

Approved July 13<sup>th</sup>

## CITY OF EDMONDS PLANNING BOARD MINUTES

June 22, 2011

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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 – 5<sup>th</sup> Avenue North.

### **BOARD MEMBERS PRESENT**

Philip Lovell, Chair  
Kevin Clarke  
Bill Ellis  
Kristiana Johnson  
Valerie Stewart

### **STAFF PRESENT**

Kernen Lien, Planner  
Karin Noyes, Recorder

### **BOARD MEMBERS ABSENT**

John Reed, Vice Chair (excused)  
Todd Cloutier (excused)  
Neil Tibbott

### **READING/APPROVAL OF MINUTES**

**BOARD MEMBER CLARKE MOVED THAT THE MINUTES OF JUNE 8, 2011 BE APPROVED AS AMENDED. CHAIR LOVELL 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.

### **INTRODUCTION TO THE CITY OF EDMONDS SHORELINE MASTER PROGRAM UPDATE**

Board Member Clarke observed that the Shoreline Master Program (SMP) Update is an overwhelming and comprehensive document. Mr. Lien agreed and explained that his intent is to provide a comprehensive overview of the entire document, particularly focusing on the Edmonds Community Development Code regulations (ECDC) in Chapter 24. During his presentation, he will specifically call attention to items that are of particular importance to Edmonds. He emphasized that this presentation will be the first of many times the document comes before the Board for review and comment.

Chair Lovell added that the City is required to update their SMP by December 31, 2011. Mr. Lien explained that after the Board and City Council have completed their review, the document would be forwarded to the State Department of Ecology (DOE) for approval. The document must be approved by the State before it can be formally adopted by the City. He said he has been working closely with the DOE and has received tentative approval that the proposed development regulations are consistent with the State guidelines, but they may still require some additional changes.

Board Member Ellis observed that the draft SMP is a product of the Planning Department, and the Board's responsibility is to review it and identify concerns. Board Member Clarke questioned his ability to contribute valuable feedback because he does not have a clear understanding of the laws and regulations associated with the document. Chair Lovell said that, as representatives of the community, the Board's charge is to make sure the document is congruent with the State requirements and appropriate for the City of Edmonds.

Mr. Lien advised that the Washington State Shoreline Management Act (SMA) was initially adopted by the State Legislature in 1971 and by the voters in 1972. The overarching goal of the SMA is "to prevent the inherent harm in an uncoordinated and piecemeal development of the State's shorelines." He said the SMA establishes the concept of preferred uses of shoreline areas. It requires that "uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the State's shorelines. . . ." He noted that "preferred uses" include single-family residences, ports, shoreline recreational uses, water-dependent industrial and commercial developments and other development that provides public access opportunities. He emphasized that, to the maximum extent possible, the shorelines should be reserved for water-oriented uses, including water-dependent, water-related and water-enjoyment uses.

Mr. Lien further advised that the SMA is intended to protect shoreline natural resources, including "...the land and its vegetation and wildlife, and the waters of the state and their aquatic life..." against adverse affects. He explained that all allowed uses are required to mitigate adverse environmental impacts to the maximum extent feasible and preserve the natural character and aesthetics of the shoreline. In addition, SMP's must include a public access element which makes provisions for public access to publicly-owned areas and a recreational element for the preservation and enlargement of recreational opportunities.

Mr. Lien said the SMA requires each city and county with "shorelines of the State" to prepare and adopt a SMP that is based on State laws and rules but is tailored to the specific geographic, economic and environmental needs of the community. He summarized that the local SMP is essentially a shoreline-specific combined comprehensive plan, zoning ordinance and development permit system. The DOE intends local SMPs to be self-contained documents that cover anything that happens within the shoreline area.

Mr. Lien stated that the DOE adopted SMP Guidelines (WAC 173-26) in 2003. Local governments must follow these guidelines when updating their SMPs. He referred to a checklist staff used when developing the draft document to ensure that each of the State requirements have been addressed in the new language. He reviewed that the proposed SMP update includes a shoreline inventory and characterization study to identify and describe the shorelines within the City, a shoreline restoration plan that identifies restoration opportunities for the City's shorelines, and development regulations that outline the policies, regulations and standards for shoreline uses and modifications. The development regulations also identify administrative procedures. A cumulative impact study would also be provided in the update, and staff is currently working in conjunction with the State Environmental Policy Act (SEPA) review to update the study that was completed by the consultant to incorporate the changes proposed in the draft development regulations (ECDC 24).

Mr. Lien reviewed that staff has been working on the SMP Update since 2006 when the City received a \$140,000 grant from the DOE to begin the process. The City hired a consultant and a citizens Technical Advisory Committee (TAC) was formed to review the existing policies and regulations. The consultant prepared the Shoreline Inventory and Characterization Report and the Restoration Plan to aid the TAC in their review. He said the proposed development regulations were based on the TAC and consultant work, as well as the DOE's new SMP Guidelines.

Mr. Lien advised that the City's "shoreline jurisdiction" includes the following:

- All marine waters, which is the Puget Sound.
- Streams and rivers greater than 20 cubic feet per second (cfs) of which there are none in Edmonds.
- Lakes that are 20 acres or larger, which includes Lake Ballinger,
- Upland areas within 200 feet of a shoreline (shorelands) and associated wetlands, which would include the Edmonds Marsh and wetlands at the mouth of Shell Creek.

Mr. Lien explained that the draft language for ECDC 24 was divided into ten sections. He reviewed each section and invited the Board to provide comments, questions and recommendations.

**Part I – Introduction (ECDC 24.10.000 – 24.10.060)**

Mr. Lien advised that ECDC 24.10.030 describes the relationship between the SMP and other City plans and/or regulations. He explained that the SMP would be adopted as an element of the Edmonds Comprehensive Plan and is intended to work in tandem with the rest of the Edmonds Community Development Code (ECDC). He emphasized that all uses, developments and activities within the shoreline jurisdiction must comply with the requirements of both the SMP and the ECDC. However, the SMP requirements would prevail when there are conflicts between the two. He pointed out that, as proposed in ECDC 24.10.050, certain sections of the SMP could be amended without a formal state amendment process. He pointed out that, at the request of the DOE, the administrative procedures found in ECDC 23.10 and ECDC 20.55 were combined and placed in Section 24.80.

