

APPROVED SEPTEMBER 14th

**CITY OF EDMONDS
PLANNING BOARD MINUTES**

August 24, 2011

Vice Chair Reed called the meeting of the Edmonds Planning Board to order at 7:00 p.m. in the Council Chambers, Public Safety Complex, 250 – 5th Avenue North.

BOARD MEMBERS PRESENT

John Reed, Vice Chair
Kevin Clarke
Todd Cloutier
Bill Ellis
Kristiana Johnson
Valerie Stewart
Neil Tibbott

STAFF PRESENT

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

BOARD MEMBERS ABSENT

Philip Lovell, Chair (excused)

READING/APPROVAL OF MINUTES

BOARD MEMBER CLOUTIER MOVED THAT THE MINUTES OF AUGUST 10, 2011 BE APPROVED AS AMENDED. BOARD MEMBER CLARKE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

Vice Chair Reed altered the agenda by adding a discussion about a public involvement piece that was prepared by Board Member Stewart to inform the public about the Shoreline Master Program Update. In addition, representatives from the Port of Edmonds (Executive Director Bob McChesney and Commissioner Mary Lou Block) would be invited to provide input regarding the Shoreline Master Program Update. The remainder of the agenda was accepted as presented.

AUDIENCE COMMENTS

Keeley O'Connell, Friends of the Edmonds Marsh, said the Friends of the Edmonds Marsh supports the change put forward by the Department of Ecology to upgrade the marsh from an associated wetland to a tidal shoreline. They support and see the value of buffers around this sensitive habitat and support increasing the buffers wherever possible. They also see the value of redevelopment of Harbor Square, where the Port is working closely with the City and groups such as Friends of the Edmonds Marsh to create a very future-looking vision that takes into account new science related to Puget Sound recovery, the need to incorporate low-impact development and stormwater controls in any new development, and the potential of the site, through the redevelopment process, to create a very robust environmental plan. Friends of the Edmonds Marsh is pleased that the Port invited them to participate on the initial Harbor Square Master Plan committee, and they look forward to continuing this collaborative effort.

REVIEW OF SHORELINE MASTER PROGRAM (SMP) UPDATE

Bob McChesney, Port of Edmonds Executive Director, said he was present to advocate for and solicit the Board's support for the establishing of the Urban Mixed Use III Environment. The Port believes that redevelopment at Harbor Square would not be incompatible with the marsh. In fact, going forward with reasonable redevelopment at Harbor Square will create an

opportunity to participate in marsh restoration. He reminded the Board of the long process the Port has been involved with over the last few years to obtain public input, not only for design attributes and concepts, but also to explore the best ways to redevelop Harbor Square in an environmentally responsible and sustainable way. The Port has had discussions with various groups, including Imagine Edmonds and Friends of the Edmonds Marsh. The process has been open and transparent, and they are very interested in moving forward with the Harbor Square Master Plan.

Mary Lou Block, Port of Edmonds Commissioner, recalled that she began working for the City of Edmond Planning Department in 1974, not long after it had been determined through extensive testing that Edmonds Marsh was tidally influenced. As a result, the Department of Ecology (DOE) declared the marsh an associated wetland, requiring that it be protected from future development. She recalled that she was still working for the City when the owners of the Marsh, Unocal, approached the City with an application for a short subdivision. The City worked with them to put together a program that allowed for the short subdivision in conjunction with Unocal dedicating the marsh to the City. She summarized that she has a long history of working to protect the marsh. She has strong feelings about the need to treat the marsh well and do all they can to maintain and enhance its environmental features and health. She recalled that for many years, the City received coastal zone management grants to hire consultants to study the marsh's health and identify what could be done to maintain and improve it. The marsh is a valuable community resource that must be protected, and the Port intends to do just that. Redeveloping Harbor Square could result in a much better situation. She suggested the proposed Urban Mixed Use III Environment would be a good solution that enables the Port to proceed with their Harbor Square Master Plan, which will include both residential and commercial uses.

Board Member Johnson recalled there was an equestrian rink at the current location of SR-104 in approximately 1970. Commissioner Block said SR-104 was fully developed by the time she joined the City in 1974. Board Member Johnson summarized that the roadway was extended sometime between 1970 and 1974, and this caused a significant change to the marsh environment. Commissioner Block suggested they review historic photographs to identify previous conditions. Board Member Johnson said her understanding was that Harbor Square was made by the dredge of the marina. Commissioner Block agreed some fill was done when the marina was dredged, but that occurred a long time before she joined the City of Edmonds staff. Board Member Johnson observed that it is interesting to become more familiar with the history of events.

Keeley O'Connell, Friends of the Edmonds Marsh, clarified that while her previous comments were intended to represent the Friends of the Edmonds Marsh, she is also a restoration ecologist with People for Puget Sound. Her career focuses on restoration of Puget Sound shoreline environments. She said that she has researched the history of the Edmonds Marsh over the past two years and learned that, historically, the marsh was over 60 acres in size and extended all the way to Brackett's Landing. It was considered a barrier estuary, and there were a number of similar estuaries in the Puget Sound. However, 98% of these habitats between Everett and Tacoma have been completely filled, and the Edmonds Marsh is the only one of significant size left that has any potential for restoration. She summarized that they have a unique opportunity to protect the Edmonds Marsh. She said Friends of the Edmonds Marsh has a historic photo series that extends from 1947 through 1985, showing the marsh shrinking as various pieces were filled and built upon until only 24 acres was left. She noted that the last site to be filled and developed was Harbor Square.

Vice Chair Reed announced that just today Board Member Stewart emailed each of them a document put together by People for Puget Sound. He said he has not had time to read the document, but he felt it would be helpful in the Board's discussion. He also thanked Commissioner Block for sharing the history of her efforts to protect the marsh while she was a City employee.

Mr. Lien reviewed that this is the Board's third opportunity to discuss the SMP. At their last meeting, the Board specifically requested information about the origin of the current shoreline bulk and dimensional standards found in ECDC 24.40.090. He explained that, for the most part, the current standards for height, setback, and lot coverage were derived from the current zoning or the current SMP regulations found in ECDC 23.10. However, there are some exceptions.

Mr. Lien advised that the current SMP does not contain any regulations regarding aquaculture. No specific shore setbacks for aquaculture uses were suggested for the Urban Mixed Use Zones because the areas are intensely developed and largely commercial in nature. There were some shore setbacks suggested for the residential and conservancy environments in order to protect views from these locations. The 1,500-foot shore setback was borrowed from Whatcom County's SMP. The

maximum height above the deck for an overwater structure was taken from the regulations in the current SMP, where ECDC 2.10.155.G.2 limits storage lockers to three feet above the height of the dock or pier. Staff would like to discuss aquaculture with the Board in greater detail at a future meeting.

Mr. Lien stated that the building setback in the Urban Mixed Use I and II Environments came from zoning and the current SMP. As proposed the shore setback for recreational uses would be 15 feet from the bulkhead. The shore setback for the Urban Mixed Use III Environment would be 25 feet from the shore. Assuming that recreational elements such as boardwalks and bird-watching platforms would be located closer to the marsh than other development within the Urban Mixed Use III Environment, staff proposed a 15-foot setback consistent within the Urban Mixed Use I and II Environments. A 50-foot setback is proposed for recreational uses in the Conservancy Environment. This environment are generally more sensitive and has not been developed as extensively. There are more opportunities for restoration. He said the recreational element within the SMP also lists coverage for recreational development, so an additional line would be added to the Bulk and Dimensional Standard Table. In ECDC 24.60.060.D.11, structural coverage is limited to 10% or 4,000 square feet, whichever is less. The pervious coverage is limited to 20% or 10,000 square feet, whichever is less.

