

APPROVED NOVEMBER 9TH

**CITY OF EDMONDS
PLANNING BOARD MINUTES**

October 26, 2011

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

BOARD MEMBERS PRESENT

Philip Lovell, Chair
Bill Ellis
Kristiana Johnson
Valerie Stewart
Neil Tibbott

STAFF PRESENT

Rob Chave, Planning Division Manager
Karin Noyes, Recorder

BOARD MEMBERS ABSENT

John Reed, Vice Chair (excused)
Kevin Clarke (excused)
Todd Cloutier (excused)

READING/APPROVAL OF MINUTES

BOARD MEMBER ELLIS MOVED THAT THE MINUTES OF OCTOBER 12, 2011 BE APPROVED AS AMENDED. BOARD MEMBER ELLIS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

Chair Lovell advised that he would add several ongoing business items at the end of the agenda.

AUDIENCE COMMENTS

There was no one in the audience.

DISCUSSION ON CODE AMENDMENT ADDING AN EXCEPTION FOR CERTAIN PASSIVE AND PHOTOVOLTAIC ENERGY INSTALLATIONS FROM BUILDING HEIGHTS (FILE NUMBER AMD20110007)

Mr. Chave reminded the Board that the City Council forwarded draft code language to them that would provide an exception for roof-mounted solar installations from building height limits (ECDC 21.40.030.D.7). Staff is also recommending a provision for replacing HVAC equipment if an efficient unit cannot fit within the existing envelope (ECDC 21.40.030.D.8). In addition, he referred the Board to an optional amendment to address installations on top of non-conforming buildings (ECDC 17.40.020.D.2). As proposed, a solar energy installation on a nonconforming building that exceeds the existing height limit may be approved as a Type II staff decision, which would be appealable to the Hearing Examiner. In addition, notices would be mailed to property owners within 300 feet of the subject property. He emphasized that any of the three proposed amendments can stand alone, and the Board can forward a recommendation of approval for all, some or none of the three. He noted that the Staff Report also includes examples of various solar energy installations for the Board's information.

Chair Lovell summarized that the proposed amendment to ECDC 21.40.030.D.7 would allow a building height variance to accommodate a solar energy installation, which may put the total height of the installation up to 36 inches higher than what the zone allows. Mr. Chave agreed that the proposed language would allow an extra 36 inches in height for solar installations. Chair Lovell expressed concern that the proposed language could be interpreted to mean that solar energy installations could not exceed 36 inches in height. Mr. Chave said the proposed language does not apply specifically to the height of solar equipment, but to the overall height of the structure and the solar energy installation. By contrast, he pointed out that the proposed amendment to ECDC 21.40.030.D.8 is tied directly to the height of the existing equipment. It allows replacement HVAC equipment to exceed the height of the existing equipment by up to 12 inches, as long as the replacement equipment can earn the Energy Star label. Board Member Ellis pointed out that, as proposed, if the existing equipment exceeds the height limit, the property owner would still be allowed an additional 12 inches in height to install energy efficient equipment.

Chair Lovell observed that the proposed language for ECDC 21.40.030.D.7 and D.8 does not provide any design criteria to regulate the appearance of solar energy or HVAC equipment. However, the proposed amendment related to nonconforming buildings (ECDC 17.40.020.D) includes a provision that requires the installation to be designed and located in such a way as to provide reasonable solar access while limiting visual impacts on surrounding properties. He asked if the proposed language would allow a property owner to install solar energy equipment on a tower or pole. Mr. Chave explained that towers and poles are considered structures, and all structures are required to comply with the height limit.

Board Member Ellis pointed out that, as currently proposed, the amendments would apply to all zones in the City, including single-family residential zones. He acknowledged that most solar energy installations in single-family residential zones would be located on pitched roofs, so height would not be an issue. However, there are some single-family homes that have flat roofs. Mr. Chave agreed that most property owners prefer to place the solar energy equipment parallel to the pitched roof. Even if that is not possible because of building orientation, the panels are typically placed below the top of the roof pitch.

Board Member Ellis expressed his opinion that while the proposed amendment to ECDC 20.40.030.D.7 might be a wise policy for the commercial zones, and perhaps even the multi-family residential zones, he is not convinced it is necessary and/or wise for single-family residential zones. He said that in addition to aesthetic concerns, it is important to keep in mind that the height limits in residential zones have a very different purpose than those for commercial zones. It is important to maintain the neighborhood scale, as well. He said he is not opposed to solar energy installations in single-family residential zones, which the current code already allows. However, he is not in favor of allowing an additional 36 inches in height to accommodate the equipment.