**Part II – Master Program Elements: Goals and Policies (ECDC 24.20.000 – 24.20-110)**

Mr. Lien reported that the goals and policies contained in ECDC 24.20 were reviewed by the TAC in 2006. They are largely unchanged from the current SMP, but they have been reorganized to flow better with the goals and policies identified in the DOE Guidelines.

**Part III – Shoreline Environments (ECDC 24.30.000 – 24.30.080)**

Mr. Lien explained that the intent of this section is to encourage uses that will protect or enhance the current or desired character of a shoreline. He pointed out that environments have been identified for all areas in the City that fall under the jurisdiction of the SMA. The environments are intended to be analogous to the zoning designations for these areas and were reviewed by the TAC. He reviewed each of the environments as follows:

- **Aquatic I Environment** (low intensity) – The purpose of this environment is to protect, restore and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark. This environment requires that only low-intensity uses be allowed. The Aquatic I Environment is applicable to Lake Ballinger and all marine aquatic environments waterward of the ordinary high water mark between the southern boundary of the City and the old Union Oil dock, between the northern edge of the Edmonds fishing pier and the southern edge of the Main Street ferry terminal, and between the northern edge of the Main Street ferry terminal and the northern boundary of the City.
- **Aquatic II Environment** (high intensity) – The purpose of this environment is to protect the unique characteristics and resources of the aquatic environment by managing water-dependent use activities to prioritize preservation and restoration of natural resources, navigation, recreation and commerce and by assuring compatibility between shoreland and aquatic uses. The Aquatic II Environment is applicable to those marine aquatic environments waterward of the ordinary high water mark between the old Union Oil dock and the northern edge of the Edmonds fishing pier and between the southern and northern edges of the Main Street ferry terminal.
- **Natural Environment** – The purpose of the Natural Environment is to protect the shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low-intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. The Natural Environment is applicable to the Edmonds Marsh and the historically contiguous wetland to the east of State Route 104. It is also applicable to the Shell Creek wetland and riparian zone.

Mr. Lien explained that under the current SMP, the marsh is considered an associated wetland, which means the shoreline environment does not extend out beyond the edge of the marsh. No changes were proposed by the City, and the DOE did not propose any change until December of 2010, when they notified the City that the marsh must be identified as a shoreline, which means the shoreline designation must extend 200 feet beyond the entire edge of

the marsh. They indicated that the saltwater influence at the marsh meets the definition of a shoreline. To address this issue, staff submitted all available information related to the marsh, including work done by the Washington State Department of Transportation (WSDOT) in association with the Edmonds Crossing Project. Staff also provided images to describe the historic saltwater boundaries of the marsh, which included a survey done by WSDOT in 2008. Staff used this information to argue that the entire marsh should not be considered shoreline. Staff recommended that the 2006 salt marsh boundary be identified as the official boundary of the marsh, and the shoreline jurisdiction should extend 200 feet beyond that point.

Mr. Lien pointed out that the DOE's identification of the marsh as a shoreline could have a significant impact on the Port's proposed plan to redevelop the Harbor Square property. Therefore, staff worked with the Port's Executive Director, Bob McChesney, to develop a new environment to address the issues and concerns associated with the new designation. He reminded the Board that plans are underway to daylight Willow Creek, which would further extend the saltwater influence into the marsh. That means the shoreline environment would expand, as well. Any development around the marsh would have to be revisited to establish new boundaries. He provided a map to illustrate the anticipated expansion of the marsh if Willow Creek is daylighted at some point in the future.

Board Member Johnson asked for specific information about how the Harbor Square property would be impacted by the proposed and anticipated changes to the marsh boundaries. Mr. Lien displayed the map of the extent that shoreline jurisdiction would extend into Harbor Square. However, he emphasized that while these boundaries have been tentatively approved by the DOE, they will not become official until the SMP update process is completed and the SMP is approved. He noted that the City owns the marsh and its associated wetlands. As proposed, the shoreline jurisdiction would extend 200 feet from the wetland, as well. Board Member Clarke pointed out that a 2-story Harbor Square building is located in the northwest corner of the proposed shoreline jurisdiction area. Mr. Lien reminded the Board that development is allowed within the 200-foot shoreline jurisdiction, but it must comply with the SMP. He said he met with Mr. McChesney to review the uses allowed within the shoreline jurisdiction to ensure they are consistent with what the Port is considering for redevelopment. He emphasized that a shoreline permit would be required for any redevelopment within the shoreline jurisdiction area.

- **Conservancy Environment** – The purpose of the Conservancy Environment is to protect and restore ecological functions of open space, floodplains, and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses. The Conservancy Environment is applicable to Brackett Landing South and North, the off-leash dog park, and the Willow Creek outlet of Edmonds Marsh.

Board Member Stewart questioned why the off-leash dog park would be identified as a conservancy environment given that the fecal coliform bacteria counts would likely be higher than at Marina Beach Park, which is identified as part of the Urban Mixed Use II Environment. Mr. Lien pointed out that this beach area is in a nearly natural state, whereas Marina Beach Park is more developed. He reviewed the criteria for designating an area as a Conservancy Environment (ECDC 24.30.050). Board Member Stewart expressed her belief that the current use of the off-leash dog park could detract from the intent that the area remain in its natural state. Mr. Lien summarized that the Conservancy Environment limits the intensity of uses allowed, and the Urban Mixed Use II Environment allows for more intense uses and some development.

Board Member Clarke asked if the City was required to obtain a shoreline permit for the current off-leash park use. Mr. Lien referred to Table 24.40.080, which lists the types of uses allowed in the various environmental designations. He noted that recreational activities are permitted in the Conservancy Environment, and a permit was not required because nothing has been constructed on the site. Board Member Clarke asked how contamination associated with animal waste would be regulated to ensure the environment remains healthy. Mr. Lien said the SMP is not intended to regulate issues of this type. However, the Health Department tests local beaches on a regular basis for fecal coliform bacteria. In addition, the City provides information to educate the public about the dog park and the requirement to clean up after pets.

- **Shoreline Residential Environments** – The purpose of the shoreline residential environments is to accommodate residential development and appurtenant structures that are consistent with the SMP. An additional purpose is to

provide appropriate public access and recreational areas. The Shoreline Residential I Environment is applicable to single-family residential properties in north Edmonds east of the railroad tracks, which are zoned RS-12 and RS-20. The Shoreline Residential II Environment is applicable to single-family properties east of the railroad tracks that are currently zoned RS-6. The Shoreline Residential III Environment applies to residential properties surrounding Lake Ballinger, which are zoned RSW-12.