Mr. Lien advised that the maximum height within the Aquatic Environment is suggested to be 5 feet above the ordinary high water mark (OHWM). The Board may want to consider this standard because it is unclear where it was derived from. The current SMP allows recreational facilities to be 35 feet above the OHWM, and the 5-foot limit may have been a Scribner error when the Bulk and Dimensional Standard table was created. A variety of standards for height above the OHWM exist elsewhere within the current and proposed SMP's. For example, the current SMP allows piers to be 15 feet above the OHWM, while the proposed SMP limits piers and docks to 5 feet above the OHWM with pilings allowed higher to provide for tidal conditions. He asked the Board to provide direction about how far above the OHWM to allow recreational type developments in Aquatic Environments.

Mr. Lien reviewed that the bluff setback within the residential section was taken from the City of Edmonds' Critical Areas Ordinance (CAO), specifically ECDC 23.80.070.A.1.a. The current CAO identifies a 50-foot bluff setback and a 15-foot building setback. However, the 50-foot bluff setback can be reduced to 10 feet, with a 15-foot building setback. These setbacks could be incorporated into the SMP, but a shoreline variance process would be required in order to reduce the setbacks. This represents a significant change for the residential shorelines.

Mr. Lien noted that within the All Other Development Section of the table, the maximum coverage for the Natural and Conservancy Environments is proposed to be limited to 10%. With the exception of recreational development, maximum coverage limits were derived from zoning.

Mr. Lien advised that the shore setbacks for the Urban Mixed Use III Environment are new setbacks not established by underlying zoning or the current SMP. The Urban Mixed Use III Environment is proposed for three locations: 1) the upland area beyond the tidally-influenced portions of Edmonds Marsh, including portions of Harbor Square on the north side of the marsh; 2) portions of the former UNOCAL storage facility on the south side of the marsh; and 3) the six parcels along Sunset Avenue between Main and Bell Streets. The parcels along Sunset Avenue are separated from the shoreline by the railroad tracks, so the shore setbacks would not be applicable.

Board Member Ellis asked if the philosophy is to incorporate the bulk and dimensional standards into the SMP or to simply reference other Development Code standards. Mr. Lien recalled that when the Bulk and Dimensional Standards Table was first created, staff referenced the underlying zoning standards, but the DOE indicated that everything should be specifically spelled out in the SMP so it can be a stand-alone document. Board Member Ellis observed that the SMP would take priority when there is a conflict with other City regulations. The DOE wants something hard-written into the SMP so it cannot be changed by altering another City regulation. Mr. Lien said that is his understanding, particularly since the DOE must approve the SMP. Board Member Ellis summarized that the theory is to include all the standards for the different zones within the SMP rather than incorporating them by reference.

Board Member Clarke observed that purchasing the Harbor Square property has created an additional hurdle for the Port in order to create solvency in the future. However, he suggested it is important to recognize the unique environmental characteristics of the marsh, which is not replicated in any other location along Puget Sound. He suggested the Board

Members should ask themselves if developing Harbor Square was a good idea. He pointed out that the Port's mission statement calls for marine-oriented development, yet there have been no development proposals of this type for any of the Port's properties located east of Admiral Way. In order to accomplish the Port's goal of maximizing their revenue potential, the Port is considering the concept of residential development. However, this would require amendments to the Development Code to allow residential uses and to raise the height limit. He questioned if there is a better use for the site that provides more public space to benefit the residents of south Snohomish County and North King County. He noted that only those who live in the residential units would be able to enjoy the property. He suggested that the only reason staff is proposing the new \ Mixed-Use Urban III Environment is to accommodate the Port's Master Plan. He reminded the Board that some residents of Edmonds are opposed to height limits over 30 feet. The Board must balance the public's perspective, recognizing that they have not had the opportunity to comment on the proposed new zone. If the property were vacant and the community could develop anything they wanted at Harbor Square, he questioned if they would want to develop something other than a mixed-use development given the uniqueness of the marsh as a community amenity. He emphasized his belief that real estate development is not the Port's role. Real estate development should be left to the private sector.

Commissioner Block pointed out that, as per state law, economic development is part of the Port's mission and responsibility. Board Member Clarke suggested that economic development could involve creating a public space that improves the economic viability of the entire Edmonds community by drawing people to the area to experience something unique that is not available in other locations.

Vice Chair Reed pointed out that the Harbor Square property has been developed and the buffers have been established. At this time, the property is zoned to allow for commercial and light-industrial uses. He reminded the Board that the Port has conducted an extensive public involvement process to identify the community's vision for redevelopment at Harbor Square. They have not received extensive feedback that indicates the public is against future redevelopment of the site. Board Member Clark emphasized that the public has not had the opportunity to comment on the proposed reclassification of the marsh and its impact on the Harbor Square Master Plan. He pointed out that the Port would be unable to develop residential units at Harbor Square unless the SMP is amended, but this fact has never been pointed out to the public. Mr. Chave clarified that the public has had an opportunity to participate in the Port's master plan process. He cautioned against requiring the Port to throw out their entire master plan just because the marsh has been reclassified. Board Member Clarke said he is not advocating that the Port's master plan be discarded, but it should be considered in conjunction with the SMP. Mr. Chave agreed that would be the optimum situation. However, the City is required to update their SMP before the Port finishes their work on the Harbor Square Master Plan.

Board Member Clarke referred to the information that Board Member Stewart sent to each Board Member. One particular document talks about the railroad being a physical barrier that cannot be removed. State Route 104 is another barrier that has created a natural boundary that changed the marsh. Mr. Chave commented that the City cannot change what occurred in the past. The SMP is important because it emphasizes restoration, enhancement, etc. It requires any new development to consider opportunities for restoration and enhancement that would not otherwise be required. He summarized that, unfortunately, the City must make decisions regarding the SMP before the Port has completed their Harbor Square Master Plan. The SMP could be conservative and the Port would be no worse off than they are today. The current SMP would have to be amended to accommodate the Port's proposed master plan. He said staff believes the City has an obligation to make the SMP consistent with other plans. Staff is recommending the new Urban Mixed Use III Environment for the Harbor Square property because the Port's master plan process has included extensive public involvement and because the property is clearly different than the shoreline areas located along Puget Sound. He said it is important to acknowledge the Port's process and the work they have been doing without prejudging the outcome. The proposed Urban Mixed Use III Environment sets the stage for the master plan, but it does not reach a conclusion. Regardless of what the Board ultimately decides, there will be more public process once the Port presents their master plan for adoption into the City's Comprehensive Plan.

Board Member Stewart said she appreciates Board Member Clarke's thoughts, and she wishes they could go back and do things differently given new science. However, that is not possible, and they need to learn from past mistakes and apply current science going forward. She agreed that the public needs to be informed as soon as possible that a portion of the marsh has been reclassified as shoreline, and the press release she prepared will help make the process transparent as it

APPROVED

moves forward. She said she appreciates the Port's attempts to make their master plan a win/win for the City, the environment, and the economy.

Board Member Johnson said she attended one of the Port's early public meetings regarding their Harbor Square Master Plan, where it appeared the Port was proposing mostly industrial uses, with some residential. However, the proposal that was presented to the Citizens Economic Development Commission identified a mixture of residential and commercial uses, with a focus on residential uses. She suggested it would be helpful for the Board to understand what currently exists at Harbor Square and what they are proposing for redevelopment. Commissioner Block said Harbor Square was originally developed as marine-related industrial rather than commercial uses. As the land became more valuable, the industrial uses were moved to where land was less costly. Since that time, Harbor Square has evolved into primarily office uses. As for future redevelopment of the site, there are many reasons why residential uses make sense such as the property's close proximity to transit opportunities, employment centers, etc.

