outdoor public gathering spaces. Mr. Chave explained that the list is not intended to be all inclusive, but simply provide examples of some of the outdoor public gathering places in Edmonds. He agreed that additional items could be added as examples, but he cautioned that making a longer list could give the impression that it is all inclusive. Board Member Rubenkönig said she would like the Port of Edmonds and the Civic Center Playfield to be added to the language because both locations host quite a few public events.

Board Member Rubenkönig referred to Item A.10 (Signage) on Page 177 and noted that, as per the proposed language, graphics and symbols in signage would be encouraged. She said she understands that graphics make signs more pleasant to the viewer, but she asked if signs with symbols and graphics in the windows of businesses would be exempt from the sign code. Mr. Chave said the sign code identifies standards for how much of a window area can be obstructed, but it is up to individual property owners to decide what to put in their windows.

Board Member Rubenkönig referenced Item A.18 (Building Façade Design) on Page 180 and asked how a building with two street facades would be handled. Mr. Chave answered that, as per existing code language, specified treatments would be required on both street facades.

Board Member Rubenkönig referred to Item A.19 (Widow Variety and Articulation) on Page 180 and asked if the proposed language is intended to only apply to the building front or would the front design dictate the glazing schedule for the entire building. Mr. Chave said the draft language is intended to address both streetscape design and façade variation. He noted that the design guidelines for the downtown go much further to talk about what happens on the street front versus blank walls, etc. on other sides of the building.

Board Member Stewart suggested that the 3<sup>rd</sup> Paragraph in the Urban Design Section on Page 173 should be changed to read, *“However, unsightly development of poor quality or design does exist in the City. Aging buildings in some parts of the City, primarily downtown, can create an aesthetic problem if they are not maintained. Removal or poor restoration of older historic buildings can alter the character of an area such as downtown. The strip type of development along Highway 99 has often resulted in economic underdevelopment of private properties that end up being aesthetically displeasing.”* She said she would like the language to be phrased in a positive way to explain how the City can create a more aesthetic environment by retaining the older buildings and remodeling them appropriately. She suggested the proposed language rather than saying what has been done in the past has had a negative effect on the ambiance.

Chair Tibbott referred to the last paragraph on Page 173, which has to do with the placement of utility wires underground. He suggested that this paragraph seems to stand alone and does not direct or suggest a specific policy. Mr. Chave said this paragraph has been included in the element for a long time, and the City has code standards in place to address underground and overhead utility wires. He said it would be appropriate to include language in the Comprehensive Plan that indicates the City’s intent behind the code standards is to underground utility wires when possible.

Chair Tibbott asked if Board Member Stewart’s recommended language would imply that the City should encourage the preservation of historic buildings when possible. Board Member Stewart said it is not just when possible. When the character and history of a building is such that it defines an area or block, it should be considered before any take down or remodel is approved. She suggested the language could be further altered to address her intent. Mr. Chave reminded the Board that the paragraphs in this section are intended to be descriptive rather than policies. Chair Tibbott said that, rather than trying to create a policy, the Board is trying to create a broad intention for the urban landscape. Mr. Chave said inserting the word “historic” as recommended by Board Member Stewart, could help make the intent clearer.

Chair Tibbott said his understanding is that any older building in the City could be demolished and replaced with a new one unless it is on the Edmonds Register of Historic Places. Mr. Chave clarified that even buildings on the Register could be demolished, but it would require the property owner to go through more hoops.

Vice Chair Lovell observed that some of the existing building stock in the downtown is poor, and this should be pointed out. However, he agreed with the concept of striving to improve the appearance of the existing buildings in keeping with the character of the downtown. To whatever extent that evolves similarly to the existing architectural framework makes sense,

but some building stock is not worth saving. It should be pointed out that these buildings are not the ideal situation for the downtown and the goal is to improve the properties. While the language can be made more positive, it must also recognize the present situation. Board Member Robles said that was the point of his earlier remarks about policies relative to cleanliness and maintenance. Mr. Chave agreed his earlier comments are in line with the descriptions in this section.