Board Member Stewart agreed with Board Member Ellis' concern about potential impacts to single-family residential neighborhoods. She suggested the code language be amended to add a provision that requires a property owner to explore other options before the additional height is allowed. She cautioned against simply precluding single-family residential property owners from putting solar equipment on a rooftop if the structure exceeds the height limit.

Board Member Johnson suggested that both concerns are valid. She suggested it would behoove the Board to explain these concerns as part of their recommendation to the City Council since the public would likely have similar comments. She also recalled that Board Member Tibbott provided examples of unsightly solar energy installations, which should also be forwarded to the City Council as part of the Board's recommendation. While she fully supports solar energy installations, she knows there could be problems in the future and it would be best to address them ahead of time.

Board Member Ellis said there is nothing in the current code language to prevent any type of solar energy installation, regardless of its design, as long as it meets the current height limit. Mr. Chave agreed that, currently, no design review is required for residential zones. Therefore, the City does not have the ability to regulate the appearance of solar energy installations that do not exceed the height limit. He agreed it is possible to not allow the additional height in single-family residential zones. However, the Board should keep in mind that most roofs in single-family residential zones are pitched, and it would not make structural sense to go above the pitch of the roof. On the other hand, many commercial and multi-family residential structures have flat roofs, and some were built during a time when height limits were greater. Board

Member Johnson pointed out that some of the newer contemporary single-family residential homes have flat roofs. Mr. Chave agreed and noted that the flat roof design is typically used to maximize views or square footage and still meet the height restrictions. He did acknowledge that applying the proposed amendments to single-family residential zones could result in view problems in some situations.

Board Member Stewart explained that she owns an older home, with a steep pitched roof that exceeds the current height limit. They have researched options for installing solar energy to reduce their carbon footprint and use less fossil fuel. She said she is opposed to limiting the additional height provision to commercial and multi-family residential zones, only. If the City is going to be forward thinking, they need to allow people to explore solar options. However, she agreed it would be appropriate to include a provision that addresses potential concerns from uphill property owners.

Chair Lovell expressed concern about creating a higher bar for single-family residential properties than for any other property in the City. He asked if it is possible to incorporate language similar to the language proposed for ECDC 17.40.020.D.2 so that solar energy installations that exceed the height limit in single-family residential zones would require a Type II permit. This would allow staff to work with the property owner to explore other options to minimize the visual impact. Mr. Chave agreed that would be one option.

Board Member Ellis said that rather than amending ECDC 21.40.030.D.7 as recommended by Chair Lovell, he would prefer to simply exclude single-family residential zones from the provision. Mr. Chave explained that if single-family residential zones are excluded from ECDC 21.40.030.D.7, the proposed provision in ECDC 17.40.020.D.2 would still allow nonconforming single-family structures to exceed the height limit in order to accommodate solar energy equipment. Board Member Ellis said he is not opposed to ECDC 17.40.020.D.4 because additional standards would be applied to nonconforming structures to limit the visual impact to surrounding properties.

Board Member Johnson reminded the Board that City Council Member Bernheim is the author of the proposed amendment to ECDC 21.40.030.D.7, and he is a strong advocate for solar energy. Because his home exceeds the 25-foot height limit, he installed solar panels on his garage. He may have concerns about excluding single-family zones from the proposed provision. Board Member Ellis noted that excluding single-family residential zones from ECDC 21.40.030.D.7 would not prohibit solar energy installations, as long as the equipment does not exceed the height limit. Board Member Stewart observed that Council Member Bernheim is not likely obtaining as much of the solar radiation as he could if he was allowed to place the equipment on the roof of his house. Again, she said she is opposed to a provision that prohibits solar energy installations on rooftops in single-family zones that exceed the height limit.

BOARD MEMBER ELLIS MOVED THAT THE BOARD AMEND ECDC 21.40.030.D.7 TO EXCLUDE SINGLE-FAMILY RESIDENTIAL ZONES FROM THE HEIGHT EXCEPTION IN ECDC 21.40.030.D.7. BOARD MEMBER JOHNSON SECONDED THE MOTION.

Mr. Chave suggested that while eliminating the provision for small-lot single-family zones might be appropriate, large-lot single-family zones require greater setbacks. This may result in fewer impacts. Board Member Ellis agreed that his concern is greater for small-lot single-family zones. However, he noted that larger lots offer more options for solar energy installations other than the rooftop.

Board Member Johnson said she likes the idea of presenting both options at the public hearing to solicit public feedback on each one. Mr. Chave suggested the Board could leave the language as it currently exists for the public hearing, but they could specifically ask for public feedback about the option of excluding the single-family zones from the height exception.

