

**CITY OF EDMONDS
PLANNING BOARD MINUTES**

November 9, 2011

Chair Lovell 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

Philip Lovell, Chair
John Reed, Vice Chair
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

Kevin Clarke (excused)

READING/APPROVAL OF MINUTES

VICE CHAIR REED MOVED THAT THE MINUTES OF OCTOBER 28, 2011 BE APPROVED AS AMENDED. BOARD MEMBER STEWART SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY, WITH VICE CHAIR REED AND BOARD MEMBER CLOUTIER ABSTAINING.

ANNOUNCEMENT OF AGENDA

The agenda was accepted as presented.

AUDIENCE COMMENTS

There was no one in the audience.

PUBLIC HEARING ON PROPOSED CODE AMENDMENT ADDING LIMITED EXCEPTIONS FROM BUILDING HEIGHT LIMITS FOR SOLAR ENERGY INSTALLATIONS AND REPLACEMENT OF EXISTING ROOFTOP EQUIPMENT WITH ENERGY-EFFICIENT UPGRADES (FILE NUMBER AMD20110007)

Mr. Chave reviewed that the City Council forwarded draft code language to the Board that would provide an exception for roof-mounted solar installations from building height limits. He recalled that when the Board last reviewed the proposed amendment, they agreed to replace the term “passive and photo-voltaic energy installations” with simply “solar energy installations. He explained that, as currently proposed, the language would allow:

1. Solar energy installations not to exceed 36 inches in height above the height limit. (ECDC 21.40.030.D.7)
2. Replacement of existing rooftop HVAC equipment which exceeds the existing height limit, so long as the replacement equipment does not exceed the height of the existing equipment by more than 12 inches and the replacement equipment earns the energy star label. (ECDC 21.40.030.D.8)

3. Solar energy installations on non-conforming buildings that exceed the existing height limit. A rooftop solar energy installation mounted on a non-conforming building that exceeds the existing height limit may be approved as a Type II staff decision if the installation does not exceed the existing roof height by more than 36 inches and if it is designed and located in such a way as to provide reasonable solar access while limiting visual impacts on surrounding properties. (ECDC 17.40.020.D.2.a and 2.b)

Mr. Chave reminded the Board that, at their last meeting, they expressed particular interest in public input regarding whether the height exceptions should be applied to single-family residents as well as commercial or multi-family buildings. He noted that while most installations in single-family neighborhoods would be located below the peak of a pitched roof, this might not always be the case. To help the Board in their continued discussion, he offered the following observations both for and against excluding single-family zones:

- Given that most of the buildings in the City are located in single-family zones, excluding the single-family zones from the proposed amendment would be a mistake if the City wants penetration in the single-family residential community.
- Existing height limits are very important in residential areas where views exist. Placing solar energy installations on top of these homes could create problems.
- In most cases, single-family homes have pitched roofs so it would not be practical to place solar energy equipment on top of the pitched roof. Therefore, most installations in single-family zones would be located below the peak of the roof and below the height limit.
- The exception could come into play if a pitched roof is already above the existing height limit.
- For flat roofs that are near or at the height limit, an additional height of 36 inches could be an issue.

Mr. Chave said it could be argued that the exception proposed in ECDC 21.40.030.D.7 may not be necessary in single-family zones because there are options for placing the solar energy installations on the portion of the roof that is below the peak. However, under the current non-conforming rules, solar energy installations that are parallel to the roofline would not be allowed on buildings that already exceed the height limit, even if the installation would be located below the peak of the rooftop and below the maximum height limit for the zone. The proposed amendment to ECDC 17.40.020.D.2 is intended to address non-conforming situations.

CHAIR LOVELL OPENED THE PUBLIC HEARING. THERE WAS NO ONE IN THE AUDIENCE, SO THE HEARING WAS CLOSED.

Chair Lovell summarized that the intent of the proposed amendment to ECDC 21.40.030.D.7 is to accommodate solar energy installations by allow them to exceed building height by no more than 36 inches. It is not intended to limit solar energy installations to a maximum height of 36 inches. Mr. Chave agreed that the proposed language allows an additional 36 inches above the height limit in which to place a solar energy installation. For example, if a building is one foot below the height limit, the owner would have four feet to work with. If a building is 1 foot over the height limit, the owner would only have two additional feet to work with.

Vice Chair Reed asked about the maximum height a solar energy installation would add to a flat roof structure. As an example, Board Member Cloutier pointed out that the panels installed on the Frances Anderson Center are larger than average, but they are less than three feet in height. Chair Lovell added that using the standard slope of 30 degrees, a 4-foot panel would be a little over 2 feet high. Mr. Chave summarized that three feet would accommodate most solar energy installations on flat roofs.

