

# EDMONDS CITY COUNCIL APPROVED MINUTES

## January 16, 2007

Following a Special Meeting at 6:30 p.m. for an Executive Session regarding real estate and legal matters, the Edmonds City Council meeting was called to order at 7:05 p.m. by Mayor Haakenson in the Council Chambers, 250 5<sup>th</sup> Avenue North, Edmonds. The meeting was opened with the flag salute.

### ELECTED OFFICIALS PRESENT

Gary Haakenson, Mayor  
Peggy Pritchard Olson, Council President  
Michael Plunkett, Councilmember  
Richard Marin, Councilmember  
Mauri Moore, Councilmember (via telephone)  
Deanna Dawson, Councilmember  
Dave Orvis, Councilmember  
Ron Wambolt, Councilmember

### STAFF PRESENT

David Stern, Chief of Police  
Duane Bowman, Development Serv. Director  
Stephen Clifton, Community Services Director  
Dan Clements, Administrative Services Director  
Noel Miller, Public Works Director  
Rob Chave, Planning Manager  
Dave Gebert, City Engineer  
Debi Humann, Human Resources Manager  
Don Sims, Traffic Engineer  
Don Fiene, Assistant City Engineer  
Scott Snyder, City Attorney  
Linda Hynd, Deputy City Clerk  
Jana Spellman, Senior Executive Council Asst.  
Jeannie Dines, Recorder

### 1. APPROVAL OF AGENDA

Approve  
agenda

**COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, FOR APPROVAL OF THE AGENDA. MOTION CARRIED UNANIMOUSLY.**

### 2. CONSENT AGENDA ITEMS

**COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, FOR APPROVAL OF THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:**

#### A. ROLL CALL

#### B. APPROVAL OF CITY COUNCIL MEETING MINUTES OF JANUARY 9, 2007

#### C. APPROVAL OF CLAIM CHECKS #93003 THROUGH #93164 FOR DECEMBER 21, 2006 IN THE AMOUNT OF \$728,556.89, CHECKS #93166 THROUGH #93206 FOR DECEMBER 28, 2006 IN THE AMOUNT OF \$79,337.51 AND CHECKS #93207 THROUGH #93359 FOR JANUARY 4, 2007 IN THE AMOUNT OF \$1,751,004.12. APPROVAL OF PAYROLL DIRECT DEPOSITS AND CHECKS #44291 THROUGH #44342 FOR THE PERIOD OF DECEMBER 1 THROUGH DECEMBER 15, 2006 IN THE AMOUNT OF \$888,506.49 AND DIRECT DEPOSIT AND CHECKS #44343 THROUGH #44392 FOR THE PERIOD OF DECEMBER 16 THROUGH DECEMBER 31, 2006 IN

Approve  
1/9/07  
Minutes

Approve  
Claim  
Checks

THE AMOUNT OF \$666,345.13. APPROVAL OF POLICE UNIFORM ALLOWANCE CHECKS #44394 THROUGH #44423 FOR JANUARY 5, 2007 IN THE AMOUNT OF \$7,578.11

Recycling  
Coord.  
Interlocal  
Agreement

D. AUTHORIZATION FOR THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LYNNWOOD AND THE CITY OF EDMONDS FOR JOINT FUNDING OF THE RECYCLING COORDINATOR

Seashore  
Transport.  
Forum  
Agreement

E. AUTHORIZATION FOR MAYOR TO SIGN AGREEMENT FOR THE SEASHORE TRANSPORTATION FORUM

Acceptance  
of  
Quitclaim  
Deed

F. ACCEPTANCE OF QUITCLAIM DEED FROM SNOHOMISH COUNTY PUBLIC UTILITY DISTRICT NO. 1 FOR PORTIONS OF THE PACIFIC NORTHWEST TRACTION COMPANY RIGHT-OF-WAY FOR PURPOSES OF CONSTRUCTION, OPERATION AND MAINTENANCE OF THE INTERURBAN TRAIL PROJECT WITHIN THE CITY OF EDMONDS, AND AUTHORIZATION FOR THE CITY CLERK TO RECORD SAID QUITCLAIM DEED

Patton &  
Boggs  
Agreement

G. PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN CITY OF EDMONDS AND PATTON BOGGS, LLC - UPDATE AND ADDENDUM #1

Ordinance  
No. 3622

H. ORDINANCE NO. 3622 RATIFYING A CHANGE TO THE MAYOR'S SALARY EFFECTIVE JULY 1, 2006 AS APPROVED BY COUNCIL ON MAY 16, 2006

Ordinance  
No. 3623

I. ORDINANCE NO. 3623 OF THE CITY OF EDMONDS, WASHINGTON, RELATING TO CONTRACTING INDEBTEDNESS; PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$5,500,000.00 PAR VALUE OF LIMITED TAX GENERAL OBLIGATION BONDS, 2007, OF THE CITY FOR GENERAL CITY PURPOSES TO PROVIDE FUNDS WITH WHICH TO (A) REPAY AND REDEEM THE CITY'S WATER AND SEWER REVENUE BOND ANTICIPATION NOTE, 2005 AND ITS LIMITED TAX GENERAL OBLIGATION BOND ANTICIPATION NOTE, 2006; (B) PAY OR REIMBURSE THE CITY FOR HVAC IMPROVEMENTS TO CITY FACILITIES; (C) PAY OR REIMBURSE THE CITY FOR THE ANDERSON CENTER SEISMIC PROJECT; (D) PAY OR REIMBURSE THE CITY FOR ENERGY CONSERVATION MEASURES; (E) PAY OR REIMBURSE THE CITY FOR UTILITY IMPROVEMENTS (COLLECTIVELY, THE "PROJECTS") AND (F) PAY THE COSTS OF ISSUANCE AND SALE OF THE BONDS; FIXING THE DATE, FORM, MATURITIES, INTEREST RATES, TERMS AND COVENANTS OF THE BONDS; ESTABLISHING A BOND REDEMPTION FUND AND CONSTRUCTION FUNDS; AND PROVIDING FOR THE PUBLIC SALE OF THE BONDS

Glen-Daley  
Alley  
Project

J. REPORT ON FINAL CONSTRUCTION COSTS FOR THE GLEN-DALEY ALLEY IMPROVEMENT PROJECT AND COUNCIL ACCEPTANCE OF PROJECT

Ordinance  
No. 3624

3. **CONTINUED DELIBERATION AND ACTION ON ORDINANCE NO. 3624 ADDING A NEW CHAPTER 16.43 ESTABLISHING BD-DOWNTOWN BUSINESS ZONES AND AMENDING THE CITY'S ZONING MAP TO REZONE CERTAIN PROPERTY SPECIFIED THEREIN TO BD CATEGORIES. PUBLIC COMMENT WILL BE RECEIVED**

Councilmember Dawson recalled last week there was a motion to bring forward an ordinance for additional public comment that contained the items the Council approved. Staff also incorporated several items in the ordinance based on comments by the Council at the last meeting such as the transparent railings for roof decks.

