

APPROVED APRIL 8TH

**CITY OF EDMONDS
PLANNING BOARD MINUTES**

March 25, 2015

Chair Tibbott 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

Neil Tibbott, Chair
Philip Lovell, Vice Chair
Todd Cloutier
Carreen Rubenkönig
Daniel Robles
Valerie Stewart
Matt Cheung
Evan Zhao, Student Representative

STAFF PRESENT

Rob Chave, Planning Division Manager
Kernen Lien, Planner
Carrie Hite, Parks, Recreation and Cultural Services Director

READING/APPROVAL OF MINUTES

VICE CHAIR LOVELL MOVED THAT THE MINUTES OF MARCH 11, 2015 BE APPROVED AS AMENDED. BOARD MEMBER STEWART SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY, WITH BOARD MEMBERS CLOUTIER AND CHEUNG ABSTAINING.

ANNOUNCEMENT OF AGENDA

The agenda was accepted as presented.

AUDIENCE COMMENTS

There was no one in the audience.

DEVELOPMENT SERVICES DIRECTOR REPORT TO PLANNING BOARD

Chair Tibbott referred the Board to the written report provided by the Development Services Director. He noted that, attached to the report, is the PowerPoint presentation of the Planning/Parks Board Report that he and Vice Chair Lovell presented to the City Council on March 17th. He explained that the presentation provided an overview of all the Board's activities over the past few months relative to the Comprehensive Plan and Development Code. He encouraged the Board members to review the document.

Chair Tibbott reported that, after the presentation, the City Council expressed appreciation to the Board for taking additional time in their discussion relative to the Comprehensive Plan to consider building design and form and what development would look like as the design concepts are incorporated into the Development Code.

CONTINUED DISCUSSION OF DRAFT TREE CODE

Mr. Lien reviewed that the draft Tree Code (Attachment 1), which is recommended by the City's Citizen Tree Board, was introduced to the Board on February 25th. Since that time, staff has prepared a number of tree cutting scenarios (Attachment 2) to demonstrate how it would be implemented. Staff has also prepared a matrix of the scenarios to illustrate how the current tree cutting permit requirements contrast with the draft Tree Code permit requirements (Attachment 3). For discussions purposes, he reviewed the following definitions found in the draft Tree Code:

- **Tree.** A self-supporting woody plant characterized by one main trunk or multiple trunks that is recognized as a tree in the nursery and arboricultural industries.
- **Significant Tree.** A tree that measures at least 6 inches in diameter.
- **Landmark Tree.** A tree that measures at least 24 inches in diameter
- **Hazardous Tree.** A tree that is in a state of high probability of failure, is in proximity to persons or property that can be damaged by tree failure and the hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices.
- **Nuisance Tree.** A tree that is causing significant damage to private or public structures and/or infrastructure or a tree that has sustained damage from past maintenance practices and the problem cannot be corrected.
- **Right-of-Way Tree.** A tree that is located in the public right-of-way.
- **Street Tree.** A tree that is located within the City's right-of-way that meets the goals and intent of the Edmonds Street Tree Plan.
- **Border Tree.** A tree whose trunk is located on both the right-of-way and private property or whose trunk is located on the property line of two adjacent parcels.
- **Protected Tree.** A tree identified for retention and protection on an approved tree plan, replacement in relation to a permit or plan, and/or permanently protected by easement, tract or covenant restriction.
- **Heritage Tree.** A tree or group of trees that have been designated by the City as such.
- **Specimen Tree.** A tree of exceptional size or form for its species or rarity as determined by the City's tree protection professional.

Mr. Lien said it is important to understand that street trees and right-of-way trees are distinctly different. There are a lot of undeveloped rights-of-way in Edmonds. Many property owners have planted landscaping within the rights-of-way, thinking it is part of their yard. However, these trees should not be confused with street trees that are planted with development as part of a landscape plan, such as the trees along Main Street that are located within the sidewalk area.

Board Member Lovell summarized that, as currently proposed, street trees would be addressed in the Street Tree Plan, and right-of-way trees would be addressed in the Tree Code. He asked if the introductory language would make it clear which code section governs each situation. Mr. Lien explained that the draft Tree Code is intended to apply mainly to trees on private property, but it also includes right-of-way trees. Street trees are required by the Street Tree Plan, which provides a map to identify the specific species of tree that must be planted with development in certain areas of the City. Street trees are generally planted in the planting strip along the sidewalk as a required element of development. Right-of-way trees are typically located in unopened rights-of-way where street trees are not required.

Mr. Lien explained that application fees are generally set to cover the cost of processing and issuing permits, and the current fee schedule was established by Resolution Number 1308. However, the City Council could establish new fees commiserate with the amount of work required to process the various tree cutting permits identified in the draft Tree Code. He advised that, for illustrative purposes, the permit fees established in Resolution 1308 for Type I and Type II permits were used for the draft tree code scenarios. For permits that require an arborist review, applicants would be responsible to cover the cost of review by the City's tree protection professional. In some instances, property owner would also incur additional costs associated with preparing a more detailed application and obtaining an arborist report. To get a better idea of what the additional costs would be, he contacted several professional arborists and learned that the typical cost for a small arborist report (1 or 2 trees) would be about \$200 to \$250. A tree management plan, which would be required for subdivisions, could cost as much as \$1,000.

