

**CITY OF EDMONDS
PLANNING BOARD MINUTES**

August 28, 2013

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

BOARD MEMBERS PRESENT

John Reed, Chair
Valerie Stewart, Vice Chair
Kevin Clarke
Ian Duncan
Bill Ellis
Philip Lovell
Neil Tibbott

STAFF PRESENT

Rob Chave, Development Services Director
Kernen Lien, Senior Planner
Karin Noyes, Recorder

BOARD MEMBERS ABSENT

Todd Cloutier (excused)

READING/APPROVAL OF MINUTES

BOARD MEMBER LOVELL MOVED THAT THE MINUTES OF AUGUST 14, 2013 BE APPROVED AS AMENDED. BOARD MEMBER CLARKE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY, WITH CHAIR REED ABSTAINING.

ANNOUNCEMENT OF AGENDA

The agenda was accepted as presented.

AUDIENCE COMMENTS

Council Member Lora Petso, Edmonds, indicated she was present to speak to the Board as a private citizen regarding the proposed amendments to Title 23 of the Edmonds Community Development Code (ECDC), which are intended to bring the Critical Areas Ordinance (CAO) into consistency with Best Available Science (BAS). She reminded the Board that the proposed amendments would not only apply to the City Park spray pad proposal, but to projects citywide that are located within critical area buffers. She said the issue is also not just about making the CAO consistent with BAS. While the Board must consider the BAS Assessment when making a recommendation on the proposed amendments, they are not required to adopt the report that has been provided in the Staff Report. The BAS Assessment is actually a 10-year old scientific study that was used to build the current CAO. It is labeled as a draft document because it was never formally adopted when the City Council adopted the CAO in 2005 and many believe the concepts outlined in the report are not right for Edmonds.

Councilmember Petso summarized that the first half of the proposal would allow development to occur within the previously developed footprint of a critical area buffer. If the Board recommends this amendment, she suggested they consider expanding the definition for “development footprint” to include areas that are gravel, storage, hard pan, etc. and eliminating the definition for “impervious surface” as she and Councilmember Bloom recently discussed with Mr. Lien.

Councilmember Petso said she has significant concerns about the second half of the proposal, which would allow development to occur within buffer areas that are physically separated and functionally isolated from critical areas. Although this concept has been adopted by other jurisdictions, she felt it defies commonsense to allow it in Edmonds where a number of reports have indicated that streams and wetlands are suffering from stormwater problems that result from impervious surfaces. Allowing property owners to increase the amount of impervious surface within buffer areas could make the existing problems worse. She noted that Edmonds has no drainage improvement requirements unless a project exceeds the threshold of 2,000 square feet.

Councilmember Petso questioned why the City should require buffer enhancement on properties that are physically separated and functionally isolated from the critical area if an applicant can prove a project would not impact the critical area. If the City chooses to require buffer enhancement, then the enhancement must be meaningful. However, the way the ordinance is currently drafted, the enhancement requirement would be the same regardless of the size and impact of the proposed project. She questioned if “pulling a few weeds and planting some native vegetation” would constitute a buffer enhancement.

WORK SESSION ON PROPOSED AMENDMENTS TO TITLE 23 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) TO BRING THE CRITICAL AREAS ORDINANCE (CAO) INTO CONSISTENCY WITH BEST AVAILABLE SCIENCE (BAS) IN EXCHANGE FOR BUFFER ENHANCEMENT, THE PROPOSAL WOULD ALLOW FOR DEVELOPMENT WITHIN THE ALREADY DEVELOPED FOOTPRINT AND WITHIN AREAS PHYSICALLY SEPARATED AND FUNCTIONALLY ISOLATED FROM THE CRITICAL AREA.

Chair Reed asked if the BAS Assessment was ever formally adopted by the City. Mr. Lien answered that the assessment is dated 2004 and available on the City’s website. It was done prior to the City’s adoption of the CAO in 2005. Mr. Chave added that it was never the City’s intent to formally adopt the BAS Assessment. All jurisdictions within the State were required to complete an assessment to provide research and background information for creating their CAO’s. While the BAS Assessment was never formally adopted, it was used to provide assurance that the regulations outlined in the CAO are consistent with best available science.

Board Member Lovell inquired regarding the source of the BAS Assessment. Mr. Chave explained that each jurisdiction was required to complete its own assessment, and the City of Edmonds hired a consultant to complete their assessment and prepare the CAO that was eventually adopted by the City Council. When preparing the critical areas regulations that were adopted in 2005, the consultant did due diligence to understand and review all of the BAS they could find at the time. He explained that if the State had prepared a BAS Assessment for all jurisdictions to follow, the regulations would all be the same. Because each jurisdiction was required to complete its own assessment, each city was able to address its own unique characteristics, development history and challenges. The nature of the streams that run through the City is one unique aspect of Edmonds, as is the fact that 96% of the City has already been developed in some way so many of the buffers and critical areas have been impacted. These unique situations are specifically addressed in the BAS Assessment. The regulations needed to address the City’s current situation look different than the regulations used by Snohomish County where there are vast expanses of undeveloped land.

Board Member Ellis asked if changes have been made to the BAS Assessment since it was prepared by the consultant in 2004. Mr. Chave answered that the document has not evolved over time. While new research is available, much of it is consistent with what is contained in the 2004 assessment. He reminded the Board that the City would update its Comprehensive Plan in 2015, and this project would include a comprehensive review of the CAO and BAS Assessment to determine what changes have occurred. He cautioned that this review would not be a small undertaking. Board Member Ellis summarized that the BAS Assessment that was done in 2004 suggests that it would not be harmful to the critical areas if the City were to allow development to occur within the developed footprint. At issue is the proposed amendment that would allow development activity to occur within buffer areas that are physically separated and functionally isolated from the critical area.

