

**CITY OF EDMONDS
PLANNING BOARD MINUTES
February 28, 2007**

Vice Chair Dewhirst called the regular meeting of the Planning Board to order at 7:02 p.m. in the Council Chambers, Public Safety Complex, 250 – 5th Avenue North.

BOARD MEMBERS PRESENT

John Dewhirst, Vice Chair
Janice Freeman
Jim Young
Judith Works
Michael Bowman
John Reed

STAFF PRESENT

Duane Bowman, Development Services Director
Rob Chave, Planning Division Manager
Scott Snyder, City Attorney

BOARD MEMBERS ABSENT

Cary Guenther, Chair
Don Henderson

Chair Guenther and Board Member Henderson were excused from the meeting.

READING/APPROVAL OF MINUTES

BOARD MEMBER WORKS MOVED THAT THE MINUTES OF FEBRUARY 14, 2007 BE APPROVED AS CORRECTED. BOARD MEMBER YOUNG SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

No changes were made to the agenda.

AUDIENCE COMMENTS

There was no one in the audience.

PROGRESS REPORT ON SHORELINE MASTER PROGRAM UPDATE PROJECT

Mr. Chave advised that the City is under mandate from the State Department of Ecology to update their Shoreline Master Program to be in compliance with the new shoreline guidelines that were recently adopted. While the City is not required to have this work done until 2009, staff would like to get the project completed as soon as possible in order to take advantage of grant funds that are available from the State.

Mr. Chave reported that a Technical Advisory Committee has been working with a consulting team for the past nine months, and they have accomplished quite a bit up to this point. The consulting team's contract includes a number of tasks including inventory and mapping, analysis of the shoreline, and preparing an analysis report and map portfolio. The committee has completed the draft shoreline goals and policies and the document has been forwarded to the Department of Ecology for review. They are currently working on the shoreline regulations, and their next step will be to work on a restoration plan and the cumulative impacts. Mr. Chave further reported that the shoreline environmental designations have been drafted and included in the documents that were provided to the Board. He advised that once all of the items have been completed and reviewed by the Department of Ecology, they would be presented to the Planning Board for review and a public hearing. The Board's recommendation would be forwarded to the City Council for review and then to the Department of Ecology for another review before final adoption.

Mr. Chave advised that the committee and consulting team have been analyzing a lot of technical information and the Department of Ecology must sign off on each step of the process. This makes the process very time consuming, and the project is a little behind schedule. However, staff still believes it is on target to be completed sometime before July.

Mr. Chave reviewed the steps involved with preparing an updated Shoreline Master Program as follows:

- Review and revise the existing goals and policies.
- Conduct an inventory analysis.
- Determine the shoreline environment designations.
- Identify the cumulative impacts.
- Develop a restoration plan.

Mr. Chave pointed out that identifying the cumulative impacts is a new requirement, and the goal is to look at the situation the City is currently in and not just have a plan for what is to occur, but consider what the cumulative impacts might be over time as things change. The intent is that there should be no loss of a shoreline's functions and values.

Mr. Chave advised that developing a restoration plan is another new requirement, and the goal is to identify projects that can take place to help restore the shoreline. He noted that the projects do not need to be funded nor a timeline identified as part of the Shoreline Master Program.

Mr. Chave explained that the committee reviewed the City's existing Shoreline Master Program to determine where it is and is not consistent with the Department of Ecology's new shoreline guidelines. As part of this project, the committee must identify the location of the shoreline jurisdiction and map it out. They must also look for and find all available pertinent data and utilize the Department of Ecology's guidance, as well as information from other jurisdictions that are undergoing the same process. He noted that one of the challenges of doing their update early is that there are very few, if any, successful programs that the Department of Ecology has approved.

