

**ORDINANCE NO. 3636**

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF THE COMMUNITY DEVELOPMENT CODE BY THE REPEAL AND RE-ENACTMENT OF CHAPTER 20.10 RELATING TO DESIGN REVIEW, THE ENACTMENT OF A NEW CHAPTER 20.11 GENERAL DESIGN REVIEW, A NEW CHAPTER 20.12 DISTRICT-BASED DESIGN REVIEW, REPEALING AND RE-ENACTING CHAPTER 20.13 LANDSCAPING REQUIREMENTS, ADOPTING NEW DESIGN GUIDELINES; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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WHEREAS, the City of Edmonds has for many years regulated certain aspects of architectural design through a review process; and

WHEREAS, with the input and recommendations of the City's Planning Board and Architectural Design Board and after numerous public hearings, the City Council deems it to be in the public interest to amend its design provisions to:

- a. revise the criteria for the existing program;
- b. adopt updated design guidelines, thereby continuing the process of providing greater specificity to the City's code in conformance with state law;
- c. to establish a new process for upfront design review and input in the City's design review process and to create the opportunity for neighborhood-based design; NOW THEREFORE

THE CITY COUNCIL DEEMS IT TO BE IN THE PUBLIC INTEREST TO MAKE THE FOLLOWING CHANGES TO THE CITY'S DESIGN REVIEW PROCESS:

Section 1. The Edmonds Community Development Code Chapter 20.10

Architectural Design Review is hereby repealed and in its place enacted a new Chapter

20.10 Design Review to read as follows:

**Chapter 20.10  
DESIGN REVIEW**

**Sections:**

<b>20.10.000</b>	<b>Purposes.</b>
<b>20.10.010</b>	<b>Types of design review.</b>
<b>20.10.020</b>	<b>Scope.</b>
<b>20.10.030</b>	<b>Approval required.</b>
<b>20.10.040</b>	<b>Optional pre-application.</b>
<b>20.10.045</b>	<b>Augmented architectural design review applications.</b>

**20.10.000 Purposes.**

In addition to the general purposes of the comprehensive plan and the zoning ordinance, this chapter is included in the community development code for the following purposes:

- A. To encourage the realization and conservation of a desirable and aesthetic environment in the city of Edmonds;
- B. To encourage and promote development which features amenities and excellence in the form of variations of siting, types of structures and adaptation to and conservation of topography and other natural features;
- C. To encourage creative approaches to the use of land and related physical developments;
- D. To encourage the enhancement and preservation of land or building of unique or outstanding scenic or historical significance;
- E. To minimize incompatible and unsightly surroundings and visual blight which prevent orderly community development and reduce community property values. [Ord. 3461 § 1, 2003].

### **20.10.010 Types of design review.**

A. There are two types of design review, (1) general design review subject to the provisions of Chapter 20.11 ECDC, and (2) district-based design review subject to the provisions of Chapter 20.12 ECDC. District-based design review is applicable when an area or district has adopted design guidelines or design standards that apply specifically within that area or district. General design review applies to areas or properties that do not have specifically adopted design guidelines or standards. Projects may undergo either district-based design review or general design review, but not both.

B. District-based design review applies to the following areas or districts:

1. The downtown Edmonds business districts (BD zones) located within the Downtown/Waterfront Activity Center as shown on the City of Edmonds Comprehensive Plan Map.

2. The general commercial (CG and CG2) zones located within the Medical/Highway 99 Activity Center or the Highway 99 Corridor as shown on the City of Edmonds Comprehensive Plan Map.

C. General design review applies to all areas of the city not specifically designated for district-based design review under ECDC 20.10.010.B, above.

D. The exemptions established pursuant to ECDC 20.10.010(B) shall apply to all types and phases of design review under ECDC Chapters 20.10, 20.11, and 20.12.

### **20.10.020 Scope.**

A. Design review is intended to apply to all development, except for those developments specifically exempted from review under ECDC 20.10.010.B, below. “development” includes any improvement to real property open to exterior view, including but not limited to buildings, structures, fixtures, landscaping, site screening, signs, parking lots, lighting, pedestrian facilities, street furniture, use of open areas (including parks, junk yards, riding academies, kennels and recreational facilities), mobile home and trailer parks, whether all or any are publicly or privately sponsored.

B. Exempt development. The following types of development are exempt from design review:

1. Parks developed under a master plan approved by the Edmonds City Council.
2. Permitted primary and secondary uses in RS-Single-Family Residential districts.
3. Detached single family homes or duplexes in RM-Multiple Residential districts.
4. Additions or modifications to structures or sites on the Edmonds Register of Historic Places which require a certificate of appropriateness from the Edmonds Historic Preservation Commission.
5. Fences that do not require a separate development permit.
6. Signs that meet all of the standards contained in Chapter 20.60 ECDC.
7. Underground utilities.

**20.10.030 Approval required.**

A. Development. Unless exempted under ECDC 20.10.010.B, no city permit or approval shall be issued for, and no person shall start any development, or substantially change any development, until the development has received design review approval.

B. Bond. The city may require that a bond be posted under Chapter 17.10 ECDC to ensure the satisfactory installation of site improvements.

**20.10.040 Optional pre-application.**

The applicant may submit the plans required in ECDC 20.95.010 in preliminary or sketch form, so that the comments and advice of the architectural design board may be incorporated into the final plans submitted for application. [Ord. 3461 § 1, 2003].