Mr. Lien advised that the Department of Ecology (DOE) issued a BAS Report for wetlands in 2003, and they are currently in the process of updating the report. They recently sent out a draft of the update, which contains very few changes to what the 2003 report said regarding buffers. However, he cautioned that most of the studies contained in the DOE’s report are related

to rural areas where buffers actually exist. He said he was hoping the new report would also address urban areas, where much of the buffer area has already been developed.

Chair Reed recalled that, at their last meeting, Councilmember Bloom advised that she had changed her mind and was no longer in support of the interim ordinance that was adopted by the City Council. He reported that at a subsequent meeting, the City Council voted to rescind the interim ordinance. However, this action was later vetoed by Mayor Earling. That means the interim ordinance is back in place, and the Board will not be rushed to consider the proposed amendments to Title 23.

Board Member Clarke asked if the Board's review would include a discussion about what would be considered "conforming" and "nonconforming," as well as what would be "grandfathered." Mr. Lien said the proposed amendments are somewhat related to the "nonconforming" and "grandfather" provisions. He pointed out that development that occurred within buffer areas prior to adoption of the CAO would be considered nonconforming. However, the CAO rules would apply to these situations rather than the nonconforming regulations. He explained that the intent of the proposed amendments is to make the CAO consistent with BAS. As currently drafted, the CAO limits this activity to existing structures as opposed to the existing footprint. The proposed amendments would allow development within the previously developed areas of a buffer and within buffer areas that are physically separated and functionally isolated from the critical area. The idea is that development in these areas would not have a negative impact on the critical areas. He reminded the Board that the City Council adopted an interim ordinance, which was provided in the Staff Report for the Board's information. He noted that staff has proposed the following additional changes based on the Board's August 14th discussion:

- In ECDC 23.40.220.C.3 and ECDC 23.50.040.H, the word "structures" would be replaced with "development proposals."
- The last sentence in ECDC 23.40.210.J.d would be changed to read, "The plan must demonstrate that post-project site conditions will provide greater protection of wetland functions and wildlife habitat when compared to existing site conditions." He pointed out that requiring post-project site conditions to provide greater protection than a standard wetland buffer would not be reasonable for properties that are already developed.
- ECDC 23.40.210.J.c would also be changed to read, "Requiring modified buffers; and." He noted that requiring additional building setback would be difficult to achieve on properties that are already developed.

Mr. Lien referred to an email he recently received from a Board Member requesting an overlay of the proposed project at City Park. He cautioned that the proposed amendments are not really about the park project or the American Brewing Company's proposed project at Harbor Square. While the interim ordinance that was recently adopted by the City Council was specifically intended to address these two projects, the projects are just two examples of why the CAO needs to be amended to be more consistent with the BAS Assessment. He referred to the overlay of the City Park Project and noted the location of the wetland boundaries, the 100-foot buffer area, and the road that physically separates a portion of the buffer area from the critical area.

At the request of Board Member Clarke, Mr. Lien explained that, as currently proposed, "footprint of development" means the area of a site that contains legally established impervious surfaces (ECDC 23.40.320). He said Councilmember Petso referred to a different definition that was discussed as an option when the City Council voted to rescind the interim ordinance. The City Council also discussed a revised definition for "impervious surface." The revised definitions were not included in the current draft ordinance (Attachment 6).

At the request of Board Member Lovell, Mr. Lien identified the portion of the proposed park redevelopment that would encroach into the buffer area. Board Member Lovell asked if it would be feasible to relocate or reconfigure the proposed development to address the buffer issue. Another option would be to use pervious surface for the play area. Mr. Lien explained that the park project is tied to grant funding. The Parks, Recreation and Cultural Services Director has explained that shifting the project's location to avoid the buffer area would require the City to remove at least three significant trees, and reducing the size of the project would impact the grant funding. The grant also requires that the project be completed by August 2014. The project is moving towards 60% design now, and redesigning the project could impact the timeline. Mr. Chave clarified that, as per the current code, no redevelopment (either impervious or pervious) would be allowed within the buffer area. The proposed amendment that would allow development within areas physically separated and functionally

isolated from the critical area would address the park situation. However, he cautioned that the proposed code amendments are not specific to the park project.

Vice Chair Stewart recalled that the Parks, Recreation and Cultural Service Manager indicated that the park project would include pervious surface and the water would infiltrate into the ground and be collected in a cistern to be used for irrigation, etc. Mr. Lien agreed that, as per the proposed project, the water would be recycled. While this would allow the project to meet the stormwater requirements, it would not be considered permeable pavement. Again, Mr. Chave emphasized that neither pervious nor impervious surface would be allowed in the buffer area as per the current code.

Board Member Clarke pointed out that an impervious road already extends through the buffer area in City Park. He questioned how the proposed project would expand the existing nonconformance. Mr. Lien explained that because the buffer area is separated from the critical area by a road, the proposed project would not have any impact on the critical area. He advised that the proposed amendment would allow development to occur in the buffer area in exchange for enhancement of the buffer area on the other side of the road. The buffers are minimal to nonexistent at this time, and the enhancement requirement would result in an improvement to the critical area over the long term. He reminded the Board that because the City is nearly built out, most activity will focus on redevelopment. The question is what the City can do in the long term to improve critical areas. One option is to allow some development to occur within buffer areas that have been previously developed or that are physically separated and functionally isolated from the critical area in exchange for enhancement in areas that would arguably do more good.

