

## PLANNING BOARD MINUTES

### February 11, 2004

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Chair Young called the regular meeting of the Planning Board to order at 7:00 p.m. in the Council Chambers, Public Safety Complex, 250 – 5<sup>th</sup> Avenue North.

#### **BOARD MEMBERS PRESENT**

James Young, Chair  
Janice Freeman, Vice Chair  
Jim Crim  
Virginia Cassutt  
John Dewhirst  
Cary Guenther  
Judith Works

#### **STAFF PRESENT**

Rob Chave, Planning Division Manager  
Arvilla Ohlde, Parks and Recreation Division Manager  
Darrell Smith, Traffic Engineer  
Phil Olbrechts, City Attorney  
Karin Noyes, Recorder

Board Member Hopkins resigned from the Board.

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

BOARD MEMBER CRIM MOVED TO APPROVE THE MINUTES OF JANUARY 28, 2004 AS CORRECTED.  
BOARD MEMBER CASSUTT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

#### **ANNOUNCEMENT OF AGENDA**

There were no changes made to the proposed agenda.

#### **REQUESTS FROM THE AUDIENCE**

**Don Kreiman, 24006 – 95<sup>th</sup> Place West**, thanked the Planning Board for all the hard work they do as volunteers on behalf of the citizens of Edmonds. Mr. Kreiman said he is in full support of the recommendations made by the consultant in the Downtown Parking Study. He said that since the January 28<sup>th</sup> public hearing before the Planning Board, he has attended meetings of the Downtown Merchants Association and the Economic Development Committee of the Chamber of Commerce. He advised that at both of these meetings, the concept of prohibiting employees to park in the downtown core area was discussed, and neither group was in favor of the proposal. They also expressed opposition to the proposal that would double the fee for employee parking passes. Both groups discussed that they would like to have better enforcement of the parking regulations. It was discussed that if the employees were forced to use the employee parking system, the increase in cost to the downtown business owners would be significantly higher.

Mr. Kreiman said both groups also questioned how parking enforcement would be funded. They were in favor of enforcement, but they were concerned that after a period of time, when the ticket revenue decreases, there would not be sufficient funding available to do adequate enforcement. They expressed their concern about the parking enforcement officer position being dependent on parking fees for funding.

Mr. Kreiman recalled that the last time he came before the Board, he suggested a way that parking enforcement could be funded. However, because this concept could be controversial, he would rather it not be included in the proposed parking regulations at this time. If there is a problem in the future, perhaps his idea could be considered.

Mr. Kreiman referred the Board to Section 17.50.070.C of the proposed ordinance, which would allow the Hearing Examiner to make exceptions to the required parking standards in the downtown area based on the listed criteria when requested by the developer. He pointed out that this concept was not part of the parking study. He felt this provision could become controversial and perhaps it would be better not to include it in the proposed ordinance at this time.

Mr. Kreiman concluded his comments by thanking the Planning Department staff for taking the time to answer all of his questions related to the proposed parking ordinance and for helping him understand all of the issues.

## **PARKS DEPARTMENT QUARTERLY REPORT**

Arvilla Ohlde, Parks and Recreation Manager, reported on the following parks projects that were completed by the end of 2003:

- The **Mid-Waterfront Bulkheads and Walkway Project** has been completed, and the site was dedicated on November 14<sup>th</sup>, 2003. The Edmonds Arts Festival Museum donated the art piece "Seeing Whales" by Richard Beyer, which sits at the western end of the Dayton Street entrance. The Dayton Street Plaza was designed to serve as a waterfront access entrance. The waterfront walkway goes north and ends at the southern property boundary of the Ebb Tide Condominiums. The walkway begins again on the southern property line at the Senior Citizen Center. The final portion of the walkway improvement continues along the edges of the Senior Center parking barge and then the final connection along the waterfront as the 144 Tidelands link to Bracketts Landing South.
- The **Edmonds Center for the Arts**, located at the former Puget Sound Christian College and purchased by the Edmonds Public Facilities District, has completed the construction designs and is waiting to complete the grant and fundraising portion of the project. The reconstruction is anticipated to begin late in 2004 with the final opening late in 2005.
- The consultant selection process to design the **Edmonds Interurban Trail Project** was completed in January and the final contract award will be done this month. The project was selected by the Interagency Committee for Outdoor Recreation to receive reallocated funds, which were re-appropriated by the Washington State Legislature in an attempt to get trail projects built by June 2005. Following award of contract, the design and public involvement process will begin and the project will come before the Edmonds Park/Planning Board late in the summer. With the authorization to advertise for construction bids, it is anticipated that the project will begin early in 2005 and be completed by the grant deadline date.
- Minor landscape improvements at the **SR-104 Mini Park**, which is located adjacent to the Edmonds Ferry holding lanes, will be completed later in the month. The landscaping and interior sidewalk improvements will provide an upgrade for recreational uses and will also serve as the temporary site of the Sound Transit Gerry Tsutakawa "Standing Wave" sculpture. Sound Transit allocates 1% for the arts to provide art elements for capital projects. The piece will be dedicated on March 26<sup>th</sup> at 2:00 p.m.
- Over the past year the City Council bond funding provided for the **Upgrades at the Frances Anderson Center**. Windows, plumbing, electrical and interior painting has all been completed. On May 13<sup>th</sup> there will be a community celebration at the Anderson Center to tell everyone about the improvements and celebrate the 30 years of recreational programming at the center. It is estimated that about 1,000 people per day utilize this facility. The bond funds also provided for the replacement of the Edmonds Outdoor Plaza area above the library. The existing roof membrane was removed and replaced with an improved roofing product.
- The **Edmonds Memorial Cemetery Columbarium Project** has completed Architectural Design Board approvals and construction designs are 95% complete. The project will move forward in March, with anticipation of bid award early in the summer and completion late 2004 or early 2005. Fees from cemetery sales and services offset the annual cost of operations, and the goal of the Cemetery Board is to ensure continual funding to provide for the operation and maintenance of the cemetery.