**20.10.045 Augmented architectural design review applications.**

At the option of the applicant, an augmented ADB application to vest rights under the provisions of ECDC 19.00.025 may be submitted. Such applications may not be submitted in conjunction with the concept review provided for by ECDC 20.10.040. The application shall be processed in all respects as a regular application for review but vesting rights shall be determined under the provisions of ECDC 19.00.025. The architectural design board shall not be required to, and shall not, consider the application of vesting rights or the interpretation of ECDC 19.00.025 and any appeal with respect thereto shall be taken only as provided in that section. [Ord. 3461 § 1, 2003].

Section 2. The Edmonds Community Development Code is hereby amended by the adoption of a new Chapter 20.11 General Design Review.

**Chapter 20.11  
GENERAL DESIGN REVIEW**

**Sections:**

- 20.11.010 Review procedure – General Design Review.**
- 20.11.020 Findings.**
- 20.11.030 Criteria.**
- 20.11.040 Appeals.**
- 20.11.050 Lapse of approval.**

**20.11.010 Review procedure – General Design Review.**

A. Review. The architectural design board (ADB) shall review all proposed developments that require a threshold determination under the State Environmental Policy Act (SEPA). All other developments may be approved by staff according to the requirements of ECDC 20.95.040 (Staff Decision – No Notice Required). When design review is required by the ADB, the staff shall review the application as provided in ECDC 20.95.030, and the director of development services – or his designee – shall schedule the item for a meeting of the ADB. The role of the ADB shall be dependent upon the nature of the application as follows:

1. The ADB shall conduct a public hearing for the following types of applications:

a. Applications that are not subject to project consolidation as required by ECDC 20.90.010(B)(2).

b. Applications that are subject to project consolidation as required by ECDC 20.90.010(B)(2) but in which the ADB serves as the sole decision-making authority.

c. Applications that are subject to project consolidation as required by ECDC 20.90.010(B)(2) but in which all decision-making authority is exercised both by staff pursuant to this chapter, Chapter 20.13 ECDC and by the ADB. The ADB shall act in the place of the staff for these types of applications.

2. The ADB shall review a proposed development at a public meeting and make a recommendation to the hearing examiner to approve, conditionally approve, or deny the proposal for projects subject to project consolidation under ECDC 20.90.010(B)(2) that are not subject to a public hearing by the ADB under subsection (A)(1) of this section. The hearing examiner shall subsequently hold a public hearing on the proposal.

3. The ADB under subsection (A)(1) of this section and the hearing examiner under subsection (A)(2) of this section shall approve, conditionally approve, or deny the proposal. The ADB or hearing examiner may continue its public hearing on the proposal to allow changes to the proposal, or to obtain information needed to properly review the proposal. See ECC 3.13.090 regarding exemptions from review required by this chapter.

4. Notwithstanding any contrary requirement, for a development in which the City is the applicant, the action of the ADB under subsection (A)(1) of this section and the hearing examiner under subsection (A)(2) of this section shall be a recommendation to the City Council.

B. Notice. Public notice by mail, posting or newspaper publication shall only be required for applications that are subject to environmental review under Chapter 43.21C RCW, in which case notice of the hearing shall be provided in accordance with Chapter 20.91 ECDC.

### **20.11.020 Findings.**

The board shall make the following findings before approving the proposed development:

A. **Criteria and Comprehensive Plan.** The proposal is consistent with the criteria listed in 20.11.030 in accordance with the techniques and objectives contained in the Urban Design chapter of the Community Culture and Urban Design Element of the Comprehensive Plan. The City has the obligation to provide specific direction and guidance to applicants. The Urban Design chapter has been adopted to fulfill the City's obligations under Washington State case law. The Urban Design chapter shall be used to determine if an application meets the general criteria set forth in this chapter. In the event of ambiguity or conflict, the specific provisions of the Urban Design chapter shall control.

B. **Zoning Ordinance.** The proposal meets the bulk and use requirements of the zoning ordinance, or a variance or modification has been approved under the terms of this code for any duration. The finding of the staff that a proposal meets the bulk and use requirements of the zoning ordinance shall be given substantial deference and may be overcome only by clear and convincing evidence.

### **20.11.030 Criteria.**

A. **Building Design.** No one architectural style is required. The building shall be designed to comply with the purposes of this chapter and to avoid conflict with the existing and planned character of the nearby area. All elements of building design shall form an integrated development, harmonious in scale, line and mass. The following are included as elements of building design:

1. All exterior building components, including windows, doors, eaves, and parapets;
2. Colors, which should avoid excessive brilliance or brightness except where that would enhance the character of the area;
3. Mechanical equipment or other utility hardware on the roof, grounds or buildings should be screened from view from the street level;

4. Long, massive, unbroken or monotonous buildings shall be avoided in order to comply with the purposes of this chapter and the design objectives of the Comprehensive Plan. This criterion is meant to describe the entire building. All elements of the design of a building including the massing, building forms, architectural details and finish materials contribute to whether or not a building is found to be long, massive, unbroken or monotonous.

a. In multi family (RM) or commercial zones, selections from among the following or similar features are appropriate for dealing with this criterion:

- i. Windows with architectural fenestration;
- ii. Multiple rooflines or forms;
- iii. Architecturally detailed entries;
- iv. Appropriate landscaping;
- v. The use of multiple materials.

