

**CITY OF EDMONDS
PLANNING BOARD MINUTES**

October 12, 2011

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

BOARD MEMBERS PRESENT

Philip Lovell, Chair
John Reed, Vice Chair
Todd Cloutier
Bill Ellis
Kristiana Johnson
Valerie Stewart
Neil Tibbott

STAFF PRESENT

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

BOARD MEMBERS ABSENT

Kevin Clarke

READING/APPROVAL OF MINUTES

VICE CHAIR REED MOVED THAT THE MINUTES OF SEPTEMBER 28, 2011 BE APPROVED AS AMENDED. BOARD MEMBER CLOUTIER 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.

SHORELINE MASTER PROGRAM (SMP) UPDATE

Mr. Lien explained that, as per Washington Administrative Code (WAC) 173-26-186(8)(d), the City is required to complete a Cumulative Impact Analysis (CIA) to evaluate and consider cumulative impacts of reasonably foreseeable future development on shoreline ecological functions and other shoreline functions. The analysis of cumulative impacts should consider:

- Current circumstances affecting the shoreline and relevant natural processes.
- Reasonably foreseeable future development and use of shoreline.
- Beneficial effects of any established regulatory program under other local, state and federal laws.

Mr. Lien explained that the CIA is supposed to ensure that the SMP provides no net loss of ecological functions. It occurs later in the SMP update process because the regulations must be in place in order to evaluate whether or not they would have

no net impact to the ecological functions. He advised that staff relied on the following five documents to complete the draft CIA:

- Shoreline Inventory
- Shoreline Characterization Study
- Shoreline Use Analysis, with a projection of reasonably foreseeable future development
- Restoration Plan
- Draft SMP with environmental designations, policies and regulations.

Mr. Lien informed the Board that the draft CIA has been forwarded to the Department of Ecology (DOE), but the City has not received any comments back yet. He explained that the document was provided to the Board for their review and information, but most of their work would focus on the environmental designations, policies and regulations in the draft SMP.

Chair Lovell referred to the 5th paragraph on Page 9 of the draft CIA, which identifies the Edmonds Crossing Project as a major source of development activity. He said he has had conversations with Stephen Clifton, Community Services Director, who indicated that it is not likely the project will move forward in its present form. He questioned the need to continue to carry this concept within the various reports and updates. Mr. Chave explained that the project is a partnership between the City, State and Federal governments, so the City cannot unilaterally abandon the concept. The project is still identified on the Washington State Ferries long-range plan, and the City has received grant funding. He summarized that Edmonds Crossing, as a concept, is still viable, but it may not work as it is currently configured. The project may look different going forward, but until a replacement plan has been identified, the City should not abandon the existing plans.

Chair Lovell pointed out that future redevelopment of the downtown waterfront and Harbor Square property could further degrade the capability of recreating the Edmonds Crossing Project. Mr. Chave responded that the Edmonds Crossing Project does not necessarily conflict with redevelopment in these areas. At this time, they do not know what the future holds for the multi-modal transportation project (Edmonds Crossing), since the facility could be configured in a number of different ways. Chair Lovell said he does not want to create a situation where the City puts a hold on all future redevelopment plans until the multi-modal transportation project has been resolved. Mr. Chave said he does not believe the City would take that position.

Chair Lovell referred to the 1st paragraph on Page 10 of the draft CIA, which states that some reasonably foreseeable development activity in the City would be exempt from the Shoreline Permit requirement. He reminded the Board that he previously asked if this exemption would apply to the existing pier at Haines Wharf. Mr. Lien responded that a Shoreline Substantial Development Permit has already been issued for the Haines Wharf Project, but it has been placed on hold while the property owner pursues other required permits. Chair Lovell questioned if it would be appropriate to place a time limit on Shoreline Substantial Development Permits. Mr. Lien said the way the language is currently written, Shoreline Substantial Development Permits would remain valid as long as a property owner is pursuing other permits. The proposed SMP Update identifies the Haines Wharf property as part of the Aquatic Environment. That means that if the Shoreline Substantial Development Permit becomes invalid at some point in the future, commercial redevelopment would be prohibited on the site.