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Next, Ms. Ohlde identified the following projects for 2004:

- Secure new grant funding to acquire **Chase Lake Park**. In 2003 Snohomish County eliminated the grant funds and a new funding source needs to be explored.
- Complete **Edmonds Marsh Master Plan**.
- Explore and develop a **Downtown Skate Park Facility**. The Lynnwood/Edmonds partnership skateboard park on Olympic View Drive serves a tremendous amount of youth, but there continues to be a need for a smaller localized facility in downtown Edmonds.
- Complete the **Master Plan for Hummingbird Park** and develop necessary planning recommendations.
- Continue to work with the Daybreakers Rotary to complete the construction of a **Band Shell at City Park** to serve the summer concerts provided by the Edmonds Parks Department and Edmonds Arts Commission.
- Work with the Port of Edmonds to complete a **property line adjustment at the west end of Dayton Street**, and enter into another 30-year partnership with the Port of Edmonds and the State Department of Fish and Wildlife for **Edmonds Fishing Pier**.
- Complete the 2003 Community Development/HUD Grants for **Improvements to the South County Senior Center** and complete final details on the recently approved 2004 CDBG/HUD Grant for the Senior Center.

Board Member Dewhirst asked who the consultant for the Interurban Trail Project was. Ms. Ohlde answered that KPFF was the consultant, and Holback and Bare was the landscape architect.

Board Member Young inquired if staff has any record to indicate what the visitorship is to the facilities offered by the Parks and Recreation Department, and how many of these visitors come from outside the City limits. He pointed out that the Underwater Park is a good draw and encourages economic development in the downtown area, as do the other facilities provided by the City along the waterfront.

Ms. Ohlde replied that all of the waterfront parks in Edmonds are considered regional public facilities and that is why she has been successful in obtaining grant funding for improvements. The Parks and Recreation Department does not have exact numbers as to how many visitors come to the park each year and how many live outside of the City limits. However, at one point, staff estimated that during the summer months, about 1,000 people visit Marina Beach Park per day. They estimate that about 40,000 people visit the Underwater Park per year.

## **REVIEW OF CITY OF EDMONDS CITY PARK SITE ACCESS AND CIRCULATION STUDY**

Ms. Ohlde recalled that the City Park Master Plan was adopted by the City Council in 1992, and staff has moved forward to implement the projects identified in the plan. One of the major final projects to complete is the traffic circulation and parking project. Because the public expressed a lot of concern regarding this issue, the City Council requested that the Planning Board review the project further. They agreed to bring a traffic consultant on board to review the following issues: safety considerations, two-way versus one-way street, new configurations in the park that are already in place based upon the implementation of the current City Park Master Plan, and removal of trees.

Ms. Ohlde advised that the City obtained the services of Perteet Engineering to complete an Access and Circulation Study for City Park. She noted that Darrell Smith, Edmonds Traffic Engineer, and Sherman Goong, Perteet Project Manager, were present to review the study with the Board and answer any questions they might have.

Darrell Smith, Edmonds Traffic Engineer, provided an aerial map of the park and described the existing park access and traffic circulation pattern. He pointed out that staff plans to hold a public hearing before the Planning Board on the proposed alternatives, and they plan to send notices to the residents living in the localized area. Staff also anticipates that another public hearing would be conducted before the City Council.

Mr. Smith advised that the objectives and goals of the study were to provide efficient site access and circulation, improve vehicular and pedestrian safety, limit the impact to trees and vegetation, provide additional on-site parking, and identify the safest alternative for circulation and parking. The scope of the analysis included a review of the existing studies; the

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development of alternatives and options; the identification of evaluation criteria by focusing on transportation, site design and urban design; the evaluation and ranking of all alternatives; and providing recommendations and documentation. He noted that the public was invited to participate in the process of ranking the alternatives, and they indicated that safety and the impact to trees were the most important things to consider.

Mr. Smith said the following criteria was used to review transportation issues: vehicular and pedestrian conflicts, circulation and connectivity related to the location of the parking lots, driveway operations and safety, neighborhood impacts, future park uses and the flexibility of the access options, public works maintenance access and how it interacts with the park, special events traffic control, and air and noise impacts. He noted that the existing circulation and parking configuration is adequate for the park on most days. However, when special events take place, the situation becomes congested.

When reviewing urban design issues, Mr. Smith said the following criteria were used: maximize the parking capacity without creating large areas of impervious surface, maintain or improve the park site aesthetics, provide access for pedestrians, minimize the impacts to trees and vegetation, and consider future site uses and flexibility. He said the following criteria were considered when reviewing site design issues: provide emergency vehicular access, comply with City code requirements, minimize construction costs, provide stormwater treatment and retention, avoid utility conflicts, minimize the impacts to existing structures, and consider the impacts to the existing saltwater estuary. He pointed out that if the amount of impervious surface were minimized, the costs would be minimized and the end result would be better for the environment, in particular, the saltwater estuary.