Chair Lovell said he does not believe it is reasonable to exclude single-family residential properties. These property owners should have the same benefits as other property owners in the City to implement sustainable installations such as solar energy. He expressed his belief that excluding single-family residential properties may be seen as an infringement of property rights. From engineering and cost standpoints, he does not anticipate that a significant number of single-family property owners will install solar energy equipment. He said he would be in favor of presenting the City Council's proposed language at the public hearing. They could also spell out alternatives and invite the public to provide their thoughts. Board

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Member Ellis noted that, at this time, property owners do not have a right to exceed the height limit to accommodate solar energy installations. The provision represents an expanded right that could be offered to all zones or limited to certain zones.

THE MOTION FAILED 1-4, WITH BOARD MEMBER ELLIS VOTING IN FAVOR AND CHAIR LOVELL AND BOARD MEMBERS TIBBOTT, JOHNSON, AND STEWART VOTING IN OPPOSITION.

Chair Lovell announced that he attended the ribbon cutting ceremony for the Frances Anderson Center solar energy installation, where it was announced that the City Council has discussed the option of waiving the permit fee for solar energy installations as an incentive. He reported that he invited those in attendance to come to the public hearing before the Planning Board and voice their opinions regarding code provisions for solar energy installations.

The Board agreed it would be appropriate to present Board Member Ellis' recommendation as one option at the public hearing. Board Member Johnson noted that there are bad examples of solar energy installations in single-family residential neighborhoods, and some jurisdictions have outright banned them. She suggested the public should be invited to voice their concerns regarding both options.

Board Member Stewart suggested that the term "passive and photo-voltaic solar energy installations" in ECDC 21.40.030.D.7 and 17.40.020.D.2 should be changed to "solar energy installations" to be more inclusive and to eliminate the need to label an installation as either active or passive. Chair Lovell said he read through the materials provided in the Staff Report regarding active and passive solar energy installations, and he agreed that a more generic term would be appropriate.

Chair Lovell referred to Page 11 of Seattle City Light's Guide to Installing a Solar Electric System (Attachment 4), which specifically spells out the land use requirements for solar electric system installations in residential zones. He also noted that Page 5 of Attachment 5 states that the City of Seattle requires an electrical permit for all solar energy installations, and a building or land-use permit may also be required depending on the size and complexity of the installation. Mr. Chave noted that the Frances Anderson Center installation required a building permit because of its size and complexity. However, the City Council has expressed an interest in waiving the fee for the permit. He suggested that, as part of their recommendation, the Board could encourage the City Council to waive the fee for solar energy installation building permits when they are required.

Board Member Stewart said she receives the Master Builders Association's monthly newsletter, which provides a list of what each municipality is doing to create incentives for sustainable building. Numerous jurisdictions have already decided to waive the permit fees for solar energy installations to incentivize people to move in a more sustainable direction.

BOARD MEMBER STEWART MOVED TO AMEND ECDC 21.40.030.D.2 AND ECDC 17.40.020.d.2 TO REMOVE "PASSIVE AND PHOTO-VOLTAIC." BOARD MEMBER JOHNSON SECONDED THE MOTION.

Board Member Johnson suggested that, rather than altering the language, she would prefer to use the City Council's recommended language at the public hearing and then decide whether a change is appropriate after the hearing. Board Member Stewart expressed her concern that the current term is misleading and needs to be more encompassing. The Board also discussed whether the word "rooftop" is necessary since the installations could also be placed on poles and other structures.

BOARD MEMBER STEWART MOVED TO AMEND HER MOTION TO CHANGE ECDC 21.40.030.D.7 TO READ, "SOLAR ENERGY INSTALLATIONS NOT TO EXCEED 36 INCHES IN HEIGHT ABOVE THE HEIGHT LIMIT." SHE FURTHER MOVED TO CHANGE ECDC 17.40.020.D.2 TO READ "SOLAR ENERGY INSTALLATIONS ON BUILDINGS THAT EXCEED EXISTING HEIGHT LIMITS. A SOLAR ENERGY INSTALLATION MOUNTED ON A NONCONFORMING BUILDING OR STRUCTURE THAT EXCEEDS THE EXISTING HEIGHT LIMIT MAY BE APPROVED AS A TYPE II STAFF DECISION IF:" BOARD MEMBER JOHNSON ACCEPTED THE AMENDMENT. THE MOTION, AS AMENDED, WAS UNANIMOUSLY APPROVED.