5. All signs should conform to the general design theme of the development;

B. Site Treatment. The existing character of the site and the nearby area should be the starting point for the design of the building and all site treatment. The following are elements of site treatment:

1. Grading, vegetation removal and other changes to the site shall be minimized where natural beauty exists. Large cut and fill and impervious surfaces should be avoided.
2. Landscape treatment shall be provided to enhance the building design and other site improvements.
3. Landscape treatment shall be provided to buffer the development from surrounding property where conflict may result, such as parking facilities near yard spaces, streets or residential units, and different building heights, design or color.
4. Landscaping that could be damaged by pedestrians or vehicles should be protected by curbing or similar devices.

5. Service yards, and other areas where trash or litter may accumulate, shall be screened with planting or fences or walls which are compatible with natural materials.

6. All screening should be effective in the winter as well as the summer.

7. Materials such as wood, brick, stone and gravel (as opposed to asphalt or concrete) may be substituted for planting in areas unsuitable for plant growth.

8. Exterior lighting shall be the minimum necessary for safety and security. Excessive brightness shall be avoided. All lighting shall be low-rise and directed downward onto the site. Lighting standards and patterns shall be compatible with the overall design theme.

C. Other Criteria.

1. Community facilities and public or quasi-public improvements should not conflict with the existing and planned character of the nearby area.

2. Street furniture (including but not limited to benches, light standards, utility poles, newspaper stands, bus shelters, planters, traffic signs and signals, guardrails, rockeries, walls, mail boxes, fire hydrants and garbage cans) should be compatible with the existing and planned character of the nearby area.

**20.11.040 Appeals.**

A. All design review decisions of the hearing examiner are appealable to the city council as provided in ECDC 20.105.040(B) through (E).

B. All design review decisions of the ADB are appealable to the city council as provided in ECDC 20.105.040(B) through (E) except that all references to the hearing examiner in ECDC 20.105.040(B) through (E) shall be construed as references to the ADB.

C. Persons entitled to appeal are (1) the applicant; (2) anyone who has submitted a written document to the city of Edmonds concerning the application prior to or at the hearing

identified in ECDC 20.11.010; or (3) anyone testifying on the application at the hearing identified in ECDC 20.11.010.

**20.11.050 Lapse of approval.**

A. Time Limit. Unless the owner submits a fully completed building permit application necessary to bring about the approved alterations, or if no building permit application is required, substantially commences the use allowed within 18 months from the date of approval, ADB or hearing examiner approval shall expire and be null and void, unless the owner files a fully completed application for an extension of time prior to the expiration date. For the purposes of this section the date of approval shall be the date on which the ADB's or hearing examiner's minutes or other method of conveying the final written decision of the ADB or hearing examiner as adopted are mailed to the applicant. In the event of appeal, the date of approval shall be the date on which a final decision is entered by the city council or court of competent jurisdiction.

B. Time Extension.

1. Application. The applicant may apply for a one time extension of up to one year by submitting a letter, prior to the date that approval lapses, to the planning division along with any other supplemental documentation which the planning manager may require, which demonstrates that he/she is making substantial progress relative to the conditions adopted by the ADB or hearing examiner and that circumstances are beyond his/her control preventing timely compliance. In the event of an appeal, the one-year extension shall commence from the date a final decision is entered in favor of such extension.

2. Fee. The applicant shall include with the letter of request such fee as is established by ordinance. No application shall be complete unless accompanied by the required fee.

3. Review of Extension Application. An application for an extension shall be reviewed by the planning official as provided in ECDC 20.95.040 (Staff Decision – No Notice Required).

Section 3. The Edmonds Community Development Code is hereby amended by the addition of a new Chapter 20.12 District-Based Design Review to read as follows:

**Chapter 20.12  
DISTRICT-BASED DESIGN REVIEW**

**Sections:**

- 20.12.005 Outline of Process and Statement of Intent.**
  - 20.12.010 Applicability.**
  - 20.12.020 Design Review by the Architectural Design Board.**
  - 20.12.030 Design Review by Staff.**
  - 20.12.040 Findings.**
  - 20.12.050 Criteria.**
  - 20.12.080 Appeals.**
  - 20.12.090 Lapse of approval.**
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- 20.12.005 Outline of Process and Statement of Intent.**

The Architectural Design Board (ADB) process has been developed in order to provide for public and design professional input prior to the expense incurred by a developer in preparation of detailed design. In combination, Chapters 20.10 and 20.12 are intended to permit public and ADB input at an early point in the process while providing greater assurance to a developer that his general project design has been approved before the final significant expense of detailed project design is incurred. In general, the process is as follows:

A. Public hearing (Phase 1). The applicant shall submit a preliminary conceptual design to the City. Staff shall schedule the first phase of the ADB hearing within 30 days of staff's determination that the application is complete. Upon receipt, staff shall provide full notice of a public hearing, noting that the public hearing shall be conducted in two phases. The entire single public hearing on the conceptual design shall be on the record. At the initial phase, the applicant shall present facts which describe in detail the tract of land to be developed noting all significant characteristics. The ADB shall make factual findings regarding the particular characteristics of the property and shall prioritize the design guideline checklist based upon these facts, the provisions of the City's design guideline elements of the Comprehensive