Mr. McChesney said that over the past few years, Harbor Square redevelopment has been contemplated to be a classic mixed-use development that would include a residential component, a ground floor retail component and some office. However, the actual mix is yet to be determined. He referred to the feasibility study that was done in 2009 by an outside consultant hired by the Port. The purpose of the study was to identify the minimum amount of development that need to occur on the property in order to achieve economic feasibility sufficient to attract an outside private developer to make an investment. Block diagrams of the consultant's findings were presented at an early public meeting, and they indicated a high proportion of residential. This study was used to inform the Port's current master plan process to create more conceptual details, which are still based on the urban mixed use concept that is driven by residential. He said the Port Commission and staff visited the Mill Creek Town Center to view how other municipalities plan for redevelopment, and the message they have received is that residential development drives retail development. The Port has tried to incorporate contemporary redevelopment ideas, including a large amount of open space, public access, and marsh amenities, to knit the project together to be a community benefit. Commissioner Block added that the conceptual idea is to focus on pedestrian access and other amenities that would invite people to visit the area.

Vice Chair Reed said it is important to understand that the SMP Update involves a lot more than just the Urban Mixed Use III Environment. The document is much more extensive than what has existed historically. He said that while it is important to make sure the public understands the proposed new Urban Mixed-Use III Environment and how it can help address the Port's potential Harbor Square Master Plan, it is also important for the public to understand that the SMP involves a much broader area.

Mr. Lien explained that a number of factors were taken into consideration when developing the setbacks for the Urban Mixed Use III Environment. First, the type of shoreline itself was taken into account. The Board has had a lot of discussion about how the Edmonds Marsh area is different than the area along Puget Sound. The marsh is a non-navigable water that is considered a shoreline due to tidal influence from Puget Sound. The Shoreline Management Act (SMA) differentiates between the uses allowed in areas with navigable water and non-navigable water. Second, the shore setbacks for the other environments and potential uses were considered for comparison purposes. The Urban Mixed Use I and II Environments were established at 15 feet in the current and proposed SMP's. The shore setback in the Shoreline Residential III (around Lake Ballinger) is established at 35 feet in the current and proposed SMP's and zoning regulations. The Urban Mixed Use III Environment is an intensely developed area and current zoning allows for commercial and light industrial types of uses and multi-family residential uses in the MP2 zone on the south side of the marsh. The uses within this zone are more similar to the uses allowed in the Urban Mixed Use I and II zones than the Shoreline Residential III zone. Third, the standard of no net loss was taken under consideration because the marsh is a unique environment. As mentioned previously, Harbor Square is currently developed with parking as close as 20 feet from the edge of the marsh, and the existing walkway and boardwalk along the marsh are even closer.

Board Member Clarke asked Mr. Lien to explain his measurement of the parking on the north side of the marsh (south side of Harbor Square). He noted that vehicles currently park off the pavement perpendicular to the shoreline in a north/south direction from the tennis bubble all the way to the viewing area on the boardwalk. He questioned if this gravel area would be considered a legal parking area. Mr. Lien said he used an aerial photograph to measure from the edge of the pavement to the marsh. Board Member Clarke expressed his belief that staff's measurement disregards how the property is being used. Mr.

APPROVED

Lien said the gravel between the pavement and the marsh would be considered impervious surface, which means parking is developed even closer to the marsh than the measurement indicates. Board Member Clarke pointed out that parking is not allowed within the landscape buffer and/or setback area. Mr. Lien clarified that they are currently talking about structural setbacks and not buffers. The 200-foot shoreline jurisdictions around the marsh would not be considered a buffer, either. Mr. Chave said that, regardless of the existing conditions, the purpose of the SMP Update is to establish setbacks that would apply going forward. Any future redevelopment would have to be configured to meet the setback requirements identified in the SMP.

Board Member Clarke observed that, as currently proposed, a building could be set at the asphalt edge. Mr. Lien answered that a building could be constructed 25 feet from the edge of the marsh in the Urban Mixed Use III Environment. In the Urban Mixed Use I and II Environments, a building could be constructed 15 feet from the edge of Puget Sound. Board Member Clarke noted that this would be physically impossible without the existing bulkheads because most of the beaches extend more than 15 feet in an easterly direction from Puget Sound. Mr. Lien said the 15-foot setback would be measured from the existing seawall. Board Member Clarke referred to the building north of the Senior Center, which has a seawall, a parking lot and then the building. Mr. Lien said that as per the zoning regulations, as well as the current and proposed SMP's, a building could be 15-feet from the sea wall. Board Member Clarke asked if the setback requirement for the Urban Mixed Use III Environment would apply to the Old Safety site. Mr. Lien answered that the Old Safeway site is not located within the shoreline jurisdiction. It is zoned Commercial Business, which allows buildings to be placed right on the property line. Board Member Clarke summarized that the Urban Mixed Use III Environment would require a greater building setback than what is required by the adjacent Mixed Use and Commercial Business zones. He said he is trying to come up with an explanation for how staff created bulk and dimensional standards for the Urban Mixed Use III Environment.

Mr. Lien said that in addition to the reasons stated earlier, staff felt the shore setback required in the Urban Mixed Use III Environment should fall somewhere between the shore setbacks required in the Shoreline Residential III Environment and the Urban Mixed Use I and II Environments. The Shoreline Residential III Environment is a lighter intensity type development with existing development occurring further away from Lake Ballinger. The Urban Mixed-Use I and II Environments have similar types and intensities of uses, with development up to the existing sea wall. The Urban Mixed Use III Environment around Edmonds Marsh is intensely developed essentially to the edge of the marsh. Taking all this under consideration, staff is proposing a 25-foot shore setback for the Urban Mixed Use III Environment.

Mr. Chave emphasized that there is already development in the proposed Urban Mixed Use III Environment that is closer to the marsh than the proposed 25-foot setback. Board Member Stewart suggested the City learn from current science regarding the function of water bodies such as the marsh. The marsh needs room to do its job to handle upland stormwater. She emphasized her desire for conservative setback requirements around the marsh, not only to allow room for it to function properly, but to protect buildings from the impacts of stormwater runoff. Mr. Chave suggested the Board invite the Port to share the discussions they have had with Friends of the Edmonds Marsh regarding appropriate setbacks.

Mr. McChesney said future build out at Harbor Square under the current redevelopment concept would result in greater setbacks. They are trying to be responsible and responsive to new science. They want to learn from the past and design the project to be as protective of the marsh as possible. It is the Port's theory that of all the potential uses for the Harbor Square site, residential would be the least invasive and have the lowest impact to the marsh. They can design the project to be fully compatible with the buffers and the restored marsh. However, their strategy will require the Urban Mixed Use III Environment. He agreed to forward the Port's proposed setbacks to staff. Mr. Chave said staff's recommended setback was intended to acknowledge where the marsh might be enhanced. Commissioner Block cautioned that the Port has not adopted their Harbor Square Master Plan, so there are no specific numbers for setbacks. However, the intent is to be very cognizant of the need to protect the marsh and enhance the buffers to make the situation better. Mr. Chave asked Mr. McChesney and Commissioner Block to share the Port's discussions about what future enhancement of the marsh might include. Mr. McChesney agreed to provide this information to staff.

Board Member Clarke referred to the redevelopment that occurred at the south end of Lake Union, which was previously occupied by a cement plant. He noted that the City of Seattle required the developer to create open space and a boardwalk from Yale Street on the east to the wooden boat facility on the west. He summarized that this project resulted in a great public amenity, and the buildings are setback to the south far enough that the corridor has an open feeling. Board Member

Clarke also referred to Carillon Point in Kirkland, which has a great esplanade along the marina between tall buildings for the public to enjoy. He said he envisions something similar at Harbor Square so that the public can enjoy the marsh. Mr. McChesney agreed the Port would like to mimic some of these same urban waterfront design standards, while recognizing the constraints of the small parcel size. He noted there must be a certain amount of massing in order to get a project to work at Harbor Square. Providing more open space and wider buffers requires a greater height limit than what the City has indicated they are comfortable with. Board Member Clarke agreed the Port must deal with the economic feasibility hurdle. He further agreed that creating more public space reduces the amount of buildable area. They must identify a tradeoff between the Port's economic needs and the public benefit of open space and amenities.