Mr. Chave explained that, generally, BAS indicates that buffer areas are desirable and provides guidance on what an ideal buffer should look like. This can be used as a starting point. However, many of the buffer areas in Edmonds have been developed or encroached upon. There are two ways to approach the issue. The City could prohibit any additional development activity in buffer areas, with the idea that the impervious surface will eventually be eliminated and the buffer areas will be enhanced. He said he does not anticipate a significant amount of buffer enhancement over time if the City were to take this hard-line approach. The proposed amendments would encourage the enhancement to occur over a shorter time period. The City could encourage enhancement by allowing development to occur in the previously developed footprint or within areas that are physically separated and functionally isolated from the critical area, but require enhancement or actual reclamation elsewhere to provide a benefit to the critical area right away. Again, he reminded the Board that most of the damage to critical areas and their buffers in Edmonds has already been done. The City is now in a situation of trying to reclaim or enhance the areas that have already been compromised.

Mr. Chave said that Councilmember Petso's comment that the BAS Assessment does not dictate what the City must do is true. However the assessment does provide choices, tradeoffs and best solutions. He explained that the premise of BAS is "no net loss." However, the goal of the City's approach is to go beyond "no net loss" and actually require enhancement to make the buffers better. If the goal is to not allow the situation to get worse, the City could simply prohibit any additional development within the buffer areas. While this would prevent the buffer areas from getting any worse, they would probably not be improved, either. The BAS Assessment talks about tradeoffs. Edmonds approach is less about "no net loss" and more about enhancing the buffers in developed areas to make the situation better.

Board Member Clarke pointed out that the current code does not allow development in vacant buffer areas, and existing improvements in the buffer areas are considered non-conforming. He said that, in his mind, the footprint should be defined as the portion of the property that is developed, including parking lots and roadways. He said he supports the concept of allowing development to occur in the developed areas, as long as the level of nonconformance is not expanded further into the critical area or its buffer. Mr. Lien said the issue is more straightforward when talking about previously developed areas such as the American Brewing Company's proposal at Harbor Square that would be located entirely within the existing developed footprint (a parking area). However, the location of the proposed spray park is not currently developed with impervious surface. In this case, the roadway physically separates and functionally isolates the project area from the wetland, and the proposal would not expand the impervious surface on the wetland side of the road.

Board Member Duncan asked the issue could also be addressed via the variance process. Mr. Lien answered that the park project does not meet the criteria for a variance. Board Member Ellis pointed out that one option would be to require the City to give up parking spaces for buffer enhancement that is equal to the amount of new impervious surface that would be created

by the project. Mr. Lien agreed that is one option for enhancement. Mr. Chave added that the purpose of the enhancement provision is to ensure there is no net loss and that there is, in fact, some improvement to the buffer.

Mr. Chave explained that much of what is proposed for City Park is similar to the existing developed park area. Therefore, the Parks, Recreation and Cultural Services Department did not likely imagine that a critical area buffer could impinge on the project. The wetland buffer issue did not come up until they started checking into the permitting requirements. While it looks like it would be simple to change the park design to address the buffer issue, they are far enough into the design that changes will require a significant amount of time and money.

Mr. Lien advised that, at the request of the Board, he prepared four hypothetical examples to illustrate how the proposed amendments would be implemented. He reviewed each of the examples with the Board. He also reviewed code language from other jurisdictions and noted the following:

- Many jurisdictions say that if a buffer area is physically separated and functionally isolated from a wetland by a roadway, the buffer area simply ends where the pavement begins with no buffer on the other side. If the roadway is within 50% of the standard width of the buffer, no other buffer reduction would be allowed as part of the improvement.
- Some jurisdictions required professional reports to determine whether or not a buffer is physical separated and functionally isolated from a critical area, while others leave it up to the Director to make the decision.
- Some jurisdictions distinguish between the types of separation. For example, a roadway or railroad would be considered a physical separation but trails and sidewalks would not.
- Most jurisdictions do not require any enhancement for development in physically separated and functionally isolated buffers. Other may require an additional buffer and enhancement if an impact would occur on the other side of the physical separation as a result of development.
- Some jurisdictions have code language that talks about expanding impervious surfaces and others just structures.
- Many jurisdictions allow expansion outright without any enhancement as long as the area of impervious surface is not expanded. If the area is paved with impervious surface, the buffer ends where the pavement starts.
- Some jurisdictions have limits on the expansion. For example, they do not allow expansion towards the critical area, but expansion is allowed on the opposite side of the structure. Some limit the square footage of the expansion.
- Some jurisdictions require enhancement in order to develop within the existing footprint, and some even provide a specific enhancement ratio.
- Some jurisdictions require developers to retrofit the impervious surface to meet the current stormwater requirements.

Mr. Lien advised that the alternative definition for “impervious surface,” which was referenced earlier by Councilmember Petso, would distinguish between the various types of surfaces. For example, gravel and other packed surface materials would be considered different than pavement. One option would be to replace the proposed definition for “impervious surface” with the definition contained in the Stormwater Manual and expand the definition of “footprint of development” to include paved areas but not gravel, packed earth and other pervious materials.

Board Member Duncan asked if the proposed language includes a provision to address what happens when a physical separation is removed by another party. Mr. Lien answered that once the separation is removed, the buffer would no longer be considered physically separated and functionally isolated from the critical area.

Board Member Clarke asked if it is possible to write code language that allows a developer to increase the impervious surface but requires stormwater control that is superior to the existing conditions so that the level of nonconformance is not increased. Mr. Chave noted that enhanced stormwater control associated with development can actually improve the condition of a wetland. Mr. Lien said it may be possible to create language that ties expansion of impervious surface to a requirement of stormwater upgrades, and he agreed to discuss the option with the Stormwater Engineer. He referred to Councilmember Petso’s earlier comment and explained that stormwater requirements are triggered for any expansion that results in an increase in impervious surface that is greater than 2,000 square since 1977 or when the property was annexed to the City. Board Member Clarke said he finds it distasteful for people to suggest that pulling a few weeds and planting two native plants would be considered appropriate enhancement.