Vice Chair Reed asked if the proposed amendment to ECDC 21.40.030.D.7 would require a building permit for all solar energy installations that exceed the height limit. Mr. Chave answered that the amendment would allow 36 inches of additional height; but typically, a permit would not be required for solar installations in single-family residential zones and there would be no aesthetic review. A building permit would only be required for larger installations. Vice Chair Reed noted that ECDC 17.40.020.D.2 would allow 36 inches of additional height for solar energy installations on non-conforming buildings. However, a permit would be required and the application would be a Type II staff decision. That

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means that notice would be sent to surrounding property owners. Board Member Ellis commented that the permit requirement would allow staff the latitude to negotiate with the proponent to limit visual impacts.

Vice Chair Reed suggested the Board consider the option of requiring a Type II permit for all solar energy installations in single-family zones. Board Member Cloutier recommended that the Type II permit should only be required for solar energy installations that exceed the height limit. He commented that potential impact to view would be limited to a small percentage of homes in the bowl area. Mr. Chave responded that there are many single-family residential property owners who are sensitive to view issues, and there are numerous examples of where view has been a significant concern.

The Board agreed it would be appropriate to require a Type II Permit for all solar energy installations in the single-family zones that exceed the height limit. This would ensure a staff review and allow staff to work with proponents, if necessary, to minimize the impacts of proposed installations. Board Member Stewart observed that the permit requirement would mean additional time for the proponent. It could also place a financial burden on the proponent unless the City Council decides to waive the permit fee. She suggested the Board forward a recommendation to the City Council that the fee be waived to encourage solar energy installations in the City. Mr. Chave agreed that the \$500 fee for Type II permits could significantly hinder a single-family property owner's ability and/or desire to install solar energy equipment on his/her home.

Chair Lovell asked how the City would handle complaints from adjacent property owners after a proponent has already started work on a solar energy installation. Mr. Chave explained that before the permit is granted by the City, a notice would be sent out to adjacent property owners, inviting them to comment on the proposal. If someone approaches the City as a result of the notice of application, staff would work to find reasonable solutions before issuing a decision. Staff decisions are appealable to the Hearing Examiner.

Board Member Ellis asked if the City has any evidence that there is a demonstrated need for the proposed amendments. Have there been situations where a property owner was unable to install solar energy equipment because they were not allowed to exceed the height limit? Mr. Chave answered that it is not uncommon for buildings to be constructed right at the height limit, which is low in Edmonds compared to other neighboring jurisdictions. Newer buildings, in particular, are usually constructed at or near the maximum height allowed in order to accommodate two stories. He suggested that as solar energy installations become less costly, he expects that more single-family residential property owners will become interested in the application. In addition, utility companies are encouraging solar energy use.

Board Member Ellis questioned if the City would be missing an opportunity to encourage applications that are more compatible with the City and have less visual impact by applying a blanket 3-foot height waiver to solar energy installations. Mr. Chave suggested that compatibility and visual impact issues are best addressed through the building code. He explained that the International Building Code offers incentives for some forms of low-impact development, but it does not contain any language that strongly encourages the integration of solar energy into construction. He pointed out that Edmonds is a built out community. Even if a provision were inserted into the language to encourage solar energy, the provision would only apply to new construction. He emphasized that Edmonds will benefit most from retrofits that incorporate low-impact development techniques.

Board Member Stewart stressed the importance of an education program that provides information and guidance to homeowners about solar energy installations. This would help the City avoid issues related to impact and compatibility with surrounding neighborhood. She suggested that many of the concerns will be addressed as more solar energy installations are done throughout the City.

Board Member Ellis observed that the proposed language for ECDC 17.40.020.D.2 includes a provision that allows staff to determine where a solar energy installation should be placed on a non-conforming building. It also allows them to limit the visual impacts. He questioned if this same standard should be applied to all solar energy installations that exceed the height limit within the single-family zone. Mr. Chave agreed this would be appropriate to add this same standard to ECDC 21.40.030.D.7 so that it would apply to all situations where a solar energy installation would exceed the height limit.