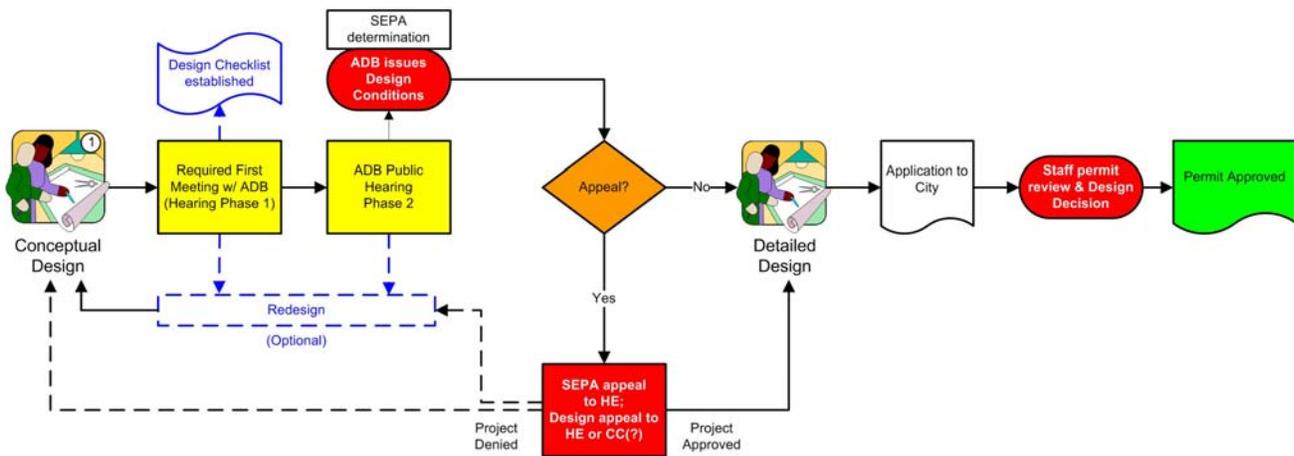
Plan and the Edmonds Community Development Code. Following establishment of the design guideline checklist, the public hearing shall be continued to a date-certain requested by the applicant, not to exceed 120 days from the meeting date. The 120-day city review period required by RCW 36.70B.080 commences with the application for Phase 1 of the public hearing. The 120-day time period is suspended, however, while the applicant further develops their application for Phase 2 of the public hearing. This suspension is based upon the finding of the City Council, pursuant to RCW 36.70B.080, that additional time is required to process this project type. The City has no control over the length of time needed or taken by an applicant to complete its application.

B. Continued public hearing (public hearing, Phase 2). The purpose of the continuance is to permit the applicant to design or redesign his initial conceptual design to address the input of the public and the ADB by complying with the prioritized design guideline checklist criteria. When the applicant has completed his design or redesign, he shall submit that design for final review. The matter shall be set for the next available regular ADB meeting date. If the applicant fails to submit his or her design within 180 days, the staff shall report the matter to the ADB who shall note that the applicant has failed to comply with the requirements of the code and find that the original design checklist criteria approval is void. The applicant may reapply at any time. Such reapplication shall establish a new 120-day review period and establish a new vesting date.

C. After completing the hearing process, the final detailed design shall be presented to the City in conjunction with the applicable building permit application. The City staff's decision on the building permit shall be a ministerial act applying the specific conditions or requirements set forth in the ADB's approval, but only those requirements. A staff decision on the building permit shall be final and appealable only as provided in the Land Use Petition Act. No other internal appeal of the staff's ministerial decisions on the building permit is allowed.

D. The process is schematically represented by the following flow chart.

## Proposed New Review Process



### 20.12.010 Applicability.

Review. The architectural design board (ADB) shall review all proposed developments that require a threshold determination under the State Environmental Policy Act (SEPA) using the process set forth in ECDC 20.12.020, below. All other developments may be approved by staff using the process set forth in ECDC 20.12.030, below. When design review is required by the ADB under ECDC 20.12.020, the staff shall review the application as provided in ECDC 20.95.030, and the director of development services – or his designee – shall schedule the item for a meeting of the ADB.

### 20.12.020 Design Review by the Architectural Design Board.

A. Public hearing – Phase 1. Phase 1 of the public hearing shall be scheduled with the Architectural Design Board (ADB) as a public meeting. Notice of the meeting shall be provided according to the requirements of ECDC 20.91.010. This notice may be combined with the formal Notice of Application required under ECDC 20.90.010, as appropriate.

1. The purpose of Phase 1 of the public hearing is for the ADB to identify the relative importance of design criteria that will apply to the project proposal during the subsequent design review. The basic criteria to be evaluated are listed on

the Design Guidelines Checklist contained within the design guidelines and ECDC 20.12. The ADB shall utilize the urban design guidelines and standards contained in the relevant city zoning classification(s), any relevant district-specific design objectives contained in the Comprehensive Plan, and the relevant portions of ECDC 20.12 and 20.13, to identify the relative importance of design criteria; no new, additional criteria shall be incorporated, whether proposed in light of the specific characteristics of a particular tract of land or on an ad hoc basis.

2. Prior to scheduling Phase 1 of the public hearing, the applicant shall submit information necessary to identify the scope and context of the proposed development, including any site plans, diagrams, and/or elevations sufficient to summarize the character of the project, its site, and neighboring property information. At a minimum, an applicant shall submit the following information for consideration during Phase 1 of the public hearing:

a. Vicinity Plan showing all significant physical structures and environmentally critical areas within a 200 foot radius of the site including, but not limited to, surrounding building outlines, streets, driveways, sidewalks, bus stops, and land use. Aerial photographs may be used to develop this information.

b. Conceptual site plan(s) showing topography (minimum 2-foot intervals), general location of building(s), areas devoted to parking, streets and access, existing open space and vegetation. All concepts being considered for the property should be submitted to assist the ADB in defining all pertinent issues applicable to the site.

c. Three-dimensional sketches, photo simulations, or elevations that depict the volume of the proposed structure in relation to the surrounding buildings and improvements.