Vice Chair Reed voiced concern that many of the statements contained in Section 2 of the Draft CIA are negative. He suggested staff consider language that is more positive. He also noted that many of the statements found in Section 2 (Current Circumstances Affecting the Shorelines and Relevant Natural Processes) depend upon zoning and Comprehensive Plan designations staying the same in the future. He said he anticipates potential zoning changes for properties along the waterfront in order to encourage redevelopment that will increase the City's revenue base.

Board Member Cloutier asked how issues related to rising sea level would be addressed in the SMP and CIA. Mr. Lien answered that rising sea levels are not specifically addressed in the draft CIA. However, at the Board's request, policies were added to the draft SMP to address the issue on a short-term basis. The issue could be addressed in greater detail in the next SMP or sooner as science becomes more developed.

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Board Member Stewart suggested that SMP 24.50.020.C.4 (Page 14 of the CIA) should be amended to require developers to consider best available science regarding climate change and sea level rise. She felt that unless it is specifically stated in the SMP, developers would find ways to evade the issue. In addition, she felt the required geotechnical analysis should be consistent with the most current Environmental Impact Statement (EIS) standards. Mr. Lien suggested that additional regulation could be added to the SMP in Section 24.50.010 (General Modification Policies and Regulations) to address Board Member Stewart's concern about best available science. Board Member Stewart asked if staff would automatically turn to this section to clarify concerns related to a proposed project. Mr. Lien answered that staff would consider all the regulations when reviewing development proposals.

Board Member Stewart reminded Mr. Lien of her earlier request that staff provide a definition for the term "low-impact development." Mr. Lien said he does not have a proposed definition for the Board to consider at this time. Board Member Stewart referred to the chart on Page 19 of the CIA, which encourages low-impact development techniques as a possible non-regulatory mitigation measure. She suggested that low-impact development techniques should be required for development within the shoreline areas. Mr. Lien reminded the Board that stronger language related to low-impact development was added to the draft SMP.

Board Member Stewart referred to SMP 24.40.050.B.1.d (Page 19 of the CIA), which is the only section of the SMP that refers to native shoreline vegetation. She expressed her belief that all redevelopment should be required to use native shoreline vegetation as part of landscaping in order to restore the ecological function as much as possible. Mr. Lien pointed out that the required mitigation plan would mandate the restoration of ecological function, which includes native shoreline vegetation. He agreed to review the draft SMP to make sure the language is strong enough to address Board Member Stewart's concern.

Board Member Stewart said she particularly likes the 4th section of the CIA, which outlines the beneficial effects of established regulatory programs under other local, State and Federal laws. She said this section helps her understand how the various laws and regulations all relate to each other.

Board Member Johnson referred to minutes for the Port of Edmonds September 12th Commission meeting where there was some discussion about how the proposed SMP would impact Harbor Square and other Port property. The Port is particularly concerned about the Department of Ecology's (DOE) recent decision to reclassify a part of the Edmonds Marsh from an Associated Wetland to a Shoreline. She specifically read the following excerpt:

"Mr. McChesney reminded the Commission that the City of Edmonds was recently notified by the Department of Ecology (DOE) that their Shoreline Master Program (SMP) must now identify the marsh as a shoreline environment. That means that a 200-foot area around the marsh would be considered part of the shoreline jurisdiction. He emphasized that not only would this requirement impact future redevelopment at Harbor Square, but the new designation would also reach across the Burlington Northern Santa Fe (BNSF) tracks and encompass nearly all of the Port's real estate. He advised that Port staff has been working closely with the City's Planning Division to help resolve some of the land use questions pertaining to Harbor Square. However, even if the proposed new Urban Mixed Use III category is approved by the Planning Board and City Council, some of the Port's other properties will remain under the SMP restrictions."