Planning Manager Rob Chave explained the following five items were included in the draft ordinance contained in the exhibit, noting several were also included in an earlier alternative ordinance:

1. An update to the footnote at the top of page 7, incorporating language from the International Building Code to define the height of the ground floor as “floor-to-floor” distance.
2. Updated language under “b” on page 10, suggested by Councilmember Wambolt to address height in the BD1 zone.
3. Updates recommended by City Attorney Scott Snyder on pages 13 and 14 to remove unnecessary “notes” from the ordinance.
4. Updated language on page 12, Section D, to extend the parking requirement for residential uses to the BD1 zone. An earlier version of the ordinance did not have a parking requirement for residential uses in the BD1 zone.
5. Updated language on page 12, Section C.4.b to allow transparent railings within required building step-backs.

Councilmember Orvis asked the difference between “floor-to-floor” and ceiling plate. Mr. Chave recalled there was concern that the reference to ceiling plate was not clear. He referred to the diagram, explaining the intent was always to be the measurement between the base of the floor up to the same place on the floor above. Councilmember Orvis observed the measurement was to some point above the beam. Mr. Chave agreed, noting the confusion was with equating ceiling to what a person visually saw as the ceiling of a building; dropped ceilings were not part of the floor-to-floor measurement which included all the structural elements. Councilmember Orvis asked the difference in the measurement of floor-to-floor versus floor to the top of the ceiling plate. Mr. Chave answered very little, the intent was for it to be the same.

Mayor Haakenson opened the public participation portion of this item.

**Karen Wiggins, Edmonds**, remarked although she was concerned with the 15-foot step-back and the 15 and 12-foot ceiling heights, the market would likely take care of those issues. Her biggest concern was the lack of parking for commercial uses. She explained many business people in the city were concerned because parking was so crowded now. The parking study was 4-5 years old and 4-6 new buildings had been constructed since the parking study was conducted. She questioned where commercial customers would park if there were no parking provided on site.

**Bob Smith, Edmonds**, explained clients visiting their business at 2<sup>nd</sup> & James often found it difficult to park within a block. He noted the handicapped space in front of their building provided some assistance. He was surprised to learn of the plans to have no parking requirement for commercial spaces, noting there needed to be parking provided for employees as well as clients/customers. He explained parking was very difficult between Main and Dayton on 2<sup>nd</sup> Avenue due to three new buildings built in that area in the past five years, likely since the parking study was conducted. He did not support eliminating the parking requirement for commercial and recommended the Council consider a reasonable off-street parking requirement for commercial space.

**James Claussen, Edmonds**, remarked the Council’s decisions with regard to zoning and development would determine whether Edmonds attracted healthy businesses and retail, an important part in maintaining the City’s economy and livability as well as maintaining property values. He pointed out Edmonds had a choice how to move forward – status quo with little or no redevelopment ultimately leading to a stagnant and deteriorating city – or promote redevelopment and a viable city and economic climate. He was troubled by the attitude expressed by Councilmembers Dawson, Wambolt, Plunkett and Orvis who appeared to be influenced by ACE and were not open to the opportunity for change. He was particularly concerned about comments made by Councilmember Dawson at the December 12, 2006

meeting and read from a verbatim transcript he had had prepared: “You know if we’re talking about wanting to preserve buildings like Chanterelle’s, why don’t we talk about actually preserving Chanterelle’s because the best way that we can preserve existing buildings in the BD1 is to make it financially not feasible to redevelop buildings. Let’s just call it what it is.” He summarized eliminating future development potential for downtown properties would devalue Edmonds property 75-100%.

**Bill McConnell, Edmonds**, partner and tenant in the 110 James Building, agreed parking was a problem in downtown Edmonds. He noted his employees often have to park three blocks away and they could only obtain a limited number of parking permits. He anticipated the parking problems would become catastrophic if businesses were not required to have parking.

**Roger Hertrich, Edmonds**, commented although the Planning Board discussed parking, there was little to no public comment at that time. With regard to the need for curb cuts to provide access to parking, he pointed out alleys in the BD1 zone could be used to provide access. He noted although the average retail business owner did not get involved in the process, most would not want parking requirements for commercial eliminated in the BD1 zone. Referring to the Council’s recognition that parking should be required for residential uses, he recommended parking also be required for commercial uses in the BD1 zone. He agreed with not requiring any new parking for historical buildings. Next, he referred to parapets and cornices, pointing out the straight line provided via a parapet at the top of the building was necessary to hide roof-top equipment. He relayed a conversation with a person who installs roof top gardens who indicated they were a separate structure built on top of the roof and set back from the edge of the building. He recommended the Council seek the advice of experts regarding issues such as roof top gardens. He recommended additional public hearings to get more people involved.

**Strom Peterson, Edmonds**, commented requiring parking for retail in the downtown core would make it prohibitively expensive for small, local merchants to locate downtown. He recalled when he presented the Chamber’s position and ACE presented their position in February 2006, there was some kind of agreement reached, yet it was now a year later and no decision had been made. He urged the Council to vote on this issue tonight in order to attract new businesses and prevent existing businesses from moving away in frustration.

Hearing no further comment, Mayor Haakenson closed the public participation portion of this item.

Councilmember Plunkett asked whether the proposal was not to require parking for commercial uses only in BD1. Mr. Chave answered no, there would be no parking requirement for commercial in all BD zones. He recalled there were a number of reasons discussed by the Planning Board, including that parking was unlikely to be underground, it would encourage more commercial space, and it was better not to require onsite parking to encourage flexibility. He pointed out the standards in the code were minimums; he anticipated the market would dictate some parking be provided. The Planning Board was concerned that mandating parking would require curb cuts and they recognized there were some locations where parking would not be necessary.

Councilmember Wambolt referred to Mr. Chave’s earlier memorandum regarding the reasons the Planning Board recommended not requiring parking in the BD zones. Mr. Chave pointed out the requirement for residential parking in the BD1 zone was reinstated by the Council last week.