Mr. Chave suggested that the Board's discussion should focus on what they consider to be the developed area or developed footprint. They should also discuss where the City should allow flexibility. If they are willing to allow activity within the previously developed footprint or in areas that are physically separated and functionally isolated from the wetland, they should identify the ultimate goal. If the City really wants a net enhancement, a simple solution of no additional impervious surface would not accomplish that goal. The CAO includes some overriding provisions that even allowed activities in critical areas and their buffers must still address the concept of "no net loss." The Board should discuss what they want to achieve and the best way to get there.

Vice Chair Stewart said she cannot fathom the City allowing an increase of impervious surface in a buffer and then requiring enhancement that is separate from the consequences of the impervious surface. However, if the City allows an increase in the amount of impervious surface, they should require that water be infiltrated on site and an additional enhancement should be required, as well. Mr. Lien explained that the enhancement would not be separate from the consequences of the improvement. The enhancement would mitigate the impact to the buffer. Enhancement could include stormwater improvements, replacing non-native vegetation with native vegetation, etc. The enhancement ratio could be tied to the amount of additional impervious surface.

Vice Chair Stewart asked how the City would determine if a buffer is physically separated and functionally isolated from a wetland. Although a buffer may be physically separated from a wetland by a road or other pavement, it may still be functionally connected to the wetland because stormwater runoff flows from the buffer, across the road and towards the wetland. Mr. Chave explained that, if that were the case, the property would not be considered functionally isolated. He noted that the decision would be made on a case-by-case basis, and applicants would be required to submit both a critical areas report and a wetland buffer enhancement plan.

Board Member Ellis cautioned the Board not to get too caught up on just one or two examples. Additional impervious surface does not necessarily mean the buffer would be degraded. Vice Chair Stewart agreed but added that if impervious surface is increased, a developer should be required to deal with the additional rain water runoff on site.

Board Member Tibbott agreed that if impervious surfaces are added, stormwater should be treated on site. He questioned if the required enhancement would have to take place on the subject property. He suggested that perhaps there are better places for the enhancement to occur. He said one option would be to require a developer to provide financial compensation that could be placed in a fund and used for improvements elsewhere in the City where the benefit would be greater. Mr. Lien advised that the City does allow for off-site mitigation, but it does not have a fee-in-lieu-of program at this time. That is one option that could be considered as part of the 2015 update of the Comprehensive Plan and Development Code in 2015, but it would be a complicated process. He further commented that, in general, it is difficult to find situations where there would be no opportunity for buffer enhancement on site. Payment-in-lieu-of programs are difficult to establish and manage and require specific criteria to determine when a property owner can use the option.

Vice Chair Stewart noted that rain gardens are one way to handle rainwater from roofs on site. She commented that there are numerous other ways to address surface water on site, but they require some creativity.

Once again, Board Member Clarke referred to the proposed silo project at Harbor Square. The American Brewing Company is proposing to construct a silo on an existing asphalt pad. The proposed language would require the applicant to hire a professional to certify that the silo would not impact the wetland or its buffer. Mr. Lien noted that professional certification would only be required for activity within buffers that are physically separated and functionally isolated from a critical area. The proposed silo would be located on a previously developed site and no wetland report would be required. However, an enhancement plan would still be required to certify that what the applicant is proposing to do would improve the critical area over current conditions.

Board Member Clarke suggested that the standard should simply be whether or not the proposal would create additional nonconformance or environmental issues. If it would not create a negative environmental impact, he questioned why an applicant should be required to pay to plant vegetation at the edge of the buffer. Once again, Mr. Chave reviewed the range of choices the City has to address critical areas and their buffers. The City could simply prohibit activity from occurring within previously developed buffer areas and eventually the development would be eliminated. The other option is to allow improvements in these areas to add value to the impervious surface in exchange for enhancement elsewhere. Board Member

Clarke commented that determining the amount of added value in order to identify an appropriate enhancement plan would require a cost benefit study. He said he finds it absurd that the City would require a developer to pay for study even if the buffer and critical area would not be impacted by a proposed development. He said it appears that the process is designed to extract, under all circumstances, some dollars that will be used to enhance the buffer area. He felt this requirement would be too onerous.

Board Member Lovell said that as he read through the proposed language (Attachment 6) he found that most of the issues could be eliminated if they were to add language that requires an applicant to provide a professionally-prepared analysis of the impacts and remediation to improve the buffer over existing conditions. He suggested it would be helpful and appropriate to have a certified professional, such as a civil engineer, review each project early in the process to help an applicant come up with a design that meets all of the code requirements. Mr. Lien noted that, as proposed in ECDC 23.50.040.J.d., a qualified professional would be required to make the decision about whether or not a buffer is physically separated and functionally isolated from a critical area. However, staff would make the decision about whether or not an activity would be allowed within an already developed footprint.

Board Member Clarke asked what criteria would be used to evaluate the level of enhancement that would be required. Mr. Lien explained that enhancement would be tied more closely to land area than the value of the expansion. For example, the City could establish an enhancement ratio of 1:1 or 2:1.

Board Member Tibbott asked if the American Brewing Company would be required to enhance the buffer if the silo were constructed inside the building. Mr. Lien said that would be considered an interior remodel, and no buffer enhancement would be required.

Board Member Duncan said enhancement is more about the location of the remediation. If a property is physically separated from a wetland, then any enhancement on site would also be separated. If that is the case, he questioned what would be gained by the required enhancement. Mr. Lien said the City could require stormwater improvements or an applicant could work with a neighboring property owner to plant vegetation near a stream or wetland. He agreed that planting in a buffer that is separated would not improve the critical area. Board Member Duncan expressed his belief that the code should allow for off-site mitigation. Mr. Chave said the code does allow for off-site mitigation, but it would not be a feasible choice in many of these situations. While he cautioned against setting up a system where the first choice is to allow developers to pay money, if there is no other way to do the required enhancement, it could be offered as one choice. Chair Reed asked if the City has anyone on staff that can make these decisions, and Mr. Chave answered no.