Board Member Johnson summarized that while the City moves forward with the SMP update, the Port of Edmonds has hired an environmental consultant (PENTEC Environmental) to review all the documents and process by which the DOE made their determination to reclassify the Edmonds Marsh to a shoreline jurisdiction. This is the Port's first step in the process to find out how and why the change was made. She said Mr. McChesney cautioned that *"the Port must approach this issue carefully. Once PENTEC's report is available, the Commission will have to make some difficult decisions about whether or not it would be prudent for the Port to pursue the issue with the DOE."* She said the Port Commission appears to be questioning the process, results and impact the reclassification would have on their ability to redevelop Port property.

Vice Chair Reed asked if staff has researched the possibility of reversing the DOE's recent decision. Mr. Lien explained that staff solicited feedback from the DOE on numerous occasions as the draft SMP was developed. There were several

discussions about the marsh, but the decision to reclassify it was not made until just recently. The DOE determined that the marsh was an estuary that meets the definition of a shoreline because of the salt water influence. After additional review of available documents and studies, staff informed the DOE that the salt water influence only extends half way across the marsh. As a result of this information, the DOE agreed that only half of the marsh would be reclassified as shoreline jurisdiction. The other half would maintain the existing associated wetland classification. Staff proposed the new Urban Mixed Use III Environment to address the impacts associated with the reclassification. Chair Lovell asked if the DOE has been informed of the proposed new Urban Mixed Use III Environment. Mr. Lien answered that the DOE indicated preliminary approval of the development regulations before they were presented to the Planning Board.

Mr. Chave explained that the Port of Edmonds has hired PENTEC Environmental, the consultant that helped the City develop the original SMP that identified the Edmonds Marsh as an associated wetland. They are trying to learn more about why the original designation was made and recent changes that would warrant a reclassification. They intend to present their findings to the DOE and argue that there is still good reason for the marsh to be classified as an associated wetland rather than a shoreline jurisdiction. They are working to schedule a meeting with Port representatives, Port consultants and representatives from the DOE to discuss the issue further. He said he emphasized to the Port's consultant that it is within everyone's best interest to get this issue resolved by the end of the year so the City can finalize the draft SMP and move forward with the public outreach program.

Mr. Lien advised that the public outreach program would include information on the City's new website (www.edmondswa.gov). The homepage would provide a direct link to the SMP Update page. He connected to the website and briefly reviewed the contents of the SMP Update page. He said the page provides a broad overview of what the SMP is and why the update is necessary. It also provides links to all the information that has been provided to date, as well as the draft SMP. In addition, it invites the public to participate in the process by advertising dates for when the issue will be discussed. Mr. Chave explained that the City's current website would not be immediately dismantled. While people who visit the old site will not automatically be sent to the new site, the old site will contain a link to the new site. He encouraged the Board Members to visit the new site and forward their comments and suggestions to staff.

Mr. Lien reviewed the proposed SMP timeline as follows:

- The Board will finish working through and revising the SMP regulations (Title 24) on November 9th and December 14th.
- A public outreach meeting will be scheduled for January 25th.
- The Commission would have a workshop discussion to recap the public outreach meeting on February 8th.
- A formal public hearing would be scheduled for March 14th.

Chair Lovell asked if the Port of Edmonds has been informed of the proposed timeline. Mr. Lien said he notified the Port's consultant of the timeline. Vice Chair Reed questioned if it would be helpful for the Board to meet again with representatives from the Port of Edmonds, Friends of the Edmonds Marsh or other interested organizations. Mr. Lien advised that a State Environmental Policy Act (SEPA) notice was sent out to interested parties, including the Port of Edmonds, Friends of the Edmonds Marsh, and surrounding jurisdictions and agencies. He expressed his belief that both the Port and Friends of the Edmonds Marsh will continue to actively participate in the process. Rather than having a separate meeting for this purpose, the Board could invite their representatives to attend regularly scheduled Board meetings and provide comment. Chair Lovell added that a representative of Friends of the Edmonds Marsh also participates on the Harbor Square Steering Committee. They are aware of what is going on at the Port of Edmonds, and they have provided input.

