

EDMONDS CITY COUNCIL APPROVED MINUTES

February 6, 2007

Following a Special Meeting at 6:30 p.m. for an Executive Session regarding a legal matter and to meet with Sister City Candidates at 6:45 p.m., the Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Haakenson in the Council Chambers, 250 5th Avenue North, Edmonds. The meeting was opened with the flag salute.

ELECTED OFFICIALS PRESENT

Gary Haakenson, Mayor
Peggy Pritchard Olson, Council President
Richard Marin, Councilmember
Mauri Moore, Councilmember
Deanna Dawson, Councilmember
Dave Orvis, Councilmember
Ron Wambolt, Councilmember

ELECTED OFFICIALS ABSENT

Michael Plunkett, Councilmember

STAFF PRESENT

David Stern, Chief of Police
Duane Bowman, Development Services Director
Brian McIntosh, Parks & Recreation Director
Rob Chave, Planning Manager
Dave Gebert, City Engineer
Frances Chapin, Cultural Services Manager
Scott Snyder, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

1. APPROVAL OF AGENDA

COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER MOORE TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY.

2. CONSENT AGENDA ITEMS

Council President Olson requested Item E be removed from the Consent Agenda.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER MOORE, FOR APPROVAL OF THE REMAINDER 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 23, 2007.**
- C. **APPROVAL OF CLAIM CHECKS #93712 THROUGH #93977 FOR FEBRUARY 1, 2007 IN THE AMOUNT OF \$835,169.15.**
- D. **ACKNOWLEDGE RECEIPT OF CLAIM FOR DAMAGES FROM DIANE VAN NATTER (AMOUNT UNDETERMINED).**
- F. **ORDINANCE NO. 3626 AMENDING THE PROVISIONS OF SECTION 10.20.010(B) AND 10.20.020 TERMS OF MEMBERSHIP (C) TO MAKE CHANGES TO THE RULES GOVERNING THE APPOINTMENT AND SERVICE OF COMMISSIONERS ON EDMONDS CIVIC ARTS COMMISSION.**

Approve
1/23/07
Minutes

Approve Claim
Checks

Claim for
Damages

Ord# 3626
Arts
Commission

Interurban Trail
Project – Quiet
Title Action

G. AUTHORIZATION FOR CITY ATTORNEY’S OFFICE TO COMMENCE A QUIET TITLE ACTION IN SNOHOMISH COUNTY SUPERIOR COURT TO QUIET EDMOND’S TITLE TO THE PORTIONS OF PACIFIC NORTHWEST TRACTION COMPANY RIGHT-OF-WAY RECEIVED BY THE CITY FROM THE SNOHOMISH COUNTY PUBLIC UTILITY DISTRICT NO. 1 BY QUIT CLAIM DEED FOR THE PURPOSE OF CONSTRUCTION, OPERATION AND MAINTENANCE OF THE INTERURBAN TRAIL PROJECT WITHIN THE CITY OF EDMONDS.

Traffic Impact
Fee Annual
Report

H. TRAFFIC IMPACT FEE ANNUAL REPORT.

Sister City
Commission
Appointments

ITEM E: CONFIRMATION OF SISTER CITY COMMISSION CANDIDATES CLARE LONG AND ELIJAH ZUPANCIC.

Parks & Recreation Director Brian McIntosh, liaison to the Sister City Commission, introduced Sister City Commission Chair Jeanne Mazzoni. Ms. Mazzoni introduced the two new Commissioners, Clare Long and Elijah Zupancic, and described their backgrounds. Ms. Mazzoni also introduced Sister City Commissioners Jim Corbin and Iyoko Okano in the audience.

Mayor Haakenson thanked the Commissioners for volunteering.

Greater
Edmonds
Chamber of
Commerce

3. PROCLAMATION IN HONOR OF THE GREATER EDMONDS CHAMBER OF COMMERCE WEEK, FEBRUARY 4-10, 2007.

Mayor Haakenson read a Proclamation declaring February 4 – 10, 2007 as Greater Edmonds Chamber of Commerce Week and presented the proclamation to Police Chief David Stern, Chamber President. Chief Stern recognized Chamber members Wayne Purser, Chris Fleck, Dave Arista, Strom Peterson and Ron Clyborne who were also present. He also introduced the Chamber’s Executive Director Jan Vance and staff member Carolyn LaFave who distributed centennial pins to the Council.