Board Member Ellis referred to the City of Seattle's code language, which allows up to 4 feet of additional height for solar energy installations. It also includes a specific provision that prohibits a solar installation from blocking an adjacent property

owner's solar access. He noted that the proposed language does not address the need to protect an adjacent properties solar access. Chair Lovell said he does not believe the proposed amendment would impact a significant number of single-family residential homes. Board Member Ellis responded that it could particularly impact the residential neighborhoods with smaller lots. Board Member Cloutier reminded the Board that setbacks requirements would limit the impacts. Mr. Chave advised that the code language allows staff to have a conversation with the applicant about whether the proposed height is necessary. He cautioned against including too many provisions in the code that require drawings, analysis and reviews because the City does not have the staff to perform the additional work.

Board Member Ellis said he expects the number of applications in Edmonds to be small, with or without the proposed amendment. He said he can see a great potential for mischief (blocking views, blocking solar access to adjacent properties, unsightly installations, etc.) in some situations, particularly in single-family residential zones, yet he does not see a corresponding benefit. Mr. Chave agreed with Board Member Cloutier that given the setback requirements in the single-family residential zones, solar blockage from another solar installation would be highly unlikely. Adding a solar installation parallel to the roofline would not block anyone else's opportunity for solar access. Board Member Ellis pointed out that if the solar installation is done parallel to the roof, then the proposed amendments would be unnecessary. Mr. Chave noted that the provision would definitely be needed to address non-conforming situations.

Board Member Stewart said she can point to several benefits associated with solar energy installations. They allow property owners to reduce their carbon footprint, reduce their dependency on fossil fuels, obtain free energy, etc. She expressed her belief that solar energy is and must be a trend of the future because they are rapidly using up other energy sources. She cautioned against placing too many road blocks on solar energy installations. Board Member Ellis said he does not believe that rejecting the amendment would prevent a significant number of people from installing solar energy. Board Member Stewart predicted that once the price comes down and people become more skilled and knowledgeable about solar energy systems, the number of installations will increase significantly. She said it is highly likely that limited buildings heights will be an issue of the future unless the amendment is approved.

Mr. Chave cautioned against having no height exceptions whatsoever to accommodate solar energy installations. He reminded the Board that it is not possible for property owners to obtain height variances to accommodate solar energy installations. Unless there is an exemption or a process in place to allow additional height, there will be situations where property owners are unable to install solar equipment even if it makes sense. He agreed it would be acceptable to establish standards of review, but not drop the exemption idea altogether.

Chair Lovell suggested that a second sentence be added to ECDC 21.40.030.D.7 to reflect the same review process and standards found in ECDC 17.40.020.D.2. This would require a permit for any solar energy installation on any building that exceeds the height limit. Board Member Stewart asked if this would require an applicant to pay a fee for the permit and review. Chair Lovell recalled that the City Council previously recommended, and the Board concurred, that all fees for the permit should be waived. Vice Chair Reed added that even if the permit fee is waived, there would still be a fee for appeals. Chair Lovell emphasized the Board's commitment to sustainability and recommended they push the amendment forward.

Vice Chair Reed said that while he supports the concept of solar energy installations, it needs to be managed properly to avoid conflicts in the future. They need to make sure that proposals are reviewed and other alternatives are considered before a solar energy installation is allowed to exceed the height limit.

BOARD MEMBER REED MOVED THAT THE FOLLOWING LANGAUGE BE ADDED TO ECDC 21.40.030.D.7: "A ROOFTOP SOLAR ENERGY INSTALLATION MOUNTED ON A BUILDING THAT EXTENDS ABOVE THE EXISTING HEIGHT LIMIT MAY BE APPROVED AS A TYPE II STAFF DECISION."

Mr. Chave suggested that if the intent of the motion is to establish a standard of review, they should incorporate the same language that is found in ECDC 17.40.020.D.2.a and 2.b. While this language is not a detailed standard for review, it does give the staff and Hearing Examiner the ability to consider impacts related to design and location as part of their decision. He suggested that the language in ECDC 17.40.020.D.2 could be revised and added to ECDC 21.40.030.D.7. He also suggested that the table in the "process" section should be updated to include solar energy installations over the height limit as Type II decisions.

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VICE CHAIR REED WITHDREW HIS MOTION.

BOARD MEMBER JOHNSON MOVED THAT THE BOARD FORWARD FILE NUMBER AMD20110007 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED AND UPDATED BY STAFF AND WITH THE FOLLOWING CHANGE: THE LANGUAGE IN ECDC 17.40.020.D.2 WOULD BE ADAPTED BY STAFF AND APPLIED TO ECDC 21.40.030.D.7. VICE CHAIR REED SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

CHAIR LOVELL MOVED THAT THE BOARD FORWARD A RECOMMENDATION TO THE CITY COUNCIL THAT THEY SET THE FEE FOR SOLAR ENERGY INSTALLATIONS AT \$0. BOARD MEMBER ELLIS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Board Member Reed commented that he is not sure, personally, that it would be wise for the City to waive the fee for solar energy installations given the current economic climate. However, he believes the City needs to make certain that the fees for processing the permit applications are evaluated carefully so they are not so high that they discourage and/or prevent people from installing solar energy.

