

**CITY OF EDMONDS
PLANNING BOARD MINUTES
July 12, 2006**

Chair Freeman called the regular meeting of the Planning Board to order at 7:03 p.m. in the Council Chambers, Public Safety Complex, 250 – 5th Avenue North.

BOARD MEMBERS PRESENT

Janice Freeman, Chair
John Dewhirst, Vice Chair
Jim Young
Virginia Cassutt
Judith Works

STAFF PRESENT

Rob Chave, Planning Division Manager
Don Fiene, Assistant City Engineer

BOARD MEMBERS ABSENT

Cary Guenther
Jim Crim
Don Henderson

Board Members Guenther, Crim and Henderson were excused from the meeting.

READING/APPROVAL OF MINUTES

BOARD MEMBER CASSUTT MOVED THAT THE MINUTES OF JUNE 28, 2006 BE APPROVED AS AMENDED. BOARD MEMBER WORKS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

A discussion of Vice Chair Dewhirst's memorandum regarding bicycle and pedestrian pathways was placed on the agenda as Item 7c. The remainder of the agenda was approved as submitted.

AUDIENCE COMMENTS

Tony Shapiro advised that he has been working with a neighborhood group regarding possible changes to the City's Comprehensive Plan and would likely be ready to present a proposal to the Board later in August. Because the Board is considering the option of only having one meeting in August, he asked that they cancel the August 9th meeting rather than the August 23rd meeting.

REPORT ON SANITARY SEWER COMPREHENSIVE PLAN 2006

Don Fiene, Assistant City Engineer, explained that the 2006 Sanitary Sewer Comprehensive Plan is a comprehensive examination of the City's existing sanitary sewage conveyance system, which is a requirement of the Growth Management Act. The goals of the plan are:

- To identify problems for the system based on feedback from the City Sewer Division, a hydraulic analysis, lift station run time information and flow meter information.
- To ensure the City is in compliance with Federal and State laws.
- To identify and prioritize projects and other actions to meet the objectives of the plan.

Mr. Fiene displayed a map identifying the City's existing facilities inventory. He noted that Edmonds' current system includes approximately 168 miles of sewer pipe, 3,200 manholes, and 9,200 service connectors. Over half of the pipe was constructed between 1959 and 1968, and more than 85% of it is made from concrete. There are currently 14 lift stations for the City's system.

Mr. Fiene explained that problems with inflow and infiltration associated with storm and ground water entering the sewer system can cause situations of sewer backups and raw sewage overflows. High flow rates were observed during the recent January 2006 storm, and this has raised concerns that warrant flow monitoring and smoke testing, as well as small works projects to connect inflow and infiltration sources to the storm system.

Next, Mr. Fiene provided a flow chart to illustrate how the Sewer Division operates. He explained that the City Council is responsible for setting policy and approving the budget and projects. The Finance Division is responsible for billing and collection, and the Engineering Division performs and oversees the design and construction of projects, evaluates problem areas and prepares reports and studies. The Public Works Director administers the program, formulates the budget, and manages the rates. The Water/Sewer Manager formulates policy and oversees the day-to-day operations. He is also responsible to respond to emergencies and complaints. The Sewer Division is responsible for maintaining the system, monitoring the operations, and inspecting, repairing and testing the system, and responding to complaints. He provided a pie chart to illustrate how the sewer maintenance staff is utilized.

Mr. Fiene said that the Engineering and Public Works staff worked together to identify problem areas and make recommendations for future projects. Projects identified for the near future include the rehabilitation or replacement of all sewer lift stations, replacement of many sewer mains with bellies and poor grade, inflow and infiltration studies and projects, and a cured-in-place pipe restoration program. He provided a map to illustrate the problem areas that exist throughout the City. He noted that each problem area was given a number, which correspondence with a written description of each one.

Mr. Fiene pointed out that sewer rates only increased by 6% between January 2002 and January 2006. Rates have been supplemented by connection charges since January 2001. The proposed sewer rates for 2007 through 2012 include an increase of only 10% (5% in 2008 and 5% in 2009), and this funding strategy would include funding for one additional staff person. He provided a pie chart to illustrate how the sewer utility funding was spent between 2002 and 2007. The largest portion of the funding has been used for conveyance operations and maintenance, treatment plant debt, conveyance capital improvements and wastewater treatment. He also provided a pie chart showing the proposed allocation of funding for 2008 through 2013. He noted that the treatment plant debt costs would be substantially reduced, leaving more funding for conveyance operations and maintenance, wastewater treatment and conveyance capital improvements. He provided a chart showing how the City of Edmonds' rates compare to other jurisdictions in the area. He noted that of the City's sewer rates are nearly the lowest in the area.