Councilmember Plunkett pointed out there was no definition for transparent and asked whether a railing could be tinted and/or decorative whereby some but not all of it would be transparent. Mr. Chave replied colored glass could still be essentially transparent. He explained the intent taken from the Council’s discussion last week was that the railing could be seen through; therefore, darkly colored glass that was

not see-through would not meet the definition. If the Council wanted, a more definitive definition such as a formula could be developed in the future but he did not feel it was necessary.

Councilmember Orvis referred to the dictionary definition of transparent, which was close to translucent. Mr. Chave advised if an interpretation was necessary, it would be presented to the Council.

City Attorney Scott Snyder explained transparent had a common, dictionary definition. The way it would be presented to the Hearing Examiner would be via an ADB appeal; there would be a factual record made with regard to whether the railing was transparent. He pointed out any vagueness or ambiguity would be resolved in favor of the property owner which would be a broader definition of transparent. He summarized the decision would be made on a case-by-case basis by the ADB, appealable to the Hearing Examiner and to Superior Court based on a dictionary definition which was generally construed in favor of the property owner – if light could pass through, regardless of whether it was colored, it would probably be deemed transparent.

Councilmember Wambolt pointed out the Council had not agreed to rooftop decks, the new wording referred to deck railing within the step-back area.

Councilmember Wambolt disagreed with a comment from the audience that heights were being reduced, pointing out heights were not being reduced, they were just not increased to the extent some people wanted. He pointed out the heights were established at a level that a majority of the citizens supported as indicated by the last election. He referred to the subject of several letters that a 30-foot building should be allowed to be as many floors as could be obtained. He explained in the BD1 zone, there were a total of 48 buildings; 29 one-story, 18 two-story and only one three-story building. He concluded allowing three floors in the BD1 zone would change the character of the downtown area.

With regard to comments that Councilmembers were not architects or designers, he explained Councilmembers were generally not experts and there were staff and/or citizens with more expertise. The role of the Council, like senior management in a business, was to make decisions with the support of knowledgeable staff. He summarized the Council did their best to consider all the facts and use their judgment to make the right decision for the City.

**COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCIL PRESIDENT OLSON, TO RETURN TO THE ORIGINAL PARKING REQUIREMENT FOR THE BD1 ZONE, NO PARKING IS REQUIRED FOR ANY PERMITTED USE WITHIN THE BD1 ZONE. WITHIN THE BD1 ZONE NO CURB CUTS ARE PERMITTED ALONG 5TH AVENUE OR MAIN STREET.**

Mayor Haakenson clarified Councilmember Wambolt's motion was to reinstate the language proposed to be deleted on page 12, Section D (amendment #4 described by Mr. Chave above).

Councilmember Dawson commented the market would address the parking as it was unlikely anyone would purchase a condominium that did not have parking. She pointed out the ordinance did not require the parking be onsite, only that parking be provided for the residential uses. She preferred the parking requirement for residential uses be consistent in all BD zones.

**UPON ROLL CALL, MOTION FAILED (2-5), COUNCILMEMBERS WAMBOLT AND MOORE IN FAVOR; AND COUNCIL PRESIDENT OLSON AND COUNCILMEMBERS PLUNKETT, MARIN, DAWSON AND ORVIS OPPOSED.**

**COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER MARIN, TO APPROVE ORDINANCE NO. 3624 AS PRESENTED THIS EVENING.**

Councilmember Orvis commented although he did not agree with everything in the ordinance, because it was a big piece of legislation, he looked at the big picture – whether this was pushing development closer to what the people of Edmonds wanted to see – which he felt it did overall. He referred to his presentation last year regarding what he wanted the ordinance to accomplish: 1) quality commercial, 2) third floor setback, and 3) open space, and compared these items in the old ordinance to the new ordinance. With regard to commercial requirements, the old ordinance allowed subterranean commercial space; the new ordinance requires the first floors to be at street level. In the old ordinance there was no ceiling height requirement; the new ordinance requires 12 and 15 foot first floor ceiling heights depending on the zone. The old ordinance had a 30-foot depth requirement, the new ordinance has a 60-foot depth and in the BD1 it requires the entire depth. He summarized the new ordinance had better commercial requirements than the old ordinance.

With regard to third floor setback, Councilmember Orvis explained there were no third floor setbacks in the old ordinance, in the new ordinance staff developed a step-back concept for the BD2 – 4 and sometimes BD5. He noted this was a positive step as it would give a three-story building built on an uphill lot the appearance of a two-story building and allow additional light to downtown. With regard to open space requirements, Councilmember Orvis commented that although he would have preferred more open space requirements, he was unsuccessful. However, there was an open space requirement for large buildings and the situation was not any worse under the new ordinance.

Councilmember Orvis displayed two photographs of what he termed “old code buildings,” explaining both had a three story appearance and were 30 feet in height; one building achieved 30 feet via modulation (left picture) and the other via a pitched roof (right picture). In the new code the building on the left would be required to have commercial at the sidewalk level and step-back the third floor, making it difficult to see the third floor from the sidewalk. For the building on the right, the new code would require the subterranean commercial space to be at the sidewalk level and could only be two stories, although there was the potential for three stories on the back side, and the commercial space would need to be 60 feet in depth. He summarized overall those were improvements to the buildings via the new ordinance.

Councilmember Orvis acknowledged there were things in the new code that he did not like, but they would not stop him from approving the ordinance. For example, he did not like the 30-foot flat roof in the BD1 zone. He provided a photograph of two 30-foot buildings, first, a building with a flat roof and a 15-foot first commercial floor, commenting although it was essentially a tall, square, flat, two-story building it looked very nice because it had historic architectural features. The second picture was a building that was allowed by the old code – a sunken first floor with two stories of condominiums with a pitched roof. If he had a choice between the two buildings, he preferred the building depicted in the first photograph, noting that building could likely be constructed with a lower height requirement but even at 30 feet it looked better than the three-story pitched roof building.

Councilmember Orvis was concerned there was one site in the BD1 where a three-story building with a 15-foot first floor could be accomplished; however, under the old code, the site could be developed with essentially four stories via a sunken first floor and three stories of condominiums.

Councilmember Orvis advised he would also have liked to have had better historical requirements in the BD1, but that was not contained in the old code, so it was not a reason to delay approval of the ordinance. He also wanted a better definition of live/work in BD5, such as floor space requirements to ensure the

result was not a commercial level on the ground floor. He summarized none of these issues would deter him from voting in favor of the ordinance as it was a step in the right direction.