Mr. Smith advised that the public participation process included two open house meetings. At the public meetings, the staff and consultant worked with the public to confirm the goals and selection criteria and brainstorm issues and solutions. They considered the public input when preparing the alternatives and options that were presented to the public for comment. He noted that the public comments relating to the alternatives and options were documented for the Board's review. The most frequently voiced comments included: save the trees, minimize paving and drainage costs, maintain the one-way traffic for safety, provide two access points as desired by the Fire Department, keep the design simple, provide visitor/driver education or re-education, address the maintenance facility traffic, provide ADA accessibility, and leave the access as it currently exists.

Mr. Smith reviewed that some citizens commented that having the access for the maintenance facility come through City Park provides security because Parks Department employees could constantly monitor the park throughout the day. Others argued that allowing the maintenance vehicles access through City Park created noise and air pollution.

Sherman Goong, Project Manager, said the City retained the services of Pertee Engineering to conduct a circulation analysis for City Park. He advised that one of his first tasks was to recognize the issues that needed to be addressed. In order to do this, he reviewed the approved City Park Master Plan, the access and circulation studies completed previously by other consultants, and the public comments provided at the City Council meetings. From reviewing this information, he said he was able to identify the following development requisites, which then became goals they wanted to address when considering the various alternatives:

- Access Location Variation – Does the City want to keep the access in its existing location or make changes.
- Address Community Concerns – The City Council Minutes identify the concerns voiced by the community.
- Access and Circulation Efficiency – The access identified in the approved Master Plan would use Third Avenue as a single access point.
- Maintenance Facility and Operations – This was obviously a significant public concern. Some citizens are in favor of allowing the maintenance facility's access through City Park to continue, while others want a separate access for the maintenance vehicles.
- Flexibility of Park Improvements – If the roadway remains in its current location, would the City still be able to make all of the other improvements identified in the Master Plan.
- Minimize Costs – The public expressed that when considering any proposed changes to the access and circulation the City should try to minimize the costs.

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As a result of the public comments and further research and review, Mr. Goong said four different alternatives were created, with various options associated with each. He reviewed each of the alternatives and options as follows:

- **Alternative A.1** would continue to use the existing one-way traffic circulation pattern.
- **Alternative A.2** would be the same as A.1 except the maintenance facility ingress would be provided through the park and the egress would be to Pine Street.
- **Alternative A.3** would be the same as A.1 except the maintenance facility access would be completely separate from the park, with the new access coming from Pine Street.
- **Alternative B.1** is the design identified in the City Park Master Plan. It would provide a two-way access road for all park users from the single driveway entrance/exit at the south driveway across from Erban Drive. Internal maintenance facility access would be provided. Based on the adopted Master Plan, all of the traffic would ingress and egress directly across from Erban Drive onto Third Avenue, which would require significant widening of the roadway and closure of a portion of the roadway through the park. People would be required to look both ways when leaving the parking lot since there would be two-way traffic.
- **Alternative B.2** would be the same as B.1 except the maintenance facility ingress would be from within the park and the egress would be to Pine Street only.
- **Alternative B.3** would be the same as B.1 except the maintenance facility access would be completely separate from the park access, with a new access from Pine Street.
- **Alternative C.1** would reverse the traffic circulation. Inbound traffic would access the park from Howe Street and exit at Erban Drive. This alternative would provide significant benefits with connectivity throughout the park. It would also eliminate much of the vehicular conflict at the intersections.
- **Alternative C.2** would be the same as C.1 except the maintenance facility ingress would come from within the park and the egress would be onto Pine Street.
- **Alternative C.3** would be the same as C.1 except the maintenance facility access would be completely separate from the park and would come from a new access on Pine Street.
- **Alternative D.1** would provide a two-way traffic circulation system, with both ingress and egress provided from Pine Street. No access would be provided from Third Avenue South.
- **Alternative D.2** would be similar to D.1 except the maintenance facility would have a separate access from Pine Street west of the park access. However, it is believed that this alternative might have an issue related to the proximity of the State Highway and the limited access allowed. This option would also be costly to implement and the impact to trees could be significant.
- **Alternative D.3** would be similar to D.1 but would have an additional ingress only access from the existing driveway locations at Third Avenue South. Egress would be to Pine Street only.

Mr. Goong advised that as he evaluated the various alternatives he reviewed the concepts and criteria with the City staff to make sure all of the identified concerns were addressed. He then ranked the options based on the established criteria and the public input. From this process he was able to establish three options for more detailed analysis that included a traffic operations review (level of service, sight distance, etc.), site design (drainage calculations, cost estimates, etc.), and urban design (tree impacts, parking study, etc.). Lastly, Mr. Goong said he documented his findings and prepared the recommendations that were presented in the report that is now before the Board for review.

Mr. Goong reviewed the three options for which further analysis was provided in the report as follows:

- **Alternative A.1** would leave the parking in its current locations. This has some benefits because there would be no impact to the trees and other vegetation that exists in the park. In addition, the public is familiar with the existing situation and it operates sufficiently at this time.
- **Alternative C.1** is similar to Alternative A.1 in terms of the amount of impervious surface and tree impacts, but it would reverse the direction of the traffic flow.
- **Alternative A.3/C.3** is a combination of the public input and the previous two options. The park maintenance facility would have a separate access.