Board Member Stewart referenced the bulleted list on Page 174 and suggested that the 4<sup>th</sup> Bullet be changed to read, “*Protect natural environments using sustainable design practices.*” She explained that readers should have a definition of sustainable design that explains the philosophy that seeks to maximize the quality of the built environment and minimize or eliminate the impacts to the natural environment. This definition could be added to the Comprehensive Plan in some form.

Next, Board Member Stewart referred to Item A.2 (Layout of Parking) on Page 174. She agreed that the goal is for parking to be located at the side and rear of a building, but she questioned if stating so in the Comprehensive Plan would be “putting the cart before the horse” when certain applicable regulations have not yet been approved by the City Council. Mr. Chave said this is not a new concept. He recalled that the existing code language relative to Westgate and Highway 99 already state that parking should be located at the rear or side.

Board Member Stewart referred to Item A.4 (Building Entry Location) on Page 175 and suggested that the words “residential or mixed use buildings” could be eliminated without changing the intent. Board Member Rubenkonig suggested that rather than using the word “should,” perhaps the sentence should state that it is “*desirable for building entries to be configured to provide clear entry points.* . . .” Mr. Chave explained that it is fairly common in multi-family settings to have benches or sitting areas within the setback. He clarified that the design guidelines would only apply to multi-family and not single-family residential.

Board Member Stewart referred to Item A.7 (Building/Site Identity) on Page 176 and asked why way finding was included as an element of site identity. She suggested it would be more appropriately placed in Item A.10 (Signage) on Page 177. Mr. Chave explained that the notion is that a property owner could use both signs and color combinations on buildings to help identify an entrance location. For example, buildings on corner lots typically locate the main entrance at the corner. It is also typical to have something significant to the building in that location to call out the entrance. To clarify the intent of this item, Vice Chair Lovell suggested that the word “*recognition*” be inserted after “access.”

Board Member Stewart suggested that Item A.12 (Features) on Page 178 should be changed to read, “*Integrate natural landscape features and unique landforms – such as rocky outcroppings or significant trees – into site design whenever possible.*” She expressed her belief that using the term “natural landscape features” broadens the intent and encourages a more sustainable approach.

Mr. Chave advised that he would make the changes identified by the Board and bring the element back for further review on March 11<sup>th</sup>.

## **REVIEW OF EXTENDED AGENDA**

Chair Tibbott briefly reviewed the extended agenda.

## **PLANNING BOARD CHAIR COMMENTS**

Chair Tibbott said he has been wrestling with how the Board can improve its editing process. He suggested that as Board Members review the documents in their meeting packets, it would make sense for them to forward their recommended changes in writing to the staff (Diane Cunningham) as soon as possible rather than waiting until the meeting. Mr. Chave agreed and said this would give staff a jump start on updating the document instead of waiting for the minutes to come out.

Chair Tibbott asked if the style and format for the various Comprehensive Plan elements would be the same. He noted that the Transportation Element currently looks very different from the other elements the Board has reviewed to date. Mr. Chave explained that the Transportation Element and Parks, Recreation and Cultural Services Element are stand-alone plans. Staff is less concerned about having the exact same format, but they should still identify goals and policies and provide narratives that are consistent with the other elements in the plan. Chair Tibbott asked if a “historical context” narrative would be

standard in each element of the Comprehensive Plan. Mr. Chave said each element will include some context narrative, but he is not sure how much of it will be relative to history.

### **PLANNING BOARD MEMBER COMMENTS**

Board Member Nelson thanked the City staff for presenting the open house that took place just prior to the Board's regular meeting. He said he enjoyed the visuals that were provided to present the materials in different ways. He appreciated that several methods were offered for public comment. The open house was well attended, and he hopes there will be more public participation in the future. Board Member Stewart agreed that the open house was well done.

Board Member Stewart provided a brief update on the Marina Beach Park Master Plan Process, noting that she is participating on the citizen's committee. The proposal is to reconfigure Marina Beach Park in light of the City's plan to daylight Willow Creek. The committee is currently discussing the best location for the creek, and a public open house is scheduled for March 4<sup>th</sup> from 6:00 to 7:30 p.m. in the Plaza Room of the Edmonds Library. She encouraged Board Members to attend and to invite interested citizens to participate and provide comments, as well. Vice Chair Lovell also encouraged Board Members to review the studies and proposed plans. The project is exciting and will be a public amenity for an even larger population than it is now.