3. During Phase 1 of the public hearing, the applicant shall be afforded an opportunity to present information on the proposed project. The public shall also be invited to address which design guidelines checklist criteria from ECDC 20.12.070 they feel are pertinent to the project. The Phase 1 meeting shall be considered to be a public hearing and information presented or discussed during the meeting shall be recorded as part of the hearing record.

4. Prior to the close of Phase 1 of the public hearing, the ADB shall identify the specific design guidelines checklist criteria – and their relative importance – that will be applied to the project during the project’s subsequent design review. In submitting an application for design review approval under Chapter 20.12 ECDC, the applicant shall be responsible for identifying how the proposed project meets the specific criteria identified by the ADB during Phase 1 of the public hearing.

5. Following establishment of the design guidelines checklist, the public hearing shall be continued to a date certain, not exceeding 120 days from the date of Phase 1 of the public hearing. The continuance is intended to provide the applicant with sufficient time to prepare the material required for Phase 1 of the public hearing, including any design or redesign needed to address the input of the public and ADB during Phase 1 of the public hearing by complying with the prioritized checklist.

6. Because Phase 1 of the public hearing is only the first part of a two-part public hearing, there can be no appeal of the design decision until Phase 2 of the public hearing has been completed and a final decision rendered.

B. Continued public hearing – Phase 2.

1. An applicant for Phase 2 design review shall submit information sufficient to evaluate how the project meets the criteria identified by the ADB during Phase 1 of the public hearing described in Chapter 20.12.020.A, above. At a minimum, an applicant shall submit the following information for consideration during Phase 2 of the public hearing:

a. Conceptual site plan showing topography (minimum 2-foot intervals), general layout of building, parking, streets and access, and proposed open space.

b. Conceptual landscape plan, showing locations of planting areas identifying landscape types, including general plant species and characteristics.

c. Conceptual Utility plan, showing access to and areas reserved for water, sewer, storm, electrical power, and fire connections and/or hydrants.

d. Conceptual Building elevations for all building faces illustrating building massing and openings, materials and colors, and roof forms. A three-dimensional model may be substituted for the building elevation(s).

e. If more than one development concept is being considered for the property, the submissions should be developed to clearly identify the development options being considered.

f. An annotated checklist demonstrating how the project complies with the specific criteria identified by the ADB.

g. Optional: Generalized building floor plans may be provided.

2. Staff shall prepare a report summarizing the project and providing any comments or recommendations regarding the annotated checklist provided by the applicant under 20.12.020.B.1.f, as appropriate. The report shall be mailed to the applicant and ADB at least one week prior to the public hearing.

3. Phase 2 of the public hearing shall be conducted by the ADB as a continuation the Phase 1 public hearing. Notice of the meeting shall be provided according to the requirements of Chapter 20.91 ECDC. During Phase 2 of the public hearing, the ADB shall review the application and identify any conditions that the proposal must meet prior to the issuance of any permit or approval by the city. When conducting this review, the ADB shall enter the following findings prior to issuing its decision on the proposal:

a. Zoning Ordinance. The proposal meets the bulk and use requirements of the zoning ordinance, or a variance or modification has been approved under the terms of this code for any duration. The finding of the staff that a proposal meets the bulk and use requirements of the zoning ordinance shall be given substantial deference and may be overcome by clear and convincing evidence.

b. Design Objectives. The proposal meets the relevant district-specific design objectives contained in the Comprehensive Plan.

c. Design Criteria. The proposal satisfies the specific checklist criteria identified by the ADB during Phase 1 of the public hearing under Chapter 20.12.020.A, above. When conducting its review, the ADB shall not add or impose conditions based on new, additional criteria proposed in light of the specific characteristics of a particular tract of land or on an ad hoc basis.

4. Project consolidation. Projects may be consolidated in accordance with RCW 36.70B.110 and the terms of the Community Development Code.

C. Effect of the decision of the ADB. The decision of the ADB described above in ECDC 20.12.020(B) shall be used by staff to determine if a project complies with the requirements of these chapters during staff review of any subsequent applications for permits or approvals. The staff's determination shall be purely ministerial in nature and no discretion is granted to deviate from the requirements imposed by the ADB and the Edmonds Community Development Code. The staff process shall be akin to and administered in conjunction with building permit approval, as applicable. Written notice shall be provided to any party of record (as developed in Phase 1 and 2 of the public hearing) who formally requests notice as to:

1. Receipt of plans in a building permit application or application for property development as defined in ECDC 20.10.020, and
2. Approval, conditioned approval or denial by staff of the building permit or development approval.

**20.12.030 Design Review by city staff.**

A. Optional pre-application meeting. At the option of the applicant, a pre-application meeting may be scheduled with city staff. The purpose of the meeting is to provide preliminary staff comments on a proposed development to assist the applicant in preparing an application for development approval. Submission requirements and rules of procedure for this optional pre-application meeting shall be adopted by city staff consistent with the purposes of this Chapter.

B. Application and staff decision.

1. An applicant for design review shall submit information sufficient to evaluate how the project meets the criteria applicable to the project. Staff shall develop a checklist of submission requirements and review criteria necessary to support this intent. When design review is intended to accompany and be part of an application for another permit or approval, such as a building permit, the submission requirements and design review may be completed as part of the associated permit process.