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Mr. Goong said his final recommendation is that **Alternative C.1** would be the best choice, and would provide the following benefits: implement reverse one-way circulation, reduce vehicle driveway conflicts, improve circulation efficiency and connectivity, retain narrow roadway, minimize impacts to trees and vegetation, address community concerns and minimize the implementation costs.

Mr. Goong explained that using the existing circulation pattern, people would pass by the secondary parking area before reaching the primary paved parking area. If the primary parking area were full, they would be required to exit the park and reenter in order to access the secondary parking lot. If the secondary lot were full, they would have to exit the park again and find parking along the street. This becomes a significant problem on days when the parking is in heavy demand. He further explained that if the traffic circulation were reversed as proposed in **Alternative C.1** people would pass the primary parking area first. If this parking area were full, they could continue on to the secondary parking area. If this space were full, as well, they could exit the park and find parking along the street. This would require a person to only access the park one time.

Mr. Goong pointed out that the park neighbors living in the condominiums expressed their concern that traffic exiting the park during major functions created air and noise pollution because people have to wait at the intersection for longer periods of time in order to exit. The proposal to reverse the traffic circulation would resolve this concern. However, he noted that there would be some costs associated with educating the public about the change.

Mr. Goong said another objective of his review was to consider the safest design for the park access. He said the access and circulation design identified in the City Park Master Plan is a valid option, but the reverse circulation design would provide more benefits and would be more acceptable to the community. He noted that a more thorough estimate of the site design costs needs to be completed, and the City needs to decide whether or not the maintenance facility should continue to have access through City Park. The City also should conduct a feasibility study for the maintenance facility and consider whether or not the facility should be relocated.

Board Member Dewhirst inquired if Mr. Goong had any information as to the amount of traffic that goes in and out of the maintenance facility each day. Mr. Goong said the report provides traffic counts. Figure 3 shows the existing circulation and the P.M. peak hour traffic counts. During the peak hours, they only counted one vehicle in and one out, but this probably varies depending on the workload. Mr. Smith added that when doing the traffic count, staff focused on the traditional P.M. peak hour trips, which might not relate perfectly to a park. While staff took a traffic count for the park, it did not identify the number of park maintenance trips. However, he said it would be easy to collect this information.

In response to a question about how the current circulation pattern is functioning, Mr. Smith answered that there have been no accidents inside the park that he knows of, but there was an accident at the exist to Howe Street. He concluded that the existing circulation pattern functions safely at this time.

Board Member Dewhirst said it is his understanding that the maintenance facility is for the Parks and Recreation Department. Mr. Smith clarified that there is one maintenance facility for the Parks and Recreation Department and another for the Building Maintenance Department. Board Member Dewhirst inquired how many employees are located at the maintenance facilities. He said he believes some members of the public have blown this issue way out of proportion, and he would like more information regarding the amount of traffic generated by the facility. Mr. Smith said staff could set up a 24-hour traffic counter to obtain this information. However, Mr. Goong pointed out that it is difficult to collect data for the seasonal operation of the maintenance facility. When the traffic analysis was started, it was not peak season; so doing traffic counts for the park would not be beneficial. Board Member Dewhirst suggested that the consultant speak with the maintenance facility supervisors to find out about how many trips are generated per day.

Board Member Dewhirst asked how far the condos on the north side of the park are set back from the property line. Mr. Smith said they are as close as 10 to 25 feet from the right-of-way line. The road is set back between 15 and 20 feet from the right-of-way line, also. Ms. Ohlde added that when the condominium project came before the City for approval, they asked for a variance from the 20-foot setback requirement because of problems associated with the proximity of the creek. The City approved a 10-foot setback, and this resulted in the condominiums being constructed very close to the right-of-way.

Board Member Young expressed his opinion that the City has gone through an excruciating traffic analysis to address something that has worked fine for many years. He suggested that if there is not a problem at this time, perhaps they should not try to change the design. He said he would defer to Ms. Ohlde to decide what works best for City Park. He said he is appalled that the City is allowing the drainage from the existing parking lot in City Park to flow into the creek that is part of the bird estuary. He said he would have preferred the City to analyze this situation first. He noted that there are only a few days per year when there is a problem with the current circulation and parking configuration at City Park.

Board Member Dewhirst pointed out that the current City Park Master Plan identifies two directional access and circulation for the park. There was a lot of public criticism voiced to the City Council related to cost and other impacts to the park. This forced the City to reevaluate the design. The question before the Board at this time is whether they should accept the design that is currently identified in the Master Plan or do something different. He said the consultant has laid out a series of alternatives for the public and Planning Board to review. Even though this seems like a fairly small issue, it has been very controversial and emotional.

Mr. Smith recalled that the staff and consultant were specifically asked by the City Council to study this issue. The City Council was concerned that the option identified in the Master Plan was not safe and that not enough engineering data had been collected. Staff analyzed the Master Plan design from a traffic-engineering standpoint and found that the option was valid and safe. However, they also concluded that the absolute safest option would be to continue to provide one-way access, but in the reverse direction.

Board Member Cassutt recalled that the public expressed concern that the Master Plan design would require the removal of a number of significant trees. Ms. Ohlde said that when the two-way road design was presented to the City Council, they took into consideration the emotional issue of tree removal. However, she noted that in all of the alternatives, tree retention would be a primary consideration.