Mr. Chave referred the Board to the maps that were provided and briefly reviewed each one as follows:

- **Figure 2 – Shoreline Planning Segments and Planning Reaches:** This map was intended to identify areas similar in character. The goal was to consolidate the smaller areas into larger areas with similar characteristics.
- **Figure 3 – Existing Zoning:** This map shows the existing land uses for shoreline properties. The Growth Management Act requires that cities demonstrate consistency between their Comprehensive Plan, their zoning map, and their Shoreline Master Program.
- **Figure 5 – Geology and Drift Cells:** This map shows the underlying geology. It also identifies the types of soil that are found along the shoreline, as well as where the streams enter into Puget Sound.
- **Figure 6 – Shoreline Modifications:** This map identifies where over or in-water structures are located. This map has a great impact on the biological resources because it helps identify locations where there may be barriers to fish, etc. The most significant feature of the Edmonds shoreline is the railroad. This map helps identify degraded areas where there might be opportunities for restoration projects.

- **Figure 7 – Existing Land Use:** This map is supposed to be used, along with the zoning map, to help define the logical shoreline designations.
- **Figure 9 – Geologically Hazardous Areas:** This map is largely based on percentage of slope. It was drafted using the City’s Lidar information. The consulting team and committee tried to better pinpoint where the stream beds are located.
- **Figure 10 – Soils and Liquifaction:** This map identifies the types of soils found within the shoreline jurisdiction area. Soils have a lot do with surface land formations and the impacts on seismic hazard areas. The Edmonds Marsh extends into one area in downtown where the soil type represents the potential for liquefaction in the event of an earthquake.
- **Figures 11 and 12 – Biological Resources and Kelp and Eelgrass:** This map locates spawning areas and other important wildlife resources along the shoreline that contribute to habitat.

Mr. Chave explained that as the committee and consulting team reviewed the goals and policies of the Shoreline Master Program, they tried to address the following issues:

- Shoreline Uses
- Urban Design and Restoration
- Economic Development
- Circulation
- Historic and Cultural Conservation
- Recreation
- Public Access

Mr. Chave advised that the environmental designations act like a zoning overlay. Everything 200 feet upland is within the jurisdiction of the shoreline. The one difference is that the Edmonds Marsh is also included in the shoreline jurisdictions, even though it extends more upland than 200 feet. For wetlands, the City has two choices; they can include just the wetlands within the shoreline jurisdiction, or they can include both the wetland and its buffer. At this point, the committee is recommending that only wetlands be identified as part of the shoreline jurisdictions. The buffers would be treated under the Critical Areas Ordinance.

Mr. Chave reviewed that, as proposed, the City’s Shoreline Master Program would identify four different environmental designations: aquatic environment, natural environment, conservancy environment, and shoreline residential environment. Each of the four environmental designations must have their own set of specific regulations. He noted that some of the designations are historic and have been in place for a number of years, but new research and environmental concerns make changes necessary. For example, The Laebugten Wharf has not been used for quite some time, so it might be appropriate to remove it from its current designation as a commercial enterprise. He noted that there is really no good access to the site.

Mr. Chave advised that some changes have been made in the new guidelines about how to deal with some of the underwater designations. In addition, the shoreline guidelines require consistency between the Comprehensive Plan, the shoreline designations and the zoning map. However, at this time, the City’s current zoning map is not consistent in all locations, particular some of the areas just north of Main Street. Changes must be incorporated to make the three documents consistent.

Mr. Chave explained that the committee recognized that the City did not have an aquatic environmental designation, which is a requirement of the new shoreline guidelines for underwater areas. They also determined the City had to change their suburban residential environmental designation to shoreline residential environment as required by the new guidelines. They also had to make sure the new program incorporated the current plans for the ferry terminal relocation, port facilities and the railroad right-of-way.

Mr. Chave advised that the Department of Ecology requires that a distinction be made between allowed shoreline uses and shoreline modifications. The City’s current Shoreline Master Program mingles the two together, but the new language would separate them as required.