Mr. Chave emphasized that that the fee waiver, as proposed, would not include appeal fees.

THE MOTION CARRIED UNANIMOUSLY.

REVIEW OF SHORELINE MASTER PROGRAM UPDATE

Chair Lovell announced that the Planning Board's article regarding the Shoreline Master Program Update (SMP) was published in the last edition of *THE EDMONDS BEACON*. Mr. Lien said he has not received any public response regarding the article, but they have received about 60 hits to the new SMP website.

Mr. Lien advised that the Board would continue their review of the draft SMP at their next two meetings. He referred to the latest draft of Title 24, which incorporates changes identified by the Board thus far. He announced that he met recently with representatives from the Port of Edmonds and the Department of Ecology (DOE) to discuss the DOE's recent decision to reclassify a portion of the marsh. He referenced a letter the Port of Edmonds received from David Pater, Department of Ecology, that reiterates what was said at the meeting about why a portion of the marsh was reclassified. In addition, the letter responds to questions raised by the Port about the City's proposed new Urban Mixed Use III Environment. He reported that the meeting went well, and all parties now have a better understanding of the issue.

Mr. Lien referred to the memorandum he prepared to identify the questions and suggested changes that have come up during previous Board discussions but remain unresolved. He suggested the Board review the items in the memorandum one-by-one and provide further direction to staff.

Low-Impact Development

Mr. Lien recalled that the topic of low-impact development (LID) has come up a number of times while reviewing the draft SMP regulations. The Board already agreed to add a policy in the Shoreline Use Element to encourage all uses and development to use LID techniques. In addition, LID is mentioned in five other places in the draft SMP, stating that LID techniques and practices should be used or encouraged where appropriate and feasible. However, at their last meeting, the Board raised a question about whether the SMP should "require" or "encourage" LID techniques. He discussed the question with Jerry Schuster, Stormwater Manager and expert on LID development, and reviewed the draft Western Washington Phase II Municipal Stormwater Permit, which lists a number of circumstances when LID techniques are considered infeasible (See Attachment 1). He found that many of the circumstances included on the list would apply to properties within the Edmonds shoreline jurisdiction.

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Mr. Lien reminded the Board that the goal of LID development within the SMP should be to make LID the preferred and commonly-used approach to site development. He noted that policies and regulations throughout the SMP indicate that LID “should” be used, and as per ECDC 24.90.000.A, “should” means that the particular action is required unless there is a demonstrated, compelling reason, based on Shoreline Management Act (SMA) and SMP policy against taking the action. He said the difficult task is determining where LID is feasible and unfeasible. Mr. Schuster suggested that a provision could be added to the language to require applicants to complete a study to determine the feasibility of LID techniques. However, there is no standardized, measurable criterion to make this determination. Staff anticipates the criterion at some point in the near future as part of the Western Washington Phase II Municipal Stormwater Permit, but this document has not been formally adopted yet.

Mr. Lien reported that City staff is moving toward incorporating more LID into its development regulations, and development within the shoreline jurisdiction must also comply with all other local, state and federal regulations. As more specifics on feasibility of LID techniques are incorporated into regulations, development within shoreline jurisdictions will have to comply with the new regulations. He summarized that, for this update, staff believes that the proposed language (ECDC 24.20.050.C.11 – C.13) is strong enough to ensure that uses and developments consider LID techniques and use them where appropriate and feasible.

The Board discussed ECDC 24.20.050.C.13 and whether the word “encourage” is strong enough. Mr. Lien reminded the Board that there are five other places in the SMP that talk about using LID techniques where appropriate and feasible (See memorandum). The Board agreed it would be appropriate to change this section to read, “All use and development should use low impact development (LID) techniques where appropriate and feasible.”

Chair Lovell recalled recent conversations he has had with Bob McChesney, Port of Edmonds Executive Director, regarding potential redevelopment of Harbor Square and the current drainage problems on Dayton Street and adjoining properties. The drainage problems have resulted in a very high water table, which might make some elements of LID infeasible as part of the Harbor Square redevelopment. He summarized that before any redevelopment plan can be finalized, the drainage problems must be addressed, and the Capital Improvement Plan and Capital Facilities Plan that were recently reviewed by the Board both contained projects that relate to this issue. He said he would support language that requires LID techniques, as long as it is couched with the provision that it would only be required if appropriate or feasible.