2. In reviewing an application for design review, Staff shall review the project checklist and evaluate whether the project has addressed each of the applicable design criteria. Staff shall enter the following findings prior to issuing a decision on the proposal:

a. Zoning Ordinance. That the proposal meets the bulk and use requirements of the zoning ordinance, including the guidelines and standards contained in the relevant zoning classification(s).

b. Design Guidelines. That the proposal meets the relevant district-specific design objectives contained in the Comprehensive Plan

When conducting its review, city staff shall not add or impose conditions based on new, additional criteria proposed in light of the specific characteristics of a particular tract of land or on an ad hoc basis.

**20.12.070 Design Guidelines, Criteria and Checklist.**

A. In conducting its review, the ADB shall use the design guidelines and design review checklist as contemporaneously adopted in the Design Guidelines.

B. Additional Criteria. Design review shall reference the specific criteria adopted for each area or district.

1. Criteria to be used in design review for the downtown Edmonds business districts (BD zones) located within the Downtown/Waterfront Activity Center as shown on the City of Edmonds Comprehensive Plan Map include the following:

a. Design objectives for the Downtown Waterfront Activity Center contained in the Edmonds Comprehensive Plan.

b. (Reserved.)

2. Criteria to be used in design review for the general commercial (CG and CG2) zones located within the Medical/Highway 99 Activity Center or the Highway 99 Corridor as shown on the City of Edmonds Comprehensive Plan Map include the following:

a. Design standards contained in ECDC 16.60 for the General Commercial zones.

b. Policies contained in the specific section of the Comprehensive Plan addressing the Medical/Highway 99 Activity Center and Highway 99 Corridor.

**20.12.080 Appeals.**

A. Design review decisions by the ADB pursuant to ECDC 20.12.020.B are appealable to the city council as provided in ECDC 20.105.040(B) through (E) except that all references to the hearing examiner in ECDC 20.105.040(B) through (E) shall be construed as references to the ADB. These are the only decisions by the ADB that are appealable.

B. All design review decisions of the hearing examiner are appealable to the city council as provided in ECDC 20.105.040(B) through (E).

C. Design review decisions by staff under the provisions of ECDC 20.12.030 are only appealable to the extent that the applicable building permit or development approval is an appealable decision under the provisions of the ECDC. Design review by staff is not in itself an appealable decision.

D. Persons entitled to appeal are (1) the applicant; (2) anyone who has submitted a written document to the City of Edmonds concerning the application prior to or at the hearing identified in ECDC 20.12.020.B; or (3) anyone testifying on the application at the hearing identified in ECDC 20.12.020.B.

### **20.12.090 Lapse of approval.**

A. Time Limit. Unless the owner submits a fully completed building permit application necessary to bring about the approved alterations, or if no building permit application is required, substantially commences the use allowed within 18 months from the date of approval, ADB or hearing examiner approval shall expire and be null and void, unless the owner files a fully completed application for an extension of time prior to the expiration date. For the purposes of this section the date of approval shall be the date on which the ADB's or hearing examiner's minutes or other method of conveying the final written decision of the ADB or hearing examiner as adopted are mailed to the applicant. In the event of appeal, the date of approval shall be the date on which a final decision is entered by the city council or court of competent jurisdiction.

B. Time Extension.

1. Application. The applicant may apply for a one time extension of up to one year by submitting a letter, prior to the date that approval lapses, to the planning division along with any other supplemental documentation which the planning manager may require, which demonstrates that he/she is making substantial progress relative to the conditions adopted by the ADB or hearing examiner and that circumstances are beyond his/her control preventing timely compliance. In the event of an appeal, the one-year extension shall commence from the date a final decision is entered in favor of such extension.

2. Fee. The applicant shall include with the letter of request such fee as is established by ordinance. No application shall be complete unless accompanied by the required fee.

3. Review of Extension Application. An application for an extension shall be reviewed by the planning official as provided in ECDC 20.95.040 (Staff Decision – No Notice Required).

Section 4. The Edmonds Community Development Code is hereby amended by the repeal of Chapter 20.12 Landscaping Requirements and the enactment in its place of a new Chapter 20.13 Landscaping Requirements to read as follows;

**Chapter 20.13  
LANDSCAPING REQUIREMENTS**

**Sections:**

- 20.13.000 Scope.**
- 20.13.010 Landscape plan requirements.**
- 20.13.015 Plant schedule.**
- 20.13.020 General design standards.**
- 20.13.025 General planting standards.**
- 20.13.030 Landscape types**
- 20.13.040 Landscape bonds.**

**20.13.000 Scope.**

The landscape requirements found in this chapter are intended for use by city staff, the architectural design board (ADB) and the hearing examiner, in reviewing projects, as set forth in ECDC 20.11.010. The ADB and hearing examiner shall be allowed to interpret and modify the requirements contained herein; provided such modification is consistent with the purposes found in ECDC 20.11.000.

**20.13.010 Landscape plan requirements.**

The applicant has the option of submitting a preliminary landscape plan to the architectural design board prior to final approval. The preliminary landscape plan need not include the detail required for final approval, although areas of proposed landscaping should be shown. Final project approval cannot be given until the final landscape plan is submitted and approved.