Chief Stern explained the pin was commissioned for the 100th anniversary of the Chamber. The Chamber, originally the Board of Trade, began in 1904 and was officially recognized as a Chamber of Commerce on February 6, 1907. He provided highlights of the Chamber’s history, remarking from the beginning the Chamber had been a community-oriented organization. In 1907 the Chamber purchased several large parcels of waterfront acreage to induce industry to move to the City. Sales of that parcel and others were used to purchase a 10-acre site for use as a park, known today as City Park. It was also the site of the first 4th of July function in 1907.

During the first few years, the Chamber also assisted with transportation in the City; the Chamber paid \$400 to secure a railroad spur on Chamber-owned property which resulted in a railroad depot at the intersection of Railroad and James in 1909. In the early 1920s the Chamber worked with the City to obtain an easement for a ferry dock; construction of the dock cost approximately \$9,250 and opened on May 16, 1923 with a 12-car, 56-foot boat called the City of Edmonds. In 1960 the Chamber elected Peggy Harris as one of the first women Chamber presidents in the United States. He invited the public to learn more about the history of the Chamber at their 100-year banquet.

Design Review
Guidelines

4. DISCUSSION ON THE PLANNING BOARD RECOMMENDATION ON THE DESIGN REVIEW GUIDELINES.

Planning Manager Rob Chave described the history of this issue, explaining in 1993 the court case *Anderson v. Issaquah* highlighted the need for predicable design standards and a process to be followed. Since the court decision in that case addressed an ordinance essentially copied from Edmonds’ ordinance, it was felt necessary to make some revisions to the City’s ordinance. In 1999 the City Council

commissioned a study by Cedar River Associates who addressed the general design guidelines and design process. Their conclusions emphasized the need for design guidelines that were specific enough that developers knew what was expected and a process where design review occurred at the beginning rather than the end to allow influence of the design rather than reacting to a design that was presented.

The Council then hired Cascade Design in 2000 to develop design guidelines that could be used by the City. The design guidelines they developed were reviewed by the Planning Board and a recommendation forwarded to the City Council. The Council reviewed the design guidelines in 2002 at which point there was a divergence of opinion; several members of the design community/developers were concerned the proposed design guidelines were too specific and would impinge on design flexibility. The specific design guidelines were then tabled and a portion adopted as part of the update to the sign code in 2003. The remainder of the design guidelines has been on hiatus since then.

In 2005 some of the design objectives from the design guidelines developed by Cascade Design were incorporated into the Comprehensive Plan. These include the design objectives in the general design element of the Comprehensive Plan that apply citywide; a second set, more tailored to the downtown area were incorporated into the Downtown Plan. He advised most of the design guidelines were fairly generic, providing some guidance for design review and potentially developing specific regulations. Following the adoption of the Comprehensive Plan, there was additional discussion by the Council with an urban design professional Mark Hinshaw whose focus was downtown. Mr. Hinshaw cited the importance of streamlining design review, focusing on what was important, believing that specific guidelines were difficult to draft and could hamper the design process. Mr. Chave noted the exception would be for a very specific theme such as Leavenworth which the Council did not feel was appropriate for Edmonds.

Beginning in early 2006 the Council had additional discussion on design guidelines and the design review process. The ADB developed a set of design guidelines for use at the beginning of the process; these guidelines were advisory, less specific with general guidance. After the Council reviewed the design guidelines developed by the ADB, it was agreed they would be best in an upfront, advisory process with the ADB engaging in discussion with an applicant. It was also acknowledged at that time that specific, mandatory standards should be included in the code.

In 2006 the Council forwarded the design review process to the Planning Board. The Planning Board spent six months in review and has now forwarded a recommendation to the Council. He noted during this same period, new General Commercial (CG) zones for Hwy. 99 were developed that included design guidance. Those zones were intended to have the new process apply because design guidance had been incorporated into the code which combined with the new design guidelines process upfront with the ADB should enable due process to be applied. The Council also adopted new downtown zoning (BD zones) that have very specific standards for height, bulk, design features, etc. He commented on the development of another set of guidelines by the Historic Preservation Commission (HPC). He advised the HPC planned to make a presentation on specific guidelines for the retail core to Council Committee next week followed by a presentation to the full Council in the future. He advised as design standards were developed area by area or zone-by-zone, the new process would supersede the old process until the old process no longer existed.