Chair Tibbott noted that the draft Tree Code would be applicable to all trees that are greater than 6 inches in diameter. In his mind, a 6-inch tree does not seem "significant." Mr. Lien explained that a permit would be required for the removal of any

tree that is 6 inches in diameter or greater. A permit would also be required for the removal of protected trees that are planted as part of an approved tree plan regardless of size. The plan also addresses permit requirements for the removal of landmark trees that are greater than 24 inches in diameter, specimen trees as determined by the City's tree protection professional, heritage trees as per the resolution recently adopted by the City Council, and border trees that are located on the property line. If a portion of a border tree is located in the right-of-way, a right-of-way permit would also be required.

Board Member Rubenkonig asked if trees that are less than 6 inches in diameter would count as part of a property's minimum tree density requirement. Mr. Lien explained that the minimum tree density requirement is based on zoning. For example, the minimum requirement in an RS-6 zone is 2 tree units, and 4 tree units would be required in an RS-8 zone. He referred to the chart in ECDC 23.20.080.B, which outlines tree unit values and explained that replacement trees would count as 1 unit, and existing trees that are smaller than 6 inches in diameter would count as ½ unit. Existing trees with greater diameters would count as more tree units.

Mr. Lien explained that one purpose of the draft Tree Code is to retain viable trees on private property to the extent possible. He referred to ECDC 23.20.070.B, which outlines the priority for protection of healthy trees in development, redevelopment or existing lots that are being modified, starting with heritage trees, specimen trees, and trees located in critical area buffers.

Vice Chair Lovell advised that, as per the chart in ECDC 23.20.080.B, an existing single-family residential property could be identified as under treed. If a property owner wants to remove a tree, he/she would be required to provide replacement trees consistent with the number of units required for the zone.

Board Member Rubenkonig pointed out that the City of Brier's Tree Code lists specific trees that can be removed without a permit, such as alder, and birch. She asked if the Tree Board considered allowing the removal of less desirable tree species without a permit. Mr. Lien said the Tree Board discussed the option, but the draft Tree Code does not make this distinction.

Mr. Lien reviewed the following scenarios with the Board to help them understand how the draft Tree Code would be applied:

- **Scenario 1 – Tree removal on improved single-family property not subdividable into more than one additional lot with no critical areas or erosion hazard of less than 25%**

As per the current code, removal of any number of trees on an improved single-family property with no critical areas present or erosion hazard of less than 25% slope would be exempt from the tree cutting permit requirements, and no application fee would be required. The draft Tree Code outlines three different permit processes, depending on the number of trees proposed for removal.

1. A Type I Administrative Staff Review Permit would be required for the removal of no more than two significant trees within a 36-month period. The current application fee for this type of permit is \$250. As per ECDC 23.20.060.A, the property owner would be required to submit a completed land use application that includes a site plan showing the approximate size and location of all significant trees on the property; a description of the trees requested to be removed and a reason for the removal; a calculation of tree density to determine if the remaining trees meet the minimum for the site or if replacement trees would be required; and a planting plan showing the location, size and species of any required replacement trees as per ECDC 23.20.090. The application would be subject to the tree density requirement outlined in ECDC 23.20.080, which indicates that the required minimum size of a replacement tree worth 1 tree credit is 6 feet tall for a conifer and a 2-inch caliper for deciduous or broad-leaf evergreen trees.
2. A Type I Arborist Consult Permit would be required for the removal of more than two significant trees within any 36-month period. The application fee for this permit would be \$250 plus the cost of the arborist review. As per ECDC 23.20.060.B, the property owner would be required to submit the same information as required for a Type I Administrative Staff Review. In addition, the applicant would be required to submit a management report from a qualified tree professional explaining how the removal would improve the health and safety of the remaining trees and would not result in the site falling below the minimum density required. Tree removal on single-family lots would be subject to the tree density requirement outlined in ECDC 23.20.080. For multi-family residential, commercial or

industrial properties, the required replacement would be in accordance to the landscape standards set forth in ECDC 20.13.

3. A Type II Arborist Consult Permit would be required for the removal of any number of landmark trees. Type II permits are administrative decisions that require notice to property owners within 300 feet, publishing in the paper, and posting on the subject property. The application for the permit would be \$820 plus the cost of an arborist review. As per ECDC 23.20.060.C, the applicant would be required to submit the same information as required for the Type I Administrative Staff Review. In addition, the applicant would be required to submit a report from a qualified tree professional describing the health and condition of the tree and explaining how no other arboriculture practices, such as crown raising, crown reduction or crown thinning can achieve a desirable outcome. The application would be subject to the tree density requirement outlined in ECDC 23.20.080

Vice Chair Lovell asked how the draft Tree Code would address a situation where an existing single-family property does not meet the required minimum tree density. Mr. Lien explained that, if the property owner is only proposing to remove one or two trees, replacement would only be required for the trees that are removed. However, if the property owner wants to remove more than two trees, he/she would be required to plant sufficient trees to bring the property into compliance with the minimum tree density. Also, if a property owner requests to remove three or more significant trees, the City would have the ability to deny the request if it would cause the property to fall below the minimum tree density required for the zone. He summarized that a property owner would be allowed to remove up to two significant trees in a 35-month period before the more stringent requirements would kick in.