- **Urban Mixed Use Environments** – The purpose of the Urban Mixed Use Environments is to provide for high-intensity, water-oriented commercial, transportation and industrial uses while protecting the existing ecological functions and restoring ecological functions in areas that have been previously degraded. The Urban Mixed Use I Environment is located north of the fishing pier to Brackett’s Landing South. The Urban Mixed Use II Environment is applicable to the ferry terminal and from Marina Beach to the Fishing Pier. The Urban Mixed Use III Environment would apply to the upland area around the Edmonds Marsh and the commercial area north of the ferry terminal.

Mr. Lien advised that the current Urban Mixed Use I and II Environments do not allow residential development. He noted that the Port of Edmonds is considering the opportunity to redevelop Harbor Square into both commercial and residential uses, which would not be allowed if the property is designated as Urban Mixed Use I or II. Staff worked with the Port of Edmonds to develop a new Urban Mixed Use III Environment, which would allow for a residential component, as well as address the impacts associated with expanding the shoreline jurisdiction around the Marsh.

Board Member Clarke clarified that the Urban Mixed Use III Environment was created as a result of the DOE’s requirement in 2010 to change the classification of the Edmonds Marsh. He emphasized that the Urban Mixed Use III Environment is part of the current proposal, but it has not been formally adopted into the City’s SMP. He observed that the public has not had an opportunity to comment on the proposed new environment. Mr. Lien agreed that the Urban Mixed Use III Environment is a new designation that was not reviewed by the TAC. Board Member Clarke questioned how the public would be informed and invited to comment on the proposed change. Mr. Lien pointed out that before final adoption of the SMP Update, public hearings would be conducted at both the Planning Board and City Council level.

Again Board Member Clarke questioned how the City could inform the public of the proposed new Urban Mixed Use III Environment, which is not part of the current SMP. Mr. Lien pointed out that new language is proposed throughout the document that is not contained in the current SMP. Board Member Clarke pointed out that redevelopment at Harbor Square and the remainder of the Downtown/Waterfront Area has been of particular concern to numerous citizens, and it is important that this particular change is highlighted so the public has a clear understanding of the proposal. Mr. Lien reported that the City’s webpage could include a page that identifies updates to the SMP. City staff can also do outreach to the local media. Board Member Stewart suggested that a copy of the SMP update also be provide to the Strategic Plan consulting team, particularly highlighting the proposed new Urban Mixed Use III Environment.

Board Member Clarke reminded the Board that the Port has been working with a consultant for a number of months to prepare a Harbor Square Master Plan, and he has attended some of their meetings. However, their discussions have never mentioned the need to create a new environment designation to accommodate their proposed development concepts. He voiced concern that the average citizen does not understand this proposed change. He is concerned that the proposed change could fly under the radar of the public, and he does not want the City to be criticized for not alerting the public. Mr. Lien said that because so many changes have been made to the current SMP, it would be difficult to identify all of them in a red-lined version. However, he agreed it would be appropriate to specifically highlight this change in public notices and at public hearings.

Chair Lovell observed that the required change to the designation of the Marsh would have a significant impact on the Harbor Square property, and he is sure the Port has considered this impact as they move forward with their master planning process. Board Member Clarke emphasized that the Urban Mixed Use III Environment does not currently exist. Unless it is formally adopted by the City, the Port would not be allowed to develop as they are currently proposing. If it were possible for them to do so, there would be no need for the new environment

designation. He summarized that although the DOE's requirement to reclassify the marsh will have an impact on the Port, it should be noted that the current Urban Mixed Use II Environment would allow for redevelopment of Harbor Square. However, it would not allow for a residential component, which is currently part of the Port's proposal. Mr. Lien pointed out that the current SMP does not identify the area within 200 feet of the marsh as part of the shoreline jurisdiction. This is a new DOE requirement. Again, Board Member Clarke expressed concern that the Urban Mixed Use III Environment is being created for a specific project.

Board Member Stewart asked if it would be possible for staff to track the changes that have been made as part of the SMP update. Mr. Lien explained that there have been numerous versions of the SMP since staff first started working on the update. Numerous drafts were submitted to the DOE for feedback. While these drafts are all part of the public record, this is the first time the draft proposal has been presented in a public forum. He said he plans to make the same presentation to the City Council in the very near future.

Board Member Clarke said he spent quite a bit of time reviewing the document, and he did not pick up on the proposed change to add a new Urban Mixed Use III Environment as a result of the DOE's requirement to reclassify the marsh. Mr. Lien said that the DOE's requirement for the marsh is not stated in the proposed language as the reason for the proposed new environment. Board Member Clarke said that in reading the document, a person would likely assume that the Urban Mixed Use III Environment already exists because there is no way to identify the changes.

Board Member Ellis reminded the Board that the Urban Mixed Use III Environment would also apply to the commercial area north of the ferry terminal. He asked staff to explain why it is necessary to have a new designation for this area. Mr. Lien explained that the Urban Mixed Use I and II Environments do not allow residential uses, and the current zoning allows a mixture of commercial and residential uses. In addition, both types of uses already exist on the site. Board Member Ellis summarized that the environment designations are intended to be consistent with existing uses. Board Member Clarke recalled that the City Council previously denied Mr. Lee's application to develop property on Sunset Avenue because it proposed both residential and commercial uses. Mr. Lien explained that since that time, the zoning for the property was changed from RS-6 to Office/Residential, which allows a mixture of office and residential uses.

Board Member Johnson observed that the purpose of the different environment designations is to distinguish one area from another. She noted that each environment has different characteristics. Board Member Clarke pointed out that the City is not required to adopt the new Urban Mixed Use III Environment. Although the DOE extended the boundaries of the Edmonds Marsh, the Harbor Square Property could be designated as Urban Mixed Use I or II. Mr. Lien pointed out that because the area around the marsh is not currently identified as a shoreline jurisdiction, there is no shoreline environment designation for the Harbor Square property at this time. As per the DOE guidelines, if a new shoreline area is discovered, it should be designated as a Natural Environment until the SMP has been updated. While he agreed that the Urban Mixed Use I and II Environments would be consistent with existing development at Harbor Square, staff is recommending that the property be designated as Urban Mixed Use III to accommodate future redevelopment, including potential residential uses.