In response to the Board’s previous request to add a definition for LID, Mr. Lien said staff is proposing that three LID related definitions (LID development, LID principles, and LID best management practices) from the Draft Western Washington Phase II Municipal Stormwater Permit be incorporated into the SMP so applicants are aware of what the City means when it references LID. He advised that the City currently has BMP’s for LID as an appendix to the Stormwater Master Plan, and the current stormwater permit encourages LID. In addition, the draft stormwater permit would require LID if feasible and appropriate. Board Member Johnson commented that incorporating all three definitions from the Western Washington Phase II Stormwater Permit into the SMP would also align the two documents more closely. Board Member Tibbott asked if it would be helpful to provide footnotes to indicate where the definitions came from. Board Member Johnson noted that the preceding paragraph identifies the source of the three definitions.

ECDC 24.80.100 – Public Hearings

Mr. Lien explained that the current SMP requires that all shoreline substantial development permits go to the Hearing Examiner. The draft SMP recommends these permits be Type II decisions, which would allow them to be processed by staff unless a public hearing is triggered by one of the following:

1. One or more interested persons has submitted to the administrator, within 15 days of the final publication notice of the application, a written request for such a hearing together with a statement of the reasons for the request; or
2. The proposal is determined to have a significant adverse impact on the environment and an Environmental Impact Study (EIS) is required in accordance with the State Environment Policy Act (SEPA); or
3. The proposal requires a variance and/or conditional use approval pursuant to the SMP; or
4. The use or development requires an open record public hearing for other City of Edmonds approval or permits.

Mr. Lien reminded the Board of their earlier discussion about also allowing shoreline permits be staff decisions if a developer is proposing to construct a building to the Built Green four or five star level or LEED gold or better. This would be an incentive for developers to meet these higher standards. The Board wanted to bring this proposal back for further discussion.

Chair Lovell recalled there was some discussion about potential revisions to the provisions in the downtown business zone to allow development agreements. He pointed out that all development agreements would require a public hearing, including those that are proposed for properties located within the shoreline jurisdiction.

Board Member Ellis questioned what the City would gain from making proposals to construct buildings to the Built Green or LEED standard a staff decision. Board Member Stewart replied that this change would remove one obstacle (a public hearing before the Hearing Examiner). Board Member Ellis pointed out that even if a project is developed to a certain LEED or Built Green standard, a public hearing before the Hearing Examiner would still be required if a proposal triggers any one of the four proposed criteria. Mr. Lien cautioned that he would like to keep the proposed triggers in place. He does not feel comfortable allowing a large project to be approved as long as it meets the LEED or Built Green standard.

The Board agreed that it would be appropriate to include language elsewhere in the SMP to encourage proponents to develop projects that meet a high standard of LEED or Built Green. However, they did not feel it was appropriate to add it to this section.

ECDC 24.80.140 – Time Requirements of Shoreline Permits

Mr. Lien explained that applicants generally have two years to start and five years to finish a project that has received a shoreline permit. These time periods start with the effective date of the shoreline permit, which does not include the time that the applicant is pursuing other government permits and approval for the development. He said staff is suggesting that a time limit be added for how long a shoreline permit is valid. He noted that this issue came up in discussions related to the Haines Wharf Project, which was issued a shoreline permit five years ago, but the effective date has not started because the applicant has not yet obtained the other required permits. He noted that time limits are used elsewhere in the code to identify how long a permit is good, and staff is recommending that shoreline permits have a time period of five years, with the option of a one-year extension.

Board Member Ellis asked if the Haines Wharf situation is unusual. Mr. Lien said he has never seen another situation of this type. He advised that adding a time limit to the shoreline permit would give the applicant up to five years (six with the extension) to obtain all of the required permits to move forward with the project. He expressed his belief that a five-year time limit would be adequate.

Board Member Johnson asked if it would be possible for the City to extend the time period based on economic situations. She noted that many cities have extended permits to allow for the down economy. Mr. Lien answered that the Edmonds City Council passed an ordinance that extended the expiration date on some permits. Board Member Johnson asked how many projects the time limit would apply to. Mr. Lien said it would not apply to any current projects because the Haines Wharf project is vested in the SMP language that was in place at the time the shoreline permit was approved. Vice Chair Reed asked if the proposed language would allow the City to adjust the expiration dates based on economic conditions. Mr. Lien answered that only the City Council can grant permit extensions.