Mr. Chave said another difficult issue that must be considered is the Department of Ecology’s requirement that the Shoreline Master Program address critical areas. They suggest there are two ways to accomplish this. One option would be to create a separate set of critical areas regulations that apply within the shoreline environment. This would take a significant amount of time and City resources to accomplish. The other option would be to adopt the existing Critical Areas Ordinance to apply within the shoreline areas, but identify portions of the ordinance that would not be applicable. For example, shoreline law does not recognize reasonable use provisions in the shoreline area, so this section of the Critical Areas Ordinance would not

be applicable to shoreline areas. If the City were to utilize the latter option, they would be required to reference the existing Critical Areas Ordinance in the Shoreline Master Program, but also provide an exception list. Problems could arise in the future when the City's Critical Areas Ordinance is updated. The new changes would not be applicable to the shoreline area unless the City also goes through a process to change the Shoreline Master Program to incorporate the Critical Areas Ordinance amendments.

Mr. Chave advised that the committee's goal is to conduct open house events starting in April. The public would be invited to learn more about what is going on with the Shoreline Master Program process. Any feedback obtained from the open house meeting would be presented to the Planning Board, as well.

Mr. Chave reviewed that the committee and design team's next step would be to finalize the environmental designations, management policies and final use matrix to make sure the documents meet the Department of Ecology's guidelines. Then they could start updating the shoreline uses and modify the regulations and development standards. The consulting team would continue to work on the Shoreline cumulative impact analysis and the restoration plan. He said he anticipates public hearings before the Planning Board starting in April or May, and staff would provide periodic updates in the meantime. He said it would be helpful for the Board to identify those sections of the document they want to take a closer look at.

Board Member Freeman requested that Mr. Chave provide each of the Board Members with a copy of his Power Point Presentation. Mr. Chave agreed to do so.

Board Member Works asked if the consulting team would consider the issue of climate change and its impact to the Edmonds shoreline. Mr. Chave answered that the consulting team has considered this issue but determined it must be dealt with as general goals and policies because there is not a tremendous amount of information available to warrant significant modifications of the existing regulations to address the concern. He noted that, historically, the Edmonds shoreline has experienced storms that have been a significant concern. Board Member Works agreed and suggested that this topic should be highlighted in the Shoreline Master Program as a future concern, perhaps as part of the restoration section.

Board Member Works inquired if there is grant funding opportunities for restoration projects. Mr. Chave answered that the Shoreline Master Program could be used by City staff to apply for grant funding for restoration projects in the future.

Board Member Freeman noted that the proposed language does not provide any specific emphasis on the Lake Ballinger shoreline. She specifically referred to the statement about Lake Ballinger found on Page 69 of the Edmonds Shoreline Inventory stating that the lake's function has been transformed from a lake into a regional stormwater detention pond that serves as a collection basin for nutrients and waste. She asked if the City has any plans to restore this wetland area to a more natural state. Mr. Chave answered that without a tremendous amount of support from property owners around the lake, it would be difficult for the City to accomplish a significant restoration project. The comments found in the inventory are a response to what has been done with the lake historically. The property owners have traditionally favored the structural components surrounding the lake as opposed to the natural features. He noted that Lake Ballinger has not functioned as a natural system for years, and changing directions would be a huge undertaking. The City's funding could be better utilized for other restoration projects along their natural shorelines.

Board Member Young asked which City Department is responsible for reviewing shoreline permits. Mr. Chave answered that this is the responsibility of the Planning Department, but they don't get very many applications because the shoreline is already developed. He expressed his belief that the shoreline regulations could be improved, and updates would help the City identify possible restoration projects when mitigation opportunities arise.

Board Member Young pointed out that while many of the issues the Board will address in the near future seem minor, there are a lot of them. He suggested it would be helpful for the Board to create a schedule that breaks the Shoreline Master Program Update into segments. Mr. Chave agreed it would be helpful for the Board to specifically identify the sections of the document they want to focus on. He suggested they may want to focus much of their attention on the goals, policies and regulations. They should also pay close attention to the shoreline designation map in conjunction with the use map. He advised that staff would make a copy of the entire draft document available to each of the Board Members by Friday.

APPROVED

Vice Chair Dewhirst noted the absence of language related to the railroad tracks in the document, even though they are a significant part of the shoreline. Mr. Chave explained that there is very little, if anything, the City can do within the railroad right-of-way. The railroad is not required to obtain a shoreline permit from the City of Edmonds for activities within their right-of-way, but they have to go through an environmental process administered by the State to make sure their projects acknowledge the City's Shoreline Master Program. He further explained that because the railroad must comply with Federal regulations, including the Coastal Zone Management Act, they have to get the State representative to sign off that they are in general compliance with the goals of the local shoreline management programs, but the City would not be involved in this review.