Board Member Stewart said she is struggling with the fact that staff is trying to have three different areas fit under the Urban Mixed Use III Environment. The property around the marsh is unique and should not necessarily have the same bulk and dimension standards for development as the other two areas. While she trusts what the Port is doing, she would like the SMP to ensure the marsh is protected adequately, which may require a separate and distinct environmental classification. Board Member Johnson said the environment for the area around the marsh could be distinguished by what is happening below the surface. There is a lot of ground water activity and drainage issues particular to this site that may not be applicable to the other two areas.

Board Member Clarke asked if any consideration was given to having less setback for the properties on Sunset Avenue between Main and Bell Streets because there are no environmentally sensitive areas. Mr. Lien noted that the shore setback requirement would not apply to these properties even though they would be classified under the same shoreline environment as the Harbor Square property. He noted that the shore setback would also apply to the Willow Creek outlet on the south side of the marsh. He advised that the Willow Creek outlet was originally intended to be part of the Edmonds Crossing Project. It is currently zoned Master Plan 2, which allows mixed-use types of development similar to what would be allowed in the Urban Mixed Use III Environment.

Board Member Ellis asked if the Urban Mixed Use III Environment would apply all along Willow Creek and if daylighting the creek make any difference. Mr. Lien answered that the designation for Willow Creek, itself, would be identified as a Conservancy Environment. The areas outside of Willow Creek would be Urban Mixed Use III. He used a map to illustrate the location of the 200-foot shoreline jurisdiction that exists around the marsh as a result of the DOE's recent decision to identify the marsh as a shoreline environment. He clarified that any development within the 200-foot shoreline jurisdiction would require a shoreline permit. Mr. Chave reminded the Board that staff did not learn of the new marsh designation until just a few months ago.

At the request of Board Member Ellis, Ms. McConnell pointed out the location of the Willow Creek outlet. Board Member Ellis asked if daylighting Willow Creek would further expand the shoreline environment. Mr. Lien answered that only the exposed portion of Willow Creek is identified as shoreline jurisdiction, so daylighting the creek would expand jurisdiction. He added that if the Willow Creek project allows more tidal influence into the marsh, it is likely the marsh shoreline boundary would expand, as well.

Mr. Lien said there is no shore setback for recreation within the Natural Environments. Footnote 14 states that the three natural areas are separated from the shoreline by the railroad tracks, but that is no longer true now that the marsh has been designated as a shoreline. Light recreational development such as trails is allowed in the Natural Environments without a setback requirement. He reminded the Board that the setbacks apply to structures, and he does not foresee any structures being allowed in the marsh other than perhaps some piers for public access. Therefore, he questioned the need to establish shore setbacks for the Natural Environments. The Board concurred.

Mr. Lien reminded the Board of his earlier request for direction on the height limit above the OHWM for recreational structures built within the Aquatic Environment. The proposal calls out a 5-foot height limit, but the current SMP identifies a 35-foot height limit. Board Member Cloutier asked if there are any practical examples the Board could use to guide their recommendation. Mr. Lien said the fishing pier is located within the aquatic environment. As per the proposed SMP, the pilings for recreational structures in the Aquatic Environment can be taller than five feet, which allows a pier to move up and down with the water level. This may be one reason for the 5-foot recommendation. Mr. Chave pointed out that a 15-foot

APPROVED

height limit would allow for taller structures like the fishing pier, but it would not be so high to accommodate buildings. The Board concurred that a height limit consistent with the height of existing structures would be appropriate.

Mr. Lien referred the Board to the changes that have been made to the draft SMP based on Planning Board feedback. The Board and staff reviewed the changes as follows:

- **Climate Change Policies.** Mr. Lien advised that three new climate change and sea level rise policies were added to the Shoreline Use element in ECDC 24.20.050.C. A policy was also added to encourage the use of low-impact development techniques. Board Member Stewart referred to ECDC 24.20.050.C.11 and suggested the language be changed to require rather than encourage all use and development to address potential adverse effects of global climate change and sea level rise. She felt the City should expect developers to incorporate best available science into future projects. Board Member Cloutier agreed with the concept of requiring developers to address potential adverse effects of global climate change and sea level rise, but he questioned how the requirement would be implemented without a specific policy in place. Board Member Stewart answered that ECDC 24.20.050.C.12 requires the City staff to stay abreast of scientific information, which could be given to developers. Board Member Cloutier suggested that ECDC 24.20.050.C.12 actually enacts best available science by updating the SMP. As long as a future development meets the SMP, it addresses the issue of climate change. If not, the City has failed to do their job to update the SMP. He said he would be opposed to changing ECDC 24.20.050.C.11 because it would require applicants to complete a scientific analysis to identify best available science. Instead, it is incumbent upon the City to keep the SMP up to date as new information becomes available. Board Member Johnson suggested that if the City can interpolate that the sea level will rise by three inches over a certain time period, the development standards should address this issue so buildings are not constructed below that mark. The Board agreed to eliminate ECDC 24.20.030.C.11.

The Commission discussed whether or not a motion would be needed for each of the changes. Board Member Clarke recalled that the Board was recently criticized for not having the process clearly reflect their intentions. He suggested the Board take action on each of the changes via motions. Board Member Cloutier agreed that motions would be appropriate when the document is near final form and the Board is ready to recommend forwarding it to the City Council for final approval. However, it is still a working document. The Board agreed that a consensus for each change would be sufficient.

Board Member Clarke asked if there is language that requires the City to consider climate change and rising sea levels as part of each SMP update. Mr. Lien said there are several regulations that require new development to be done in a manner that does not involve new structures along the shoreline. Climate change needs to be taken into consideration for any development proposed near the shoreline. He noted that ECDC 24.20.030.C.11, along with the regulations in the SMP, would force developers to consider climate change and rising sea levels.

Board Member Stewart suggested that ECDC 24.20.030.C.14 be changed to read, "All use and development shall use low-impact development (LID) techniques and sustainable building practices such as Salmon Safe, Built Green, and LEED." She recalled Mr. Chave's earlier suggestion that developers be asked to consider sustainable building practices. Board Member Cloutier said he supports green development, but he questioned the City's ability to enforce the requirement. He reminded the Board that the SMP must be a stand-alone document. Mr. Chave said the current stormwater regulations do not require LID or sustainable building practices. However, there is talk about this becoming a future requirement. Mr. Lien said several staff members attended a recent conference regarding the anticipated LID regulations. Mr. Chave said the City has been encouraging developers by pointing out the positive aspects associated with LID, and they have had some success. Board Member Stewart said the shoreline is a resource that must be protected. The City could set the standard rather than waiting for the state to require it. At a minimum the policy should state that all use and development shall use LID techniques. Anything less than green development at the waterfront jeopardizes the precious environment. Board Member Cloutier agreed it is appropriate to require LID techniques, but the policy must provide more information to describe exactly what LID means. Mr. Chave agreed that if the policy requires LID techniques, then the City must have regulations in place to implement the requirement. He noted this would not be an easy task. Mr. Lien agreed to discuss Board Member

Stewart's proposed language with the City's Stormwater Engineer and bring back additional information for the Board's consideration at a future meeting.