The Commission agreed to recommend a five-year time limit for shoreline permits, with a potential one-year extension.

High Intensity Definition

Mr. Lien recalled that the Planning Board requested a definition for “high-intensity development.” He said the term was used during discussions comparing the proposed Urban Mixed Use III Environment to the existing Urban Mixed Use I and II Environments. He said he referred to *A Planners Dictionary*, which is published by the American Planning Association, but he found only one definition for “high intensity development” and several general definitions relating to “intensity.” He explained that the definitions speak to the relative nature of different type of development. Even the definition for “high

intensity development” uses relative terms within the definition of “higher impacts.” If the Board wants to add a definition for intensity of development, he suggested they incorporate the definition for “intensity” used by Temple Terrace, Florida, which is based on a sliding scale.

Board Member Stewart commented that the City has often used the word “high-intensity development.” Mr. Lien agreed, but he explained that there is not a fine cut off to distinguish between high, medium and low-intensity development. He advised that the DOE has a table for the level of impact associated with different uses, and this is somewhat relative to intensity. While this is not a definition, it provides examples of high, medium and low-intensity uses.

Board Member Stewart questioned if using the term “high-intensity development” when referring to land uses within the Urban Mixed Use I, II and III Environments is appropriate. Mr. Lien clarified that the term is not actually used in the proposed SMP language. It was a comparative term he used in his presentation to the Board to describe the differences between the three Urban Mixed Use Environments. Board Member Stewart expressed concern that high-intensity development near the marsh does not seem compatible. Mr. Lien replied that the Urban Mixed Use Environments allow the most intense development within the shoreline jurisdiction. Board Member Stewart cautioned staff that a citizen might express concern about using “high-intensity” to describe the uses allowed in the Urban Mixed Use Environments.

The Board agreed it would be appropriate to include a definition for the term “high intensity.” They directed staff to prepare a draft definition that incorporates elements from all three of the sample definitions. The Board would review staff’s proposal at their next meeting.

Native Vegetation

Mr. Lien recalled that when reviewing the Cumulative Impact Analysis, a Board Member commented that “native vegetation” was only referenced once. It was suggested that all redevelopment should be required to use native shoreline vegetation as part of landscaping in order to restore the ecological function as much as possible. He pointed out that, although “native vegetation” is only mentioned once in the cumulative impact analysis, there are numerous references to “native vegetation” throughout the SMP (See memorandum). He said staff does not feel that more regulations need to be added to the SMP to address this issue. The Board concurred.

Parking Setback for Urban Mixed Use III Environment

Mr. Lien advised that, consistent with the current SMP, the draft SMP proscribes a 50-foot setback for parking in the Urban Mixed Use I Environment and a 60-foot setback in the Urban Mixed Use II Environment that can be reduced to 40 feet if a public walkway or publicly-accessible open space is provided. He reminded the Board of their earlier suggestion that the parking requirements for the Urban Mixed Use III Environment should be the same as the Urban Mixed Use I and II Environments. He recalled the Board has spent a considerable amount of time discussing the differences between the Urban Mixed Use Environments, and the current draft SMP lists a parking setback of 25 feet for the Urban Mixed Use III Environment, which is the same as other setbacks requirements for the environment. Staff suggests keeping this setback for parking or alternatively adding language similar to the Urban Mixed Use II Environment, which allows for a reduced parking setback. He reminded the Board that because there are no navigable waters located within the proposed Urban Mixed Use III Environment it is different than the other two.

Mr. Lien suggested the Board may also want to consider standards for surface parking versus structure parking. He pointed out that redevelopment of Harbor Square may involve a parking structure that would have to meet the building setback requirement of 25 feet. He questioned if the setback requirement for surface parking should be the same, or should the parking requirement be similar to the Urban Mixed Use II Environment, which allows lower setbacks if certain conditions are met.

Chair Lovell referred to the back page of Mr. Lien’s memo, which provides a diagram of the marsh boundary. From what he is aware of based on what is being studied for potential redevelopment of Harbor Square, the area immediately adjacent to the marsh would be preserved for public uses such as walkways, and there would be no parking in this area. The Port is currently considering multi-family residential development around the perimeter of the marsh, with enhanced views and

access to the marsh with walkways and public access. There is also a possibility that structured parking could be constructed on the Harbor Square property, depending on the water table, but it would not be constructed within close proximity of the marsh. He reminded the Board that, as currently proposed, any parking structure would be considered a building and would be required to meet the building setbacks. He said he supports the staff's recommendation to set the parking setback requirement at 60 feet, with the ability to reduce it to 25 feet if certain criteria can be met.