Councilmember Marin commented it had been a long, tedious, three-year process to reach this point and was excited that it appeared there would be a unanimous decision to pass the ordinance. He commented the major driver for him three years ago was ensuring there was viable retail space in the downtown retail core. He recalled consultants informed the Council that increasing the ceiling height in the commercial space downtown was essential for retail space. He acknowledged there had been trade-offs in the process, such as the loss of the third floor via the new ordinance. The old code allowed a developer to squeeze three floors into 30 feet, but it was done at the expense of what was hoped to be retail space but ended up being office space. He noted although the process seemed painful at times and people had been grumpy with each other at times, there had been good dialogue over the past years and, via this public process, the Council arrived at a good compromise and a good solution.

Council President Olson advised she would vote in favor of the ordinance because she was thrilled the Council was finally moving forward. She was not happy that there would not be any roof gardens or parapets or cornices to hide the mechanical equipment and feared the result would be unattractive buildings. She hoped those issues could be addressed at a later date as those elements would be an asset to the city.

Councilmember Moore agreed with Councilmember Marin's summary of the last three years. She disagreed it was a compromise and would support the ordinance for the practical reason the city needed to adopt the ordinance and repeal the moratorium. She pointed out the requirements in the ordinance were not in touch with the economic reality. She asked the Council what vision this code supported, observing it seemed to be more about what the majority of the Council did not want for downtown rather than a vision for an economically viable future. She reiterated she would support the motion out of practicality, not because she liked it.

Councilmember Dawson commented it appeared no one's heart's desire was met by the new code and everyone had things they would have rather have had in the code but that was the legislative process. She was originally uncertain whether she would vote in favor of the ordinance because there were a lot of issues she found troubling. She recalled Mr. Hinshaw recommending a 25-foot height restriction in the BD1 zone because that area was so precious it needed to be preserved. She was disinclined to support the ordinance because 30 feet without any incentives for preservation was too much. She was persuaded by Councilmember Orvis' comments and agreed the city was moving in a direction that would preserve the downtown as the place that everyone loved. She noted the process, although painful and drawn out at times, resulted in wins and losses for each Councilmember, but that was the result of different opinions on the Council and working through to a consensus. She would support the motion in order to move past some of the animosity that had taken place on the Council and move forward with preserving the character of downtown Edmonds.

**MOTION CARRIED UNANIMOUSLY.**

Ordinance  
No. 3625

**4. ORDINANCE NO. 3625 REPEALING ORDINANCE NO. 3608 ESTABLISHING A MORATORIUM WITHIN THE CITY'S CENTRAL BUSINESS DISTRICT**

Mayor Haakenson recalled a motion was made to table this item and asked whether a motion to remove it from the table was necessary. City Attorney Scott Snyder explained it was not because it was tabled to a date certain.

Planning Manager Rob Chave advised this ordinance would repeal the current moratorium.

Councilmember Dawson recalled discussion regarding historic preservation design guidelines. Given the current basis for the moratorium and the Council's action to address the issues that were the basis for the moratorium, Councilmember Dawson asked whether the Council was required to repeal this moratorium. Mr. Snyder explained the record for extending the moratorium was based on the need to amend the BD zone which had been accomplished. He suggested if the Council wanted to enact a moratorium to preserve certain structures downtown that it be done via a separate action with a separate legislative record as there was nothing in the record currently to support such a moratorium. He pointed out the current moratorium did not prevent the demolition of structures; it was solely a moratorium on structures over 25 feet that utilized modulated design; therefore, the record would not support the moratorium as it exists or a moratorium on historic structures.

Councilmember Dawson clarified there was no basis in the record to continue the current moratorium. Mr. Snyder agreed there was not. Mr. Chave pointed out upon the effective date of the ordinance, there would no longer be a BC zone. Councilmember Dawson pointed out there were other areas of the code where reference to the downtown BC zone would need to be amended.

**COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, FOR APPROVAL OF ORDINANCE NO. 3625, REPEALING ORDINANCE NO. 3608 THAT ESTABLISHED A MORATORIUM WITHIN THE CITY'S CENTRAL BUSINESS DISTRICT.**

Councilmember Plunkett advised he would support the motion. He noted some people hoped the moratorium would not be lifted as there were two remaining issues to be address – historic design standards and an issue with the arts corridor. He explained historic design standards would be presented to the Council from the Historic Preservation Commission that potentially could be incorporated into the code for BD1. With regard to the arts corridor, he noted the resolution of that issue would require review by the Planning Board.

Councilmember Orvis commented that prior to the explanation by Mr. Snyder he was planning to vote against the motion as he wanted to retain the moratorium on the BD1 until historic design standards were in place and the issues in the BD5 were addressed. He recommended moving forward on those issues quickly.

Councilmember Dawson shared Councilmember Orvis' concerns, commenting it would behoove the Council to move forward on those issues as soon as possible.

**MOTION CARRIED UNANIMOUSLY.**

Mayor Haakenson declared a brief recess.

**5. PUBLIC HEARING ON THE PLANNING BOARD RECOMMENDATION TO DENY AN APPLICATION BY TONY SHAPIRO TO CREATE TWO NEW ZONES FOR THE EDMONDS WAY CORRIDOR**

As this was a quasi judicial matter, Mayor Haakenson asked whether under the Appearance of Fairness Doctrine any Councilmembers had any ex parte or conflicts to disclose.

Councilmember Orvis disclosed Mr. Shapiro contacted him by telephone but he made no commitment either way.

Councilmember Plunkett disclosed Mr. Shapiro contributed \$300 to his reelection campaign in 2001.

Request on  
Zoning for  
Edmonds  
Way  
Corridor

Councilmember Dawson disclosed that all Councilmembers had received a substantial amount of correspondence on this issue.

Councilmember Wambolt advised Mr. Shapiro called him a few weeks ago, they had a brief conversation before he presented to the Planning Board.

Councilmember Plunkett asked whether consideration of a new zone was legislative. City Attorney Scott Snyder explained rezones were unique; this portion of the Council's decision was legislative. He requested Mayor Haakenson ask Councilmembers to reveal any ex parte contact or conflicts to place them in the record because this two-step process was a mixed legislative and quasi judicial process.

Mayor Haakenson asked if there were any objections to the participation of Councilmembers Orvis, Plunkett or Wambolt. There were no objections voiced and Mayor Haakenson advised all Councilmembers were approved for deliberation.