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Mr. Chave summarized that the amendments would be presented for public hearing as amended by the Board. However, the notice should also emphasize the option of excluding single-family residential zones from ECDC 21.40.030.D.7.

SHORELINE MASTER PROGRAM NEWSPAPER ARTICLE

Chair Lovell referred the Board to the draft newspaper article that was prepared by Board Member Stewart and edited by Vice Chair Reed. The purpose of the article is to inform the public about the Board's work on the Shoreline Master Program (SMP) and invite them to participate. He reminded the Board of their goal to submit the article to *THE EDMONDS BEACON* by October 31st so it can be published in the November 3rd edition. He invited the Board Members to review the document and provide their final comments. The following are the Board's comments:

- Board Member Johnson noted the second to the last sentence in the second paragraph on Page 2 states that modifications to existing structures could potentially be required. She expressed concern that this statement could be misinterpreted. Mr. Chave clarified that the new regulations could require modifications to existing structures in some cases.
- Board Member Johnson referred to the second sentence in the last paragraph on Page 2 and clarified that the Port of Edmonds has hired a consultant to evaluate the data the Department of Ecology (DOE) used to make the decision that the portion of the marsh that is tidally influenced must be considered shoreline. However, they will not make a decision about whether or not to pursue the issue further with the DOE until after the consultant has completed the review. The Board agreed it would be appropriate to delete the sentence related to the Port of Edmonds.
- Board Member Johnson suggested that the last paragraph be moved to the beginning of the article. It is friendly and provides a good summary to capture a reader's attention. The Board agreed that would be appropriate, but some changes would be necessary. Chair Lovell agreed to update the paragraph so it could be inserted as the first paragraph of the article. He would forward a copy of the new wording to each Board Member for final comment.
- Board Member Tibbott suggested that the title of the article be changed to better capture the public's attention. The Board agreed that the title of the article should be, "Edmonds Considers Changes to Shoreline Master Program."
- It was noted that in the second to the last paragraph on Page 2, the words "Department of Energy" should be replaced with "Department of Ecology." It was also noted that the word "the" should be added before "Harbor Square complex."
- The Board discussed whether "high-intensity" or "high-density" is the correct term to use when referring to mixed-use development in the first line on Page 3. Board Member Stewart recalled that previous Staff Report's have used the term "high-intensity." She also recalled that she requested a definition of the term "high-intensity," but staff has not provided a response to date. The Board agreed to use the term "high-intensity."

Chair Lovell agreed to update the document based on the Board's comments and submit it to *THE EDMONDS BEACON* by October 31st.

DEVELOPER FORUM

Chair Lovell recalled that at their last meeting, Board Member Tibbott suggested the Board consider hosting a developer's forum. He said he discussed this idea with Vice Chair Reed and Mr. Chave, and they agreed that it is not an appropriate time to move forward with a developer's forum because the upcoming election could potentially change the makeup of City government. In addition, the City is currently working on a strategic plan, and the timeline has been extended significantly so that all stakeholders can be invited to participate in the process. Developers would be included in the discussions as stakeholders. The Board agreed not to move forward with a developer's forum at this time.

PLANNING BOARD STUDENT INTERN

Chair Lovell reminded the Board that last year at this time, Board Member Stewart worked with the Board to develop a process for selecting a student intern. However, there was very little interest and the Board abandoned their efforts. He questioned if this is something the Board would like to pursue again. Board Member Stewart said all the paperwork is ready to move forward to seek potential applicants. Board Member Johnson suggested that Board Members Cloutier and Tibbott

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discuss this issue with their teenage children to obtain an unbiased opinion on the concept. They agreed to discuss the issue again at their next meeting.

GREEN TEAM

Chair Lovell reminded the Board of recent efforts to create a “green” task force to review City codes and regulations and identify ways to expedite the permitting process and encourage more sustainable development. Given the current political climate, he asked if the Board wants to pursue this concept further now, or wait until after the election.

Board Member Johnson questioned why the formation of the task force would involve the City Council. Mr. Chave explained that a staff level group has already been formed to discuss ways to encourage sustainable development. However, there has also been discussion about forming a task force with representation from the various City groups (Architectural Design Board, Mayor’s Climate Protection Committee, Planning Board, Economic Development Commission, Sustainable Edmonds, etc.) to work on the same issue. This group has not been formed because staff commitments have been overwhelming in recent weeks preparing for the strategic planning process, updating the City’s website and preparing for budget discussions. However, things have settled down, and now is a good time to move forward with the new committee. He said he sees no need to wait until after the election.