Mr. Chave informed the Board that a public hearing on the City Park Site Access and Circulation Study has been tentatively scheduled. Ms. Ohlde explained that the City Council decided to hire an independent consultant to study the access and circulation portion of the City Park Master Plan. The consultant's recommendations are related to the issue of traffic only. The question is whether two-way traffic, as identified in the current Master Plan, would work. Other options before the Board for consideration would include doing nothing to change the current access and circulation or accepting the recommendations of the consultant to reverse the one-way traffic. If the Board decides that the design identified in the Master Plan is not appropriate, a Master Plan amendment would be required before the City could begin work on the project.

Ms. Ohlde advised that additional concerns raised by the public include:

- The access onto Howe would create a five-point intersection, and the condominium owners were concerned about the maintenance trucks using this access. They were also concerned about the safety of children near the access points.
- There was concern expressed about the number of trees that would have to be removed in order to implement the two-directional circulation as identified in the Master Plan. She noted that every tree that would need to be taken down to implement the Master Plan was earmarked. Fifty trees would be planted and only one tree with a caliper greater than six inches would be removed. The rest of the trees that would be removed would be smaller in size. The plan proposed in the Master Plan would minimize the impact to trees.
- There was concern voiced about the impacts the access points would have on the surrounding neighborhoods.

Board Member Crim inquired if the study took into account the impacts to traffic the potential change at the intersection of Pine Street and SR-104 would have if the Edmonds Crossing Project comes to fruition. Mr. Smith said the study did consider this issue. If the ferry terminal were relocated, the Department of Transportation would most likely reclassify Sunset Avenue. At this time, the Department of Transportation legally controls this right-of-way. But this access right-of-way would become available if the ferry location is changed, and the City would likely have control. The first question that would have to be answered is what the City should do with the large area of asphalt that is currently being used as ferry staging lanes. Perhaps some of this roadway could be removed and the City could reclaim a portion of the estuary. While this would be difficult, the right-of-way is located next to an existing estuary. He concluded that the right-of-way would

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likely be reshaped in some way, and this was addressed in the report. He said one option would be to leave the City Park circulation and access the way it is until after the ferry relocation issue has been resolved.

Board Member Dewhirst asked that staff provide information at the public hearing regarding the impacts each alternative would have on the trees. Board Member Young said he would also like the staff to provide information related to the amount of surface water runoff that is being discharged into the creek. He suggested that this could become a valid counter balance to how many trees may or may not have to be removed to implement a two-directional road circulation pattern. Mr. Smith advised that surface runoff calculations are available and will be presented to the Board at the public hearing.

In answer to Board Member Dewhirst's question about the number of trees that would be removed for each alternative, Mr. Goong answered that if the existing access and circulation pattern were maintained, there would be no impact to trees. The two-way design identifies a number of trees that would be impacted, and these are noted in the Master Plan. If the City were to implement the preferred alternative, the impact to trees would be basically the same as the current configuration since the only change would be to reverse the traffic flow. The roadway would remain the same. However, there is a proposal to provide additional angle parking along the access road, and this might have an impact on some trees. Alternative D would have a significant impact on trees since the access points would be relocated. Because this was not one of the community's preferred options, he did not research the impact to trees significantly. He noted that any new access from Pine Street would have significant tree impacts, and this should be taken under consideration as a separate feasibility study for the maintenance facility.

Ms. Ohlde clarified that the issue of the maintenance facility has been discussed by the City Council. They have confirmed that it will not be removed, but will stay in its current location. The intention is that the facility continue to be used by both the Parks and Recreation and Building Maintenance Divisions for the time being. The long-range goal is to move the Building Maintenance Division out someday, but the Parks and Recreation Division would continue to use the facility on a long-term basis.

#### **ADDITIONAL AUDIENCE COMMENTS**

Mr. Chave advised that some people arrived at the meeting late, after the audience comment portion of the agenda had been completed. The Board agreed to allow additional audience comments.

**Strom Peterson, 9110 Olympic View Drive**, said he represents the Downtown Edmonds Merchant's Association regarding the Downtown Parking Plan. The Association supports the plan as proposed. Their sole caveat is that the Board recognize that a parking plan is something that always needs to be updated and revised every few years when changes have occurred in the downtown area. He thanked the staff for working so hard to make presentations to the Association. They did a great job of keeping them apprised of the ideas and changes being considered. They also listened carefully to their concerns. Mr. Peterson reiterated the Association's support for the plan and said they look forward to having the City implement the new parking program quickly.

**Michael Young, 20209 – 83<sup>rd</sup> Avenue West**, said he is also a member of the Downtown Edmonds Merchant's Association. He is also present to speak as a citizen and business owner in Edmonds. He expressed his opinion that the proposal presented by the staff and consultant is fantastic, and he urged the Board to take quick action. He said he looks forward to the City taking steps to implement the plan.

#### **REVIEW OF ISSUES REGARDING THE REGULATION OF ESSENTIAL PUBLIC FACILITIES (FILE NO. CDC-04-14)**

Phil Olbrechts, City Attorney, said that City Attorney Scott Snyder asked him to brief the Board on two pieces of legislation, the regulation of essential public facilities and the regulation of methadone treatment facilities. He reminded the Board that the City Council recently adopted an interim ordinance on the siting of essential public facilities.