Planning Manager Rob Chave explained the applicants originally requested a new zone and a rezone for a specific property. During the Planning Board process, the applicant withdrew the site specific rezone and elected to reconfigure and bring forward the new zones on their own merits. The Planning Board public hearing on the new zones was held on December 13, 2006 and a majority of the Planning Board (3-2 vote) recommended the new zones not be created. Staff recommended approval, finding the new zones a better fit versus the current zones and that they had the potential for successful application.

For Councilmember Plunkett, Mr. Chave advised that up to 2020, the City had the capacity to meet its growth targets.

Mr. Snyder advised because this was a legislative action, the applicant had the burden of persuasion and there was no opportunity for rebuttal.

#### Applicant

**Kevin Grossman, Valhalla Partners LLC**, explained they were interested in creating homes for families and spaces for small businesses. He explained their application was a request to create two new zones – RM Edmonds Way and BC Edmonds Way. He explained they had been involved in this process for approximately eight months, a process that included many meetings with neighbors, informal and formal meetings with the Planning Board, formal meeting with the ADB, and numerous meetings with planning staff. Staff recommended approval to the Planning Board of the two new zones. The Planning Board did not recommend approval; their most articulated reason was whether they had direction from the Council to create additional zones. There were also concerns expressed with regard to whether the additional BC height was appropriate. Planning Board members also voiced support with regard to the goals of the new zones, such as assisting with affordability, codifying environmental requirements, and focusing growth along a high traffic corridor where it had the least impact on established neighborhoods. He noted the Planning Board minutes in the Council packet contained further detail regarding the Board's discussion.

Mr. Grossman described the neighborhood participation, advising there were seven formal meetings and numerous ad hoc meetings. Staff's recommendation includes substantial mitigation to respond to the neighbors' concerns and substantial benefits to the community via the proposed revision to the BC and RM zones in the Edmonds Way Corridor. He explained the new zones allowed a property owner to better meet the needs of Edmonds' citizens by providing housing alternatives, affordable home ownership, apartment home options and spaces for businesses along Edmonds Way.

He described how the new zones met the Comprehensive Plan goals for the Edmonds Way Corridor, including locating density on arterials, heights consistent with adjacent properties except where there are topographic or vegetative buffers, protecting views and residential privacy, avoiding stereotype boxy residential units, encouraging neighborhood and service businesses, discouraging strip retail, and providing a range of housing alternatives. He pointed out the primary problem with the current RM zone was it encouraged boxy apartments rather than townhouse style development. The height available under the existing zone for a box was greater than allowed for a townhome due to the way heights were calculated; a box tucked into the hillside allowed a higher building height based on the average lot grade. Breaking the development into smaller buildings that were distributed around the site lost the advantage of the additional height. He noted the new zone also addressed tree presentation and landscaping which were not addressed in the existing zone.

The RM-EW provides for homes on the flat section of the site based on a similar height calculation for a building set into the hillside. The zone encourages interior parking, which is beneficial not only for aesthetics but livability, and also encourages substantial tree preservation in buffer areas. He recalled the issue of tree preservation was raised at the neighborhood meetings. Many of the sites along Edmonds Way have substantial evergreens; however, the current zoning does not address tree preservation.

Mr. Grossman explained the problem with the current BC zone was that despite the significant grade change between Edmonds Way and the rear of the property on many undeveloped/underdeveloped sites, there was no ability to design a functional fourth floor which substantially impacts the affordability for the businesses and families who would occupy the buildings. Land prices have escalated to the point where creating homes for rent was very difficult; land costs force development of condominiums on most sites. The additional height, subject to the grade change, would only occur if it were tucked into a hillside to minimize the impact on the adjacent neighborhood. The result would be more affordable housing and business spaces.

The current BC zone encourages boxy buildings that maximize the volume of the building within the current height limit. In the existing BC zone, properties are constructed to the property line. Their proposal would require buildings be set back at grade level as well as above the second floor. The BC-EW also specifies substantial landscaping and building insets to ensure interesting design and does not allow additional height unless there was a substantial grade change. The natural topography of the corridor allows both zones to provide additional esthetic, landscaping and environmental benefit to the families in existing neighborhoods as well as families in the newly constructed homes.

He displayed a conceptual drawing of the project on 232<sup>nd</sup> that initiated the process and identified the height visible from the adjacent neighborhood and the height at Edmonds Way. Due to the substantial grade change, only approximately the top two stories or about 25-30 feet were visible from the neighborhood. He noted the neighborhoods would not see any more or possibly less than if the site were developed as BC. The new zone would allow more affordable townhomes in the RM-EW zone and apartments and business space in the BC-EW.

Mr. Grossman reviewed the process to develop the new zones, including notices mailed to 120 residents around the original concept project site. The radius required by the City is 300 feet; they mailed to property owners within 500 feet to invite participation and input from the adjacent neighborhood. Five large space formal meetings were held as well as two smaller meetings with property owners with specific concerns such as traffic. Meetings were also held with the traffic engineer to address concerns specific to 232<sup>nd</sup>. He explained locating this project on Edmonds Way directed the majority of the traffic to a high traffic existing corridor.

He provided a list of outreach meetings with the public and staff since May 2006. He explained concerns raised by the neighbors included traffic, trees, height and density. Two immediate adjacent neighbors to the potential project on 232<sup>nd</sup>, who although they preferred nothing be built on the site were aware the site would be developed, were in favor of the solutions proposed. One of the adjacent neighbors still had concerns and submitted a letter contained in the Council packet. He commented at last count there were 11 letters of support and eight letters expressing opposition. He noted the number of letters in the packet were misleading as some households provided multiple letters.

With regard to traffic, Mr. Grossman explained locating additional density on Edmonds Way was appropriate because of the existing arterial infrastructure; Edmonds Way was a high capacity, underutilized arterial with tremendous capacity. Most of the traffic from development in these zones would enter on to Edmonds Way. The project that initiated this issue also had some traffic existing on to the side street which caused concern for the neighbors because 232<sup>nd</sup> was a fairly quiet street. He noted due to a misunderstanding, several of the neighbors' letters addressed a 25% increase in the traffic from this one project. The traffic engineer anticipated a 2.5% increase in traffic per year over ten years, independent of the project. The traffic impact on 232<sup>nd</sup> associated with the specific project was 7% or 9 peak hour trips.

Their traffic engineer and the city's traffic engineer were in agreement with regard to Edmonds Way access and safety. He noted most projects that would utilize the new zone would decrease the number of curb cuts, thereby improving the safety of access onto Edmonds Way.