Board Member Rubenkönig voiced concern that the draft Tree Code would allow a property owner to remove a significant tree and replace it with a tree that is much smaller. Mr. Lien advised that professional arborists have indicated that smaller replacement trees are quicker to establish and generally do better.

Board Member Rubenkönig asked how the City and property owners would know if a tree is protected. Mr. Lien explained that protected trees are identified in the landscape plans that are submitted for development permits. In addition, the Tree Board believes that requiring permits for all tree removal would allow the City to track tree removal. However, he acknowledged that administering the draft Tree Code could take a significant amount of staff time.

Board Member Rubenkönig asked if the 36-month time period would be measured using a chronological calendar. Mr. Lien said it would be measured from the time the first tree removal occurs. Board Member Robles asked how a new property owner would know if the previous owner had already cut down two trees in the past 36 months. Board Member Cloutier said it would be up to the new owner to contact the City for this information.

Mr. Lien explained that one reason for requiring a Type II Arborist Consult Permit for the removal of even one landmark tree is because these larger trees can have significance to a neighborhood. Board Member Stewart asked if a property owner would be required to pay the \$820 application fee for each landmark tree that is removed. Mr. Lien answered that the fee would be \$820 per application, and an application could include the removal of more than one tree.

Board Member Stewart asked what replacement would be required when a landmark tree is cut down. Mr. Lien referred to the table in ECDC 23.20.080.B and answered that a landmark tree would require a replacement of four tree units. The minimum tree density on a property would be based on zoning as per the table in 23.20.080.A.

- **Scenario 2 – Tree removal on improved single-family property capable of being subdivided into two additional lots.**

As per the existing code, removal of trees on improved single-family properties that do not fall into one of the exemptions listed in ECDC 18.45.030.A would require a tree cutting permit, which would be a Type II Staff Decision. Tree removal in this scenario would also be subject to the tree density requirement of ECDC 23.20.080.

Vice Chair Lovell asked if a permit would be required for a property owner who wants to remove one tree in order to subdivide his lot into two lots. Mr. Lien answered that a subdivision that creates just one additional lot would be exempt from the requirements outlined in Scenario 2, which only applies to subdivisions of two additional lots.

- **Scenario 3 – Improved single-family property with critical area or hazard/nuisance tree removal.**

Under the existing code, trees are only allowed to be cut in a critical area when they are determined to be hazard trees. No permit is required, but documentation must be provided and replacement trees are required at a ratio of 2:1. The current code does not address nuisance trees; but the Critical Areas Ordinance allows nuisance trees to be removed via a Type II Staff Decision. The application fee would be \$820, and a critical areas report would be required. Under the draft Tree Code, removal of a hazard or nuisance tree in a critical area and/or buffer would require a critical area report in addition to the application requirements for the tree removal. The application fee would be \$250 plus the cost of the arborist review. The applicant would be required to provide a site plan showing the approximate location, size and species of significant trees, as well as the location of structures, driveways, access ways, easements and utilities within the critical root zone of the tree. The application must also include a description of the trees to be removed, including the reason for removal. For removal of a hazard tree, the applicant may be required to provide a tree risk assessment prepared by a qualified tree professional explaining how the tree meets the definition of a hazard tree. The removal of a nuisance tree would require the applicant to submit evidence of the damage and any tree work that has been done to rectify the nuisance and/or a statement from a qualified tree professional explaining why no arboricultural practices can safely rectify the nuisance. The tree replacement and tree density requirements outlined in ECDC 23.20.080 would apply. However, if approved by the City, the removal of a hazard or nuisance tree would not count toward the tree removal limit of two trees in a 36-month period.

Board Member Rubenkönig voiced concern that the application fee and requirements are too punitive for property owners who have been good stewards of the critical areas and/or buffers located on their properties that benefit the entire community. These property owners would not only be required to pay an application fee for the permit; they would also be required to pay for the City's arborist to review the application. Mr. Lien added that, as currently proposed, the property owners would also be required to replace the trees that are removed subject to the density and tree replacement requirements outlined in ECDC 23.20.080.

Mr. Lien explained that, typically within a critical area and/or buffer, vegetation provides an important function and value, and the Critical Areas Ordinance has stringent requirements to prevent any alterations whatsoever. The draft code would not impact this protection; but it would provide a process by which nuisance and hazard trees can be removed. This is one situation where the draft tree code could be less costly than the current code.