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Mr. Olbrechts first referred the Board to the definition that was provided for essential public facilities. This definition states that essential public facilities are facilities that are typically difficult to site such as airports, state education facilities, state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities group homes and secure community transition facilities.

Mr. Olbrechts explained that the Growth Management Act (GMA) requires that the comprehensive plans of cities and counties planning under GMA must include a process for identifying and siting essential public facilities. He said that at this time, the City's Comprehensive Plan includes a general process for doing this. He noted that the GMA also has a rule that no comprehensive plan or development regulation can preclude the siting of such facilities.

Next, Mr. Olbrechts referred to the CTED siting guidelines, which outline how the essential public facilities siting process should be set up. The guidelines state that a city's comprehensive plan should contain local criteria for the identification of essential public facilities, and it must focus on the public need for services involved. The comprehensive plan should also describe the components of a siting process for difficult to site essential public facilities. He emphasized that no comprehensive plan can preclude the siting of essential public facilities.

Mr. Olbrechts explained that the development regulations for identifying and siting essential public facilities must be consistent with and implement the process as set forth in the comprehensive plan. The regulations should list those types of facilities, which a planning jurisdiction has determined are essential, pursuant to the definition and criteria established in the comprehensive plan for identifying such facilities. The regulations must provide requirements for notice to other interested jurisdictions and for public participation in the siting process. Mr. Olbrechts said another requirement is that the regulations must be consistent with countywide planning policies and require an evaluation of feasible alternative sites and of equity in geographical distribution. In addition, when appropriate interlocal agreements have been made, the regulations must provide for an interjurisdictional process for facilities of a countywide, regional or statewide nature. Mr. Olbrechts inquired if the City currently has an interlocal agreement with the County. Mr. Chave answered affirmatively and said the agreement states that the City is obligated to adopt the process that is consistent with the Countywide Planning Policies.

Mr. Olbrechts further advised that the regulations must call for an evaluation of the extent to which design features or operational conditions can eliminate or reduce unwanted project impacts; and where appropriate, they must establish incentives or require amenities for siting in particular areas. He said he does not know of a jurisdiction that has found a way to address this in a clever way. Lastly, Mr. Olbrechts advised that when creating criteria for siting decisions, the regulations must include a consideration of the need for the particular facility in light of established level of service standards or planning assumptions.

Mr. Olbrechts explained that when a local jurisdiction is contemplating it's own essential public facility, public or private, it is free to establish a non-preclusive siting process with any criteria it deems relevant.

Mr. Olbrechts referred to recent case law. He explained that while the City can have a siting process to compare locations for essential public facilities, the Hearings Board has indicated that they cannot create a process that is so difficult to deal with that it is impossible or nearly impossible to site an essential public facility. He explained that this is the reason the Brightwater ordinance created by Snohomish County was thrown out. Snohomish County created a process that the Hearings Board felt had no end in sight and they also felt the standards were too vague. He explained that when Mr. Snyder put together the City's interim ordinance, he relied heavily on the Hearing Board's decision on the Brightwater ordinance. There are also numerous examples before the Hearings Board in which they felt a portion of an ordinance was too difficult and unreasonable to apply.

Mr. Olbrechts said the City may adopt conditional use permit requirements to mitigate impacts, but they may not exclude siting or preclude by imposing conditions that make siting impractical. The interim ordinance requires a conditional use process for the siting of essential public facilities, and this involves a broad base of criteria to address a wide range of impacts. Mr. Chave noted that right now a conditional use permit decision could be appealed directly to the City Council. Mr. Olbrechts pointed out that the regional council could challenge this. They could charge that because the City Council rather than the Hearing Examiner would consider the appeal, the siting was too difficult.

Mr. Olbrechts explained that when a siting decision is made by a state or regional agency, local plans and regulations cannot preclude it, even if those plans predate the conception of the essential public facilities ordinance. The host jurisdiction may only attempt to prevent or influence the siting decision by means such as providing information to the regional body, commenting on the alternatives under consideration, or expressing its local preference in its comprehensive plan. He noted that the interim ordinance talks about mitigating some of the adverse impacts created by an essential public facility.

Mr. Olbrechts said there are two unresolved issues that still need to be addressed. The first is what ability a local jurisdiction has to enforce conditions of siting. He said he suspects that the regulations proposed by Mr. Snyder would provide a way for the City to enforce the siting conditions. He said the second unresolved issue is what would happen if there were competing regional facilities. He recalled that Edmonds had already designated a site to be a multi-modal facility when the regional agency looked at siting the Brightwater Sewage Treatment Facility in the same location. He said this issue has not been addressed by case law to date, but is addressed in the ordinance put together by Mr. Snyder.

Mr. Olbrechts explained that sometimes the City Council finds that it cannot wait to go through the whole planning process in order to adopt a needed ordinance. In these situations, the City Council has the ability to adopt an interim ordinance to use until the final ordinance can be reviewed and adopted. In this case, the City Council adopted an interim essential public facilities ordinance so that regulations could be put in place immediately.