The Board had a brief discussion about the article that was prepared by Board Member Stewart and updated by Vice Chair Reed to provide information to the public about the SMP Update. Vice Chair Reed agreed to update the document one more time and send it to all Board Members via email. The Board agreed to review and finalize the document at their October 26th meeting so it could be submitted to *THE EDMONDS BEACON* by October 31st for publication in the November 3rd edition.

PROPOSED CODE AMENDMENT ADDING AN EXCEPTION FOR CERTAIN PASSIVE AND PHOTO-VOLTAIC (PV) ENERGY INSTALLATIONS FROM BUILDING HEIGHTS (FILE NUMBER AMD20110007)

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Mr. Chave advised that the City Council has forwarded the Board draft code language that would provide an exception for roof-mounted solar (passive and photo-voltaic energy) installations from building heights. The limitation would be for solar installations of up to 36 inches in height. He noted that the proposal is consistent with existing City policies in the Community Sustainability Element and could be beneficial to situations where buildings are at or near the height limit. He reviewed that the most recent solar installation occurred on the Frances Anderson Center. He encouraged the Board Members to visit this site to get an idea of the potential impact of solar panels. He explained that because solar installations are typically shallow, they do not significantly alter the building height. Most structures in the City can accommodate the additional height without exceeding the height limit. However, some of the older, flat-roofed buildings already exceed the current height limit. The proposed exception is intended to remove this barrier. He explained that the City's current variance criterion is tight. Variances can only be granted to address unique site conditions that prevent a property owner from doing something that other properties are allowed to do. Variances cannot be granted for economic reasons such as solar panels to reduce energy costs.

Board Member Tibbott asked if the proposed exception would apply to solar panels located below a parapet, or if the panels could be installed above a parapet to obtain a better solar angle. Mr. Chave said that, typically, parapets extend above the edge of a building, so it would depend on the height of the parapet and roof. Every situation will be different.

Board Member Tibbott asked if the City has design guidelines or criteria that apply to rooftop solar installations. Mr. Chave answered that there are no general design guidelines for rooftop solar installations. However, a Certificate of Appropriateness would be required for solar installation on any building listed on the local, State or National Register of Historic Places. These applications are reviewed by the Historic Preservation Commission to make sure the historic character of structures will not be altered. He noted that a Certificate of Appropriateness was required for the Frances Anderson Center installation.

Board Member Tibbott expressed concern that, with the exception of historic buildings, the City would have no way to prohibit unsightly solar installations. Mr. Chave pointed out that solar panels are currently allowed on buildings in the City without any restrictions, as long as the structure does not exceed the height limit. Board Member Tibbott suggested it would make sense to provide some design guidance going forward in light of the possibility that more buildings, both contemporary and historic, will want to include solar energy panels. He noted that the exception would apply to all properties in the City, including residential. Mr. Chave noted that most residential structures have pitched rather than flat roofs. He cautioned that it would be difficult to create design criteria that do not conflict with the actual function of the installation. He pointed out that flat roof installations are very unobtrusive if they are setback from the edge of structures.

To be more inclusive, Board Member Stewart suggested the draft language be changed to delete "passive and photo-voltaic solar energy." She also noted that there are engineering requirements associated with solar energy installations to ensure a structure can support the extra load. This is particularly important for older buildings. She said she supports the proposed change as a step in the right direction, but they should be careful about how the language is written.

The Board discussed that the City Council previously approved the creation of a "Green Team," but the group has not been activated to date. Board Members Johnson and Stewart suggested that the proposed amendment would be an appropriate issue for the Green Team to resolve. Mr. Chave pointed out that activating the Green Team would take some time, and the City Council has indicated their desire that the issue be dealt with quickly. Board Member Johnson suggested that the Green Team could provide helpful information regarding current solar energy technology.