Board Member Stewart noted that when Willow Creek is daylighted, there will be even more saltwater area at the Marsh. She reminded the Board that the purpose of the SMA is to protect the environment. The City should be careful how they classify the marsh and the area surrounding it. Perhaps it is not appropriate to allow residential and commercial development in this newly-classified strip of land that borders the marsh.

Board Member Clarke said he does not know any other urban area on Puget Sound where a water-oriented designation has been upgraded to permit greater development density in the past 25 years. Moving the boundary of the marsh would place the Harbor Square property in the Urban Mixed Use III Environment. Mr. Lien clarified that there is no environmental designation for the Harbor Square property in the current SMP because the area was not previously identified as shoreline jurisdiction.

Board Member Clarke suggested the environmental designations should be handled the same as zoning. When property is annexed into the City, the City adopts the zoning designation that is closest to the existing County zoning. In this particular case, the Urban Mixed Use I and II Environments are the closest existing designations for the Harbor Square property. He summarized that if the Port had not indicated their plans to redevelop the property with increased density, there would have been no need to create the new environmental designation. The new environment has been proposed to accommodate the residential component that is anticipated by the Port for Harbor Square. Again, Mr. Lien reminded the Board that the Urban Mixed Use III designation would apply to the property north of the ferry terminal, as well. Board Member Clarke agreed that applying the Urban Mixed Use III designation to the property north of the ferry terminal would be consistent with the existing Office/Residential zoning. However, applying it to Harbor Square is being done in anticipation of a residential component, which the current zoning does not allow. He summarized that if the Urban Mixed Use III is not adopted, the Port would be unable to redevelop the site with a residential component unless the Comprehensive Plan is changed. He noted that changing the Comprehensive Plan for properties along the Puget Sound shoreline is a complicated process.

Board Member Clarke said he is not stating an opinion either way related to the Urban Mixed Use III Environment, but the City must help the public understand the magnitude of the proposed change. Once again, Mr. Lien advised that the proposed change would be specifically called out at future public hearings. Chair Lovell observed that the proposed language in ECDC 24.30.070 clearly describes the three Urban Mixed Use Environments. He suggested staff highlight the differences between the new Urban Mixed Use III Environment and the existing Urban Mixed Use I and II Environments. This will clearly identify the changes that have been proposed to accommodate the anticipated or potential redevelopment of Harbor Square. The Board agreed it would also be appropriate to call out this specific change via an article in the local newspapers.

- **Urban Railroad Environment** – The purpose of the Urban Railroad Environment is to identify the 100-foot right-of-way for the Burlington Northern Santa Fe Railroad along the Edmonds Shoreline. This designation will provide for high-intensity transportation uses while protecting ecological functions.

Board Member Clarke asked if the proposed boundaries of the Urban Railroad Environment would accommodate the proposed second track. Mr. Lien answered that the second track would be located within the existing right-of-way. Board Member Johnson asked why the Urban Railroad Environment is not contiguous. Mr. Lien answered that there are some places where the right-of-way is not located within 200 feet of the ordinary high water mark.

#### **Part IV – General Policies and Regulations (ECDC 24.40.000 – 24.40.090)**

Mr. Lien explained that the intent of this section is to encourage uses that will protect or enhance the current or desired character of a shoreline. There is always some question about whether to apply the SMA rules or the CAO rules when reviewing applications. As per the DOE's guidelines, the SMA regulations are applicable to properties within the shoreline jurisdiction, and the CAO regulations apply to properties outside the shoreline jurisdiction. He advised that staff struggled with how to integrate the CAO into the SMP without totally rewriting the CAO within the SMP. The DOE has offered the following options for accomplishing this task:

1. Copy specific sections of the CAO into the SMP.
2. Reference a specific CAO addition noting which CAO provision will not apply to the SMP.
3. Include portions of the CAO as an appendix to the SMP.

Mr. Lien reported that the proposed SMP update uses a combination of Options 2 and 3. ECDC 20.40.020.D provides a list of specific provisions of the CAO (ECDC 23) that do not apply to development within shoreline jurisdiction, and ECDC 20.40.020.C identifies provisions of the CAO that can only be implemented within shoreline jurisdiction areas through the shoreline variance process. For example, the CAO allows for buffer averaging to reduce the buffers by 50%. The DOE has indicated that the buffers should not be reduced more than 25%. ECDC 20.40.020.C.1 was added to the SMP to state that any shoreline project that proposes going beyond a 25% buffer reduction through the mechanisms described in ECDC 24.40.020.E.3 would require a shoreline variance, but no variance would be required for wetland buffer reductions that are

consistent with ECDC 24.040.020.E.3. If a property owner can demonstrate that further reducing the wetland buffer would still provide for the environmental function, they can request a variance to reduce the buffer.

Mr. Lien advised that new buffers for wetlands were drafted within shoreline jurisdiction. The Doe suggested the wetland regulations be based on DOE's Guidance for Small Cities, Publication No. 10-06-002. The wetland regulations in the SMP update are taken directly from this publication. Additionally, Mr. Lien advised that wetland compensatory mitigation ratios in the SMP reference the DOE's best available science document for Protecting and Managing Wetland, Appendix 8-C, Table 8-C11, Publication Number 05-06-008.

Mr. Lien pointed out that ECDC 23.40.220.C.3 was also incorporated into the SMP to permit alterations to structures within critical areas and/or buffers. In addition ECDC 23.50.020.E was added to permit alteration to a legally constructed structure existing within a wetland or wetland buffer that does not increase the footprint of development or impervious surface or increase the impact to a wetland or wetland buffer. He explained that the Edmonds Marsh is identified in the current SMP as a Category I Wetland, and the standard buffer width with the City's CAO is 200 feet. The proposed new buffer would be a minimum of 75 feet, with the ability to increase it by up to 150 feet depending on the habitat score. Therefore, the proposed regulations could result in a smaller buffer than what is currently required by the City's CAO.

Board Member Stewart said she cannot envision the buffer being reduced if there is an effort to restore the marsh. Mr. Lien explained that the Port's property is developed right up to the border of the marsh, and their plan is to enhance the area where feasible as part of any redevelopment project. They would be allowed to redevelop within the existing footprint. He noted that the majority of the City was developed prior to adoption of the CAO, and the purpose of the SMA and CAO is to ensure there is no net loss. The SMP also includes a restoration plan for the marsh. Board Member Stewart said it is a shame that impervious surface exists to the edge of the marsh since it is not compatible with the ecosystem of the marsh. Perhaps the City could offer an incentive for the developer to restore the marsh and expand the ecological functions. Mr. Lien said low-impact development is being incorporated into the development code more, and the DOE's Phase II Permit encourages low-impact development. During the next update of the permit, he anticipates that low-impact development would be required unless unfeasible.