Mr. Fiene advised that a public hearing on the proposed plan would be scheduled before the Planning Board and the City Council in September.

Board Member Young asked if the existing sewer treatment plant has sufficient capacity to handle the additional population growth that has been identified for the City. He also asked if the fees the City charges for new hookups are adequate to fund the expansions that would eventually be necessary. Mr. Fiene pointed out that the new growth study identifies a high rate of growth for Edmonds, but the proposed plan uses a growth rate of one-half percent per year. Mr. Chave explained that the proposed plan is geared towards the existing and adopted growth rate projections. The Puget Sound Regional Council's revised projections and the Vision 2020 update would eventually have to be considered.

Board Member Young asked Mr. Fiene to describe what the sewer rate charges actually cover. Mr. Fiene referred to the pie chart that was provided earlier. Again, he explained that the proposed plan indicates that 35% of the funding would be used for wastewater treatment, 32% for conveyance operations and maintenance, and 25% for conveyance capital improvements. Vice Chair Dewhirst inquired if the revenue from the current sewer rates would cover all of these costs. Mr. Fiene answered affirmatively.

Board Member Young suggested that street maintenance activities such as cleaning out the catch basins and sweeping the streets should be considered legitimate sewer expenses even though the services are performed by the road maintenance department. Mr. Fiene explained that the City's stormwater fund already pays for cleaning out the catch basins and sweeping the streets, etc.

Board Member Young asked how the plan proposes to fund street repairs after new sewer lines have been redone. Mr. Fiene answered that this type of work would be considered a capital program, and funds for the overlay would be transferred from the sewer fund to the 112 Fund. This same process is used for the stormwater, sewer and water funds.

Chair Freeman asked about the current capacity of the City's existing sewer treatment plant. She also asked if the City's sewer treatment plant accepts sewage from other areas outside of the City. Mr. Fiene answered that half of the material coming into the sewer treatment plant comes from jurisdictions outside of Edmonds (King County, Shoreline, Woodway, Olympic View, and Mountlake Terrace). All of these jurisdictions pay their representative share for both the capital costs and for the amount of material they send there. Mr. Fiene said he does not have the numbers on the total treatment plant flow and capacity because the proposed plan only addresses the conveyance system. He said his understanding is that there is still sufficient capacity at the existing plant.

Chair Freeman pointed out that there were significant problems with flooding in the Lake Ballinger area this past spring. Mr. Fiene explained that this situation is a stormwater issue rather than a sewer treatment issue. The City, along with three other jurisdictions, would likely complete a hydraulic study for this area in the near future.

Chair Freeman referred to Table 8-2 and noted that the beginning balance in 2006 was \$1.8 million. She asked where this money came from. Mr. Fiene explained that the City is a little behind with a couple of the lift station projects, which are technically complex.

REVIEW OF PROPOSED ZONING CHANGES FOR HIGHWAY 99 INCLUDING ESTABLISHMENT OF NEW BR AND BR2 ZONES AND CHANGES IN THE GENERAL COMMERCIAL (CG, CG2) ZONING CLASSIFICATIONS

Mr. Chave referred the Board to the following items that were included in their packets: a memorandum from the Highway 99 Task Force a preliminary draft of the revised CG/CG2 zoning classification, landscape standards that were taken from some of the old design guidelines developed by the Planning Board in 2000-2001, and draft language for the BR and BR2 zoning classification.

Draft BR and BR2 Zoning Classification (Section 16.52)

Mr. Chave pointed out that the BR zone would only allow a height of 50 feet, but there is a provision that allows development up to 80 feet with a conditional use permit. However, this provision for additional height would not apply to the BR2 zone, where the height would be limited to 42 feet. He pointed out that the BR zone would be used for the more intensive mixed-use areas, and the BR2 zone would be used for transitioning from the more intensive commercial uses on Highway 99 to the residential uses.