Vice Chair Dewhirst expressed his belief that it appears the City is being penalized in secondary ways for having the railroad on their shoreline, and he suggested this be communicated clearly in the updated Shoreline Master Program. Mr. Chave cautioned that the City must be careful not to exceed their authority. However, policies such as visual and public access can have a role in affecting how the railroad is able to accomplish use changes over time. The City cannot regulate the railroad, but they can have some guideposts and standards the railroad must acknowledge.

Vice Chair Dewhirst pointed out that the sewer treatment plant plays a large role along the shoreline during significant storms. He asked if the restoration plan would talk about what the wastewater treatment plant must do when these situations occur. Mr. Chave answered that operational issues would not be covered in the Shoreline Master Program to any great degree, but it could address how the wastewater treatment plant should interact with the surrounding wetlands.

Board Member Freeman asked if the Shoreline Master Program would address issues related to the relocation of the ferry terminal. Mr. Chave answered that the Edmonds Crossing Project would be covered in the use regulation section as well as the restoration program. The Edmonds Crossing Project should offer some opportunities for restoration to mitigate impacts. Board Member Freeman said that when the existing ferry terminal is removed, she would like to see the underwater park expanded further south. She suggested that perhaps this should be part of the City's policy. Mr. Chave said this type of policy might be difficult to work into the Shoreline Master Program directly without also including it in the City's Comprehensive Parks, Recreation and Open Space Plan first. He suggested the Board bring this idea up with the Parks Director. At this time, no decisions have been made about what to do with the existing ferry terminal.

Board Member Young asked if the City has made any effort to seek cooperation from Burlington Northern Santa Fe (BNSF). Mr. Chave answered that the railroad tends to focus only on issues that are related to railroad businesses. In some areas, the City has only limited ability to negotiate with BNSF, but in other areas, such as restoration planning, there may be more opportunities. However, the more interesting talks will take place between the City and Sound Transit. Because Sound Transit is spearheading many of the updates that will take place within the railroad corridor, they will be liable for most of the mitigation that occurs. Board Member Young recalled that the railroad used to have an appointed liaison who worked with local governments. In addition, a delegation from Faster Corridor Partnership has made it a point to set down with local railroad representatives. He suggested the timing might be right for the City to work with this delegation, too. Mr. Chave explained that Sound Transit is currently acting as the intermediate body on issues between the railroad and the City as they push forward with their projects.

UPDATE ON PROCESS TO DEVELOP NEIGHBORHOOD BUSINESS DISTRICT ZONING TO IMPLEMENT NEIGHBORHOOD PLANS

Mr. Chave reminded the Board that because of the current staff shortage, they would probably not be able to move ahead with some of the public meetings related to the Five Corners and Firdale Village areas at this time. However, staff has talked to the design team that is working with property owners in Firdale Village, and they have expressed an interest in leading the design effort. Once staff confirms their desire to move forward, they could conduct a design charette and then plug in proposed zoning to get the process going. The property owners in the Five Corners area have expressed a desire to monitor the work that takes place at Firdale Village to see if it could be applied to Five Corners, as well. While the projects would move slower than originally anticipated, this would enable them to progress. Vice Chair Dewhirst said that in a recent conversation with Mayor Haakenson, he indicated that the property owners in the Firdale Village area have lost interest at this time. Mr. Chave agreed to contact the property owners to find out if they are still interested in moving forward.

APPROVED

REVIEW OF EXTENDED AGENDA

Vice Chair Dewhirst reported that he and Chair Guenther recently met with Mr. Chave to develop a draft work plan for 2007. He referred to the document that was provided for the Board's review. He noted that the Code Re-write Project and the Shoreline Master Program update would take up most of the Board and staff time over the next several months. The neighborhood plans for Westgate, Firdale Village, Five Corners and Highway 99 have been dropped lower on the priority list because of insufficient staff time. The Board would work on the Comprehensive Parks, Recreation and Open Space Plan later in the year. Their schedule for reviewing updates to the Downtown Design Standards and the Critical Areas Ordinance is still unknown. Mr. Chave added that some rezone hearings would also be interspersed into the Board's schedule throughout the year.