Mr. Chave displayed a flowchart and described the old process which he noted was back-end loaded. The design review process did not begin until an application was submitted to the City because the process of design review required the applicant to prepare a significant level of detail. By the time an application was submitted, the developer has invested a great deal of time, effort and money into their design. He noted there were optional design review opportunities that some developers took advantage of but some did not. Thus the design review process occurred after the application was submitted and the appeal occurred at the end of the process, just prior to the applicant applying for a building permit.

Under the new process proposed by the Planning Board, Mr. Chave explained the design review process occurred almost entirely at the front of the process. The application to the City with the detailed design occurred after all design issues were resolved, creating a very streamlined process once the design issues had been addressed. The process recommended by the Planning Board was a two-phase public hearing, the first phase would be identifying critical issues the project needed to address; that phase would be advertised with notice to property owners within 300 feet. The applicant would then attempt to address those issues during further development of their design. He emphasized this would occur much earlier than the current process. Under the current process, by the time the applicant approached the City, they had a good idea of the design for the site. The intent of the proposed process was to engage the developer much earlier to identify issues of importance to their project.

After the applicant had refined their design, they would come back to the ADB for the second phase of the hearing. At this point their design was still conceptual but with more specifics. At this second phase of the hearing, the ADB would impose conditions they want included in design that would ultimately result in a building permit. Any appeals would occur after the second phase of the hearing. Once all the design issues were resolved, the applicant would develop detailed design for a building permit. At that point staff would ensure the permit submissions were consistent with the ADB's decision.

Mr. Chave summarized the Planning Board's recommendation retained the existing design process for most areas of the City but has a new design process that would be applied area-by-area as design guidelines/design standards were developed. The first two areas where the new process would apply were the CG zones on Hwy. 99 and the BD zones in downtown. The design review guidelines also formalize the landscape requirements.

Councilmember Orvis asked how the design standards being developed by the HPC would fit into this process. Mr. Chave advised he was the staff person for the HPC, because the guidelines they were developing were very specific, he recommended they be incorporated into the code in the BD1 zone.

Councilmember Orvis asked what an appeal would look like. Mr. Chave answered it would be on the ADB's decision and whatever conditions they imposed on the project.

Councilmember Orvis asked how the ADB choosing standards was not in opposition to *Anderson v. Issaquah*. City Attorney Scott Snyder answered the design guidelines and the checklist were a very extensive list. Because every neighborhood was unique, some factors would not apply to every area. The intent was to tailor the checklist before the application was complete so that the developer knew precisely what issues their design needed to address. Staff's decision was then appealable in the same manner as a building permit via Land Use Petition Act (LUPA) to Superior Court.

Councilmember Orvis posed an example, if the ADB identified an issue as a high priority and the applicant believed it was a lower priority, how would such an appeal be resolved. Mr. Snyder answered the Comprehensive Plan, design standards for the zone in concurrence with the general zoning process would be used. He explained one of the primary goals was to give citizens more influence at a stage before the developer had spent a great deal of money and were more likely to listen to the neighborhood's concerns. He emphasized this would require citizens to get involved early in the process because once the specific design was approved, it would be difficult to challenge.

Councilmember Marin was pleased with the proposed design guidelines; however, he suggested staff add to the first bullet regarding screening of dumpsters something like "and provide reasonable access for the utility providing service" to ensure the dumpsters were screened as well as accessible.

Councilmember Wambolt asked whether the renovation of Old Milltown would have been reviewed by the ADB or reviewed by staff if this new process had been in effect at the time the project was proposed. Mr. Chave explained under this process, only major projects had the upfront review by the ADB; minor projects that did not exceed the SEPA threshold would not. He explained the reason was if the intent was to apply specific standards to a project such as Old Milltown, the best way was to include those standards in the code. If design relied on a subjective public hearing, there was the danger of the public thinking a decision could be made on something that was outside the code. If the Council felt the standards developed by the HPC were important for buildings to acknowledge and respond to, they needed to be incorporated into the code. He cautioned against subjecting a minor project to a process with no hope of changing the design.

Council President Olson advised the HPC would be making a presentation to the Council at the February 27 meeting. She noted it may be a more informal joint discussion around a table.

Mr. Snyder agreed with Mr. Chave if the Council wanted an issue addressed, it should be included in the code. Another option would be, in neighborhoods or zone districts that the Council felt were very sensitive, to review everything in that neighborhood or zone. Mr. Chave cautioned reviewing everything assumed there could be an impact on what occurred.