Board Member Ellis asked if the concern would be satisfied if the language was revised to read "Require all use and development to use LID techniques as they are codified. Board Member Cloutier asked if the LID techniques would have to be incorporated into the SMP so it can be a stand-alone document. Mr. Lien said this would not necessarily be required. The language could be written so that any development within the shoreline jurisdiction must be consistent with the SMP and all other City regulations. If future development in the City requires LID techniques, projects within the shoreline jurisdiction would have to meet the new requirement. Board Member Cloutier questioned if the SMP would have to provide additional regulations in the SMP to implement a policy that requires LID techniques, or if the implementing regulations could be contained in the Development Code. Mr. Lien said that if the City includes an LID policy in their SMP, the SMP should also provide an explanation about what LID means. Board Member Ellis said another option would be to leave out any reference to LID techniques from the SMC, and allow other citywide regulations to apply. Board Member Cloutier agreed with Board Member Stewart that because of the uniqueness of the shoreline jurisdiction, the SMP should specifically call out a policy for implementing LID techniques. Board Member Ellis cautioned that adding more specific numbers in the SMP than required could make it difficult for the City to change the numbers as science evolves. The Development Code is easier to update. Mr. Lien agreed that it may be possible to simply reference the LID requirements in the Development Code and other City documents. Board Member Stewart suggested that, at the very least, a definition for LID could be added. The Board agreed to allow staff to review the issue and make some recommendations for potential changes to address this issue.

- **Mixed Use Environment Comparison.** Mr. Lien recalled that the last time he met with the Board he provided a comparison of the Urban Mixed Use Environments. Two paragraphs were added to ECDC 24.30.070.B.1 to summarize the Board and staff's discussion.

Board Member Ellis referred to ECDC 24.30.070.D.1, which states that when regulating uses in the Urban Mixed Use Environments, first priority should be given to water-dependent uses. He asked if this would apply to all Urban Mixed Use Environments or just the Urban Mixed I and II Environments. Mr. Lien answered that it would apply to all three of the Urban Mixed Use Environments. He explained that the SMA promotes water-dependent or water-oriented development. Board Member Clarke pointed out that it is not possible to develop water-dependent uses in the Urban Mixed Use III Environment because there is no access to navigable waters. Mr. Lien referred to 24.60.030.C.1, which prioritizes the different types of uses for commercial and light industrial development. He particularly noted that ECDC 24.60.030.C.1.d.ii specifically states that non-water-oriented commercial and light industrial uses are permitted on sites where navigability is severely limited. This exception would apply to the Urban Mixed Use III Environment. He summarized that the SMP's policy is to encourage water-dependent and water-oriented uses, but it also allows for non-water-oriented uses depending on the site.

Board Member Tibbott asked staff to provide an example of a type of water recreational use that could be located along the marsh. Mr. Lien said that being at the shoreline, taking in the view, accessing the beach, and walking along the marsh would be considered water-oriented recreational activities. A boardwalk would be considered a water-oriented recreational use. He said that while canoeing on the marsh would be permitted, boat launches would not. Board Member Ellis expressed concern that, as written, not only would canoeing be permitted, it would receive first priority. Mr. Lien agreed that canoeing or kayaking would be considered a low-impact recreational use that would be allowed and encouraged in all the Urban Mixed Use Environments. Mr. Chave said it is possible to create a management plan for the marsh that prohibits these types of uses in the marsh area.

Board Member Stewart advised that the Mercer Slough Environmental Center in Bellevue was recently built in partnership with the Pacific Science Center. Their mission was to get people out in nature without destroying it. They provide educational opportunities and rent their space for community events for children and families. They are doing well financially by featuring their slough as an attraction. While she is not against some residential development at Harbor Square, perhaps there is an area that could accommodate a project of this type, with

walkways to the marsh so that people could truly appreciate the wonderful resource and understand its value and function. Mr. McChesney said this concept has been discussed by the Harbor Square Master Plan Steering Committee, and they have engaged Imagine Edmonds in their discussions to talk about ways to incorporate a feature of this type into the Harbor Square redevelopment. A memorandum of understanding has been drafted that talks about a partnership with the City and the Port to establish an interpretive center or teaching facility that attracts people to the marsh to learn and participate.

Board Member Tibbott asked if this type of project could be located on the Willow Creek side of the marsh. Perhaps the highest and best use of this property could be an environmental learning center as opposed to a multi-family development. It was noted that this property is not part of Harbor Square. Mr. Chave also noted it would be a difficult location for an environmental learning center. Board Member Tibbott questioned where the busses that bring children to the center would park and how the Port would provide safe walkways for children to access the center, especially if it is located in a mixed-use residential/commercial setting. Board Member Stewart pointed out that bus loads of children come to the waterfront to participate in the beach ranger program, and there seems to be sufficient space for two or three buses to park. However, if there are more, other arrangements need to be made. She noted that there are also options for safely crossing the railroad tracks.

Mr. Lien referred to ECDC 24.60.030.D which spells out the specific shoreline area regulations for each of the shoreline environments. He noted that an additional sentence was added to ECDC 24.60.030.D.4 to specifically state that non-water-oriented use and development is permitted in the Urban Mixed Use III Environment.

Board Member Clarke recalled when marine-oriented uses were located at Harbor Square. However, these uses moved elsewhere when the underlying land values escalated. He referred to the property between the railroad tracks and Admiral Way, which currently has a mixture of low-intensity uses. He noted that, as proposed, this property would require water-dependent uses. He asked what the Port envisions for the future of this property. Is it an under-utilized asset because of zoning or market demand? Mr. McChesney said the property is used to support the marina. The workyard is located in this area, along with dry storage for boat trailers. A portion of the property has also been used to provide parking to support Sound Transit. Future development is highly problematic because of the size and shape of the parcels and their close proximity to the trains. At one point they worked with a prospective tenant to lease a parcel and develop a building for marine retail and boat repair. This deal fell apart for general commercial reasons. While there is potential for developing the site, the Port does not have any active plans for any of the parcels except to support Sound Transit parking needs. Board Member Clarke noted that commuter parking is not permitted in the Urban Mixed Use II Environment because it is not water oriented. Mr. Lien clarified that the Urban Mixed Use II Environment permits parking with an associated use. He recalled the Board discussed this issue earlier. Because the property between the railroad tracks and Admiral Way is separated from navigable waters, a non-water-oriented use would be allowed, including parking. Board Member Clarke said he would like to encourage amendments to the SMP that would allow the Port more flexibility to be able to meet market demands. Parking is also a great revenue source for property owners who provide transient parking after work hours.

Board Member Johnson said ECDC 20.60.030.C.1.d states that commercial and light industrial uses are only allowed on sites that are physically separated from the shoreline by another property in separate ownership or public right-of-way. If the marsh is now a shoreline, she asked if commercial and light industrial uses would be prohibited in a single-parcel development like Harbor Square. Mr. Lien noted that that ECDC 24.60.030.C.1.d.ii provides an exception for sites where navigability is severely limited. This exception would apply to Harbor Square. In addition, a line was specifically added to ECDC 24.60.030.D.4 to emphasize that non-water-oriented commercial use and development is permitted in the Urban Mixed Use III Environment. Board Member Johnson suggested the language in these two sections appears to be conflicting. Mr. Lien explained that the language was taken from the DOE's guidelines. The DOE's intent is to preserve shoreline areas for water-dependent and water-oriented uses. However, the SMA differentiates between navigable and non-navigable waters, allowing non-water-oriented type developments where navigability is limited such as at Harbor Square.

Board Member Clarke pointed out that the fourth line in the third paragraph of ECDC 24.30.070.B.1 should be changed by replacing "west of the railroad tracks" with "east of the railroad tracks." Board Member Johnson noted

that, as proposed, industrial uses would be prohibited and mixed use would be encouraged east of the railroad tracks. Mr. Lien recalled that he previously reviewed the various zones that would be allowed on the properties east of the railroad tracks based on the proposed environmental designation. He noted that the current General Commercial zoning designation at Harbor Square allows light industrial uses. The Master Plan 2 Zone located south of the marsh is intended for mixed-use development, which includes industrial uses. Board Member Johnson asked if any of the uses currently located at Harbor Square would be prohibited in the proposed new Urban Mixed Use III Environment. Mr. Lien answered no.

Board Member Stewart requested a definition for the term “high-intensity development.” Mr. Lien agreed to provide this definition at a future meeting.