Board Member Tibbott asked about the environmental impacts associated with a high-density parking structure. Would the impacts be more or less than a surface parking area? Mr. Lien answered that runoff from parking structures is easier to control. Board Member Tibbott asked if it would be appropriate to construct a parking structure closer to the marsh rather than further away. Chair Lovell said he does not believe it is appropriate to construct a parking structure close to the marsh, and that is certainly not part of the Port's current plan. No matter where the parking structure is built, the ground level would have a gas and sand trap to filter stormwater runoff before it is discharged into the City's stormwater system or the marsh. While this concept is also available for surface parking areas, it is not often utilized.

Regardless of the Port's plans for Harbor Square, Board Member Johnson suggested the City must consider what the SMP should require for this location. She said there seems to be a greater risk for pollution from cars if they are parked closer to the marsh. She is not in favor of allowing parking areas to be located closer to the marsh. She supports a 60-foot setback requirement for surface parking, and structured parking should be required to meet the proposed building setbacks. Mr. Lien said that if the Board supports the concept of structure parking having the same setback requirements as other buildings (closer than 60 feet from the marsh), the language should make this clear.

Board Member Stewart said she would prefer to have a conservative parking setback of 60 feet to protect the marsh from stormwater runoff. She suggested that the parking setback requirement for the Urban Mixed Use III Environment should be similar to the Urban Mixed Use II Environment. She said she was in favor of establishing a minimum setback for parking facilities of no less than 40 feet from the marsh.

Board Member Johnson pointed out that the Urban Mixed Use III Environment is different than the Urban Mixed Use II Environment because there is no bulkhead or rising tide to consider, and there is not a lot of tidal influence. Any stormwater runoff would be at the water table level. Having parking located close to the walkway does not seem to be as closely related to marsh access as it is to a bulkhead walkway by Puget Sound. While locating parking relatively close to the fishing pier makes sense, the walkway around the marsh is built on pilings and does not impact the City's ability to protect the water. Therefore, the closeness of parking to the walkway does not have the same rationale. The goal is to get stormwater runoff as far away as possible to protect the water quality of the marsh. She said she is more inclined to have a 60-foot setback for the marsh area. Recognizing that the Urban Mixed Use III Environment would apply to other properties besides Harbor Square, Board Member Stewart suggested it might be appropriate to identify a separate parking setback for the marsh.

Board Member Tibbott asked if the Board would support allowing the parking setback to be reduced if certain conditions could be met. Board Member Johnson responded that she cannot think of a situation where a reduced setback would be of benefit. Board Member Tibbott pointed out that a 60-foot setback around the marsh would result in a significant amount of vacant property. Board Member Johnson said this space would be used as a buffer to protect the marsh. Mr. Lien cautioned that setbacks and buffers are different. As currently proposed, building setbacks in the Urban Mixed Use III Environment would be 25 feet from the edge of the marsh. If multi-family development were constructed up to the 25-foot setback, parking would have to be provided on the other side of the building.

Board Member Cloutier asked if the 60-foot setback requirement is based on scientific information or if it is being used as a conservative number to protect the marsh. He asked staff for information about what best available science says is an adequate setback to protect the marsh from stormwater runoff. Mr. Lien said that most of the best available science developed by the DOE looks at wetlands in a more natural environment. The City's Critical Areas Ordinance within the SMP identifies the marsh as a Category 3 Wetland, which requires a standard buffer width of 75 feet. The DOE's best available science for smaller jurisdictions calls out a buffer on Page 38 of the draft SMP, but the requirements would be applied differently to the area around the marsh because it is already developed.

Board Member Stewart commented that just because development is there, does not mean the City should allow it to encroach more towards the marsh. Mr. Lien pointed out that parking is already located within 25 feet of the marsh, so lowering the parking setback requirement would not result in further encroachment. Board Member Stewart recalled that there has been talk about restoring the marsh to expand its ecological functions so being conservative would be consistent with this future effort. She reminded the Board that the marsh performs a very important ecological function of filtering pollutants and controlling stormwater. If Willow Creek is daylighted at some point in the future, and the tidal gates are opened, there will be more tidal influence, and the marsh will expand naturally. The SMP should be crafted to allow for this potential restoration.

Board Member Ellis clarified that the parking setback, which is the topic of the current discussion, would not apply to structures. The proposed setback for structures in the Urban Mixed Use III Environment would be less. The Urban Mixed Use I and II Environments are intended for water-related uses, and parking is not a preferred use. This is not the case for the Urban Mixed Use III Environment. Mr. Lien said the real question is whether the City wants to have parking or structures closer to the marsh. They should carefully consider the visual and environmental impacts associated with each type of development when making their recommendation.