Vice Chair Dewhirst referred the Board to the extended agenda. He noted that Chair Guenther originally intended to provide a presentation about "green" development, but he was unable to attend tonight's meeting. His presentation has been rescheduled for the Board's retreat on April 11th. He noted that the March 14th meeting would start at 6:30 p.m. as a Washington Cities Insurance Association training workshop on quasi-judicial meetings. The March 14th agenda would also include a public hearing on the CIP Update for 2007-2012, the Parks and Recreation Department Quarterly Report, and a public hearing on the Edmonds Way rezones. The March 28th meeting agenda would include additional work on the code rewrite project and a possible public hearing on the Sunset Avenue rezones.

Vice Chair Dewhirst invited Board Members to share their ideas for possible retreat discussion topics. He recalled that the Board previously discussed the need to learn more about the Mayor's Citizens Committee on Climate Protection and how their work might be integrated into the code rewrite. The Board agreed it would be appropriate to discuss this issue at their retreat. Mr. Chave suggested that Chair Guenther contact Mr. Bowman, Development Services Director, since he is currently working with a consulting team on a low-impact development project to identify what could be integrated into the code. He agreed that it would be worthwhile to consider how environmental issues could be addressed in the code early in the rewrite process. In addition to the Chair Guenther's presentation, the Board agreed they would like to hear from the consulting team at their retreat.

PLANNING BOARD CHAIR COMMENTS

Vice Chair Dewhirst reported that he and Chair Guenther recently met with Mayor Haakenson to discuss the Board's extended agenda and the loss of City staff and its impact to the Board. They specifically requested information regarding his Citizen's Committee on Climate Protection, and he informed them that staff is currently working to establish a baseline of energy profile consumption for the City for 1999. Once this baseline has been established, it will be presented to the City Council along with more information about what the City can do to improve the situation. They also discussed the need to incorporate these ideas into the code as part of the rewrite process.

PLANNING BOARD MEMBER COMMENTS

Board Member Freeman said she attended the recent walking tour of downtown that was conducted by Steve Waite, a member of the Historic Preservation Commission. During the tour, Commissioner Waite talked about the historic characteristics of the buildings in the BD-1 zone. The tour was most enlightening, and she now has a better understanding of the features the Commission is trying to preserve. She noted that many of the historic buildings they looked at were well over the 30-foot height limit.

Board Member Bowman reported on his attendance at the neighborhood meeting for the Old Woodway Highway School and Playfields. It was noted that funding has not been obtained yet, but they anticipate being able to get the initial \$6.1 million in eight or nine months. They don't know where the remaining \$6 million will come from at this time, but Representative Inslee indicated there might be some Federal grant money available. The largest portion of the money will go towards water

APPROVED

retention. The community is in support of the program, but they are worried about lighting. A lighting study will be done to illustrate how the lights will impact the surrounding neighborhoods. It was noted at the meeting that the site would not be available for public use during the school hours even though there are no students in the area. He expressed his belief that since the facility would be constructed with public money, they should consider options that would allow the site to be open to the public during the daytime hours.

Board Member Young recalled that on several occasions he has voiced his objection to allowing developers to essentially rewrite the zoning ordinance to create new zone districts. However, Mayor Haakenson has indicated his desire that because of difficulties inherent to Edmonds, he would like to retain this option. Board Member Young said that he cannot support the concept of allowing property owners to create new zone districts to meet their needs until policy guidance has been provided by the City Council. Until additional guidance has been provided, he said he plans to continue to vote against proposals of this type outside of the Comprehensive Plan Update.

Commissioner Reed referred the Board to the Main Street Conference agenda and recalled that three Board members expressed interest in attending the event. The three Board Members agreed to coordinate with each other to determine who would attend each session, since the City only purchased one registration for the Board as a whole.

ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

APPROVED