**REVIEW OF ISSUES REGARDING THE REGULATION OF METHADONE TREATMENT FACILITIES (FILE NO. CDC-04-13)**

Mr. Olbrechts advised that the City Council has placed a moratorium on the siting of methadone treatment facilities in the City of Edmonds. This moratorium allowed the City more time to study the impacts further and identify the best methods to mitigate them. He pointed out that the City of Lynnwood has adopted an interim ordinance for the siting of methadone treatment facilities, as well. Their ordinance prohibits methadone treatment clinics within 200 feet of residential properties, schools, etc. They are currently in court defending their interim ordinance, and the City Attorney is waiting to hear the court's decision before moving forward with a draft ordinance for the City Council's consideration. He clarified that State law is clear that cities cannot treat methadone treatment facilities any differently than other essential public facilities. However, there are changes coming up that might impact this requirement in the future. He said his understanding is that the City has received no inquiries for placing a methadone treatment facility within the City limits, but it is important to make sure all of the issues are addressed before a situation arises.

Mr. Olbrechts advised that RCW 70.96A.410 gives the Department of Social and Health Services (DSHS) the authority to site opiate substitution treatment providers in local jurisdictions. It requires that DSHS consult with the City Council of any city under consideration for locating this type of facility, and authorizes the DSHS to certify only those facilities that will be sited in accordance with local land use regulations. Cities are expressly authorized to require these facilities to obtain conditional or special use permits and may impose reasonable conditions on these facilities prior to operation.

Mr. Olbrechts explained that under the Americans with Disabilities Act (ADA), opiate substitution treatment patients might qualify as a "person with a disability." Local governments may not discriminate against these individuals and reasonable accommodations may be required. He pointed out that municipal land use regulations that specifically target methadone clinics may be invalidated. He referred to a situation in which a jurisdiction in California singled out opiate substitution treatment facilities and said they would not be allowed within 500 feet of residentially zoned properties. The 9<sup>th</sup> District Court of Appeals threw the regulation out. Since this decision, the United States Supreme Court heard a case related to someone with carpal tunnel syndrome seeking to qualify as a person with a disability. The Supreme Court ruled that in order to qualify as a person with a disability, one must show that the disability substantially interferes with a significant life function. This must be done on a case-by-case basis. One option would be to require that each methadone treatment facility be considered on a case-by-case basis. He noted that if Lynnwood's regulations are upheld, the City of Edmonds could go in that direction, as well.

Mr. Olbrechts summarized that because methadone treatment facilities are considered essential public facilities, the City has the ability to require a conditional use permit. This would allow the City to mitigate some of the impacts. Even if drug

addicts were considered to be disabled, the City could still require certain mitigating measures. The Bay Area's ordinance allows regulation if necessary to mitigate severe and likely harms to the community that are directly associated with the operation of the methadone clinic. He said that if a local jurisdiction could provide solid information that this type of facility would create a specific impact, they might be able to justify the mitigating restrictions placed upon the use. Another option would be to regulate all clinics in general by requiring a conditional use permit. Right now, many clinics in the commercial zones are permitted outright.

Mr. Olbrechts reviewed the City Attorney's proposed action plan. First the City Attorney would continue to study the impacts and identify "severe and likely harms. Second, he would consider whether Opiate Substitution Treatment Providers could be regulated in a larger class of uses such as requiring conditional use permits for all clinics in commercial zones. Third, he would wait for the court to issue a decision in the Lynnwood case to see if the City would be authorized to do more.

Board Member Young pointed out that on one hand, Mr. Olbrechts is calling an Opiate Substitution Treatment Clinic an essential public facility that the City cannot prohibit. On the other hand, he is saying that the City can or must regulate it through the conditional use permit process. Mr. Olbrechts explained that when an Opiate Substitution Treatment Clinic qualifies as an essential public facility, the interim ordinance would impose the conditional use permit criteria. The conditional use permit process could incorporate other conditions and requirements.

Board Member Young said that on one hand the City is to regulate these facilities as a conditional use, but then they are also being told they cannot regulate them any differently than other clinics. Mr. Olbrechts explained that methadone clinics that qualify as essential public facilities must obtain a conditional use permit. This is not considered discriminatory because it is in the category of the essential public facilities ordinance. If methadone clinics are not considered essential public facilities, the City might want to add some additional requirements and this could be done via the zoning code. Mr. Chave added that if the City finds information that a particular type of clinic would have more significant impacts than other clinics, they could come up with additional criteria to further regulate the use.

Mr. Olbrechts explained that the purpose of the discussion is to provide background information to the Board because they will be responsible for making a recommendation to the City Council as to whether methadone treatment facilities are essential public facilities or clinics. He said the facilities that are sited by regional government agencies are considered essential public facilities. But it is not clear whether or not a private organization wanting to site this type of facility would qualify as an essential public facility.

Mr. Chave said over the next few weeks, staff would conduct more research and bring additional information before the Board for review in the future.

Board Member Dewhirst pointed out that in the Board's packet, staff mentioned there was research on this issue done by the King County Bar Association Task Force on Drug Addiction Treatment. He suggested that reviewing this document would be a good place for the Board to start. He asked that this document be provided to the Board Members.

THE BOARD TOOK A SHORT BREAK AT 8:50 P.M. THEY RECONVENED THEIR MEETING AT 8:57 P.M.

**REVIEW OF POTENTIAL CODE AMENDMENTS AND ADMINISTRATIVE ACTIONS REQUIRED TO IMPLEMENT THE DRAFT DOWNTOWN PARKING STUDY (FILE NO. CDC-03-170)**

Mr. Chave reviewed that the Planning Board received testimony on the parking study during a public hearing held on January 28<sup>th</sup>. Based on the Board's direction and the testimony received, staff drafted proposed code changes for the Board to review and discuss. He referred to the table that was provided by staff to summarize the various study recommendations and ways in which they could be implemented. Staff also provided notes in the margins of the draft code language showing alternative ideas or approaches for the Board's consideration. He asked that the Board provide feedback regarding the proposed code language. He noted that a public hearing on the draft language is tentatively scheduled for March 10<sup>th</sup>.