The following items shall be shown on any final landscape plan submitted to the ADB for review:

- A. Name and address or location of the project;
- B. All plant material identified by botanical and common name – genus, species and variety (see ECDC 20.13.015);

- C. Location of all trees and shrubs to be planted;
- D. Three sets of landscape plans drawn to a scale of 1" = 30' or larger (e.g., 1" = 20', 1" = 10', etc.). Plan should include a bar scale for reference. See "Checklist for Architectural Design Review" items (on architectural design board brochure) for required number of other plans;
- E. Scale of the drawing, a north arrow and date of the plan;
- F. All property lines, as well as abutting streets and alleys;
- G. Locations, sizes and species of existing trees (six inches in caliper or more) and shrubs. Trees and shrubs to be removed must be noted. Natural areas should be designated as such;
- H. Any proposed or existing physical elements (such as fencing, walls, building, curbing, and signs) that may affect the overall landscape;
- I. Parking layout, including circulation, driveway location, parking stalls and curbing (see ECDC 20.13.020(D));
- J. Grading shown by contour lines (minimum five-foot intervals), spot elevations, sections or other means;
- K. Location of irrigation system (see ECDC 20.13.020(E)).

**20.13.015 Plant schedule.**

- A. The plant schedule shall indicate for all plants the scientific and common names, quantities, sizes and spacing. Quantities are not required on a preliminary landscape plan. A preliminary plan may also indicate shrubs as masses rather than showing the individual plants. The final plan must show individual shrubs and quantities.
- B. Minimum sizes at installation are as follows:
  - one and three quarters inches caliper street trees; one and one-half inches caliper other deciduous trees;

- eight feet minimum height vine maples and other multi-stemmed trees;
  - six feet minimum height – evergreen trees
  - eighteen inches minimum height for medium and tall shrubs
- small shrub = less than three and one-half feet tall at maturity
  - medium shrub = three and one-half to six feet tall at maturity
  - large shrub = more than six feet tall at maturity

C. Maximum size:

Species approved within a landscape plan shall have a growth pattern in scale with the development and be consistent with the preservation of significant views and height limit for the zoning district.

D. Maximum spacing:

- large shrubs = six feet on center
- medium shrubs = four and one-half feet on center
- small shrubs = three feet on center

E. Groundcover is required in all planting bed areas as follows:

- one gallon 30 inches on center
- four-inch pots 24 inches on center
- two and one-quarter-inch pots 15 inches on center
- rooted cuttings 12 inches on center

All groundcover shall be living plant material approved by the ADB.

### **20.13.020 General design standards.**

A. Preference shall be given an informal arrangement of plants installed in a variety of treatments that will enhance building designs and attractively screen parked vehicles and unsightly areas, soften visual impact of structures and enhance views and vistas.

B. A formal arrangement may be acceptable if it has enough variety in layout and plants. Avoid continuous, long, unbroken, straight rows of a single plant where possible.

C. Existing vegetation that contributes to the attractiveness of the site should be retained.

Existing significant trees and shrubbery (six-inch caliper or more) must be shown on the proposed landscape plan and saved and incorporated into the landscape plan, if they are reasonably attractive and of good quality.

D. Extruded curbs four to six inches are required where landscaping meets paved areas. Wheelstops will be required as needed, and must be affixed permanently to the ground.

E. Automatic irrigation is required for all ADB-approved landscaped areas for projects which have more than four dwelling units, 4,000 square feet of building area or more than 20 parking spaces.

F. All planting areas should be at least four feet wide between curbs.

G. Deciduous or broadleaf evergreen trees should be planted at least four feet from curbs, especially in front parking stalls. Where possible, coniferous trees should be planted at least seven feet from curbs.

H. All plants shall be compatible with the character and climate of the Pacific Northwest. Shrubs and/or groundcover are required to provide 75 percent ground coverage within three years.

I. Berms or mounds should be no steeper than 3(H):1(V). Any slopes steeper than 3:1 (2:1 is maximum permitted by the city for fill slopes) need erosion control netting or other

erosion control methods in planting areas not covered by grass (e.g., rockery).

J. Landscaping must be provided in adjacent rights-of-way between property line and curb or street edge and shown on the landscape plan.

K. Street trees must be planted according to the city's street tree plan. Contact the planning division for details.

L. Street trees should be installed within four feet of either side of the property line.

M. Landscaping should be tall enough to soften any dumpster enclosures located in planting areas.

N. Trees and very large shrubs should be planted at least five feet from any water/sewer lines. Landscape plantings shall reflect consideration of plantings in relation to utility lines.

O. Utility boxes should be screened with landscaping without blocking access.

P. Species approved within a landscape plan shall have a growth pattern in scale with the development and be consistent with the preservation of significant views and height limit for the zoning district.

#### **20.13.025 General planting standards**

A. Blank Building Walls.

1. Blank building walls should be softened by landscaping.

2. Landscaping should include trees and shrubs – mostly evergreen.

3. Trees should be planted an average of 20 feet on center either formally or in clusters.

B. Foundation Planting.

1. Trees and shrubs should soften the building elevation and soften the transition between the pavement and the building.

2. Plantings may be in informal or formal arrangements (see ECDC 20.13.020(A) and (B)).
3. Landscaping should be planted in all areas except service areas.
4. Planting areas should be at least four feet wide.

#### **20.13.030 Landscape types**

A. Type I Landscaping. Type I landscaping is intended to provide a very dense sight barrier to significantly separate uses and land use districts.