Board Member Johnson recalled that the Board reviewed the Surface Water Plan last year, and one of the projects identified in the plan was a flood plain analysis of the marsh area. She asked how the results of this analysis would be incorporated into the SMP. Mr. Lien said the adopted CAO includes a section regarding frequently flooded areas. These areas would still be governed by the CAO and would not be significantly impacted by the SMP. He summarized that the City knows there are flooding problems in the marsh area, but he does not anticipate the SMP would be changed to address the problem. Board Member Johnson inquired if the flood plain study could end up redefining the marsh area, and Mr. Lien said he does not anticipate that would be the case. The flooding issues would be addressed by the CAO.

Board Member Ellis said there are numerous areas in the City where the buffer requirements should be applied but are not because development occurred prior to adoption of the CAO and SMP. He recalled that the benchmark for the CAO and SMP is "no net loss." He asked if the benchmark would change if a property owner decided to give back a portion of his/her developable land. Mr. Lien explained that the streams in the City have been highly modified, and ECDC 23.40.050 recognizes that it is not always possible to establish a functional buffer in all locations. However, the CAO also allows the City to add additional conditions to development permits to require some enhancement along the stream areas to improve the conditions as much as possible, recognizing that Edmonds is a built-out environment. If a property owner decides to give back a portion of developable area and it turns into a wetland, it would be considered the benchmark for the new wetland buffer.

Board Member Ellis observed that the shoreline jurisdiction for wetlands is a new addition to the SMA. There would be new standards for wetlands inside the shoreline jurisdiction, and the buffers could potentially be smaller than what the CAO currently requires. Mr. Lien said this change is specifically called out in the draft document. It is clear that the DOE did not feel the wetland buffers called out in the City's CAO met the requirements of best available science (BAS), and they have asked the City to use the buffer requirements found in the SMP Guidelines.

**APPROVED**

Board Member Clarke asked if tearing down a building to improve a nonconforming site would trigger the buffer measurement and place limits on what is allowed in the buffer area. He noted that in order to move the existing development further south at Harbor Square, the parking area must be removed. At that time, the buffer area could be returned to its natural condition. Mr. Lien pointed out that removing the parking lot would not restore the site to its natural condition. Redevelopment within the buffer area would be allowed to occur, as long as the impervious surface area (footprint) of the existing development is not increased.

Mr. Lien advised that a few other provisions were added to the proposed language to be compliant with the DOE Guidelines. These new sections include 24.40.020.G (geologically hazardous areas), 24.40.020.H (critical saltwater habitats), and 24.40.020.I (critical freshwater habitat).

Mr. Lien advised that a separate section (ECDC 24.40.040) addresses the issue of views and public access. As per 24.40.040.B.1, public access would be required when a property is subdivided into four or more lots. He noted that there are few lots in the shoreline jurisdiction that could actually be subdivided. He also referred to ECDC 24.40.040.B.11, which requires that a view corridor must be maintained across 30% of the average parcel width of properties that are landward of the ordinary high water mark.

Mr. Lien referred the Board to Table 24.40.080, which outlines the allowed uses and required permits for each of the shoreline environments. The Bulk and Dimensional Standards are found in Table 24.40.090, which specifically identifies the setback and height limits. Board Member Clarke pointed out that stacked residential development (multi-family development) would only be permitted in the Urban Mixed Use III Environment. Mr. Lien agreed but added that single-family residential development would also be allowed in all three of the Urban Residential Environments.

Chair Lovell observed that the height limit in the proposed new Urban Mixed Use III Environment would be 35 feet. He asked if the developer would have the ability to request an increase in the height limit via a development agreement, which would require public approval. Mr. Lien said the 35-foot height limit is consistent with what is allowed by the current zoning designation for Harbor Square. He referred to Footnote 16 of Table 24.40.090 (bulk and dimensional standards), which states that the maximum height limit in the Urban Mixed Use III Environment shall be determined by the underlying comprehensive planning document and zoning designation. Height limits greater than 35 feet shall be supported by view analysis and structures designed to maximize impacts on public views. He also referred to Footnote 15 (needs formatting correction), which states that the side setback requirement in the Urban Mixed Use III Environment would be determined by the underlying zone, and there would be no required setback in the BD2, CG or MP2 zones. There would be a five-foot setback in the OR zone.

Board Member Clarke questioned why the other environments have specific height and setback requirements, and requirements in the Urban Mixed Use III Environment can be changed as the Comprehensive Plan and underlying zoning changes. Mr. Lien said the dimension standards found in Table 24.40.090 are consistent with the standards of the underlying zoning. Board Member Clarke suggested that Footnotes 15 and 16 could be applied to all of the environments so that if the zoning changes, the dimensional standards would change, as well. The Board agreed the footnotes should apply to all environments. It was noted that zoning and the Comprehensive Plan could change overtime, and allowing this flexibility would eliminate the need to update the SMP every time a zoning and Comprehensive Plan change is adopted. Board Member Ellis asked if it is necessary to spell out the dimensional standards in the SMP or if it would be sufficient to reference the zoning standards. Mr. Lien said the DOE has asked that the dimensional standards be specifically called out in the SMP.

Board Member Stewart observed that because the area around the marsh has been filled, the high liquefaction hazard would likely limit the kinds of development that could occur. She asked if the soil conditions are addressed in the proposed SMP language. Mr. Lien replied that the SMP would not limit the types of development that could occur in this area, but the liquefaction hazard could increase the cost of development.

THE BOARD TOOK A BREAK AT 8:50 P.M. THEY RESUMED THE MEETING AT 9:02 P.M.

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Chair Lovell said that as he reviewed the draft document, he questioned whether or not the Edmonds Marsh and Willow Creek would fall under the jurisdiction of the SMP. Mr. Lien answered that it would. Chair Lovell also asked if the flooding problem on properties along Dayton Street would be addressed by the SMP. Mr. Lien answered that this is a stormwater issue that is addressed in the City's Storm Water Plan. He advised that the shoreline jurisdiction could be expanded to encompass the 100-year flood plain area, but this is not something Edmonds has done in the past or something that is proposed in the SMP update. Chair Lovell asked if the potential Edmonds Crossing Project is addressed in the SMP. Mr. Lien answered that the shoreline designation would apply to both the current location and the new location proposed as part of the Edmonds Crossing Project.