Vice Chair Stewart commented that she can see where enhancement would be a benefit if a developer were required to address twice the volume of rainwater created by the impervious surface on site.

Chair Reed referred to the draft ordinance (Attachment 6) that was prepared by staff for discussion purposes and suggested the Board could focus their discussion on the following areas:

- The enhancement requirements and provisions on Pages 2, 9 and 13.
- The definitions for “footprint of development” and “impervious surface” on Pages 5 and 6.
- The provisions related to buffers that are physically separated and functionally isolated on Pages 13, 16 and 17.

Board Member Lovell commented that the proposed ordinance appears to set up a situation where people who own private property in critical areas or their buffers would be significantly impacted financially if they want to make any changes. Mr. Lien agreed but noted that the proposed amendments would also allow them to make the changes without going through the variance process or prohibiting the changes outright. He noted that a property owner would be allowed to redevelop a home within the existing footprint, but would have to comply with the current stormwater requirements and enhancement may be required elsewhere. However, the CAO does not currently allow for expansion of the existing footprint. Board Member Lovell summarized that if the current buffer requirements are maintained, the spirit of the regulations would require enhancement to the buffer areas via improvements to the wetland areas even if the footprint is not expanded. Mr. Lien agreed that is the long-term goal of the CAO.

Board Member Lovell summarized that a property owner would be required to hire a consultant to prepare a report and identify buffer enhancement to meet the code requirements. He expressed his belief that this requirement could impede a property owner's ability to redevelop or sell a property. Mr. Chave explained that the requirement would not be that onerous, and most enhancements could be addressed as part of the building code requirements that are already in place for stormwater, etc. Board Member Lovell concurred but noted that a property owner would still be required to hire a professional to prepare a report and identify how the project would meet the requirements of the ordinance.

Board Member Ellis asked if the 2,000 square foot trigger for stormwater requirements would apply to all development in the City or just to development within critical areas and their buffers. Mr. Lien answered that the requirements apply to all development in the City. Board Member Ellis noted that critical areas also include slopes. Mr. Lien explained that slope buffers are much different than wetland and stream buffers. Stream and wetland buffers are designed to protect habitat, and slope buffers are intended to address safety issues. He said he does not anticipate situations where a slope buffer is physically separated from a slope. Therefore, the proposed amendment would apply primarily to stream and wetland buffers. Board Member Ellis asked if the proposed amendments would require enhancement in slope buffer areas. Mr. Chave answered that any required enhancement would be designed to make sure the project does not endanger the slope or neighboring properties. Mr. Lien emphasized that the language related to buffers that are physically separated and functionally isolated was only included in the sections related to streams and wetlands. The amendment related to development within an already developed footprint would apply to all critical areas.

Board Member Ellis expressed concern that the language in ECDC 23.40.220.C.3, ECDC 23.90.040.D.4 and ECDC 23.50.020.E is inconsistent. Mr. Lien said it is basically the same language located in different sections of the code, and it applies to different types of development.

Board Member Clarke said one Board Member has suggested that requiring a developer to enhance the buffer in exchange for being allowed to develop within the previously developed footprint is just another way to tax individual property owners. He suggested that at least some of the additional tax revenue that is generated as a result of a property improvement in a buffer area should be used for buffer enhancement. There are two conflicting approaches. One is to prohibit development within the buffer areas so that existing development eventually disappears. The other approach is to allow development within the existing footprint, but in exchange for buffer enhancement elsewhere. This approach would increase the economic life of the improvements and cause them to remain longer. He summarized that the goal of the CAO is to allow improvements, but extract dollars from property owners. He felt this is overreaching, particularly in the case of the silo project, which would not increase the nonconformity. He expressed his belief that if a project does not increase the nonconformity, then no additional enhancement should be required. Requiring enhancement seems like a double tax that does not make economic sense. He expressed concern that there is no quantitative way to determine the fairness of the cost to property owners, and the mitigation requirements may not be based on the reality of individual circumstances.

Vice Chair Stewart agreed that perhaps additional enhancement should not be required for development within the existing footprint, but enhancement should definitely be required for activities that increase the amount of impervious surface. Mr. Chave noted that, as per BAS, redevelopment should provide opportunities for enhancements to improve buffers in the long run. This is a call the Planning Board and City Council will have to make.

Vice Chair Stewart explained that aside from economic benefits, the purpose of a buffer enhancement is to restore habitat for streams and wetlands. The City is 96% built out, and they need to go in the right direction and look at what they can do when the footprint of an existing development buffer is expanded. She noted that there are numerous sources of funding to help property owners enhance buffers along streams, and they need to get the word out to the community.

Mr. Lien noted that the proposed language does not include a threshold for when enhancement would be required. For example, enhancement could be required if the amount of impervious surface would be expanded by more than 500 or 1,000 square feet or 25%. If you are under that threshold, no enhancement would be required. He asked the Board to focus their next discussion on this issue and provide some direction to staff.

Mr. Lien agreed to forward his PowerPoint presentation to the Board Members for reference information. He also agreed to update the draft ordinance based on the Board's discussion and come up with a few additional ideas for the Board to

consider. He said he would forward the Board Members the information he collected from various jurisdictions, as well. The Board agreed to continue their discussion on September 25th.