Chair Lovell inquired if a permit is required for solar panel installations in the City of Edmonds. Mr. Chave agreed to research this issue and provide additional information at the Board's next meeting. Board Member Cloutier advised that most jurisdictions do not require a permit for solar energy installations that are less than 1,000 pounds.

Chair Lovell summarized that the ECDC 20.40.030.D provides a list of appurtenances that are allowed to exceed the height limit (i.e. church steeples, elevator penthouses, chimneys, vent pipes, and standpipes), and the proposed amendment would add solar energy installations to the list.

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Once again, the Board discussed their concern that there is nothing in the Development Code that allows the City to address unsightly or inappropriate solar energy installations. As currently written, the provision would allow solar energy installations to extend three feet above the existing roofline on any building in the City and on any style of roof. The Board discussed various scenarios for potential solar panel installations on both flat and pitched roofs. They discussed various ideas for adding additional language that would allow the City to address potential design concerns. They agreed that design standards would need to be added to the Development Code if a permit and staff and/or Architectural Design Board (ADB) review are required for solar energy installations.

Chair Lovell suggested that design review only be required for solar energy installations on buildings that exceed the height limit. Mr. Chave agreed this might be an appropriate option. Solar energy installations on buildings that exceed the height limit could require staff review and decision, with a public notice requirement. Appeals to the staff decision could go before the ADB. The ADB could be empowered to review alternative designs, which would involve discussions with an expert (at the expense of the applicant) to determine what is and is not feasible. He agreed to talk with the technical experts who worked on the Frances Anderson Center solar energy installation to gather additional technical information. The Board agreed this would be a good approach, and they directed staff to develop the appropriate code language to implement the concept.

Board Member Stewart voiced concern about allowing members of the public to challenge staff decisions. She explained that solar energy installations are costly to design. Applicants may be discouraged from installing solar energy if there is a chance they will have to revise their plans based on an appeal. Board Member Cloutier emphasized that, as currently discussed, design review would only be required for structures that exceed the height limit. He expressed his belief that special consideration should be given in these situations because the applicant is asking for an exception to the rule. The City needs to take care how solar energy equipment is designed on taller buildings to limit the impacts. Board Member Stewart agreed that more scrutiny would be appropriate when the height limit would be exceeded. To address her concern, she suggested the permit application only require preliminary design sketches that can be changed at very little cost, if necessary.

Board Member Tibbott commented that the solar energy industry has responded to complaints about unsightly equipment by providing more pleasing designs. He suggested the City should be a forerunner by requiring designs that are aesthetically pleasing. He noted there are numerous examples online of good and bad installations. The Board agreed it would be helpful for staff to provide pictures to illustrate various types of solar energy installations.

Mr. Chave suggested the Board could also consider a similar exception for rooftop equipment retrofits, where the replacement meets or exceeds a certain standard. He explained that issues come up when rooftop equipment becomes outdated and a property owner wants to replace it with more energy efficient models. The new equipment does not always fit the exact box as the old equipment. A variance would be required for new equipment that exceeds the height limit. Once again, he reminded the Board that variances cannot be granted for economic reasons. The only time a variance would be granted is if an applicant can prove there is no other alternative and the equipment has to be replaced. He said it seems logical for the City to allow an exception to the height limit to accommodate equipment with a slightly different profile that is more energy efficient. He emphasized that staff is recommending an exception to the height limit of 1 foot or less.

Board Member Stewart suggested the exception should allow sufficient height to increase the amount of insulation so that the energy savings is not lost. Chair Lovell pointed out that additional insulation could be added inside the building. Board Member Stewart agreed but noted that this would reduce the ceiling height, which is not desirable. She said she continues to seek ways to open people's minds about why it is important to allow a few feet of additional height to accommodate progressive design concepts. She suggested the City should be more open to these opportunities.

Board Member Cloutier suggested it would be appropriate for the City to allow an additional 1 foot in height for a property owner to replace rooftop mechanical equipment with more efficient models. However, he recommended that the height exception should be tied to an energy standard. Board Member Stewart suggested the exception should be performance based and require at least a 30% energy savings. The remainder of the Board agreed with the concept, and they directed staff to formulate appropriate code language.