- **Scenario 4 – Removal of trees on commercial or multi-family property with an approved landscape plan.**

The majority of commercial and multi-family sites throughout the City have a landscape plan that was either approved by the Architectural Design Board or by staff when the site was initially developed. Currently, this landscaping is considered to be design features subject to the City's landscape requirements as detailed in ECDC 20.13. As a result, tree cutting within commercial and multi-family sites requires a Type I Staff Design Review. The application fee is \$250 and applicants are required to provide a variety of information to show how the removal and replacement of trees would be consistent with the landscape plan that was originally approved for the site, as well as the City's landscape requirements spelled out in ECDC 20.13. The draft Tree Code would require a Type I Arborist Consult Permit for the removal of any number of trees on a commercial or multi-family site. The application fee would be \$250 plus the cost of an arborist review. In addition to the requirements outlined in the previous scenarios for Type I Arborist Consult Permits, the applicant would be required to submit a report by a qualified tree professional explaining how the tree meets the definition of a nuisance or hazard tree, and if necessary, how the removal would not compromise the health and safety of the remaining trees. Replacement would be required as per the landscape standards set forth in ECDC 20.13.

- **Scenario 5 – Removal of trees associated with a subdivision.**

Currently, tree removal associated with a subdivision or other development proposal is handled under the development review process rather than a stand-alone tree cutting permit. The fee for a short subdivision application is currently \$2,645, and the fee for a formal subdivision application is \$5,355 plus the cost of the Hearing Examiner. The application for a subdivision must note the location of tree-covered areas, as well as the location of trees over 8 inches in diameter. On subdivision applications with tree-covered areas, staff normally includes a condition for a tree cutting plan for the removal of trees impacted by the subdivision improvements. Any tree cutting proposed on the site that is not a hazardous situation

and/or necessary as part of the subdivision improvements must be reviewed at the time of building permit application or through the appropriate land use permit application and review process. The trees that are required to be retained must be protected as per the tree protection measures outlined in ECDC 18.45.050.H.

Under the draft Tree Code, approval for tree removal associated with a subdivision would still be handled under the development review process. In addition to the application requirements of the associated subdivision, a tree plan prepared by a qualified tree professional would be required as detailed in ECDC 23.20.060.D. The subdivision fees would remain the same, but the applicant would also be responsible for the cost (approximately \$1,000) associated with the City tree professional's review of the tree plan, if required. The draft Tree Code (ECDC 23.20.060.C) outlines the required elements of a tree plan.

Board Member Rubenkönig commented that there are no provisions in the draft Tree Code that would require an applicant to retain a certain percentage of existing trees. Mr. Lien explained that the number of trees retained would depend on how the development fits on the site. He reminded the Board that the stormwater code would be updated in the next year, and would call for the incorporation of low-impact development (LID) standards throughout all elements of the Development Code. These LID standards could include tree retention requirements. At this time, tree retention is more of a second thought. By incorporating LID standards into the Development Code, tree retention would become one of the first things the City considers when reviewing development applications.

Board Member Rubenkönig voiced concern that the draft Tree Code would be adopted prior to the new LID requirements associated with the stormwater code update. Mr. Lien referred ECDC 23.20.060.C, noting that the second sentence indicates that the tree assessment should be conducted as early in the design process as possible to improve the applicant's ability to incorporate existing trees into the project and provide adequate protection. This language was added in anticipation of the new LID standards associated with the stormwater code.

Board Member Rubenkönig noted that, currently, an application for a subdivision must note the location of tree-covered areas, as well as the location of trees over 8 inches in diameter. She asked why the current code does not require the applicant to identify the location of trees over 6 inches in diameter, since that is considered a significant tree. Mr. Lien said that although the current code only requires an applicant to identify trees that are 8 inches in diameter, applicants typically include all trees in their tree plans.

- **Scenario 6 – Removal of 24-inch tree located within the City right-of-way.**

Currently, removal of trees within the public rights-of-way is handled via a policy, and there is nothing in the code to address their removal. The City Council updated the tree policy in November, and the language in the draft Tree Code is consistent with the updated policy. Currently, a right-of-way construction permit from the Engineering Department is required for the removal of trees within rights-of-way. The application fee is \$295, and an additional \$90 inspection fee may be required. Under the draft Tree Code, removal of a 24-inch tree located within the City right-of-way would still require a right-of-way construction permit, and the fee would remain the same. Application requirements for a right-of-way construction permit are spelled out in ECDC 18.60, and the draft Tree Code (ECDC 23.20.060.E) spells out additional requirements consistent with the tree policy that was recently updated, including the requirement that the applicant provide a report from a qualified tree professional. Although not identified as a requirement in the tree policy, the draft Tree Code includes a replacement requirement equivalent that is tied to the diameter of the tree that is removed. For example, a 24-inch tree must be replaced with four tree units. However, there is some flexibility in both the current tree policy and the draft Tree Code that allows a professional arborist to determine the appropriate number of replacement trees. For example, if a professional arborist determines there is not enough room to plant the required replacement trees, the applicant could pay into a tree fund and the money could be used to plant trees in another location within the City.

Board Member Stewart asked if it would be an adjacent property owner's responsibility to remove hazard or nuisance trees that are located within the public right-of-way and replace them with new trees. She pointed out that, sometimes, trees within the rights-of-way cause problems with sidewalks, streets, etc. Mr. Lien answered that, typically, the City does not remove trees located in the unimproved rights-of-way; it is the adjacent property owners that come to the City with request to cut down trees. The City's tree policy outlines when a right-of-way tree can be removed. The previous policy only allowed the remove of trees within the rights-of-way if they interfered with public infrastructure. The new policy recently approved by

the City Council also allows right-of-way trees to be removed if they interfere with either public or private structures or infrastructure.