Chair Lovell asked if the Lake Ballinger flood problems would be addressed in the SMP. Mr. Lien replied that while the flooding occurs on property within the shoreline jurisdiction, the SMP would not affect the existing shoreline uses. He suggested this issue is a stormwater issue that is best addressed through the Storm Water Plan. Chair Lovell asked if the City has made a commitment to study the Lake Ballinger area. Mr. Lien answered that the City's Stormwater Engineer has been involved with the Lake Ballinger Project. Board Member Johnson added that as part of their June 21<sup>st</sup> Consent Agenda, the City Council authorized the Mayor to sign an Interlocal Agreement with the City of Mountlake Terrace to develop a capital improvement project description, scope and costs for projects listed in the Lake Ballinger/McAleer Creek Forum Capital Improvement Plan.

Chair Lovell asked if the proposed SMP Update addresses the concerns raised by the Climate Impact Group about rising sea levels in Puget Sound. Mr. Lien agreed that rising sea levels could impact and potentially expand the shoreline. He noted that most of the shoreline is located in the Shoreline Residential Environments, and rising sea levels could have a significant impact on the properties located on the bluff. However, the Port would be the most significantly impacted by rising sea levels. He noted that this issue is not addressed in the proposed SMP. Chair Lovell pointed out that if and when this potential phenomenon occurs, the issue would likely be addressed by state requirements that cities must incorporate into their SMPs. Mr. Lien suggested the City could reevaluate the issue as part of the next SMP update.

Board Member Johnson said it has been projected that that the sea level will rise in the future, and perhaps it would be appropriate to address the issue in the City's SMP, which is intended to be a 20-year outlook. Chair Lovell said the University of Washington is conducting a study of all jurisdictions that border Puget Sound to find out if planning is being done to accommodate the anticipated rising sea level. Mr. Lien said he is aware of the study, and the City was asked to participate. Board Member Stewart said it does not make sense to wait until sea levels rise significantly before addressing the issue. One of the purposes of planning is to forecast future situations and identify potential solutions. Board Member Johnson asked if the State has provided any direction regarding this issue, and Mr. Lien answered negatively. Board Member Johnson said it would be interesting to learn what the DOE has to say about the issue, as well as their recommended approach. Chair Lovell suggested the City keep apprised of the situation, and Mr. Lien advised that both he and Mr. Chave stay informed about the group's activities.

Board Member Clarke reported that Mayor Cooper has expressed concern about the impacts a Tsunami could have to the Edmonds Waterfront. He asked if the City has a plan to address this potential risk. Mr. Lien said he does not know of a City plan related to potential Tsunamis.

#### **Part V – Specific Modification Policies and Regulations (ECDC 24.50.000 – 24.50.070)**

Mr. Lien explained that shoreline modification activities are structures or actions that permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet. He reported that the DOE guidelines required that shoreline environment specific regulations be included in the SMP. He referred to ECDC 24.50.030, which is a shoreline environment specific regulation that is particularly applicable to the Edmonds Marina and Lake Ballinger. As required in the current SMP, covered moorage would be prohibited, so the existing covered moorage at the marina would be nonconforming. In addition, the DOE encourages shared/joint facilities, which would primarily apply to new residential development on Lake Ballinger. Rather than a dock for each house, residents would be encouraged to share facilities. He said the update also provides specific standards for dock construction because the DOE is concerned about light penetration. As proposed, dock surfaces must be designed to allow maximum light penetration in near shore areas and

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must be located along a north/south orientation to the maximum extent possible. The surface of new piers, docks and floats must provide at least 50% functional grating.

**Part VI – Specific Use Policies and Regulations (ECDC 24.60.000 – 24.60.090)**

Mr. Lien observed that draft regulations related to aquaculture uses (ECDC 24.60.010) are proposed to be added to the SMP, and he would like additional direction from the Board as to whether or not aquaculture uses should be allowed within the shoreline jurisdiction in Edmonds. He explained that aquaculture is the farming or culture of food fish, shellfish, or other aquatic plants or animals that may require development such as fish hatcheries, rearing pens and structures, and shellfish rafts, as well as use of natural spawning and rearing areas. Aquaculture does not include the harvesting of free-swimming fish or shellfish not artificially planted or maintained. He noted that the proposed regulations in this section would apply to the current fish farming operation at the Willow Creek Hatchery, particularly the fish pens placed at the Edmonds Fishing Pier each spring.

Board Member Clarke asked Mr. Lien to identify areas in Edmonds where aquaculture could occur. Mr. Lien answered that he does not know if the Edmonds coast is a good location for this type of use, but it is definitely something the City could choose to prohibit. He reminded the Board that the City’s jurisdiction extends to the center of Puget Sound. Board Member Stewart advised that fish farming can result in disease. Mr. Lien said it could also create a problem for boat traffic. Board Member Stewart said she is leaning towards prohibiting the use in Edmonds.

Board Member Clarke questioned if the proposed SMP language addresses the use of wind turbines. Mr. Lien answered that wind turbines are addressed in the utility section (ECDC 24.60.090) of the SMP, and he could address these provisions at a later date. He said that because of ship traffic, he cannot imagine anyone wanting to put wind turbines in Puget Sound. He noted that the Snohomish County Public Utility District has been studying the potential of tide turbines, but these would be submerged in the water.

Board Member Johnson asked if aquaculture also covers shellfish harvesting. Mr. Lien clarified that it includes the harvesting of free-swimming fish or shellfish that are artificially planted or maintained, but not the gathering of natural species. Board Member Johnson said she would like to learn more about the potential harvesting of seaweed, oysters, muscles, etc. Board Member Stewart explained that these species are bottom feeders that absorb all the pollutants. She observed that the waters within the City’s shoreline jurisdiction are not very clean, and the Board of Health would likely have concerns about allowing them to be harvested in this area. Board Member Johnson noted that Edmonds has quite a long coastline, and it might be safer to harvest these species further north. Board Member Stewart agreed that the Board should explore the issue of aquaculture more to determine if it is safe and would not impact the environment in a negative way. The Board agreed they would like to learn more about aquaculture uses before making a decision about whether to include the provisions or not.

Mr. Lien referred to ECDC 20.60.020, which applies to boating facilities. He explained that the proposed language is largely the same as the existing regulations. Again, he noted that covered moorage would be prohibited so the existing covered moorage at the Port of Edmonds would be nonconforming.