Mr. Chave explained that staff made an attempt to integrate design standards into the draft language for the CG and CG2 zoning classification, and the Board could consider design standards for the BR and BR2 zones, as well. At this time, the only design standard identified in the draft BR language is the additional step back requirement.

The Board reviewed the draft document page-by-page and provided the following comments:

- **Section 16.52.005.G** – Mr. Chave advised that this item was added to clearly describe the differences between the BR and BR2 zoning classifications.
- **Section 16.52.010.A.12** – Mr. Chave said this item was added at the recommendation of the Highway 99 Task Force to indicate that laboratories would be permitted uses within the BR zone only. He noted that the BR zone is associated with the medical use area. He suggested that laboratories could be allowed in the BR2 zone as a conditional use.
- **Section 16.52.010.B.6** – Mr. Chave pointed out that this language was changed to make it clear that uses such as brew pubs, ice cream shops and other types of businesses that fabricate their goods on site would be allowed as permitted secondary uses. However, the fabrication or repair of goods must be incidental or integral to a permitted or conditional use.
- **Section 16.52.010.C.4** – Vice Chair Dewhirst suggested that if the BR2 is intended to be a transition zone between commercial and residential areas, the City should not encourage drive-in businesses. Mr. Chave pointed out that if drive-in businesses were allowed in the BR2 zone as a conditional use, the City could set a condition that the property must have access from somewhere other than the main street. Vice Chair Dewhirst said his concern is not only related to access, but the hours of operation, noise, etc. that is typically associated with a drive-in use. He suggested that drive-in businesses only be allowed in the BR zone.

Chair Freeman expressed her concern about allowing drive-in businesses in the BR zone since they could be located next to residential zones. She noted that pollution could result when cars are allowed to idle while going through a drive-in business. Board Member Cassutt cautioned against making the BR zoning classification so restrictive that it discourages businesses from locating in Edmonds. She said she would support allowing drive-in businesses in the BR zone only. The majority of the Board agreed that drive-in businesses should be allowed as a conditional use in the BR zone but prohibited in the BR2 zone.

- **Section 16.52.030.B** – Vice Chair Dewhirst reiterated his concern about privacy for the abutting residentially zoned properties if buildings are allowed up to 80 feet in height in the BR zone. He suggested a fourth item be added to this section regarding the need to ensure privacy at the abutting residentially zoned properties. Board Member Cassutt pointed out that only the BR2 zoned properties would abut residential properties. She noted that three of the residential developments have been demolished recently, so the Board really doesn't need to worry about situations where the BR zone would abut residential properties.

Mr. Chave clarified that the height limit in the BR zone would be 50 feet. Any development above 50 feet in height would have to be stepped back. Therefore, a 60-foot building would only be allowed if it is 60 feet away from the property line. The Board agreed that the step back provision would address Vice Chair Dewhirst's concern about buffering.

The Board agreed that the proposed draft language is ready to move forward for a public hearing. Mr. Chave suggested that the Board might also want to review the proposed map before conducting a public hearing. The Board agreed that it would be appropriate for them to review the proposed boundaries and consider changes that have occurred over the past few years. Mr. Chave said the Board could review the map at their July 26th meeting.

Chair Freeman referred to a request that was previously made by property owners near the areas being proposed for BR and BR2 zoning to change the zoning from multi-family to single-family residential. She noted that if this request were granted, it could result in a situation where a BR zone abuts a residential zone.

Design Standards: Landscaping Requirements (Section 20.14)

Chair Freeman referred to Section 20.14.030.D.1 of the proposed CG and CG2 zoning classification language, which requires that trees be 25 feet on center and deciduous and that the trunk be free of branches below six feet in height. She asked where these trees would be located. Mr. Chave answered that Section 20.14.030.D describes where these trees would be located. The landscaping would be intended to provide visual relief where clear sight is desired to see signage or into adjacent space for safety concerns. Chair Freeman pointed out that since these trees could be used along walkways, a six-foot clearance would not be enough to accommodate taller people. Mr. Chave pointed out that the trees would not be located within the walkway area.