Vice Chair Lovell asked if the tree policy would also allow a tree to be removed if an arborist determined it had a shallow root system and could fall on a nearby public or private structure. Mr. Lien said that, in this scenario, it would be considered a hazard tree, which could be taken down. However, a tree risk assessment by a professional arborist would be required as outlined in the draft Tree Code. The City would have the ability to deny an application for removal of a landmark tree if it is neither hazardous nor damaging to structures and infrastructure.

Board Member Rubenkönig said she understands that it is illegal for property owners to place structures and/or landscaping that restricts access within the rights-of-way. Therefore, she is unclear where the replacement trees would be located and whether or not they could be counted as part of the adjacent property's tree density. Mr. Lien answered that the right-of-way trees would not count towards the adjacent property's tree density requirement, and the draft Tree Code would require replacement of all trees that are cut within the right-of-way. The replacement requirement would depend on the number and size of the trees removed. However, he reminded the Board that the property owner may have the option to pay into a tree fund in lieu of replacing any or all of the trees. Mr. Chave clarified that most of these situations occur in unopened rights-of-way where there is a combination of landscaping, including trees. Oftentimes, adjacent property owners do not understand that the property is considered public right-of-way.

Mr. Lien reminded the Board of his previous comment that the City does not currently have an Urban Forest Management Plan, which would also address right-of-way trees. While trees in parks are identified in the City's overall goal for canopy, there is no policy in place to back it up.

Board Member Stewart said she has a number of reactions to the draft, and she hopes to have an opportunity to make some comments and suggestions before the plan is presented for a public hearing. Rather than answering questions on the fly, Mr. Lien suggested the Board Members forward their questions and comments to him. This would allow him to focus the next Staff Report on specific issues. He said he anticipates the Board would have at least one more work session prior to scheduling the draft Tree Code for a public hearing. Vice Chair Lovell noted that he already submitted written comments to staff regarding the draft Tree Code.

Board Member Rubenkönig asked if the Tree Board discussed the opportunity to adjust the fee schedule based on income or age levels. Mr. Lien clarified that the fees identified in the draft Tree Code can only be adjusted by the City Council. He suggested the Board could forward a recommendation to the City Council relative to the fee schedule.

Board Member Rubenkönig asked if the Tree Board contemplated an effective start date for enforcement of the new Tree Code if and when it is adopted. Mr. Lien said the effective date would be determined by the City Council. He acknowledged that the draft Tree Code represents a significant change over the existing tree code, and significant public education will be needed. Generally, when an ordinance is passed by the City Council, it becomes effective five days after it is published. However, the effective date will be spelled out in the ordinance, and the City Council could choose a later date.

Mr. Chave explained that implementation of the draft Tree Code would require the City to hire a professional arborist. The new plan would be much more difficult to administer and could not be implemented with existing staff.

Board Member Cloutier suggested that staff seek more input from other cities who have implemented stringent tree codes. While it seems like a great idea to have at least 8 trees on every lot in the City, they must consider that property owners will want to have vegetable gardens, solar panels, etc., which require sunlight. He does not want the Tree Code to penalize people who are making good use of their land. The draft Tree Plan must account for and accommodate these other concepts. Board Member Robles suggested the code should also consider the health benefits of having adequate sunlight. Once again, Mr. Lien stressed the need for an Urban Forest Management Plan, which is one of the ultimate goals of the draft Tree Code.

Mr. Lien summarized that he would attempt to incorporate the Board's comments into new draft code language for the Board's continued review on April 22nd.

INTRODUCTION OF CRITICAL AREA ORDINANCE (CAO) UPDATE

APPROVED

Mr. Lien reminded the Board that all cities and counties in Washington State are required to adopt critical area regulations by the Growth Management Act (GMA). In addition, all jurisdictions are required to review, evaluate, and if necessary, revise their critical area regulations according to an update schedule. The City's review and update is due in 2015. He explained that "critical areas" include wetlands, areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. Most of the City's critical areas are geologically hazardous areas.

Mr. Lien reported that the City hired environmental consultants ESA to assist staff in updating the 2004 Best Available Science (BAS) Report (Attachment 1) and evaluating the critical area regulations given the changes in science. He referred the Board to Attachment 2, which contains the 2015 BAS Addendum and a Gap Analysis Matrix that was prepared by ESA to illustrate the changes in science that have occurred since the last BAS Report in 2004. He advised that the City's existing CAO is largely compliant with BSA. However, there are a few areas where ESA has suggested some changes might be needed:

- Change the City's wetland regulations to be consistent with the Department of Ecology's (DOE) Guidance for Small Cities and the City's recently adopted Shoreline Master Program (SMP).
- Update the geologically hazardous provisions. Rather than a standard buffer of 50 feet or the height of the slope, ESA is recommending the City allow a professional to determine the appropriate setback from a geologically hazardous area.
- Change how landslide hazard areas are defined to be clearer.
- Rather than applying the native vegetation requirement based on zoning (RS-12 and RS-20), ESA is recommending the requirement be tied to the existing habitat. He noted that language similar to the City's current language was recently struck down in court because it was site specific and not tied to any specific ecological value.
- Review the allowed activities, including development within physically separated and functionally isolated buffers and development within a previously developed footprint.