Board Member Lovell reported on his attendance at the February 18<sup>th</sup> Economic Development Commission (EDC) meeting where they reviewed the policies and procedures for operating their meetings. They decided to adopt the Revised Roberts Rules of Order as a guide for future meetings. Those who wish to speak should be recognized by the Chair, and everyone should have an equal opportunity to speak. Also at the meeting, there was some discussion about public meeting requirements and the need to avoid discussions outside of meetings when a quorum (7 Commissioners) is present. He said the majority of the meeting was spent on a presentation and question and answer period with Doug Spee, the developer of the Post Office site. Mr. Spee specifically talked about the second phase of his project, which will involve the portion of property facing Main Street between 2<sup>nd</sup> and 3<sup>rd</sup> Avenues. He recalled that his earlier proposal included a hotel, which did not work out as per the City's existing code. His current design is an exciting mixed-use building with retail on the first floor, underground parking, and residential units above. There will be an entry at the corner of 2<sup>nd</sup> Avenue and Main Street, and it is anticipated the northern portion of the development will be occupied by a fairly sizeable restaurant. He said Mr. Spee briefly described the difficulty he had designing a building based on the constraints of the current development code. He concluded that the EDC was receptive of the project, and he hopes the Architectural Design Board and City Council will approve the 2<sup>nd</sup> Phase of the project, which will be a beautiful addition to the City.

Vice Chair Lovell said the last portion of the EDC meeting was spent reviewing the Commission's 2015 goals, which included continuing work on improving facilities, accommodations and provisions to increase tourism in the City and promoting development and redevelopment in neighborhood areas. He noted that each of the Commissioners have been assigned to a subcommittee to work on individual efforts.

Vice Chair Lovell thanked the staff and the Tree Board for their excellent work and presentations.

Board Member Robles referred to a company called Envirock, a sustainable building company that develops 3D printing sustainable homes and infrastructure. The structures meet all of the City's qualification for sustainability, affordable housing, and economic well-being. A dome with an area of 2,000 square feet can be put up in eight hours. However, there are no code provisions in place in most cities to allow the use. He concluded that there are solutions, but the City may not want them.

Board Member Robles announced that Twentynine Palms, California, recently put together rules for short-term rentals. The rules require inside inspections and adjoining property owners will be notified and given a chance to appeal. Short-term rentals would pay occupation and city taxes, and they bring in tourism dollars and employ service personal for maintenance and cleaning. They act as hotels that keep the money in the community. This is another instance of how communities are adapting to constraints and coming up with new ideas.

Lastly, Board Member Robles described an organization called "semble" which allows people to borrow money from themselves using a crowd-funding platform (not a bank). For example, a community can lend money to itself and pay itself

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back with revenues from whatever project they are doing. This is another solution that helps cities arrive at places they want to be.

Board Member Rubenkönig referred to Vice Chair Lovell's earlier report about how the EDC conducts its meetings. She pointed out that the Planning Board has not adopted Revised Roberts Rules of Order, and they have not formed subcommittees. In addition, four of the Planning Board Members, including the student representative, are new as of the past several months. She suggested they appoint a subcommittee to talk about how the Board goes about discussing and sharing with each other and how they take in the information that is given to them in their packets. A lot of information is provided for each meeting, and perhaps they should come up with a standard method for sharing the information with each other. For example, it is difficult for her to track changes when no formal motions are made. She suggested having a uniform approach would allow the Board Members to expedite their work as they move through the very difficult issues.

Chair Tibbott and Vice Chair Lovell agreed to discuss potential dates for the Planning Board's retreat sometime in the spring. It was noted that their agenda is full for the next several months.

Evan Zhao pointed out that the policies put forward by the Tree Board could result in additional revenue for the General Fund, and there is a lot of potential for how the money could be spent. For example, the money could be designated for programs that emphasize, embrace and support green environments. He commented that it is one thing to make a policy and create limitations and restrictions, and it is another to have people agree with it. Recycling the money into public awareness would be helpful. Given the significant fines that would be imposed for illegal tree cutting, there could be advancements in other areas to make up for the trees that are lost. He summarized that where the money goes is a huge subject.

#### **ADJOURNMENT**

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

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