Board Member Johnson suggested the new committee follow a similar process as the Tree Board. A group of people met for an organizational meeting to put together ideas for the Board. The ideas were presented to the City Council. The City Council voted to move forward with the Board, and citizens were invited to submit applications to become members. Mr. Chave clarified that the Tree Board was formed as a permanent board. The proposed committee would be a short-term task force. He noted that the City Council has already offered their approval.

Board Member Stewart agreed to email each of the groups with a description of the proposed task force and an invitation to appoint representatives to participate. Mr. Chave said he already has a list of interested individuals. Board Member Johnson cautioned that whatever name the group is given, it is important to clarify the timeframe and context of the new group, as well as their relationship to City staff and other City boards and commissions. Mr. Chave agreed to schedule the first meeting and send out invitations to interested individuals.

NAME SELECTION FOR MINI PARK AT OLD MILL TOWN

Chair Lovell advised that the Hazel Miller Foundation donated funds to pay for more than 50% of the Old Mill Town Park costs, and they are requesting that the park be named after Hazel Miller. The City’s park naming policy includes a provision that allows the City to name parks in recognition of an individual or group that donates more than 50% of the cost of the park. He recalled that the Board typically appoints a subcommittee for the task of naming a City park. He referred to an email the Board received from Carrie Hite, Parks, Recreation and Cultural Services Manager, asking the Board to conduct a public hearing on the park name on December 14th. He agreed to contact Ms. Hite to formally schedule the hearing.

REVIEW OF EXTENDED AGENDA

The Board did not discuss their extended agenda.

PLANNING BOARD CHAIR COMMENTS

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

PLANNING BOARD MEMBER COMMENTS

Board Member Stewart announced that Stokley Towles will be performing “Stormwater: Life in the Gutter” at various times and locations through November 12th. She explained that Mr. Towles studies real life issues and presents them to his audience in funny and engaging ways. All performances are free of charge, and she forwarded additional information to each of the Board Members. She encouraged them to attend.

2012 Development Services Budget Synopsis

Mr. Chave reported that on October 25th, staff presented the Development Services Department's (Planning Division, Building Division and Administrative Services such as code enforcement) proposed budget through the remainder of 2011 and all of 2012. He reported that the 2011 budget is actually 15% less than what was spent in 2010, and the budget for the 2012 will decrease by an additional 1%. He summarized out that not only is the Development Services Department holding down expenditures in 2011, they will spend even less in 2012. There will be no layoffs, but no new programs will be started, either.

Mr. Chave provided a chart to show that revenues are currently in a trough, but things are looking up slightly going into 2012. From a historic standpoint, he noted there were 12 employees in the department in 1985, and there will be 14 employees in 2012, even though the population over that same time period increased by 34%. There was a modest increase in the number of employees during the big years but the number is down more recently. He provided a chart to illustrate the number of employees the City has compared to King and Snohomish Counties and the City of Seattle. He summarized that the City of Edmonds never really increased their staffing level substantially during the boom times, and that is why layoffs are not required now.

Mr. Chave advised that building permits represent the majority of the permitting work that occurs in the department. He explained that even though the valuation of permits is down, the number of permits is not. People are doing smaller valued projects. For example, there were 950 permits issued in 2007, the last boom year, compared to 800 in 2011. The number permits in 2011 increased from the level of the two previous years. There were no new commercial building projects in 2010. All commercial building permits were for alterations and/or improvements to existing buildings. In 2011, permits have already been issued for over \$5 million in new commercial construction, and there is reason to be optimistic about 2012.

Board Member Tibbott asked how many new commercial projects were started in 2011. Mr. Chave said he does not have the exact number, but this information can be obtained from the Building Official. He said there was one large project on SR-104. He pointed out that Edmonds does not typically see a large number of commercial projects. Projects in Edmonds are typically smaller developments and maintenance and tenant improvement projects. He said that the value of residential projects is typically six to ten times more than the value of commercial projects. However, this past year, commercial projects made up a larger percentage of the overall value.

Mr. Chave summarized that:

- Staff is committed to doing everything they can to evaluate the work program to maintain the current level of service.
- Development Services Department will not start any new programs.
- Because they never really staffed up during the boom times, they can maintain their employees during leaner times.
- There is an on-going permit load that does not go away even in bad times.
- There are fewer employees per 1,000 citizens now than there was 25 years ago.

Chair Lovell asked how Mr. Chave's budget presentation was received by the City Council. Mr. Chave answered that the City Council did not offer any questions or comments. The Board requested Mr. Chave provide them with a copy of his PowerPoint presentation.

ADJOURNMENT

The Board meeting was adjourned at 9:40 p.m.

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