Mr. Lien asked the Board Members to review the information in the Staff Report in preparation for a continued discussion on April 22nd that will include draft code language.

Board Member Rubenkonig commented that the 2015 BAS Report and matrix are well written and fact rich. She particularly appreciated the explanation provided relative to habitat areas and the importance of connectivity. She observed that, at one point, a certain size was required in order to classify an area as a wetland, but that appears to have changed so that smaller-sized wetlands are now being classified as long as interconnectivity can be demonstrated. Mr. Lien responded that in a previous iteration of the CAO, wetlands under 120 square feet were exempt. As per the new criteria, no wetlands are exempt based on size. However, a new category would be added with different standards for small, isolated wetlands, recognizing that it might be possible to replace their functions. He emphasized that all wetlands would be regulated consistent with the DOE's requirements.

MARINA BEACH PARK MASTER PLAN UPDATE

Ms. Hite advised that Marina Beach Park is one of the City's highest used and well-loved parks. It is often crowded during the summer months, and the off-leash area for dogs is a favorite that is used year round. There is nothing wrong with the park, and the City would not likely be doing a master plan for the park at this time if it were not for a clearly expressed community desire to restore the Edmonds Marsh (see Comprehensive Plan, Strategic Action Plan and parks, Recreation and Open Space Plan) and bring back the capacity for salmon habitat. After careful review and completion of a feasibility study done by Shannon & Wilson, Inc., it was determined that the best way to accomplish this would be to daylight Willow Creek from the Marsh into Puget Sound, through Marina Beach Park.

Ms. Hite stressed how important it is that the Master Plan reflects how the park is currently being used and identifies ways to mitigate any impacts due to changes. She advised that the City hired the consulting firm Walker Macy, Ltd. to help complete the master plan, and Chris Jones from Walker Macy, Ltd. was present to review the various alternatives with the Board. In addition, a Project Advisory Committee (PAC) was formed to work in an ad hoc role to help guide the master planning process (see a list of participants in the Staff Report) and allow citizens to be involved early on. She reported that the PAC has met twice with the staff and consultant, and the consultant and staff also spent two days holding interviews with key

stakeholders such as the Port of Edmonds, Washington State Department of Transportation (WSDOT), Burlington Northern Santa Fe (BNSF), Beach Rangers, and off-leash park users.

Ms. Hite reported that the City conducted an open house that was attended by nearly 50 people. In addition, a company called Environmental Issues was hired to put together an on-line open house for those who could not physically attend the public open house. At both the public open house and the on-line open house, participants were asked to comment on two options for the realignment of Willow Creek. Under Option A, Willow Creek would exit the park through the current off-leash park. Under Option B, Willow Creek would bisect the current lawn and parking areas and exit the park through the existing beach and driftwood zone. She announced that another open house would be scheduled, and the on-line open house would also be reopened. The public comments received to date, as well as subsequent comments, would be available to the public via the City's website.

Ms. Hite advised that the City's engineering consultant, Shannon & Wilson, Inc., indicated that either Option A or Option B would work. However, after receiving comments from the public and reviewing the required critical area buffers that would be required for either option, staff asked the consultant to prepare a third option that would align the creek in the middle of the park, just north of the off-leash area. As requested, the consultant has prepared an Option C, which will be presented to the Board tonight.

Ms. Hite explained that the City's current CAO requires a 100-foot buffer on both sides of the creek, and the requirement applies even if the proposed project is intended to enhance the environment. She said she briefly discussed the concepts of "buffer averaging" and "buffer reduction" with the Planning Division staff. Although staff will continue to explore these two options, it is important to keep in mind that a minimum 50-foot buffer would still be required, which could consume a significant portion of the park. One potential idea would be to leave the off-leash area as it currently exists, provide a 50-foot buffer on the north side, and a then fence off the creek so dogs cannot have access.

Ms. Hite summarized that staff is not recommending a preferred alternative at this time. She pointed out that all three options would use the existing culvert under the BNSF tracks unless the City spends a tremendous amount of money to negotiate with the Port of Edmonds to take the creek across its property. At this time, the staff and consultant are interested in hearing the Board's thoughts and guidance as the process moves forward. The goal in the next month or two is to identify a preferred alignment so the consultant can start to plan the park. The intent is to have an adopted master plan in place by the end of August.

Chris Jones, Landscape Architect and Principle, Walker Macy, Ltd., said his career has focused on public access to and redevelopment of the waterfront. He said he enjoys working with communities to provide ways for people to connect with nature and bring environmental constraints into redevelopment. Much of his work to date on the Marina Beach Master Plan has focused on data collection and implementing a public outreach program. He commented that projects are only successful if they reflect the interest of the community, and he is very committed to creating a master plan for Marina Beach Park that reflects the Edmonds community.