Vice Chair Dewhirst questioned if it would be necessary to incorporate the design standards proposed in the draft CG and CG2 zoning language into the draft language for the BR and BR2 zoning classification. Mr. Chave suggested that the landscape standards should stand alone. As design standards are integrated into the code, they would refer to this section. Vice Chair Dewhirst asked if the Board could forward the design standards to the City Council now. Mr. Chave said that if the design standards are not accompanied by the draft language for the CG and CG2 zoning classification, it might be difficult for the City Council to understand why they are being recommended for adoption.

Draft CG and CG2 Zoning Classification (Section 16.60)

Mr. Chave said he attempted to integrate key goals and policies from the Comprehensive Plan that referred to the commercial corridor on Highway 99 into the draft CG and CG2 zoning classification language.

The Board reviewed the draft document page-by-page and made the following comments:

- **Section 16.60.005.A** – Vice Chair Dewhirst said he finds it odd that this section only suggests that mixed-use developments be encouraged when mixed-use development has been one of the basic elements of the CG zoning classification. He also noted that the proposed language does not talk about transit oriented development. The Board agreed to change the second sentence to read, “Mixed-use and transit-oriented developments are encouraged to provide significant commercial uses as a component of an overall mixed-development scheme.”
- **Section 16.60.005.B** – Vice Chair Dewhirst expressed concern that this language is conflicting because it encourages a development pattern that would support transit and pedestrian access and also facilitate traditional automobile modes of travel. Mr. Chave explained that on one hand, it is important to encourage transit and pedestrian access. But the Highway 99 Task Force Study also pointed out the need to make automobile circulation better. Vice Chair Dewhirst suggested that there be two purpose statements, one related to transit and pedestrian access and another regarding the need to address automobile circulation and access issues.
- **Section 16.60.010** – Mr. Chave explained that rather than listing all of the uses that would be permitted in the CG zone, it would be more useful to expand the list of uses that would be prohibited or limited. He asked the Board to identify any additional prohibited uses that should be added.
- **Section 16.60.010.D.2** – Mr. Chave explained that this use was identified as a prohibited use many years ago when the hospital was considering the possibility of providing a helicopter landing area.
- **Section 16.60.015** – It was noted that the City is required to allow sexually oriented businesses as permitted uses in the CG zone as long as they comply with all of the location standards, development standards and licensing regulations.
- **Section 16.60.020.A** – Vice Chair Dewhirst pointed out that no minimum rear yard setback is identified on the table for either the CG or CG2 zone. However, if the CG or CG2 zone were located adjacent to a residential zone, the required setback would be 15 feet. He questioned if this would be a sufficient setback requirement. Mr. Chave agreed that, in some cases, the high rise nodes run right up against multi-family residential zones. Vice Chair Dewhirst suggested that perhaps buildings that are greater than 42 feet in height should be required to setback. Mr. Chave said the main problem with this type of requirement is the limited depth of properties along Highway 99. If the City requires a foot-for-foot setback in the high rise node, the buildable space on the property would be decreased too significantly.

Vice Chair Dewhirst expressed his belief that the Board must address the issue of setback and protection for adjacent residential developments somehow. Otherwise, the City would likely receive a very negative reaction from adjacent property owners the first time a high rise building is proposed along Highway 99. Addressing this issue now could alleviate problems in the future. The Board asked staff to develop some alternative language to address this concern. One favorable idea was to require buildings over 50 feet in height to go through the entire Architectural Design Board review process, which would provide an avenue to address concerns. The majority of the Board concurred. Mr. Chave referred to the chart on Page 3 of the Highway 99 Task Force Review Memorandum, which summarizes their recommended site standards. The Task Force recommended that buildings less than 65 feet high could be administratively approved, and buildings that are less than 80 feet high would require a master plan or Architectural Design Board Review. While the Board could utilize this concept, he cautioned that 65 feet is a lot higher than what people are accustomed to.

Mr. Chave pointed out that the proposed BR2 zone, which is intended to be a transition zone between the CG and residential zones, allows a height of up to 42 feet. Therefore, he questioned if it really makes sense to identify a maximum height in the CG zone of 35 feet. He suggested that 45 feet would be more reasonable for commercial circumstances. However, he would not recommend an 80-foot height limit in either the CG or CG2 zone with only Architectural Design Board review. He said that, at some point prior to the public hearing, the Board must reach a consensus on height. The Board agreed to consider the issue further on July 26th.