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The Board agreed to discuss both of the proposed code amendments again on October 26th in preparation for a public hearing on November 9th.

REVIEW OF EXTENDED AGENDA

The Board did not review their extended agenda.

PLANNING BOARD CHAIR COMMENTS

Chair Lovell did not comment during this portion of the meeting.

PLANNING BOARD MEMBER COMMENTS

Board Member Tibbott referred to the proposed allocations of \$20,000 in 2012 and \$180,000 in 2014 to update the Transportation Improvement Plan (TIP) as part of the next round of Comprehensive Plan updates. He recalled that he and Board Member Johnson participated on a Citizen’s Transportation Advisory Committee that worked with a consultant to review the TIP and recommend a prioritized list of transportation improvements. The City Council raised significant concerns about the consultant’s work, and they ended reprioritizing the projects. He suggested that perhaps there is a better way to generate a TIP that results in a set of priorities that are acceptable and helpful to the City Council.

The Board discussed the idea of identifying transportation improvement priorities as part of the Strategic Plan process. Mr. Chave explained that strategic plans are intended to focus on broad issues and do not get into specific details about which transportation projects should have priority. However, they could discuss opportunities for different types of transportation elements (bicycle lanes, walkways, etc.) as part of the Strategic Plan process. For example, the Strategic Plan could discuss the need for connectivity for to people between the activity centers and/or exploring transit alternatives.

Board Member Tibbott said he does not think the public understands that the Five Corners roundabout about is actually part of a 20-year plan to build a corridor from Five Corners to 238th Street. The intent is that 84th Avenue would become a transportation corridor, and the roundabout is an important part of creating connectivity from one part of the City to another. Mr. Chave agreed it would be helpful to explain how projects are part of an overall long-range strategy. A project such as the roundabout would solve more than one issue.

Board Member Johnson stressed the importance of doing land use and transportation planning concurrently so that all available information can be used to make decisions and the impacts of the decisions can be clearly understood. This approach would help the public understand the roundabout in more of a citywide setting than just fixing the level of service at the intersection.

Board Member Tibbott asked if the TIP could be updated in house as part of the Strategic Plan process rather than hiring the services of a consultant. Mr. Chave explained that the Strategic Plan would talk about strategies within a short time-frame, but the Growth Management Act mandates the City to have a 20-year Transportation Element of the Comprehensive Plan. This requires a lot of detailed work that is beyond the capability of City staff to do. Board Member Tibbott asked how the City could stress to the consultant the importance of building a case that some intersection improvements are more important than others because they are part of a building block towards a 20-year result. Mr. Chave said this should be included in the scope of work when selecting a consultant and reviewing the contract.

Board Member Cloutier announced that the grand opening for the Frances Anderson Center solar array is scheduled for October 19th at 1:30 p.m. in the Plaza Room of the Edmonds Library.

Board Member Cloutier said he previously reported about potential plans to bring coal trains through Edmonds on their way to Bellingham. There are discussions about starting with 50 million tons per year and ramping up to 100 million. That equates to 24 miles of train per day through Edmonds. He announced that Sustainable Edmonds is hosting an informational meeting on October 26th at the Edmonds Community College from 6:30 to 8:00 p.m. to educate the public on this issue and

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collect volunteers. He advised that representatives from the Sierra Club and other speakers have been invited to participate. He announced his plan to attend the event, as well.

Chair Lovell announced that the next Strategic Plan Workshop is scheduled for October 25th in the City Council Chambers at 6:00 p.m.

Board Member Stewart announced that the Efficiency First Bill (SB5854) was recently signed into law and would phase in over time. Residential and other buildings that are greater than 10,000 square feet will be required to rate and disclose their energy use starting January 1, 2012. Energy Star has created a software program that can be used to collect the required data.

ADJOURNMENT

The Board meeting was adjourned at 9:20 p.m.

APPROVED