Another concern voiced at the neighborhood meetings was tree preservation. He explained there were currently no requirements for tree preservation. Their proposal would retain trees and codify the requirement for tree preservation in setback areas. They also included a requirement for low impact development where feasible.

With regard to concerns voiced about building height, he explained the additional height would be limited to locations with substantial topographical changes where buildings were tucked into the hillside, minimizing the impact on the adjacent neighborhood. He displayed a drawing of a conceptual four-story building, illustrating the grade change between Edmonds Way and the adjacent neighborhood. He noted in the current concept for the specific site, the amount of the building visible to the adjacent neighborhood was less than the height of most of the two-story, pitched roof homes in the neighborhood.

With regard to setbacks, in the BC-EW zone at-grade setback would be required in addition to a setback above two stories. The intent was to soften the visual impact to pedestrians and vehicles on Edmonds Way. The impact from the street would be less than if development occurred under the current BC zone which allows buildings 30 feet straight up at the property line. He displayed a drawing illustrating how the setback minimized the appearance of height.

With regard to concern with increased density, he acknowledged there may be some increased density possible in BC-EW zone; however, in the RM-EW zone, there was no increase in density, just design flexibility to avoid a boxy building. He noted the BC-EW would allow provide sufficient height for a fourth floor for residential use rather than squeezing in a pseudo fourth floor loft space under the current BC zone, more units could be provided more comfortably. He noted there was nothing under the current BC zone to preclude the development of just as many very small, less livable units.

He displayed a comparison of RM-EW with RM 1.5 and BC-EW with BC, noting the BC-EW allowed a 45-foot height if it was tucked into the hillside. He displayed an example of an existing, three-story,

pitched roof project in the Edmonds Way Corridor that was approximately 50-55 feet above the street/sidewalk grade.

Mr. Grossman summarized their goal was to minimize the impact on the neighborhood, yet maximize the opportunity provided by the Edmonds Way arterial and topography changes and recognize Edmonds Way as a logical place for new development. As staff indicated in their recommendation to the Planning Board, they believe the proposed zones provide substantial benefit to the community via imposing additional requirements and the height increases are modest relative to the additional benefits. He hoped the Council would agree that the tree preservation, sustainable building, increased affordability, flexibility in the variety of housing types, and additional small businesses spaces represented a better solution to meet the City's GMA targets and was consistent with the City's adopted Comprehensive Plan.

Mayor Haakenson clarified this was not a site specific application or a design review; the photographs Mr. Grossman displayed were only examples of development that would fit within the zones they proposed.

Councilmember Dawson referred to Mr. Grossman's comment that Edmonds Way was a substantially underutilized traffic corridor, asking whether there was any information in the Council packet to substantiate that claim. Mr. Grossman advised it was the result of conversations with their traffic engineer with regard to the capacity of SR 104 compared to its current utilization. Councilmember Dawson commented it did not seem that Edmonds Way was underutilized and she had seen data regarding necessary upgrades to the corridor.

Councilmember Plunkett asked why they did not take their application through the Comprehensive Plan process. Mr. Grossman answered that process was too long.

Mayor Haakenson opened the public participation portion of the public hearing. He advised the Council had received numerous letters and emails which were included in the packet. The Council also received two letters tonight, one from Mary Crane in support of the application and one from James Claussen in support of the application.

**Charles Naslund, Edmonds**, encouraged the Council, as they did with development in the downtown corridor, to take adequate time to consider the merits of development in other areas of the city. From his perspective the impacts of development on SR 104 on the residential communities were not adequately considered. He encouraged Councilmembers to drive on 232<sup>nd</sup> SW, which he noted was already being used as a shortcut between SR 104 and 100<sup>th</sup>, and he anticipated that by driving on 232<sup>nd</sup>, Councilmembers would see that a development of this size was not plausible for that area. He was not opposed to development but wanted it structured to fit within the neighborhood.

**Gary Gibson, Edmonds**, commented the residents in his neighborhood understood that SR 104 and their neighborhood was an appropriate place for development as there were a number of vacant lots and lots in disrepair and they welcomed responsible, measured development in that area. He noted this item was in regard to the proposed zones although Mr. Grossman spoke about a specific project. He questioned whether it was appropriate to approve zones that were developed to suit the needs of a developer for a specific project and spread the zones along Edmonds Way. Although a number of neighborhood meetings were held, only the property owners within the radius of the specific project were invited to participate; if the intent was new zones that would apply along Edmonds Way, all property owners adjacent to Edmonds Way should be invited to participate. He questioned whether the Planning Department would give the same level of consideration to all developers' request to create new zones to suit their needs. He commented the challenges/opportunities he experienced developing one property

were similar to the challenges/opportunities a developer experienced. He questioned how many zones would be allowed in an area. He advised there were further details regarding his comments in the letter he submitted today including scenarios where the heights allowed by the two proposed zones, particularly the BC-EW zone, would obstruct views. He urged the Council to apply height restrictions evenly across the city.

**Susan Brooks, Edmonds**, commented she and her neighbors were astonished that 4½ stories would be proposed on the Edmonds Way corridor. With regard to preservation of trees, she referred to the removal of trees on Pt. Edwards. She envisioned this type of development would detract from downtown Edmonds and the draw of this nice quaint area. She did not support the proposed zones.

Hearing no further public comment, Mayor Haakenson closed the public participation portion of the public hearing.

Councilmember Plunkett commented the applicant's answer to his question about why the applicant did not go through the Comprehensive Plan process was not a compelling reason to circumvent the Comprehensive Plan process. He recalled new zones had been created via the Comprehensive Plan review; this application was a standalone application outside that process. He was unable to consider the zones' merits until the applicant went through the Comprehensive Plan review process which invites and engages the entire community, appropriate because zones were applicable citywide. In this instance, citywide participation has not occurred. He summarized this neighborhood deserved the same attention and care that was given to downtown. He did not support setting precedence with this application when the Council had just completed establishing zones downtown via a process that involved the entire community.

**COUNCILMEMBER DAWSON MOVED, SECONDED BY COUNCILMEMBER ORVIS, TO DENY THE APPLICATION TO CREATE TWO NEW ZONES FOR THE EDMONDS WAY CORRIDOR.**

Councilmember Dawson shared some of Councilmember Plunkett's concerns, pointing out the City had initiated a process with other neighborhoods in the City, such as Firdale and Five Corners, which would be appropriate for this area.