Mr. Jones said he has met twice with the PAC and conducted interviews with key stakeholders. In addition, a public open house was conducted, as well as an on-line open house to solicit feedback from the community. These opportunities for community involvement have identified the following:

- Marina Beach Park is a significant natural resource for the City. When he interviewed for the consultant position, he was asked to provide sample schemes. The concepts he presented illustrated an environmentally sensitive approach that kept the existing uses primarily intact. He said he sees the dog park as an established area that people love, and there are not a lot of opportunities of this type in the Puget Sound area.
- People indicated a strong desire to retain the existing uses, and Marina Beach Park is a popular location for kite boarders, kayakers and people who use personal watercraft.
- There is a significant contingency of younger people who use the park, and families use the playground, as well. The lawn area is popular, too. People enjoy having picnics at the tables and on blankets in the lawn area.

- Many people stressed how well-loved the dog park is and that it is a great resource to the community.
- There was a lot of interest in the City providing an actual brick and mortar restroom to replace the existing portable toilets.
- It was discussed that parking is difficult during the busy summer months. While there is overflow parking on Admiral Way and on Port of Edmonds property, it is still difficult to find parking during busy summer weekends. Safety while walking to the park was also a concern.

Mr. Jones referred to a map of the waterfront, which illustrates contextual information relative Marina Beach Park. He specifically noted the pedestrian and vehicular circulation routes that impact the park, the railroad tracks, the existing outfall for Willow Creek, natural resources that affect the park (Edmonds Marsh) and the route for the potential Edmonds Crossing alignment. He also provided a site analysis of Marina Beach Park, which identifies the location of the existing lawn, beach, and off-leash areas, as well as the parking areas and vehicular and pedestrian circulation routes. In addition, the analysis illustrates the environmental influences, such as wind, that impact the park.

Mr. Jones provided drawings and reviewed the three alignment options as follows:

- **Option A.** In this option, Willow Creek would exit the park through the current off-lease area, which would require the off-leash area to be reexamined in terms of space. The option would include a new crossing underneath the existing BNSF railroad bridge for the creek, and the City would need to consider pedestrian connections across the creek channel within the park. A 100-foot buffer would be required by the Critical Areas Ordinance. Although buffer averaging might be allowed, the buffer would almost completely displace the off-leash area.
- **Option B.** In this option, the creek alignment would bisect the lawn and parking areas and exit through the existing beach and driftwood zone. The option would require the City to reexamine the existing functions that occur in this area. It would also require a new creek crossing under the existing BNSF railroad tracks and pedestrian connections across the creek channel within the park.
- **Option C.** This alternative was developed by Shannon & Wilson, Inc. as a result of feedback from the community and a request by City staff. It shows a potential for keeping the existing use of the off-lease area on the south side intact, providing a minimal buffer from the use, and fencing along the edge to restrict access to the creek from the off-leash area. While this option would preserve the existing parking area, a bridge would likely be required to connect the parking area to the off-leash area. This alignment, with a reduced buffer on the north side, would have fewer impacts on the park and the ability for human use of the park.

Mr. Jones said he hopes to come back in May with two preferred alternatives for the park that fit with the community interests. The goal is for the City to select a preferred alternative in June and for the master plan to be adopted in August.

Ms. Hite advised that while the majority of comments relative to the off-leash park were in support of maintaining the existing site, several people commented and raised questions about the environmental impacts associated with the off-leash park. She acknowledged this will be a difficult but important conversation for the community to have with the Planning Board and City Council as the Marina Beach Park Master Plan moves forward.

Regarding Option C, Ms. Hite clarified that the buffers are small, and she still needs to work with the Planning Division to see if a “buffer reduction” would be allowed in this instance and still accommodate the off-leash area.

Vice Chair Lovell recalled that in a briefing he and Chair Tibbott had with Ms. Hite and the consultant, wonderful renderings were provided to illustrate how the park could be laid out. He questioned if these renderings have been shown to the public. Ms. Hite clarified that the renderings were developed by the consultant for the interview process prior to public involvement. The renderings are not illustrative of the three options currently being considered. The City would like to have a true public process and allow the public to identify their preferences before presenting concepts that could become ingrained in the public’s mind. They hope to come back in May with two concepts that incorporate comments from the public, Planning Board and City Council before the consultant actually creates design concepts for the park.

Board Member Stewart commended Ms. Hite and Mr. Jones on a great presentation and advised that she is a member of the Marina Beach Park Master Plan PAC. She commented that while she is glad that an Option C has emerged, it seems counterintuitive to have a decreased buffer on the off-leash side of the creek given the environmental impacts associated with the use. She asked how this would impact the City's ability to obtain grant funding for daylighting Willow Creek, given that buffers are a significant consideration. Ms. Hite agreed there is much to be discussed relative to Option C.

Chair Tibbott pointed out that, in addition to the buffer requirements, the Edmonds Crossing right-of-way would also significantly limit the size of the park. He questioned whether this information should also be factored in and brought to the public's attention. Ms. Hite agreed that the issue should be factored into the master plan and said she recently met with representatives from the Ferry Division of the Washington State Department of Transportation (WSDOT). She learned that the Edmonds Crossing project is not on WSDOT's current or long-range plan and there is no funding at this time. If the project does move forward, it won't be for 25 to 30 years. In addition, she reported that she has had discussions with the PAC and Mayor Earling about whether the City should wait to daylight Willow Creek or go forward now and require WSDOT to mitigate the use if and when the ferry crossing project moves forward. She specifically invited the City Council, Planning Board and members of the public to provide feedback on this issue.