Mr. Lien referred to ECDC 20.60.030.C, which prioritizes the preferred types of commercial activities allowed within shoreline jurisdictions. As proposed, water-dependent uses would be the most preferred type of commercial use, followed by water-related uses, then water-enjoyment uses, and lastly, non-water-related uses.

Mr. Lien reviewed ECDC 20.60.070 and explained that single-family development is generally exempt from the shoreline permit requirement. However, a permit would be required if grading for appurtenances exceeds 250 cubic yards. This section also requires that subdivisions of four or more lots and multi-family development provide public access. He noted that there are not many parcels in residential zones that are capable of being subdivided into four or more lots.

Board Member Clarke questioned the use of the words “should,” “shall,” and “may.” Mr. Lien explained that the word “may” means the City would encourage an applicant to meet a certain provision, and the word “shall” makes a provision an absolute requirement. The word “should” means an applicant has to meet the requirement if possible. He emphasized that

public access and the ability for the public to enjoy the shoreline is a very important element of the SMP. However, acquiring public access can sometimes be very difficult or unfeasible. He referred to ECDC 24.40.040.B.2 and reviewed the list of reasons why it might not be possible to provide public access as follows:

- a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means.
- b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.
- c. The cost of providing the access easement or an alternative amenity is unreasonable disproportionate to the total long-term cost of the proposed development.
- d. Unacceptable environmental harm will result from the public access which cannot be mitigated.
- e. Significant undue and unavoidable conflict between any access provisions and the proposed use/modification and adjacent uses would occur and cannot be mitigated.
- f. Statutory or constitutional requirements would prohibit the mandatory dedication of access without just compensation or compliance with statutory criteria.

Board Member Clarke referred to the Ebb Tide Condominium Building, which is located on the shoreline and restricts public access to the portion of coastline that is located in front of the building. He said he understands that whatever changes are made to the SMP, this structure would be allowed to continue as nonconforming. However, he felt it would be appropriate to require all new multi-family development within the shoreline jurisdiction to provide public access, with no exceptions. Mr. Lien said the Ebb Tide Condominium Building does not conform to the zoning requirements, either. If the property is ever redeveloped, public access would be pursued. Again, Board Member Clarke felt that public access should be required of all multi-family residential development within the shoreline jurisdiction, including the Harbor Square property. Providing an opportunity for the public to enjoy free-flow access along the waterfront would be an invaluable community asset.

Board Member Ellis questioned if there could be situations where requiring a public access for all multi-family residential development could be problematic. Mr. Lien said it is possible that a developer cannot provide the public access for any of the reasons identified in ECDC 24.40.040.B.2. Using the word “should” means that public access would be required unless there is a valid reason why it cannot be done. For example, public access could not be allowed near the ferry terminal because of the railroad tracks. However, there would be no safety issues associated with providing public access from Harbor Square to the marsh.

Board Member Clarke observed that, at this time, there is no designated parking for public access to the marsh on the Harbor Square property. The parking close to the marsh is reserved for Harbor Square tenants only. He suggested that in addition to providing a path for public access, the City should also require developers to provide a designated parking area for those that use the public access. Board Member Johnson clarified that the public access requirement does not guarantee available parking, but the right to walk to the water across the mean high tide area. Board Member Clarke questioned if the Americans with Disabilities Act (ADA) requirements would apply to the public access points. He stressed the importance of making the access available so people can realistically enjoy it, and this includes ADA access from an available parking area to the amenity. Mr. Lien answered that the public access element does not address the ADA requirements, but development would have to meet the City’s parking standards, including the ADA requirement. Again, Board Member Johnson emphasized that beach access and parking for a park at the beach are two separate issues. Mr. Lien explained that parking is not a priority use within the shoreline jurisdiction. It is only allowed if it can be demonstrated that there are no other options.

Again, Board Member Clarke said he would like the City to require public access for all multi-family residential development, as well as a provision that addresses the need for ADA-compliant parking and improvements that allow the public to realistically use the access. Mr. Lien restated his earlier comment that while requiring public access at Harbor Square would make sense, it might not be possible in locations that are situated east of the railroad tracks. He reminded the Board that the proposed language would require public access unless there is good reason why it cannot be provided as spelled out in ECDC 24.40.040.B.2. Chair Lovell said he does not believe the SMP should require a developer to create parking for people who want to access the beach.

Mr. Lien referred to ECDC 24.60.080 and noted that the regulations for the ferry terminal and railroad are the same as the existing SMP. However, there are more restrictive regulations for parking in the Urban Mixed Use I and II Environments.

Because parking facilities are not considered a water-dependent use, they would only be permitted within the shoreline to support an authorized use where it can be demonstrated that there are no feasible alternative locations away from the shoreline. The proposed language in ECDC 24.60.090 requires a 60-foot setback for parking in the Urban Mixed Use II environment, but it can be reduced by a maximum of 20 feet if a public walkway or publicly accessible open space is provided waterward of the bulkhead. The parking setback could also be reduced by one foot for every one foot of public walkway or publicly accessible open space that is provided waterward of the ordinary high water mark, to a maximum of 20 feet. The minimum setback for parking facilities would be no less than 40 feet from the bulkhead.

Board Member Clarke observed that, as proposed, all commuter parking for the ferry must be located east of Railroad Avenue, which is not currently the case. He specifically noted that the office building located adjacent to marina beach south and the building north of the ferry terminal both provide commuter parking for a fee. He asked how the City would enforce this requirement. Mr. Lien said he would have to review the history of these situations to determine if the uses are illegal or nonconforming.

Board Member Clarke questioned why no parking restrictions are proposed for the new Urban Mixed Use III Environment. Mr. Lien agreed that similar restrictions could be applied to the Urban Mixed Use III Environment.

### **Part VII – Nonconforming Development (ECDC 24.70.000 – 24.70.050)**

Mr. Lien advised that this chapter is a combination of the nonconforming chapters from the current SMP and ECDC 17.40. This change was made at the request of the DOE. Board Member Clarke inquired if the Senior Center is a nonconforming structure and use. Mr. Lien advised that no new uses were added to the Urban Mixed Use II designation, and the allowed uses were taken directly from the list of uses allowed in the Waterfront Commercial zone (ECDC 16.55.010). The Board and staff reviewed the regulations for the Waterfront Commercial zone (ECDC 16.44) and determined that the senior center is likely a local public facility with marine-oriented recreation and thus is a permitted use. Board Member Clarke summarized that if and when the site is redeveloped, the proposed SMP would not allow a residential component. Board Member Johnson observed that there has been a lot of public discussion about potential redevelopment of the Senior Center. She suggested that the staff and Board be prepared to address this issue further as part of the public hearing.