DISCUSSION ON POTENTIAL LOW-IMPACT DEVELOPMENT (LID) AND GREEN DEVELOPMENT STANDARDS

Vice Chair Stewart advised that she reviewed language from various City documents, as well as code language from other jurisdictions, to prepare her presentation. She noted that there were common themes related to sustainable practices. The purpose of the presentation is to jog the Board's thinking.

Chair Reed recalled that at their July 10th meeting, the Planning Board discussed the proposed amendments to the Community Business – Edmonds Way (BC-EW) and Multiple Residential – Edmonds Way (RM-EW) zoning codes. This included a discussion about whether or not it would be appropriate to incorporate LID and green development standards into the two zones or if it would be better to approach the issue on a citywide basis. The Board agreed the latter would be the best approach. They also agreed to continue their discussion at a future meeting.

Vice Chair Stewart explained that, as per the City's website, low-impact development (LID) is a term used to describe a land planning and engineering approach to managing stormwater runoff. LID emphasizes conservation and use of on-site natural features to protect water quality. Sustainable building strives to balance the needs of development and population growth along the need to protect the natural environment (see City of Mercer Island's website).

Next, Vice Chair Stewart reviewed the following applicable goals and objectives from the City's Strategic Action Plan, the Climate Action Plan and the Community Sustainability Element:

Strategic Action Plan Objectives

- Create economic health, vitality, and sustainability.
- Maintain, enhance and create a sustainable environment.
- Maintain and enhance Edmonds' community character and quality of life.
- Develop and maintain a transportation infrastructure to meet future demand.
- Provide responsible, accountable and responsive government.

Climate Action Plan Objectives

- Reduce energy and fuel consumption for transportation of people and goods.
- Reduce material consumption, waste generation, and resource depletion.
- Replace fossil fuels with renewable energy resources in the generation of energy.
- Improve energy efficiency of and within buildings.
- Require all new construction and remodeling to meet Green Built standards.
- Increase carbon sequestration through tree planting and maintenance.
- Reduce our environmental impact on Puget Sound.
- Support environmentally beneficial businesses and job creation.
- Enhance social equity among all segments of the community.

Community Sustainability Goal A

- Adopt a system of codes, standards and incentives to promote development that achieves growth management goals while maintaining Edmonds' community character and charm in a sustainable way.
- Include urban form and design as critical components of sustainable land use planning. New tools, such as form-based zoning and context-sensitive design standards should be used to support a flexible land use system.

Community Sustainability Goal B

- Undertake a multi-modal approach to transportation planning that promotes an integrated system of auto, transit, biking, walking and other forms of transportation designed to effectively support mobility and access.
- Explore and support the use of alternative fuels and transportation operations that reduce green house gas emissions.

APPROVED

Community Sustainability Goal C

- Local transportation options should be designed to be coordinated with and support inter-city and regional transportation programs and solutions.

Community Sustainability Goal D

- Design and employ alternative systems and techniques, such as life-cycle cost analysis, designed to maximize investments and/or reduce ongoing maintenance and facilities costs.
- Include sustainability considerations such as environmental impact and green house gas reduction in the design and maintenance of facilities and infrastructure.

Community Sustainability Goal E

- Land use and regulatory schemes should be designed to encourage and support the ability of local residents to work, shop and obtain services locally.

Community Sustainability Goal F

- Network of parks, walkways, public art and cultural facilities and events should be woven into the community's fabric to encourage sense of place and the overall health and well being of the community.

Community Sustainability Goal G

- Land use and housing programs should be designed to provide flexibility to adapt to evolving housing needs and choices.
- Support the development of housing tools, such as inclusionary zoning incentives and affordable housing programs, that promote a variety of housing types and affordability levels into all developments.

Climate Change Goal E

- Develop mitigation programs and incentives that both public and private development entities can use to reduce or offset potential green house gas emissions associated with both new development and redevelopment.
- Develop programs and incentives that encourage existing land use, buildings, and infrastructure to reduce their carbon footprint.

Community Health Goal F

- Promote food security and public health by encouraging locally-based food production, distribution, and choice through the support of home and community gardens, farmers or public markets, and other small-scale, collaborative initiatives.

Environmental Quality Goal A

- Ensure that the City's natural vegetation associated with its urban forests, wetlands and wildlife habitat areas are protected and enhanced for future generations.
- City regulations and incentives should be designed to support and require sustainable land use and development practices, including the retention of urban forest land, native vegetation, and wildlife habitat areas. Techniques such as tree retention and low-impact development methods should be integrated into land use and development codes.

Environmental Quality Goal C

- Develop, monitor and enforce critical areas regulations designed to enhance and protect environmentally sensitive areas within the City consistent with best available science.
- In addition to regulations, provide incentives that encourage environmental stewardship, resource conservation, and environmental enhancement during development activities.

Vice Chair Stewart advised that the sustainability link on the City's website provides information related to sustainability, climate, environment, water, energy and green development.

Vice Chair Stewart referred the Board to the Green Factors Program illustration, which is something the Board will discuss as part of their review of the Westgate Plan and may apply to other areas of the City, as well. The Green Factors Program

provides a weighted scale of various improvements that could be made on a site. The Board may want to reevaluate whether the weighting should be as it is depicted on the picture or if changes are needed to adapt the program to Edmonds's needs.

Vice Chair Stewart briefly reviewed examples of how other jurisdictions are addressing low-impact and green development standards.

- In the Kirkland Green Codes Project, green codes are an attempt to take sustainable practices and translate them into City policies, initiatives, and zoning and municipal code amendments. The program focuses on three areas: stormwater and landscaping, energy efficiency and independence, and sustainable green infrastructure.
- The City of Bellingham established a timeline of success for implementing LID and green development standards, starting with the creation of a green permit review team. Their program also includes implementing a "Green Factor" program, advancing methods for green construction, incorporating a LEED Neighborhood Development framework into urban village plans, and creating a system for reducing permit review time.
- King County has created the Green ToolKit2 Program to promote sustainable cities. The City of Edmonds can sign up to participate by completing the online city profile on their webpage.