Councilmember Marin commented he was intrigued by the possibility of having more affordable housing in the city. He was hopeful if the proposal was denied it would not be completely killed and would have an opportunity to return via the Comprehensive Plan process.

Councilmember Wambolt asked how much time the Comprehensive Plan process took. Mr. Chave answered the deadline to submit a Comprehensive Plan amendment this year had already passed. Absent specific direction from Council regarding the timeline, it would be 2008 before the applicant could reapply, a 1½ - 2 year delay.

Councilmember Dawson commented there were a lot of excellent things about the proposal, such as affordable housing. However, there was no information provided that addressed why this would create more affordable housing other than a four-story building would be inherently more affordable, which she noted was not necessarily the case. She supported the concept of incentives for green building, but there was little in the application that defined sustainable building. She also liked the concept of tree presentation but questioned whether the statement that 35% of existing healthy significant trees would be preserved was adequate to preserve trees. Although there were a lot of great ideas, there were insufficient details and the proposal went too far with regard to increased density and not far enough with regard to tree preservation. Her primary concern was the statement Mr. Grossman made that SR 104 was an

underutilized corridor, which did not correspond with other data regarding needed improvements in the corridor.

Council President Olson commented the proposal was a great idea and she supported it. She pointed out the application was for a zone, not a specific building. She supported development that would provide affordable housing and apartments, noting apartments were being lost in Edmonds. She noted the Edmonds Way corridor was not that attractive and needed redevelopment. She objected to asking a property owner to delay their plans one and a half to two years.

Councilmember Plunkett pointed out the extended timeline for a Comprehensive Plan amendment was the result of the applicant choosing to hold neighborhood meetings instead of submitting an amendment at the end of 2006.

Councilmember Wambolt commented he had driven through this area; there were some nice homes and other areas needed to be redeveloped. He acknowledged no one ever wanted increased density; however, GMA was a factor to be considered. Although the City currently complied with its GMA targets, Vision 2020 would require the City to absorb additional density. In recent years, the City had the benefit of developments such as the Unocal site to meet its targets. He agreed more affordable housing would be possible in this area because the land would not demand the prices of downtown. Even though the land was less expensive, the cost of building was the same; therefore, increased density was necessary to make a project feasible. He pointed out the purchase price for residences in that area would be considerably lower than what was attainable in the bowl area.

Mr. Chave explained this was a proposed amendment to the development code which can be made at any time. It could be done via the Comprehensive Plan process but it was not required.

Councilmember Wambolt asked the advantages of the Comprehensive Plan process, recalling Councilmember Plunkett's inference that more people would be involved. Mr. Chave commented people tend to get involved in more specific issues; it was difficult to motivate people to be involved for an amendment in the general corridor. He noted this application generated a great deal of interest because it began with a site specific rezoning. The Comprehensive Plan process is one alternative, a code amendment process is another. He noted staff encouraged the applicant to seek input from the neighbors and these applicants did an admirable job in that regard.

Councilmember Wambolt pointed out although the Planning Board voted 3-2 to deny the application, staff recommended approval.

Mayor Haakenson asked Mr. Chave to describe the next steps if the Council approved this application. Mr. Chave explained for staff the basis for approving the application was to better implement the Comprehensive Plan or at least as well as any other zone. Once the zones were created, individual applications would be required to rezone specific properties. The same hearing process before the Planning Board and City Council would occur for a rezoning and would consider the specific site, etc. After the rezoning, an applicant would submit a specific building project which would also have a public hearing process via the ADB. He summarized establishing the zones would be the first in a long line of potential processes, all requiring public hearings.

Councilmember Marin spoke against the motion to deny the application, commenting Edmonds was one of approximately 70 cities that were participants in the Puget Sound Regional Council (PSRC), the municipal planning organization in this region, and as members had been involved in studies regarding the future of the region. He acknowledged the region would change over the next 20 to 30 years and

rather than retain the old codes that were very limiting and did not work well on certain sites, the proposed zones would address the specific challenges in this corridor. He anticipated the proposed zones would be beneficial in controlling new development in ways that were more appealing and more in keeping with the city's future needs.

Councilmember Dawson commented if there were a requirement that a certain number of housing units be set aside for affordable housing, she would be in favor of the proposal. The proposal did not do that and there was nothing to ensure affordable housing would be the result in these zones. She pointed out there was a tremendous difference between affordable housing and housing that was cheaper than the downtown bowl, which was some of the most expensive housing in the region. She noted a \$400,000 condominium versus a \$1 million condominium did not make it affordable housing – the fact that the housing would be less expensive did not equate to affordable housing, which was a specific term with a specific meaning. She would be supportive if there were incentives for green development; however, the statement that low impact development would be provided where reasonably feasible was not enough assurance. She summarized there were great ideas proposed but there were not requirements to ensure they occurred. She concluded she may be able to support the proposal with more detailed requirements.

Councilmember Moore planned to vote against the motion. She acknowledged there was a common definition of affordable housing, housing that was affordable to low income residents. There was another type of affordability, housing her children could afford such as a \$300,000 condominium. These zones would provide housing that was affordable on that level.

Councilmember Moore referred to the recommendation from staff and the Mayor contained on the agenda memo and asked Mayor Haakenson why he recommended approval. Mayor Haakenson noted the letter submitted by Mary Crane addressed several valuable points. He read from Ms. Crane's letter which stated she attended three neighborhood meetings and was now familiar enough with the project and the City's plans for the Edmonds Way corridor to offer her opinion. Although construction and development did not appeal to her, she understood eventually the Edmonds Way corridor would be developed; therefore, controlled development did appeal to her. If development must happen and population growth was inevitable, she preferred it occur on the corridor rather than in her immediate neighborhood. Thin homes and subdivided properties were a worse problem than urbanizing corridors. Mayor Haakenson pointed out this Council and previous Councils had done an amazing job of preventing subdivision of residential lots by creating opportunities for housing growth, such as Pt. Edwards, condominiums downtown, and on the Edmonds Way corridor.

Mayor Haakenson continued with Ms. Crane's letter, if the new zoning laws could guarantee 35% or more of the trees would be retained, design the buildings away from the street edge, and buildings above stories must set back, she was in favor of the new zone. She believed the new zone would provide developers a greater measure of freedom in design. As much as she believed affordable housing was important to future generations, she did not like block housing and simple design. She urged the Council to keep the Edmonds Way corridor looking upscale with creative and interesting building designs.