- **View Corridor for Edmonds Marsh.** Mr. Lien recalled that at their last meeting, the Board discussed the concept of establishing a view corridor regulation for the Urban Mixed Use III Environment. He noted that in the Urban Mixed Use I and II Environments, 30% of a parcel must be left open for view. He referred to the proposed language in ECDC 24.40.040.B.11 and noted that the view corridor requirement would only apply to the property near the marsh, and a view corridor would not be required to extend all the way out to Dayton Street. He said he visited the Municipal Research and Services Center website to find links to different jurisdictions that have view protection language in their SMP. He reviewed the proposed language, which would require:
 - i. That uses and activities must be designed and operated to avoid blocking or adversely interfering with visual access from public areas to the water and shorelines.
 - ii. That visual shoreline access be maintained, enhanced and preserved on public road ends and rights-of-way.
 - iii. That no structure would be allowed to extend more than 100 feet in width without being interrupted by a space at least 15 feet in width that is open to view. For the purpose of the section, structure width shall be the total horizontal dimension of that portion of the structure facing Edmonds Marsh and measured parallel to the marsh.

Mr. McChesney advised that the Port supports the first two requirements, and they agree to the concept Requirement iii. However, he would like an opportunity to review the proposed dimensional standards associated with Requirement iii to determine its impact on the Port’s conceptual plans. Mr. Lien noted that the regulation would only apply to properties within the shoreline jurisdiction. Board Member Johnson said they must also address the issue of whether the Port property is considered public or private. If it is considered private property, then proposed Requirement ii would not apply to Harbor Square. Mr. McChesney explained that while the Port is a public agency, it is legally considered a private property owner for the purposes of doing leases and contracts. Board Member Johnson said the City maintains a map of all public roads and rights-of-way. Mr. Lien agreed that the Harbor Square property is now shown as public right-of-way. But if it is redeveloped under the current contract rezoning, additional rights-of-way could be added and potentially dedicated as public rights-of-way. Mr. McChesney advised that the internal roadways at Harbor Square belong to the Port, and the City has easements for stormwater. Board Member Clarke pointed out that the public is not permitted to park overnight at Harbor Square unless they have a contractual arrangement with the Port. On the other hand, street parking is governed by the City.

Mr. Lien used a map to identify the portion of the marsh that is tidally influenced and, therefore, identified as shoreline. The remainder of the marsh is identified as an associated wetland. The edge of the tennis court bubble falls within the 200-foot shoreline jurisdiction area that surrounds the marsh. He also used a map to describe how proposed Requirement iii would be applied to the Harbor Square property. Board Member Clarke questioned how the City could regulate something as being parallel to the shoreline when the shoreline boundary changes. Mr. Lien agreed and said it was difficult to come up with view corridor regulations that only apply to a small area. Board Member Clarke noted that Seattle has view corridor regulations that are applied to Lake Union. Mr. Lien agreed that the City of Seattle has several pages of view corridor regulations.

Board Member Ellis reminded the Board that the proposed view corridor requirements would only apply to properties that fall within the jurisdiction of the SMP. Buildings outside of the shoreline jurisdiction would not be required to comply. He asked how the City would regulate a situation where a building is only partially located

within the shoreline jurisdiction. Mr. Lien answered that the entire building would be required to meet the regulation if a portion is located within the shoreline jurisdiction. Board Member Ellis expressed his belief that the proposed view corridor requirements could become an enforcement and interpretive nightmare. Mr. Lien concurred and said he struggled to find language that would be simple to implement.

Board Member Cloutier emphasized that the purpose of the proposed view corridor requirements is to provide a view of the marsh from public rights-of-way, of which there are none at Harbor Square. Mr. Lien reminded the Board that the Urban Mixed Use III Environment would apply to more properties than just Harbor Square. While there are currently no public rights-of-way located in the proposed Urban Mixed Use III Environment, some might be created when redevelopment occurs.

Mr. McChesney commented that there is a wide view corridor contemplated in the Port's conceptual plan from the intersection of SR-104 and Dayton Avenue. The view corridor would bisect all the way through the Harbor Square property and is intended to accomplish what the proposed view corridor requirements are intended to do, but in a more architecturally graceful way. He suggested that rather than trying to over stipulate, they could simply require the view corridor already identified in the Port's conceptual design. Mr. Lien said they could also use the same view corridor language that is found in the Urban Mixed Use I and II Environments, which requires a view corridor to be maintained across 30% of a property.

Board Member Clarke asked if there is a view corridor from SR-104 through the area near the tennis bubble to the west. Mr. Lien once again explained that the view corridor requirements would only apply to street ends that are located within the shoreline jurisdiction. Board Member Clarke observed that because there are no public rights-of-way within Harbor Square, the view corridor requirements would not apply. Mr. Lien clarified that all new development within the shoreline jurisdiction would have to meet proposed Requirement iii, including Harbor Square.

Mr. McChesney once again stated that the Port is considering a view corridor that is better than what would be achieved by the proposed view corridor requirements. The Port's project will be designed around the view corridor, which is intended to invite people into Harbor Square to access the marsh.

Vice Chair Reed suggested that Requirement i would accomplish the City's goal for preserving view corridors. He said when he initially raised the idea of view corridor requirements, he was not only thinking about preserving the view to the marsh, but also the view of the mountains and Puget Sound. He said at least one of the Port's conceptual designs includes a view corridor as one of the design features. Requirement i would require developers to design uses and activities that avoid blocking or interfering with visual access to the shoreline. The majority agreed that Requirement i would be sufficient to address the issue of view corridors.

- **Footnotes in Bulk and Dimensional Standards Table (ECDC 24.40.090).** Mr. Lien noted that Footnotes 15 and 16 were added at the end of the Bulk and Dimensional Standards Table. They both reference underlying zoning and apply to all applicable environments.
- **Hotels in Commercial Development.** Mr. Lien advised that ECDC 24.60.030.A was changed to add hotels as an example of commercial development in the "applicability" section of the Commercial Development and Light Industrial Regulations.
- **"Should" Clarification.** Mr. Lien said a clarification of the word "should" was added to the definition section (ECDC 24.90.000.A). As currently written, "should" as used within the SMP means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the SMA and the SMP, against taking the action.
- **Fill and Railroad.** Mr. Lien reported that the DOE recently pointed out some minor inconsistencies with the draft fill and railroad regulations in Title 24. The Staff Report identifies the changes that were made for consistency reasons.

- **General.** Mr. Lien advised that a number of typographical errors were corrected throughout the document.
- **Parking.** Mr. Lien recalled that at their June 22nd meeting, the Board recommended that the Urban Mixed Use I and II Environment parking restrictions should also be applied to the Urban Mixed Use III Environment. However, given the Board's past discussions about the differences in the Urban Mixed Use Environments and the setbacks within the Urban Mixed Use III Environment, staff would like the Board to revisit the issue before making changes to the draft regulations.

Board Member Tibbott asked if the staff's proposed parking regulations envision the possibility of multi-level parking. Mr. Lien answered that multi-level parking structures would be allowed in the Urban Mixed Use III Environment, but not in the Urban Mixed Use I and II Environments. He reminded the Board that, as proposed, parking in the Urban Mixed Use I and II Environments must be at least 60 feet from the shoreline. A multi-level parking structure in the Urban Mixed Use III Environment could be located 25 feet from the shoreline. Board Member Clarke questioned how a developer could meet the development densities and parking requirements given the water table in this part of the City. Underground parking is not possible. Mr. Lien suggested the Board revisit this issue at a future meeting.

Mr. Lien noted that most of the SMP update work has been done over the past few years outside of the public review. It has involved staff review and working with the DOE to create regulations that meet the new State rules. He said he recently contacted the DOE to discuss the Board's concern about the need for more public outreach. He explained that while the DOE's deadline is December 31, 2011, the DOE representative clarified that as long as the City working on their SMP update and showing progress, additional time would be allowed. He said he would like to keep the same schedule of meeting with the Board once a month, but they have more time for public outreach and Board discussion than originally anticipated.