Vice Chair Stewart provided a list of potential LID incentives. She cautioned that it is not meant to be an exhaustive list, and many of the ideas have been discussed previously by the Board. She suggested the Board's future discussions regarding LID and Green Development Standards could be broken into the following categories: site protection such as preserving existing trees, energy efficiency, water efficiency, stormwater and site design, materials (locally sourced, non toxic, and salvaged), and green infrastructure. The Board may also want to consider creating separate green code standards for residential and commercial development.

Mr. Chave advised that the City's website has a sustainability page that provides a number of examples of actions the City has taken to become more sustainable. For example, Edmonds has been using a fuel-efficient vehicle fleet and improving the efficiency of city buildings and facilities. The City also has a requirement of LEED Certification for any new City buildings and facilities. He suggested that the City could make more effort to publicize the benefits of these activities and programs to the community.

Mr. Chave said the City can also address sustainability from the standpoint of land use and codes. For example, many jurisdictions are working to address the issue of transportation as it relates to land use. Much of the discussion has taken place at the regional level, but it filters down to all the local jurisdictions, as well. He referred to the Vision 2040 Plan, which contains a discussion about sustainability as it relates to land use planning. It focuses on the interaction between economics, social and environmental issues. The goal is to create programs and actions that address all three areas for an ultimately sustainable result. The Westgate and Five Corners Plans are examples of this approach. The goal is to put together plans that provide social interaction for the neighborhood, enhance the local economy and encourage low-impact development to provide benefits to the environment.

Mr. Chave reported that the Highway 99 Task Force is working to apply this same concept to different transit-oriented development nodes on Highway 99 such as the SWIFT transit centers. The idea is to promote more mixed-used development in these areas, and this will also enhance additional economic development along the corridor. He summarized that many land-use decisions have a significant impact on sustainability, and there are a number of ways for the City to implement sustainable land-use codes. He encouraged the Board to think differently when approaching land-use issues in the future.

Chair Reed asked if it would be practical to codify green building standards in general. Mr. Chave said it all comes down to the balance between regulations and incentives, which can be tricky. The Westgate and Five Corners Plans attempt to implement a balanced approach of both incentives and regulations. While the "Green Factor" Program could be considered a type of regulation, it offers alternatives and choices in the types of buildings and land uses allowed. A lot of flexibility can be built into the program, and the City will have to decide the right balance for both regulations and incentives that will help it achieve its goals. He noted that the balance may be different for Five Corners than Westgate or Highway 99.

Mr. Chave cautioned that it will be difficult to determine what would be considered a meaningful incentive. The Board will also have to decide if they want to apply the LID and green development standards citywide or just to specific areas. He noted that it would be much more challenging to create citywide standards. One approach would be to focus less on

regulations and more on educating the public about the benefits of incorporating LID and green development as part of redevelopment projects.

Mr. Chave commented that the Board should not underestimate the benefits of streamlining the permit process. Time is very important, particularly for larger developments, and cutting the review time significantly can make a difference to some developers. He stressed the importance of considering opportunities for both incentives and regulations that promote green development as the Board reviews various codes in the future. He reminded the Board that during their review of the BC-EW and RM-EW zoning code, there was some discussion about the balance between regulations and incentives, as well as how and when they could be applied. He noted that incentives will likely be important when discussing building heights at Five Corners and Westgate. However, building height incentives will be less meaningful along Highway 99, where the height limit is already much taller. Perhaps green development standards could be applied to all zones along the Highway 99 Corridor.

Mr. Chave summarized that the issue of LID and green development standards will be a significant topic of discussion when the Board continues their review of the Westgate and Five Corners Plans, and the Highway 99 Task Force will also bring forward ideas for implementing green development codes in zones along the Highway 99 Corridor. He reminded the Board that they will also be reviewing the multi-family residential zones in the near future, and there may be opportunities to incorporate incentives that would allow a developer to include various LID elements in exchange for additional height in some multi-family residential zones such as those in the Hospital/Medical area.

Chair Reed recalled that the Board previously discussed whether the LID and green development standards should be applied citywide or to just some areas of the City. Mr. Chave suggested that rather than spending a significant amount of time creating standards that could be applied effectively citywide, the Board could focus on implementing standards that apply to specific areas where redevelopment is expected to occur.

Vice Chair Stewart suggested the Board also consider opportunities to remodel or move older structures to existing land sites, buildings, and the City should consider this as a potential green option, as well.

Mr. Chave reported that the Mayor's Climate Protection Committee has been working on more education and outreach programs to get the word out and encourage people to use LID and green development when possible. Advertising examples of the cost benefits of green building would be a step in the right direction.

Board Member Clarke expressed concern about overemphasizing social agendas and living wage jobs. There are places in the Puget Sound region where jobs are being impacted for political purposes. In one case, the living wage evaluation of a particular retailer is being used to limit development opportunities based on a political agenda. He encouraged the City to avoid this approach and stay away from this type of language. The emphasis should be on regulations and incentives for construction standards, environmental protection, etc.

Board Member Tibbott recalled the problems Vice Chair Stewart experienced when trying to obtain permits for an LID project at her home. He suggested that the Board's discussion could begin by focusing first on improving the permit process. Vice Chair Stewart said the process has been improved and it would likely be easier to obtain the necessary permits for the project today. She noted that the Mayor's Climate Protection Committee is also working with staff to make the process more efficient. In addition, training is being provided to staff to make green building options more familiar so that projects can obtain permits in a more timely fashion.