Councilmember Moore concurred with the comments made in Ms. Crane's letter.

Councilmember Wambolt clarified if he said affordable he misspoke, he meant more affordable. He pointed out the Comprehensive Plan contained goals that were not achievable. For example, a goal for Edmonds Way corridor was the more intensive development that occurs along the corridor should not interfere with the flow of through traffic or intrude into the adjoining established community. He advised he would vote against the motion.

**UPON ROLL CALL, MOTION FAILED (3-4), COUNCILMEMBERS DAWSON, ORVIS, AND PLUNKETT IN FAVOR; AND COUNCILMEMBERS WAMBOLT, MARIN, MOORE AND COUNCIL PRESIDENT OLSON OPPOSED.**

**COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, TO APPROVE THE CREATION OF TWO ZONES WITH THE MODIFICATIONS RECOMMENDED IN THE STAFF REPORT AND DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE FOR ADOPTION.**

Councilmember Dawson suggested the Council require more specific language than 35% of the existing healthy significant trees will be retained, such as preserve 35% of the existing healthy trees. Mr. Chave clarified in the RM zone significant trees were defined as any tree with a caliper greater than 6 inches measured 4 feet above grade. There was also language regarding where it was not feasible for the applicant to retain 35% of the trees. Councilmember Dawson commented the language sounded like what happened on the Pt. Edward's site, it was not enough protection.

Mayor Haakenson clarified the developer of the Unocal site had the permission to remove the trees but did it at the wrong time. He suggested the Council not make comparisons to that situation.

**UPON ROLL CALL, MOTION CARRIED (4-3), COUNCILMEMBERS MOORE, MARIN, AND WAMBOLT, AND COUNCIL PRESIDENT OLSON IN FAVOR; AND COUNCILMEMBERS ORVIS, DAWSON, AND PLUNKETT OPPOSED.**

**6. AUDIENCE COMMENTS**

Audience  
Comments

**Roger Hertrich, Edmonds**, asked Mayor Haakenson to clarify what he said with regard to the removal of trees on the Unocal property. He considered it wrong to rape the hillside and questioned why the developer had been required to pay a fine if they were allowed to remove the trees. He asked Mayor Haakenson to explain why he was trying to “bamboozle” the crowd.

**Tony Shapiro, Edmonds**, disagreed the Comprehensive Plan process would result in more involvement by the community. They had had extensive meetings with the neighborhood and welcomed and encouraged input from the neighbors. The proposed zoning responded to the Comprehensive Plan designation of Edmonds Way Corridor that was created in 2001, a designation that never had any specific zoning created for it. He disagreed with the idea that they created a zone that did not have an applicable Comprehensive Plan designation, pointing out the opposite was true – there was a Comprehensive Plan designation with no specific zoning. He concluded they worked with staff and the community to propose zoning that responded to the needs of the Edmonds Way Corridor and the city. He was surprised by the assertion they were not doing due diligence via working with the neighborhood. He looked forward to further discussion with the Planning Board, the Council and the neighbors via this process.

**7. REPORT ON CITY COUNCIL COMMITTEE MEETINGS**

Community Services/Development Services Committee

Street  
Lighting

Councilmember Marin advised staff provided a report on the cost of street lighting on Main Street between 5<sup>th</sup> and 6<sup>th</sup>. He recalled during the budget process the Council approved \$75,000 for the street lighting; the engineer's estimate for the entire project was \$242,000. The Committee asked staff to continue to study the project and retain the \$75,000 for the project in the future.

Finance Committee

Councilmember Orvis reported he was selected to Chair the Committee. The Committee discussed the upcoming General Obligation Bond; of special interest was the 2007 Energy Conservation Project that would change traffic lights to LED bulbs which use less energy and require less frequent replacement. This was approved on tonight's consent agenda. Next the Committee discussed changes to the utility code including suspension of billing for vacant dwellings, low income definition and delinquency charges. These will be presented to the full Council at a future meeting.

## **8. MAYOR'S COMMENTS**

Mayor's  
Comments

Mayor Haakenson suggested anyone could go to the Planning Department and look at the report regarding the trees that were cut on the Unocal site. He explained the City approved an arborist report that allowed the developer to remove the trees at a certain point after replanting occurred. The developer removed the trees ahead of schedule, before replanting had occurred, and they were fined.

Mayor Haakenson relayed it had been a difficult few days for Public Works crews. He explained de-icer could only be applied when the roads were dry and could not be applied on top of snow, ice, sleet or rain. Sanding occurred according to the City's priority schedule which resulted in many residential streets not being sanded. He commended the Public Works crews who worked day and night under difficult conditions. He explained the sanding truck could not get up steep streets that were iced over. When the snow was gone, staff would reassess the priorities. He commented this was the longest stretch of snow and ice on the ground in 30 to 40 years.

## **9. COUNCIL COMMENTS**

Winter  
Storm  
Response

Council President Olson commented after watching Public Works Director Noel Miller on the news and his offer for residents to call the City to request their street be sanded, her husband called and Public Works arrived an hour later to sand their street. She assured her husband identified himself only as Mr. Olson and did not receive any special treatment.

Councilmember Wambolt commented the City did a good job of snow/ice removal and citizens would not want to pay the taxes that would be required to provide the resources to address the entire City when a storm like this happens only every 20 to 30 years.

Mayor Haakenson commented on emails he had received from residents that their taxes paid for the services. He invited them to review the City's budget to see how their tax dollars were used; property taxes did not even cover fire and police services. He commented everyone would be shocked by their PUD bills because PUD would recoup the costs of restoring power following the windstorm.

Councilmember Orvis expressed his thanks to staff.

In response to Councilmember Dawson's comment about tree preservation, Councilmember Marin described his experience building a house in Kent that required tree preservation. He was certain after the house was built the owner would have to remove several of the trees because they were too close to the house. He commented on the importance of consulting an arborist to determine what trees were appropriate to retain on a site.

Preserving  
Trees

Councilmember Dawson commented the Council either needed to get real about tree preservation or not. If the Council did not want to preserve trees, there should not be any requirement for tree preservation in the code. If the Council wanted to preserve trees, the preservation requirements needed to be realistic and

specific. She also did not want to call something affordable housing if it was just a cheaper version of an expensive place to live. She did not want to refer to green building if there were no specific requirements.

Councilmember Moore thanked the Council, Mayor Haakenson and staff for allowing her to participate via telephone.

**10. ADJOURN**

With no further business, the Council meeting was adjourned at 9:47 p.m.