Vice Chair Reed pointed out that the Board could conduct a public comment session on key features of the SMP Update midpoint through the process. He emphasized that public involvement is an important part of the process. Mr. Lien agreed that would be possible.

Mr. Lien advised that the first step in the City's approval process is to assemble the complete draft SMP, which is what the Board and staff are currently working on. Once the draft is complete, a SEPA review must be completed. The City is required to provide a 60-day notice of intent to the Department of Ecology as per the Growth Management Act. Public hearings before the Planning Board and City Council would be conducted, after which staff would prepare a responsiveness summary for each comment received. Once approved by the City Council, staff would forward the document to the DOE and demonstrate compliance with the guidelines.

Mr. Lien said the DOE's review process generally takes six months to complete. They will remand the document back to the City Council with a recommendation for additional minor amendments. He noted that the process for minor amendments is the same as for a full-blown SMP update. If the minor amendment follows closely onto the major update, much of the information can still apply, but the same review process is required. He said the DOE is aware of the City's proposed new Urban Mixed Use III Environment, and they strongly suggested making the change now rather than doing a minor amendment at some point in the future. Because the DOE's guidance can change from year to year, Mr. Chave suggested the City address issues related to the Harbor Square property now. Board Member Johnson reminded the Board that the SMA requires the City to consider all current plans, as well as those in progress.

Mr. Lien advised that once the City submits their draft SMP Update to the DOE, the DOE will provide a public notice and allow a 30-day comment period. The DOE will send comments back to local governments within 15 days, and local governments will have 45 days to respond to each specific comment received. Within 30 days of receiving the City's response to each comment, the DOE will prepare a decision packet. They will either approve the submitted SMP, approve the SMP subject to required changes, or deny the SMP. If the DOE approves the City's SMP with required changes, the City will have 30 days to either agree to the proposed changes or propose an alternative.

Mr. Lien summarized that staff will continue to work through and revise the regulations in ECDC 24, update and finalize the restoration plan, and update and finalize the cumulative impact analysis. Once a draft SMP is available, the Board will begin the public outreach process. He recalled that Board Member Stewart has prepared a press release to notify the public of the SMP Update. City staff is working to update the City's website, which includes a direct link to the SMP Project. A SEPA review must be done, and a 60-day notice must be posted. The Planning Board will continue to hold workshop discussions and provide direction to staff. Public hearings will be conducted at both the Planning Board and City Council levels.

Board Member Stewart recommended that the Shoreline Bulk and Dimensional Standard Table (ECDC 24.40.090) be amended so the shore setback for the Urban Mixed Use III Environment is set at the more conservative range of 35 feet rather than the proposed 25 feet. She said she would like the setback even greater than 35 feet, but given the sensitive environment and the fact that it is changeable, it would be wise to have a minimum 35-foot setback requirement.

Board Member Johnson thanked Executive Director McChesney, Commissioner Block and Keeley O'Connell for providing valuable input to the Commission. Their comments helped her understand the process and view the regulations in a practical environment. Ms. O'Connell clarified that she is just a single representative of Friends of the Edmonds Marsh. She said she would like to take the Board's discussion to the entire committee for feedback before providing a formal response. She said that Friends of the Edmonds Marsh is concerned about finding the appropriate balance between public access and protecting the environment. She acknowledged that without public interaction, the desire to protect the habitat would not be as strong. On the other hand, overuse can significantly impact habitat values. She reiterated that the marsh is an extremely rare habitat remaining in Puget Sound and is absolutely essential to the recovery of salmon. It also provides essential habitat for Blue Heron, which were significantly impacted by the condominium development and are just coming back to the area. Even in its current condition, the marsh is an extremely diverse and important habitat. Restoring it to allow salmon back is vital to the recovery plan for Puget Sound.

Vice Chair Reed referred to the draft press release that was prepared by Board Member Stewart. The news release is intended to inform the public of the Board's work on the SMP Update. It could also be added to the City's website. He suggested Board Members forward input regarding the draft press release to Board Member Stewart via email. He volunteered to meet with Board Member Stewart to summarize the main points and finalize the press release. Board Member Clarke referred to an email communication the Board Members received from Council Member Petso. At the bottom of the email was a reference about not having the City Council email back and forth since that would constitute a meeting. He asked if this same policy would apply to the Board. Vice Chair Reed said that is why he suggested that Board Members email their input directly to Board Member Stewart. He cautioned against sending the individual comments to all Board Members since this could constitute a meeting.

The Board took a short break at 9:48 p.m. The meeting reconvened at 9:56 p.m.

REVIEW OF MEDICAL/HIGHWAY 99 ACTIVITY CENTER BOUNDARY

Mr. Chave said the Staff Report included minutes from the City Council meeting where the City Council asked the Planning Board to review the boundaries of the Medical/Highway 99 Activity Center as part of the 2011 Comprehensive Plan Amendment Docket. He explained that the original intent of including nearby small-lot, single-family residential areas in the activity centers (both downtown and the medical area) was to emphasize that single-family areas could be considered part of walkable, pedestrian-oriented activity areas that involve a variety of uses. He advised that it was never the City's intent that all development within the boundaries for the Medical/Highway 99 Activity Center is supposed to be the same. The intent was to illustrate to the powers that be at the regional and county level that you don't have to just have multi-family and mixed-use development in order to have walkable neighborhoods. This approach actually encourages walkable pedestrian connections between the residential areas and other parts of the activity centers. However, some single-family residential property owners now have the misunderstanding that their properties are destined to be rezoned.

Mr. Chave referred to a situation where a developer expressed an interest in purchasing a single-family residential property within the southwestern corner of the activity center. Their plan was to change the Comprehensive Plan to allow the property to be rezoned to a commercial designation. Just because the property is within the activity center boundary does not mean it can be rezoned. He emphasized that a Comprehensive Plan amendment would be required in order to change the

zoning on a parcel that is identified on the Comprehensive Plan Map as single-family residential. He further emphasized that changing the boundaries would not change a single-family residential property's ability to rezone. If the boundaries are redrawn to exclude the single-family residential properties from the activity center, a rezone would still require a Comprehensive Plan amendment. Whether or not the boundaries are changed, Mr. Chave said this review is helpful to get the message out that single-family residential zones can work in mixed-use, pedestrian-oriented activity centers. He recommended the Board conduct a public hearing to gather input. As part of the hearing, he would like an opportunity explain the reasons for including small-lot, single-family residential areas in activity centers.

Board Member Cloutier suggested it would be helpful to explain what the intent of the activity center designation and then review the boundary based on what it is supposed to do. As an aside, it could be pointed out that the boundaries have no effect on the underlying zoning. Mr. Chave said that the activity center boundaries were intended to identify areas within the City where future growth and change was presumed to happen in the future, but restrict the growth to a certain range and mixture of uses. Activity within the mixed-use areas is likely to intensify, but the single-family areas are not expected to change. The point is to make connections between the residential areas and mixed-use commercial areas. He suggested the Board could review the policy statement and perhaps add a phrase to reinforce the idea that single-family residential can be part of the mix and multi-family residential development is not necessary to create walkable neighborhoods.

Board Member Johnson said it appears the activity center extends further south on Highway 99. She suggested that staff provide a map at the public hearing to illustrate the entire activity center boundary. Mr. Chave agreed but noted that the City Council's specific discussion was focused on the residential areas.

Board Member Clarke asked staff to provide background information on the single-family residential properties that are located on 215th Street Southwest adjacent to the hospital. Mr. Chave replied that Jim Underhill, representing his small neighborhood, approached the City with a Comprehensive Plan amendment request to change the land use designation for the properties along 215th Street Southwest. The Planning Board forwarded a recommendation to the City Council not to make the change, but the City Council ultimately decided to approve the Comprehensive Plan change to designate this small area as single-family residential. He suggested the Board could argue that the City Council has already concluded that single-family residential works within an activity center.