Board Member Lovell cautioned the Board to be careful when considering incentives versus requirements. He said it is becoming clearer to him that building height will not be a popular incentive regardless of where it is located because of the current political climate in Edmonds. He also voiced caution when discussing the benefits of implementing green, sustainable development. They must clearly identify the realizable and desirable benefits to the City. Lastly, the Board should carefully consider the use of the words "shall" and "should" when discussing potential code amendments. For example, it may not be constructive to require all new construction to be built to green standards unless there is some tradeoff to the developer to account for the added costs. He suggested the Board should focus their efforts on strengthening the City's current programs for sustainable development and building practices, researching what other communities have done, and compiling information about what they already know about the City.

Chair Reed agreed that building height would not likely be a realizable incentive in the downtown and waterfront zones. However, it may be appropriate and acceptable in other areas of the City. For example, the General Commercial (CG) zones along Highway 99 allow a height of between 60 and 75 feet. He summarized that there is more flexibility for additional height in zones outside of the downtown and waterfront areas. It is an option the Board will consider as part of the Westgate Plan.

REVIEW OF EXTENDED AGENDA

Chair Reed recalled a memorandum from staff suggesting that the Board continue their discussions related to the Westgate Plan if time permits. Due to the lateness of the hour, the Board agreed to postpone the discussion to their September 11th meeting.

Chair Reed reviewed that the September 11th meeting would include a continued review of the Westgate Plan and code amendments, as well as a review of a proposal by the Economic Development Commission to change the uses allowed in the Downtown Business (BD) 1 zone. The September 25th meeting agenda includes a review of the Critical Areas Reasonable Use Provisions and City Council's interim zoning ordinance, a public hearing on the proposed 2014-2019 Capital Improvement Plan (CIP) and Capital Facilities Plan (CFP), and a continued review of the Critical Areas Ordinance related to allowed activities.

Mr. Chave advised that the City Attorney would be present on September 25th to provide additional direction regarding the Board's review of the Critical Areas Reasonable Use Provisions. He also advised that the Public Works and Engineering staff would send materials to the Board next week related to the public hearing on the CIP and CFP that is scheduled for September 25th. He encouraged the Board Members to review the information and forward their questions to staff via email so they can be answered at the public hearing.

PLANNING BOARD CHAIR COMMENTS

Chair Reed recalled that there was some discussion at the Board's last meeting about cancelling the July 24th meeting. He explained that after the July 10th meeting had concluded, four Board Members informed him that they would not be available for the July 24th meeting. Because it was scheduled as a public hearing and he was not sure that a quorum of Board Members would be present, he made the decision to cancel the meeting.

Chair Reed said a question was raised at the last meeting about the expiration of Board Member terms. He advised that he and Board Member Cloutier's terms expire at the end of 2013, and Board Member Tibbott and Ellis's terms expire at the end of 2014. He noted that there is no term limit.

Chair Reed announced that he will present the Planning Board's quarterly report to the City Council on September 24th.

PLANNING BOARD MEMBER COMMENTS

Board Member Duncan thanked Vice Chair Stewart for her presentation on low-impact and green development standards. The remainder of the Board concurred.

Board Member Clarke reported that his family did a minor remodel on their family room recently. They hired a contractor to complete the work and obtain the necessary permits, which required electrical and natural gas inspections. After the project was completed, he received a postcard from the natural gas inspector informing that he had not signed off on the project. The postcard provided clear directions about how to address the issue. Upon contacting the inspector, an inspection was done and the project was signed off. He said he was impressed with the process.

Board Member Lovell reported on his attendance at the August 19th Highway 99 Task Force meeting where the following was discussed:

- Phase 1 of the lighting project (International District) on Highway 99 is nearly completed. Phase 2 (health care district) is in progress, and Phase 3 (from 234th to 236th Streets) has not yet been designed.
- Construction has started on the Snohomish County Community Health Center. The center is a \$25 million project that will be a beautiful addition to the corridor. It will provide appropriate parking and be built to LEED Standards.
- Swedish Edmonds Hospital has applied for permits for a \$65 million expansion that includes a remodeled emergency complex and a parking garage.
- Top Foods (Haggen) recently closed their stores in Bellevue and Shoreline, but they have indicated they have no plans to close the store in Edmonds. They are having ongoing discussions regarding potential additional use of their land.
- The task force is working on potential revisions to the development code for zones along the Highway 99 Corridor in an effort to enhance development opportunities. Specifically, they are looking at changing the mixed-use requirements relative to lot size and the retail/commercial requirements for the first and second floors. They are also working on a proposal that would create more flexible parking requirements that are market driven. The parking requirements for residential development would still be regulated.
- The task force is also reviewing the CG and CG2 zones in terms of creating more flexible building heights.
- Contact has been made with the owners of the Burlington Coat Factory to discuss potential redevelopment options.
- The owners of the Campbell Nissan property recently purchased property on the west side of Highway 99, which will allow them to expand their business.
- Additional contacts have been made regarding the potential redevelopment of property at the southeast corner of 220th Street and Highway 99.

Board Member Stewart reminded the Board that the Parks, Recreation and Cultural Services Director requested that a few Planning Board Members work with staff to consider options for a Veteran's Memorial site. Board Members Tibbott and Ellis agreed to take on this responsibility.

Board Member Ellis reported on his attendance at the Volunteer Picnic that was hosted by the City Council and Mayor Earling. He said he enjoyed the opportunity to talk with people who serve on other boards and commissions within the City. He said he was impressed by the number of people who dedicate their time to improve the community. He encouraged the Board Members to interact with these other individuals whenever opportunities arise. Board Members Lovell, Tibbott and Stewart indicated they attended the picnic, as well.

ADJOURNMENT

The Board meeting was adjourned at 10:04 p.m.