Councilmember Dawson suggested the Council may want to consider involving the public for projects in certain zones such as BD1 even if they could not force a change; some developers may be interested in working with the public and seeking their input. She asked about the timing of the HPC's presentation to the Council and the public hearing on the design guidelines. Mr. Chave advised the Council could have a public hearing on the HPC's recommendations but if their recommendation was to include standards in the code, it would require review by the Planning Board.

Mr. Snyder stated the old process would remain in place while neighborhoods developed specific design guidelines. The new process would not affect a neighborhood until specific guidelines were in place.

Councilmember Dawson asked for clarification regarding the provision for exempt developments that required structures or sites on the Edmonds Register of Historic Places have a certificate of appropriateness from the Edmonds HPC. Mr. Chave answered for a site on the City's Register of Historic Places, any building permit would require a certificate from the HPC before approval by the City. Councilmember Dawson questioned whether such a structure or site should be exempt from this process or go through both processes. Mr. Chave anticipated the HPC's standards would be specific. He cautioned that because the City's register was voluntary, buildings could be withdrawn from the register. If a building withdrew from the register they would no longer be exempt and would be subject to the design review process. Councilmember Dawson asked whether the proposed design guidelines were clear enough with regard to a structure withdrawn from the register. Mr. Snyder suggested adding a sentence that a project would lose its vesting if withdrawn from the Historic Register.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, TO SET THE PUBLIC HEARING FOR MARCH 6, 2007. MOTION CARRIED UNANIMOUSLY.

Request
Moratorium –
Condo Related
Developments/
Unincorporated
Edmonds

5. **PROPOSED RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, RECOMMENDING TO THE SNOHOMISH COUNTY COUNCIL THAT AN EMERGENCY MORATORIUM BE ENACTED ON APPLICATIONS FOR CONDOMINIUM-RELATED, LOW-DENSITY, MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS IN THE UNINCORPORATED PORTION OF THE CITY OF EDMONDS MUNICIPAL URBAN GROWTH AREA.**

Council President Olson explained the South Snohomish Cities had been discussing Low Density, Multiple Family Residential (LDMR) Developments for several months. She explained when Snohomish

County adopted the code, it was intended to be for condominiums and apartments, however, developers had been building air space condominiums in this zone.

Development Services Director Duane Bowman explained LDMR developments were occurring in the Esperance area, an area completely surrounded by the City of Edmonds. Snohomish County's designation for that area was 6-12 dwelling units per acre; the area was primarily zoned RR-8400 with pockets of commercial along Hwy. 99 and multi family along SR 104. Snohomish County's Comprehensive Plan designation of the Esperance area allowed parcels to be rezoned to LDMR. He cited an example of an 8-dwelling unit LDMR on 220th and displayed several photographs of the development. Access to the development was via a narrow roadway; the lot sizes were approximately 8600 square feet. If this development were in Edmonds and zoned RS-8, four dwelling units would be allowed. He noted the average cost of the houses was approximately \$325,000. He observed the houses in LDMR were packed in, often with little or no landscaping.

Mr. Bowman explained there had been a great deal of discussion at Snohomish County regarding LDMRs. He noted some LDMRs that had been approved were not very attractive and had issues with fire access, parking, lack of open space, etc. Some cities had been working with Snohomish County to develop design standards for LDMRS. He noted the LDMRs would continue to be constructed in the Esperance area due to the Comprehensive Plan designation; there were currently three pending projects. He pointed out eventually the Esperance area would annex to Edmonds and these developments did not adhere to the City's development standards. The resolution requests the Snohomish County Council impose a moratorium to study the issue and develop design standards.

Mayor Haakenson summarized Snohomish County was allowing more density than Edmonds' code would allow. Mr. Bowman agreed.

Council President Olson pointed out many LDMRs had drive aisles instead of streets, leaving no place for residents and/or visitors to park and cars parked on the street impacted emergency vehicle access. She explained the Snohomish County Executive was working on new guidelines but LDMRs continue to be permitted in areas the County wants cities to annex. She noted if the standards in these developments were not up to the cities' standards, the cities did not want to annex those areas. There was also concern that these areas would become rundown in the future as residents may not be aware they were required to maintain the drive aisles.