- **Section 16.60.020.B** – Mr. Chave explained that the CG zones already allow residential uses above the first two floors. He questioned if someone should be able to do a mixed-use development that mixes completed residential structures with commercial structures on the same site. While staff believes this concept could work, the site would have to be large enough to still provide meaningful commercial uses, as well. The language proposed in this section would provide general parameters, but still offer a great deal of flexibility about how the site is designed. He suggested that this section could also include an Architectural Design Board review requirement for large mixed-use developments. Mr. Chave explained that while this section would allow mixed-use developments that include apartments, etc., at least half of the space would have to be commercial. In addition, the residential portions would not be allowed in the prime commercial locations.
- **Section 16.60.030** – Mr. Chave said this section was prepared by extracting elements from the old design guidelines that were reviewed by the Board in 2000 and 2001.
- **Section 16.60.030.A.3** – Mr. Chave suggested that including this language is probably not necessary, since irrigation is handled elsewhere in the code.
- **Section 16.60.030.A.1 (h, j and l)** – Vice Chair Dewhirst suggested that there is a need for consistency in these three items. For example, the term “single-family zone” is used in Items h and j, but “single-family projects” is used in Item l. Mr. Chave said “projects” should be changed to “zones.” Vice Chair Dewhirst also questioned why office and multi-family residential adjacent to single-family would require Type II landscaping when the others would require Type I. Mr. Chave explained that Type I is the most intensive landscaping. Vice Chair Dewhirst expressed his belief that the impacts associated with a commercial, institutional and medical uses adjacent to a single-family zone would be the same as an office or multi-family residential use. The majority of the Board concurred that all three should be identified as Type I.
- **Section 16.60.030.B** – Vice Chair Dewhirst pointed out that the language does not mention bicycle parking. While this might not be appropriate for all commercial uses, it might be very appropriate for some of the office and residential uses. The majority of the Board agreed.
- **Section 16.60.030.C.1** – Vice Chair Dewhirst if all of the listed design elements must be considered or just some of them. Mr. Chave agreed that this section should specify how many of the listed design standards must be considered. Vice Chair Dewhirst suggested that in order to meet the intent of the section, the list must be more selective and more guidance provided. Mr. Chave suggested that the language be changed to require that buildings vary in form, materials and identity. Then they could work with the list to further clarify the options.

- **Section 16.60.030.D** – Vice Chair Dewhirst suggested that the language in this section be changed to prohibit single-story buildings. If the goal is to maximize the City’s economic return on property, the last thing they want is single-story development in the CG and CG2 zones. The majority of the Board felt this approach would be too radical.
- **Section 16.60.030.D.6** – Vice Chair Dewhirst suggested that a sentence be added to define the purpose of privacy for the adjacent residentially zoned areas. He agreed to come up with some appropriate language that could be inserted. Mr. Chave cautioned that privacy could end up being the same type of problem as view. Chair Freeman pointed out that adjacent property owners are also responsible for providing their own privacy. For example, trees could be planted on their own property to protect their privacy from an adjacent development.
- **Section 16.60.040.A** – Chair Freeman questioned why bistro dining was not identified in this section as an allowed use. Mr. Chave answered that because bistro dining would be allowed elsewhere in the code, it does not need to be included in this section, too.

DISCUSSION OF REGIONAL PLAN UPDATES (VISION2020+20)

Mr. Chave recalled that at the Board’s last meeting he provided a brief summary of the regional plan update, and the Board requested an opportunity to review the document and provide comments. He advised that the Puget Sound Regional Council (PSRC) would make a presentation to the City Council on July 18th, and staff has agreed to provide a draft of the City’s response the following week. He explained that he envisions a two-level response: one regarding the theoretical information put together by the PSRC and another specific response for Edmonds noting the City’s severely constrained capacity. He explained that while the City is trying to make changes in their activity centers to accommodate more growth, much of the rest of the City is severely limited by either critical areas in the north part of the City or existing development elsewhere that is not likely to change.

Mr. Chave reported that he has been working with other planners as part of a group known as Snohomish County Tomorrow. They are preparing a response to the PSRC, as well. During this process it has been emphasized that each county is unique and different. Unique to Snohomish County is the large unincorporated urban area that has been heavily developing over the years. If these areas are treated as a single-entity, the County could lose some opportunities to focus growth. The overall thrust of the comments is to encourage the PSRC to avoid getting tied into rigid geography that hides or masks the differences between areas.