Board Member Clarke suggested the Board consider designating the Senior Center property as part of the Urban Mixed Use III Environment. Mr. Lien reminded them that they are trying to move away from multi-family residential development along the waterfront, and the current multi-family residential developments are considered nonconforming based on the current SMP. As proposed, the Urban Mixed-Use II Environment would continue to prohibit this use.

### **Part VIII – Administration of Shoreline Permits (ECDC 24.80.000 – 24.80.170)**

Mr. Lien advised that some of the provisions in the administration chapter (ECDC 20.55) are not included in the current SMP in ECDC 23.10. The administrative procedures found in ECDC 23.10 and ECDC 20.55 were combined and placed in Section 28.80 for ease of implementation of the SMP. Mr. Lien reminded the Board that Part I of the SMP identifies elements of the administrative section contained within ECDC 24.80 that allows the City to make some changes to the administrative process without going through the formal process to amend the SMP. He specifically referred to ECDC 24.80.100 and explained that the current SMP requires all shoreline permits to be decided by the Hearing Examiner. In the update, staff is proposing that shoreline permits only go before the Hearing Examiner if:

- One or more persons request a hearing.
- A SEPA Determination of Significance is issued.
- Permit requires shoreline variance or conditional use.
- The project requires a public hearing for other City of Edmonds permits.

Mr. Lien explained that the cost of a Hearing Examiner review is over \$2,000, and an administrative decision would cost approximately \$500. He said he researched other jurisdictions throughout the State and found that the provisions vary widely. In some jurisdictions, shoreline permits are issued by the planning director, and some allow their planning commission to make a recommendation to their planning director. Hearing examiners make the decision in about half the

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jurisdictions. He explained that the previous SMP guidelines required the hearing examiner to make the final decision, but this is no longer a requirement in the new guidelines. He emphasized that the draft SMP is very prescriptive, and the requirements are spelled out well. Therefore, staff believes it would be fairly easy for them to review applications and make determinations related to the shoreline permit. If a staff decision is appealed, the permit application could be sent to the hearing examiner for a final decision.

Board Member Stewart suggested that perhaps a shoreline permit could also be a staff decision if a developer is proposing to construct a building to the Built Green four or five star level or LEED gold or better. In order to achieve this high level of low-impact development, a project must go through a stringent program designed to protect the environment. Allowing staff to issue the shoreline permit in these situations would incentivize green building. Mr. Lien noted that even if a developer is proposing a green building, a project might still require a hearing examiner review if one of the other thresholds is triggered. He reminded the Board that most single-family development is exempt from the shoreline permit requirement. Board Member Johnson said she supports the idea put forth by Board Member Stewart. Chair Lovell said he supports the idea, as well, but suggested that perhaps the SMP is not the appropriate place to implement the concept. Board Member Johnson suggested the Board continue their discussion regarding this concept at a later date rather than eliminate it as a potential option so early in the process.

Board Member Clarke suggested that perhaps an appropriate process would be for the staff to help the applicant prepare a shoreline permit application, which could be presented to the Planning Board for a public hearing and recommendation to the City Council. The City Council could make the final decision. Mr. Lien said he would rather not send shoreline permit applications to the City Council for a final decision because they are considered quasi-judicial.

Mr. Lien referred to ECDC 24.80.140, which outlines the time requirements associated with shoreline permits. He noted that no changes have been made to this section, which allows a developer two years to start a project and five years to complete a project. In addition, the time requirements do not apply while other local, state and/or federal permits are being pursued. He referred to the Meadowdale Marina Project, for which a shoreline permit was issued more than five years ago. However, because the developer has not obtained all of the state and federal permits, the time limit for the shoreline permit has still not expired. He asked for direction from the Board about whether or not the time limits should be adjusted to address these types of situations.

Board Member Clarke observed that it can take a lengthy period of time to obtain all of the state and federal permits required for projects within the shoreline jurisdiction. Mr. Lien agreed but suggested that a five-year period should be more than adequate. He emphasized that any changes in the proposed SMP would not apply to the Meadowdale Marina Project because their permit is already vested. He asked the Board to consider this option and provide further direction at a future meeting.

#### **Part IX – Definitions (ECDC 24.90.000 – 24.90.060)**

Mr. Lien advised that the definitions proposed in the SMP update are straightforward and came directly from the SMA guidelines and administrative procedure.

#### **Part X – Appendices**

Mr. Lien advised that the appendices section includes maps of the shoreline environments and jurisdictions and the SMP version of the Critical Areas Ordinance with the exceptions removed.

Chair Lovell commended Mr. Lien for his thoughtful and thorough work to prepare the SMP update. Mr. Lien said the draft proposal is intended to guide the Board's future discussion. As they continue their review in the future, he invited them to identify sections they would like to discuss in more detail. Chair Lovell summarized that the Board expressed a lot of concern about existing and potential development on the waterfront, particularly between Bracketts Landing and the off-leash dog park. He expressed his belief that this area would be a major focus of discussion in the City over the next 20 years.

Mr. Lien said that when the Board continues their review of the SMP update, he would provide more information about the types of uses allowed in each of the environments. He would also identify the differences between the existing SMP language and the proposed SMP language, as well as the differences between the Urban Mixed Use I, II and II Environments.

Board Member Clarke suggested the Board step back and review the basic assumptions that were made years ago for land use policies to determine if they are really relevant in today's environment and the future environment. They should consider whether they should be more vision oriented and flexible as to uses that could be amenities for the City in the future. Mr. Lien pointed out that this would be a Comprehensive Plan discussion that is larger than the SMP update. Board Member Clarke summarized that if the City is going to create a new Urban Mixed Use III Environment, perhaps they should consider its potential application in other locations, as well.

**REVIEW OF EXTENDED AGENDA**

The Board did not discuss the extended agenda.

**PLANNING BOARD CHAIR COMMENTS**

Chair Lovell did not provide any comments during this portion of the meeting.

**PLANNING BOARD MEMBER COMMENTS**

None of the Board Members provided comments during this portion of the meeting.

**ADJOURNMENT**

The Board meeting was adjourned at 10:30 p.m.