Board Member Ellis asked how much of the stormwater runoff issue would be addressed by LID techniques as mentioned elsewhere in the SMP. Mr. Lien answered that LID techniques such as bioswales, oil/water separators, etc. could be used to filter the stormwater runoff from the parking areas before it gets to the marsh. Board Member Ellis questioned if the 60-foot parking setback requirement is a random number or if it would make a significant difference for the marsh.

Vice Chair Reed said he envisions some area around the marsh where no development is allowed. Chair Lovell said the designers for the Harbor Square Redevelopment Project are talking about keeping structures at least 50 feet from the edge of the marsh. Vice Chair Reed referred to the October 28, 2011 letter from the DOE, which states that they generally concur with the language, as proposed. He suggested they postpone a final decision on the parking setback requirement until a future discussion.

Mr. Lien reviewed that the tentative SMP schedule identifies another Board review on December 14th, a public outreach meeting the end of January, a follow up meeting with the Planning Board in February, and a public hearing in March. He suggested it might be helpful to invite the Port's Executive Director, Mr. McChesney, to participate in future discussions about the parking setback requirement for the Urban Mixed Use III Environment. The Board agreed that would be helpful. They also said it would be helpful for the Port to provide graphics to help illustrate the concept.

The Board agreed to continue their review of the SMP issues identified in Mr. Lien's memorandum to their December 15th meeting.

REVIEW OF EXTENDED AGENDA

Vice Chair Reed reminded the Board that a public hearing related to the name for the new park at Old Mill Town is scheduled for December 14th. He said that if the City accepts the Hazel Miller Foundation's offer, it appears that naming the park after Hazel Miller would comply with the City's adopted park naming policy. Chair Lovell reviewed that the current policy states that a park can be named after an individual who contributes significantly (typically not less than 50% the value of the property or improvements). The improvements were \$150,000, and the foundation is proposing a donation of \$88,000.

Chair Lovell announced that Carrie Hite, Parks, Recreation and Cultural Services Director, would be present at the December 14th meeting to share the results of the park naming contest and guide the Board through the public hearing and name selection process. The Board discussed the process that was previously used for naming parks. In some cases, a subcommittee of Board Members was selected to review the nominations and make a recommendation to the Board. In the most recent case, however, the Board was presented with a list of all the nominations. A public hearing was held and then the Board made a final recommendation as a group to the City Council.

PLANNING BOARD CHAIR COMMENTS

APPROVED

Chair Lovell recalled that at the last meeting he asked Mr. Chave to email the Board Members the PowerPoint presentation he made to the City Council about the Development Services Department's budget. Mr. Chave also agreed to set up the first "green team" meeting. Board Member Stewart reported that she recently emailed Mr. Chave a letter that could be sent to potential candidates for the team. She reminded the Board that the City has already formed a "green team" of staff members. The new group would be a "green initiatives task force" that meets with the "green team" to discuss ideas for removing barriers to building green. She reminded the Board of the City's goal to support and promote green and sustainable life styles.

PLANNING BOARD MEMBER COMMENTS

Board Member Stewart reported that she was asked to attend a "Road to Green: LEED and Green Building Seminar" on November 3rd. The seminar was presented by Oles Morrison. She obtained a copy of the PowerPoint presentation that was provided to illustrate "green" Federal buildings and the contractors that have done this work. She noted that a lot of "green" mandates are coming from the federal level, but money is needed to implement them. She encouraged the Board Members to review the presentation. She said she was encouraged to hear that LEED is always evolving to make their standards better, more practical and easier to implement. They have recently added a performance category. While LEED is a costly process, the end products are generally very good.

Board Member Tibbott suggested the Board allow him to write a brief summary of each Board meeting for publication in *THE EDMONDS BEACON*. The summary could invite members of the public to visit the City's website for more information about the items being discussed by the Board. The Board agreed that Board Member Tibbott would write a summary and forward it to the Board Members for final review before it is submitted for publication.

Board Member Cloutier reported on his attendance at the public meeting where the issue of coal trains through Edmonds was discussed. About 120 people attended the event, and only one person was present to support coal trains. This individual's perception was that coal would produce a lot of jobs for the State. He summarized that the meeting was successful and there will be a follow up meeting to get more organized to provide public comments when the opportunity comes up.

ADJOURNMENT

The Board meeting was adjourned at 9:30 p.m.

APPROVED