Vice Chair Dewhirst said the draft update does not identify what does and does not work based on previous planning and implementation. This would be an important element to include. He said he is also concerned that the updated plan does not include any information about how the infrastructure would be financed. Many of the Growth Management Act requirements are not taking place because there is not enough money to provide the proper infrastructure. For example, he pointed out that they are starting to have problems related to water distribution, and parks and open space issues have not been addressed. If the City can’t afford the infrastructure they are going to base their land use on, then they need to reconsider their land use designations.

Vice Chair Dewhirst said the numbers identified in the updated plan are mind boggling, and the State’s approved transportation plan is already not keeping up. Unless there are massive changes, the transportation plan won’t address future problems, either. Mr. Chave said the existing growth alternative did not do well because it placed a great deal of residential growth in the outlying areas without targeting any employment growth into the regions. This meant there were a lot more people on the transportation system going to areas where the jobs were located. To confound the problem, the small cities alternative actually increased jobs in the rural areas. Vice Chair Dewhirst referred to Page 14 of the draft plan, which estimates that traffic would increase between 43 and 53 percent on the freeway system and between 53 and 81 percent on the arterial system. He noted that traffic hardly moves on some of the arterials now, so a significant increase would be unreasonable. But the plan doesn’t offer any plans for dealing with the extra capacity. Mr. Chave agreed that if significant changes are proposed for the land use pattern, then transportation plans should be revised to meet the future infrastructure demands. The Board agreed that it would be important for the City to point out that there is not sufficient funding to meet these demands.

Mr. Chave said he and Council Member Marin met with Norm Abbott, the PSRC's project leader for the update. He said he envisions that the preferred alternative might have allocated projections by geography for each county. The PSRC would not tell each jurisdiction exactly what their target would be. Instead, the jurisdictions in the County would have to work as a group to somehow plan for the County's growth. The state law would not change. The City's requirement for planning is set forth by the State Office of Financial Management (OFM), and the PSRC projections might not match. Jurisdictions within each county would be required to plan for the OFM target. Jurisdictions would be allowed to figure out how the numbers should be split up, but the PSRC would expect jurisdictions to make allocations that are consistent with the regional plan.

Mr. Chave explained that the PSRC is the Federal Transportation Planning Agency for the region. They are required to complete a transportation plan for the four counties that allows Federal money to flow into the region. Their job is to make sure that, as transportation systems are developed, there is some nexus with land use. The State planning law is based on the requirement to plan for projected growth which comes from the State Office of Financial Management. The differences between the PSRC and the OFM create an awkward position for each County, depending on how the regional plan comes out. Counties may have to figure out how to allocate the OFM number, but still be consistent with the regional plan.

DISCUSSION OF VICE CHAIR DEWHIRST'S MEMORANDUM REGARDING BICYCLE AND PEDESTRIAN PATHWAYS

Vice Chair Dewhirst referred to the packet he provided. The first three pages outline his proposal for changes to the December 2002 Edmonds Comprehensive Walkway Plan. He explained that he changed some of the goals and added some policy language. In addition, he made suggested changes to the sidewalk construction policies. He said he recently met with the City's Engineer, Assistant Engineer and Traffic Engineer to discuss the proposal, and they indicated their general support. He received an email outlining their written response dated June 20th, which was included in the Board's packet.

Vice Chair Dewhirst said he also provided a copy of a September 12, 2003 memorandum from the City Engineer explaining where the City can and cannot extract sidewalk improvements from development projects. He explained that when single-family lots are redeveloped with large homes, the City cannot require sidewalk improvements unless a sidewalk already exists. Board Member Cassutt pointed out that when residential lots are redeveloped in the City of Shoreline with larger homes, sidewalk improvements are required. Vice Chair Dewhirst agreed to obtain more information about the City of Shoreline's requirement. He said the Mayor also encouraged him to look for ways to require sidewalks with redevelopment of residential lots.