Chair Tibbott asked if public uses would be allowed within the buffer areas. Ms. Hite answered that passive uses, such as trails leading to the edge of the creek, would be allowed in the buffer areas, but no active recreational uses would be allowed. Chair Tibbott asked if picnic tables would be considered a passive use. Mr. Lien answered that picnic tables might also be allowed. He reminded the Board that the goal of a buffer area is to keep development of impervious surface out of the critical area buffers.

Chair Tibbott asked if removal of the pier presents additional opportunity to renovate the park. Ms. Hite said the goal of master planning is to consider the entire park, with Willow Creek coming through it. Some of the discussion at the public open house centered on the need for a hand launch, more picnic areas, a new restroom facility, consolidated parking away from Puget Sound and better pedestrian and vehicular circulation with a bus pull out. These concepts have not been included in the conceptual drawings at this time because they do not want the public to get preconceived ideas in their head before hearing all the citizens have to say on the matter.

Vice Chair Lovell asked if the City's intent is to redevelop Marina Beach Park consistent with a new master plan in concert with the project to daylight Willow Creek. Ms. Hite answered affirmatively. She reported that Shannon & Wilson, Inc. is working towards a 60% to 90% design for daylighting Willow Creek, and it is important for the City identify a preferred alternative for the alignment soon so this process can move forward. The intent is to move the two projects forward together as funding becomes available.

Vice Chair Lovell commented that it is important for the public to understand that additional taxpayer money will likely be needed to pay for the new park, and this will require cost estimates from the consultant. Ms. Hite said it is anticipated the project is three to five years out; and the City is not sure, at this time, if the projects will be funded with taxpayer money or grants. She noted that the Willow Creek Project is high on the Washington Water Resource Inventory Area's (WIRA) list for potential projects to fund.

Board Member Rubenkonig said she has looked forward to the daylighting of Willow Creek for years, but she questioned how the City plans to protect the salmon in the creek from being impacted by dogs and people who visit the park. Mr. Jones said the PAC has discussed this issue and it is clear that pets should not have access to the creek. In addition, the PAC discussed opportunities to educate the public relative to environmental issues. It was discussed that careful monitoring would be needed if public access to the creek is allowed. There will likely be access points into the buffer zone to minimize issues with pets going there. He said he does not believe that fencing the entire creek would contribute to the environmental education experience. Instead, fencing and vegetative buffers could be used to mitigate access through the area.

Ms. Hite said the PAC has had significant discussion about the importance of allowing the public, and particularly children, to have access to the creek. She pointed out that salmon do not migrate during the summer months, and there are several good examples along Puget Sound (Carkeek Park, Golden Gardens,) where kids can play in a natural water environment

during the summer and salmon can migrate up the creek in the fall. Because of the different peak times, staff does not see public access as a conflict.

Board Member Rubenkönig asked if the City plans to provide a platform for watching salmon move through the creek. Ms. Hite said she does not anticipate a viewing platform since impervious surface is prohibited in the critical areas and their buffers.

Ms. Hite summarized that the project would continue through the public process, and the staff and consultant would continue to work with the PAC. The goal is to present alternatives to the Board for consideration in May. She invited the Board Members to forward their additional comments to her via email.

REVIEW OF EXTENDED AGENDA

Chair Tibbott suggested, and the remainder of the Board agreed, to schedule their annual retreat for June 24th. Chair Tibbott agreed to work with staff to update the extended agenda accordingly.

PLANNING BOARD CHAIR COMMENTS

Chair Tibbott welcomed new Planning Board Member, Matt Cheung.

PLANNING BOARD MEMBER COMMENTS

Vice Chair Lovell reported on his attendance at the March 18th Economic Development Commission (EDC) meeting, where Farrell Fleming, Executive Director of the Senior Center, provided a briefing on the status of planning for a new facility. He reported that the City has entered into a 40-year ground lease agreement with the Senior Center, and the Senior Center has started fundraising efforts for the new building. They are also working to procure an architect to design the new facility. He further reported that the EDC had a discussion with respect to the Strategic Action Plan, noting that the Economic Development Department would be responsible to lead a number of action items.

Board Member Rubenkönig said she enjoyed the material that was displayed on the screen, which helps the Board Members all see the same document at the same time. She would like this practice to continue.

Board Member Stewart reminded the Board and the public that they have until Friday, March 27th, at 5:00 p.m. to submit comments to the Department of Ecology relative to the Shoreline Master Program, which includes a two-year interim designation of expanded buffers and setbacks for the marsh.

Board Member Stewart displayed a new “Wildlife of Edmonds” brochure that was recently published by the Parks, Recreation and Cultural Services Department. She advised that copies could be obtained from the Parks, Recreation and Cultural Services Department office in the Francis Anderson Center.

ADJOURNMENT

The Board meeting was adjourned at 9:25 p.m.

APPROVED