Councilmember Marin recalled the Snohomish County Tomorrow Steering Committee discussed LDMRs several months ago and directed County staff to begin a rewrite to impose more strict conditions. County staff responded but it was soon realized the necessary revisions to the code could take two years. In the meantime LDMRs continue to be built in annexation areas. Approximately three months ago after additional discussion regarding LDMRs, Snohomish County Tomorrow unanimously supported sending a letter to Snohomish County requesting a moratorium. However to date Snohomish County Council still has not taken any action with regard to a moratorium. The resolution was an attempt to bring the urgency of the issue to the County Council's attention. He pointed out there were six LDMRs in the Esperance area and three applications were pending.

Councilmember Moore agreed this was a critical resolution for the Council to pass. She met with Snohomish County Council Chairman Dave Gossett recently and he planned to bring the issue of a moratorium for a vote soon. She expressed concern with the potential fire hazards, commenting when these areas were annexed, the cities would bear the burden of providing fire protection to those developments. She expressed her support for the resolution.

Res# 1140
Request
Moratorium –
Condo Related
Developments/
Unincorporated
Edmonds

COUNCIL PRESIDENT OLSON MOVED, SECONDED BY COUNCILMEMBER MOORE, FOR APPROVAL OF RESOLUTION NO. 1140. MOTION CARRIED UNANIMOUSLY. The resolution approved reads as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, RECOMMENDING TO THE SNOHOMISH COUNTY COUNCIL THAT AN EMERGENCY MORATORIUM BE ENACTED ON APPLICATIONS FOR CONDOMINIUM RELATED LOW DENSITY MULTIPLE FAMILY RESIDENTIAL DEVELOPMENTS IN THE UNINCORPORATED PORTION OF THE CITY OF EDMONDS MUNICIPAL URBAN GROWTH AREA.

6. AUDIENCE COMMENTS

Boards &
Commissions
Terms

Roger Hertrich, Edmonds, referred to Item F on the Consent Calendar that imposed a limit of two consecutive terms for Art Commissioners. He questioned why only Art Commissioners were limited to two terms and suggested the Council establish a limit of two consecutive terms for the ADB, Planning Board and other Boards and Commissions. He cited the importance of turnover on Boards and Commissions.

7. REPORT ON CITY COUNCIL COMMITTEE MEETINGS

No report.

8. MAYOR'S COMMENTS

Mayor Haakenson had no report.

9. COUNCIL COMMENTS

Council President Olson thanked the Planning Board for the excellent job they did on the design guidelines.

Boards &
Commissions
Terms

Councilmember Wambolt suggested adding the topic of Boards/Commissions term limits to the Council's retreat agenda. He noted the current turnover on Boards and Commissions seemed to make it unnecessary and he was not aware of any member who had served more than two consecutive terms.

Sound Transit

Councilmember Marin reported he made a motion at last week's Sound Transit Finance Committee to take the interim station in Edmonds to the next level of design. He also reported the Health District hired a new Health Officer.

Health District

Councilmember Dawson reported she met the new Health Officer and was very impressed.

Boards &
Commissions
Appointments

Councilmember Dawson explained the Mayor appointed new Board and Commission members and the Council confirmed his appointments. She suggested discussing at the retreat a more active role for the Council in the appointment of new Board and Commission members to allow the Council a role in interviewing and selecting candidates. She noted at the County, some members were appointed by the Executive and others by the County Council. Mayor Haakenson offered to have staff provide a report on Board and Commission terms at the retreat.

Hearing
Examiner

Councilmember Orvis reported Councilmember Marin, Mayor Haakenson, several staff members and he interviewed Hearing Examiner candidates last week and made a recommendation.

Councilmember Moore asked Council President Olson to fill in for her at the Council Committee meeting next week as she would be in Washington DC February 8 – 14 to attend the Community Colleges national legislative summit. This year’s focus was on better student loans for community college students. Next she offered to provide Councilmembers a copy of an article from the *Puget Sound Business Journal* regarding urban villages. She agreed with Councilmember Dawson’s suggestion to discuss the Council’s role in appointing Board and Commission members, suggesting the Council also request Boards and Commissions submit regular reports.

Councilmember Moore relayed she had encountered a woman this morning who picks up trash during her daily walk, observing this was an example of someone who was quietly in her own way doing what she could for her community.

10. ADJOURN

With no further business, the Council meeting was adjourned at 8:00 p.m.