Mr. Chave explained that the City Attorney has reviewed court cases regarding this issue for a number of years. His interpretation is that there must be a nexus or connection between the City requirement and the impact. If an existing house is replaced with a new house, there would be no additional impact. Therefore, the City would not be able to require a sidewalk improvement. He said the memorandum from Mr. Gebert was in response to a discussion about sidewalk improvement requirements. The court cases have made it clear that unless there is a demonstrated impact, the City cannot require this type of improvement.

Board Member Works said she would like either Mr. Chave or the City Attorney to talk to the Board about the potential impact of the proposed property rights initiative to the City of Edmonds. Board Member Cassutt noted that the July 12th *SEATTLE TIMES* had a good article about this issue.

Vice Chair Dewhirst said he would like the Board to consider his proposed changes as part of the next round of Comprehensive Plan amendments. The Board agreed to review the documents provided by Vice Chair Dewhirst and prepare to discuss them again at a future meeting. They agreed that it would be helpful to have a representative from the Engineering Division present for the Board's future discussion. Vice Chair Dewhirst said the Engineering Division has indicated they would like to change all of the "shalls" in the document to "shoulds." In addition, they expressed concern about the financial impacts. They also talked about the possibility of looking at the prioritization for walkway project funding.

Vice Chair Dewhirst referred to Policy 1.15 at the top of Page 3. He explained that a State RCW says that any subdivision in the State of Washington shall provide a safe walking route to a school, and Snohomish County utilizes this provision to obtain walkway developments. He said he disagrees with the City Attorney's response that the City could only require this provision for the frontage improvement of any development.

Chair Freeman referred to Policy 1.2 and said it should be recognized that sidewalks would be used at night so proper lighting should be required. Vice Chair Dewhirst expressed his belief that it would be unreasonable to require that all sidewalks in the City be lit. The proposed policy states that sidewalks where there is current or anticipated use would be lit first.

Chair Freeman suggested that the proposed language should include a purpose section to describe the need for sidewalks, etc. Public safety is a significant issue for the City. Vice Chair Dewhirst agreed to create some draft language to describe the purpose of the plan.

REVIEW OF EXTENDED AGENDA

The Board discussed that, in past years, they have only held one meeting in August. Most members indicated that they would be available for the first meeting in August, but some would be unavailable for the last meeting. Chair Freeman agreed to check with the Board Members who were not present and then get back to staff regarding which meeting would be cancelled.

PLANNING BOARD CHAIR COMMENTS

Chair Freeman announced that she and Vice Chair Dewhirst would meet with the Mayor and the Architectural Design Board Chair and Vice Chair on July 24th. Council Member Dawson would also attend the meeting as a representative of the City Council. She asked the Board Members to identify issues they would like her to bring up at the meeting. She recalled that the Board already asked her to bring up their concern about the email they received from one City Council Member. Board Member Works suggested that Chair Freeman advise the Mayor and Council Member Dawson of comments from property owners in the Five Corners area asking that the City limit the height in their neighborhood to 25 feet, similar to what is proposed for the downtown area. It should be pointed out that if building height is significantly limited in the downtown as well as the Five Corners area, the City Council must decide how the City could absorb the additional growth and increase tax revenue. Board Member Works also suggested that Chair Freeman should bring up the proposed property tax initiative. The City Council should educate themselves regarding the impact this initiative could have on the City. The Board discussed that when the City's building regulations are too restrictive, they feed into the property rights movement.

PLANNING BOARD MEMBER COMMENTS

Vice Chair Dewhirst said each of the Board Members received an invitation from Tony Shapiro to attend a neighborhood meeting to discuss proposed changes for property located on 232nd Street. He asked for feedback about whether or not Board Member attendance at the neighborhood meeting would constitute a situation of ex-parte communication. Mr. Chave said that because there is no proposal before the Board at this point, Board Members could attend the neighborhood meeting without creating an appearance of fairness problem. Vice Chair Dewhirst pointed out that Mr. Shapiro presented a proposal at the meeting. Mr. Chave said that if a proposal is presented to the Board in the future, Board Members who attended the meeting should properly identify their attendance at the neighborhood meeting. If they did not express an opinion, their attendance would not likely result in a challenge. He concluded that Board Members could attend neighborhood meetings, but they should avoid expressing their opinion on specific proposals.

ADJOURNMENT

The meeting was adjourned at 9:45 p.m.