1. Two rows of evergreen trees, a minimum of ten-feet in height and planted at intervals of no greater than 20 feet on center. The trees must be backed by a sight obscuring fence, a minimum of five feet high or the required width of the planting area must be increased by ten feet; and
2. Shrubs a minimum of three and one-half feet in height planted in an area at least five feet in width, and other plant materials, planted so that the ground will be covered within three years;
3. Alternatively, the trees and shrubs may be planted on an earthen berm at least 15 feet in width and an average of five feet high along its midline.

B. Type II Landscaping. Type II landscaping is intended to create a visual separation between similar uses.

1. Evergreen and deciduous trees, with no more than 30 percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than 20 feet on center; and
2. Shrubs, a minimum of three and one-half feet in height and other plant materials, planted so that the ground will be covered within three years.

C. Type III Landscaping. Type III landscaping is intended to provide visual separation of uses from streets, and visual separation of compatible uses so as to soften the appearance of streets, parking areas and building elevations.

1. Evergreen and deciduous trees, with no more than 50 percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than 30 feet on center; and

2. If planted to buffer a building elevation, shrubs, a minimum of three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years; or

3. If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:

a. Shrubs, a minimum of three and one-half feet in height and living ground cover must be planted so that the ground will be covered within three years.

b. Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years. This alternative may not be used in a Downtown or Waterfront areas.

c. A combination of earth mounding, opaque fences and shrubs to produce a visual barrier at least three and one-half feet in height.

D. Type IV Landscaping. Type IV landscaping is intended to provide visual relief where clear sight is desired to see signage or into adjacent space for safety concerns.

1. Trees are 25 feet on center and deciduous also required and the trunk shall be free of branches below six feet in height..

2. Plant materials which will cover the ground within three years, and which will not exceed three and one-half feet in height.

E. Type V Landscaping. Type V landscaping is intended to provide visual relief and shade in parking areas.

1. Required Amount.

a. If the parking area contains no more than 50 parking spaces, at least 17.5 square feet of landscape

development must be provided as described in paragraph B below for each parking stall proposed.

b. If the parking area contains more than 99 parking spaces, at least 35 square feet of landscape development must be provided as described in paragraph B below for each parking stall proposed.

c. If the parking area contains more than 50, but less than 100 parking spaces, the Director – or his designee – shall determine the required amount of landscaping by interpolating between 17.5 and 35 square feet for each parking stall proposed. The area must be landscaped as described in paragraph B below.

## 2. Design.

a. Each area of landscaping must contain at least 150 square feet of area and must be at least four feet in any direction exclusive of vehicle overhang. The area must contain at least one tree a minimum of six feet in height and with a minimum size of one and one-half inches in caliper if deciduous. The remaining ground area must be landscaped with plant materials, decorative mulch or unit pavers.

b. A landscaped area must be placed at the interior ends of each parking row in a multiple lane parking area. This area must be at least four feet wide and must extend the length of the adjacent parking stall.

c. Up to 100 percent of the trees proposed for the parking area may be deciduous.

d. Bioswales integrated into parking lot designs are strongly encouraged.

e. The minimum area per planter is 64 square feet.

f. The maximum area per planter is 1,500 for parking lots greater than 12,000 square feet. Planters shall be spread throughout the parking lot.

g. Shade trees are required at the rate of a minimum of one per planter and/or one per 150 square feet of planter.

**20.13.040 Landscape bonds.**

A. An itemized cost estimate, covering landscaping and irrigation, must be submitted for use in determining the landscape bond amount. The city will use this estimate to set the amount of the landscape performance bond.

B. A performance bond will be required for release of the building permit. This bond will be used to cover installation of required landscaping, fences or screening for service areas.

C. Landscaping must be installed prior to issuance of certificate of occupancy (for multiple family and single tenant commercial buildings) or a certificate of completion (for multiple tenant commercial buildings).

D. Once the landscaping has been installed, a 15 percent maintenance bond is required for release of the performance bond. Any plants that die within two years of installation must be replaced before the maintenance bond can be released. Upon inspection and approval, the maintenance bond may be released after two years.

Section 5. In aid of the design review criteria established pursuant to Chapters 20.10, et seq., ECDC, the Urban Design chapter is hereby adopted in that form shown on the attached Exhibit A. Such exhibit is incorporated by this reference as fully as if herein set forth. These criteria shall be applied in accordance with the provisions of ECDC Chapter 20.12.070.A. The City Clerk and Planning Department shall maintain copies for the public and shall make the standards available online.

Section 6: Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

\_\_\_\_\_  
MAYOR GARY HAAKENSON

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

By \_\_\_\_\_  
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	03/30/2007
PASSED BY THE CITY COUNCIL:	04/03/2007
PUBLISHED:	04/08/2007
EFFECTIVE DATE:	04/13/2007
ORDINANCE NO. 3636	

## **SUMMARY OF ORDINANCE NO. 3636**

of the City of Edmonds, Washington

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On the 3rd day of April, 2007, the City Council of the City of Edmonds passed Ordinance No. 3636. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF THE COMMUNITY DEVELOPMENT CODE BY THE REPEAL AND RE-ENACTMENT OF CHAPTER 20.10 RELATING TO DESIGN REVIEW, THE ENACTMENT OF A NEW CHAPTER 20.11 GENERAL DESIGN REVIEW, A NEW CHAPTER 20.12 DISTRICT-BASED DESIGN REVIEW, REPEALING AND RE-ENACTING CHAPTER 20.13 LANDSCAPING REQUIREMENTS, ADOPTING NEW DESIGN GUIDELINES; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 4th day of April, 2007.

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CITY CLERK, SANDRA S. CHASE