Board Member Johnson said there was a similar situation in the City of Bellevue where a small, cohesive single-family residential neighborhood was located next to Overlake Hospital. The entire neighborhood decided to sell their properties to the hospital. This involved a long public process. Mr. Chave said he would not rule out the possibility that a group of property owners would make this decision, but there are no plans to do so at this time.

Board Member Johnson recalled that undeveloped parcels along 220th Street Southwest were the subject of another application. Mr. Chave noted that 220th Street is the southern boundary line of the activity center. A property owner on 220th Street approached the City with an application to rezone property that was not adjacent to the existing multi-family/commercial zones. This application raised neighborhood concern. The applicant asked for an exception to the rule that limits Comprehensive Plan amendments to once per year, and the City Council declined to entertain the amendment.

Vice Chair Reed asked if staff has any idea when Swedish Edmonds Hospital will provide information regarding their proposed long-range plans. Mr. Chave said the hospital has had preliminary discussions with staff about long-range planning, but their focus now is on getting their current projects done. He agreed to check with Mr. Clifton about when the hospital's long-range plans might come forward. He reminded the Board that the hospital's current master plan was adopted in the late 1990's, and it is due for an update.

Mr. Chave referred to Activity Center Policy A.5, which calls for activity centers to support a mixture of uses without encroaching into single-family neighborhoods. This includes the single-family neighborhoods both within and outside of the activity center. He emphasized that wholesale changes are not necessary to zoning patterns in order to promote mixed-use and pedestrian-oriented activities. Hopefully, this assurance can be emphasized at the public hearing.

Board Member Johnson said many of the people that opposed the proposed Comprehensive Plan amendment idea lived across the street in Esperance. She asked if the City should coordinate their land uses in the activity center to be consistent

APPROVED

with those of the County. Mr. Chave replied that most of the County's commercial development is also located along Highway 99, but their residential densities are generally more intense.

Vice Chair Reed announced that the Medical/Highway 99 Activity Center Boundaries is scheduled for a public hearing on September 28th. Staff is recommending that the Board reinforce the benefits of including single-family residential zones as part of the activity center. They could also come up with new language in the Comprehensive Plan to further emphasize the variety of uses that can exist in an activity center. Mr. Chave suggested that two options could be advertised for the public hearing: retain the current boundaries and acknowledge that single-family residential fits within the activity center and is protected by existing policies or eliminate the single-family residential properties from the activity center.

Board Member Clarke noted that most of the communities within the Puget Sound area have accommodated health care related expansion by creating specific zoning, master plans, etc. The hospital is now becoming landlocked by other uses that are not medical related. He questioned how the zone could be expanded to encourage additional medical uses. Mr. Chave suggested when the hospital approaches the Board to discuss their long-range plan, the Board could ask them to identify what the City could do to further their long-range plans and what they see as far as surrounding development needs versus what might happen on their campus proper. This would give the Board an idea of what they should focus the discussion on. Hopefully, this extensive master plan update will occur within the next few years. He reminded the Board that the City is required to complete a major Comprehensive Plan update in 2014.

Board Member Johnson said she attended the Citizens Economic Development Committee meeting where representatives from Swedish Edmonds Hospital provided a presentation. She learned that the hospital owns numerous properties such as the Value Village property. Board Member Clarke pointed out that Top Foods and Dicks Drive-In are located at the southwest corner of the activity center so the hospital cannot expand to the south. They cannot expand to the north either, and there is only limited property to the east. They can't expand west because of the high school.

Board Member Johnson suggested that when the Board reviews the Comprehensive Plan update, they can also look at the auxiliary land use needs. A hospital generates all types of support such as doctor's offices, imaging facilities, and medical supply stores. It is important to ensure there is adequate land available for redevelopment or these opportunities will go elsewhere when the demand increases.

Vice Chair Reed summarized that the Board's options are to adjust the lines so that the single-family residential areas are located outside the activity center. Another option would be to retain the existing boundaries. He suggested the Board move forward with a public hearing to allow citizens to comment on the two options. He noted there are additional single-family residential neighborhoods located on the southern boundary of the activity center. He questioned if the boundary should also be redrawn to exclude these other small single-family residential areas. Mr. Chave agreed that would be appropriate. Board Member Cloutier suggested that rather than adjusting the boundaries, the activity center language could be amended to make the intent clearer. Mr. Chave agreed to suggest amendments to the activity center language to clarify the reasons for including single-family residential within the activity center.

REVIEW OF EXTENDED AGENDA

Vice Chair Reed referred the Board to the extended agenda. Mr. Chave noted that he would not be available to attend the special meeting the Board scheduled for September 7th. The Board's September 14th meeting was cancelled so that Board Members could attend the kick off meeting for the Strategic Plan. He suggested the Board cancel the special meeting since the City has more time to complete the SMP update than originally anticipated. The Board agreed to cancel the special meeting as recommended by staff.

Mr. Chave recalled that in the past, staff has provided a presentation to the Board regarding the Capital Improvement Plan (CIP) and Capital Facilities Plan (CFP) prior to the public hearing. He noted that the public hearing is scheduled for September 28th, so September 7th would be the only opportunity for staff to provide a preview. The Board agreed that staff could provide written information by September 14th for the Board to review in preparation for the public hearing on September 28th. The Board could forward questions to staff, and staff could provide a response on September 28th prior to the public hearing.

APPROVED

Vice Chair Reed recalled that in recent years, the Board has gotten hung up on the fact that there is insufficient funding to implement the projects identified in the CIP and CFP. As currently proposed, the Board would not have an opportunity to address this issue prior to the public hearing.

PLANNING BOARD CHAIR COMMENTS

Vice Chair Reed mentioned that he received an email from Council Member Bernheim that was also sent to Stephen Clifton, Council Member Plunkett, Council Member Peterson, and Frank Yamamoto suggesting that they talk together about an AIA type program that would be similar to planning done by consultants in the past.

PLANNING BOARD MEMBER COMMENTS

Board Member Johnson reported on her attendance at the recent Citizens Economic Development Commission (CEDC) Meeting, where she reported that the Planning Board forwarded a recommendation for Outdoor Dining to the City Council. Commissioner Senderoff raised an interesting question about the definition of “adjacent residential development.” He asked if a residence that is located above a restaurant in a mixed-use environment would be considered an adjacent property. She said she advised that the Board did not discuss this issue when they made their recommendation. Mr. Chave clarified that the proposed amendments were specific to residential zones and not mixed-use zones.

Board Member Johnson said the CEDC had a discussion about how to improve communications between the Planning Board and the CEDC. It was discussed that exchanging minutes was not a sufficient approach. One idea was to have a CEDC Commissioner attend the Planning Board meetings on a rotating basis, and Commissioner Hall attended tonight’s meeting for that purpose. Board Member Johnson said the CEDC asked for communication from the Planning Board, other than their minutes, to tell them what is going to be happening. She said she forwarded the CEDC a quick email to outline the items scheduled for discussion at tonight’s meeting. The CEDC has created a Communications Subcommittee that will meet monthly starting in September.

Vice Chair Reed reported that he talked with Chair Lovell, who agreed to contact Council President Peterson about the potential of him meeting on a regular basis with the Chair and Vice Chair of the Planning Board and perhaps a representative from the CEDC.

Board Member Clarke asked Mr. Chave to point him to a definition for “tall building.” He explained that in his profession there are quantitative standards and labels that are clear and easy to understand, and they use the terms low-rise, mid-rise and high-rise to distinguish different building sizes. Low-rise is generally 1 to 6 stories, mid-rise is 7 to 24 stories, and anything over 24 stories is considered a high-rise. These terms are generally recognized throughout the United States in the appraisal world. Mr. Chave said there is no definition for “tall buildings” in the City’s code.

ADJOURNMENT

The Board meeting was adjourned at 10:37 p.m.

APPROVED