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Board Member Freeman noted that the proposed language still does not address the issues related to non-conforming buildings that have been raised previously by the Board. Mr. Chave recalled that the Board discussed possible ways to handle non-conforming buildings that are destroyed or damaged to the point that they have to be taken down. At this time, reconstruction would run afoul of the City's non-conforming building regulations. He explained that, as drafted, the regulations would allow all existing buildings in the downtown to be grandfathered in for parking requirements. However, if a building was damaged or destroyed and the grandfather ability was lost, any reconstruction on the site would have to meet the current code requirements for parking. Mr. Chave advised that the City Attorney is in the process of redrafting the entire non-conformance chapter of the code. This section was drafted in 1979 and 1980 when the City was interested in protecting neighborhoods and preventing incompatible uses from continuing in residential neighborhoods. To a large extent, this goal has been accomplished. Now the Growth Management Act requires that the City maximize the urban development that currently exists. The City now encourages businesses in non-conforming buildings if they do not have a significant impact. The way the regulations are currently written, it is quite difficult for these reasonable uses to continue in non-conforming buildings.

Board Member Freeman agreed that this issue could be addressed as part of the overall rewrite of the nonconformance section of the code. However, she encouraged the Board to recommend to the City Council that this issue be considered as part of the non-conformance section. Mr. Chave said the Board should encourage the City Council's commitment to look at the non-conformance section of the code as soon as possible.

Board Member Dewhirst referred to ECDC Section 17.50.010.C. He noted that the last sentence should be rewritten and tightened down. He noted that nowhere in the Edmonds Community Development Code is the term "residential use" defined. He also expressed his opinion that the last four words "one stall per unit" must be clarified. He said he understands the intent, but a good attorney would shred this phrase.

Board Member Dewhirst referred to ECDC Section 17.50.010.C.2 and pointed out that the term "existing structures" should be defined in the definition section of the code. He said that until the non-conformance section of the code is changed, he could foresee a lot of conflicts and ambiguities. However, the building codes would come into play, and they include a whole section regarding what is legal and what is non-conforming. He suggested that it would be prudent for the Board to define their intent regarding non-conforming buildings in the ordinance, itself.

Board Member Dewhirst referred to ECDC Section 17.50.070.B and inquired if there is a better way to describe the downtown business area. He said he understands that two conditions have to be met, but the proposed description is confusing when looking at a map. For the sake of being very precise, they need to tighten the ordinance down as much as possible. Mr. Chave asked that Board Member Dewhirst provide suggestions to staff for how the downtown business area could be better described.

Board Member Dewhirst inquired why the commercial waterfront zone is being included in the description of the downtown business area. Mr. Chave said the commercial waterfront zone has been included as part of the downtown business area in the Downtown Waterfront Plan. If the Board does not want the ordinance to apply to the commercial waterfront zone, they should define a new area.

Board Member Dewhirst questioned if the Planning Board is being asked to comment on the amendments to the Edmonds Municipal Code. He noted that this is, generally, not within the Board's purview. Mr. Chave said that because these amendments were part of the recommendations made in the parking study, when the City Council referred the study to the board, they asked them to comment on all of the recommendations found in the study. He noted that, normally, the jurisdiction of the Board is restricted to land use issues.

Board Member Works referred to ECDC Section 17.50.070 and asked what the abbreviations ITE and ULI stand for. Mr. Chave answered that ITE stands for Institute of Traffic Engineers and ULI stands for Urban Land Institute. Both of these institutes publish large volumes of parking standards. The Board asked that the abbreviations be spelled out. Mr. Chave explained that in this section staff was trying to express some reservation about the success of this provision. Staff is not sure this exception is necessary at this time since the parking requirements in the downtown business zone would be relaxed by the other provisions of the proposed ordinance. Because this provision could be controversial, staff is concerned that the

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other provisions that are proposed will be stalled. He suggested that perhaps this provision could be considered in a few years. Board Member Dewhirst suggested that this provision could be applied to the rest of the community and not the downtown since the proposed ordinance would relax the parking requirements for the downtown area.

Board Member Works asked if the Police Department provided any comment on the recommendation that downtown parking violators be charged a greater fee. Mr. Chave said this additional fee would be legal, and the City Council would be responsible to make this policy decision.

Board Member Works inquired if the employee parking permit would be transferable. Mr. Chave answered that it would. Board Member Works inquired if the employees would have to turn in their license plate numbers. Mr. Chave said the way the proposed language is written, this would not be required.

Mr. Chave referred to EMC Section 8.51.030.71, which relates to public parking permits. He noted that the study encourage the City to try to get the employees to park in the designated permit areas instead of on Fifth and Main where the patrons should park. He recalled that the Board previously discussed how this requirement would be enforced. He referred to the note in the margin, which indicates the Board's suggestion that this is not something that should be done at this time. The Board suggested, instead, that the three-hour parking limit be better enforced.

Board Member Dewhirst said a key element discussed in the parking study is the need to get the employees to park away from the core business area. Mr. Chave noted that the City has a provision that prohibits a person from moving their car a little further down the road every three hours. However, the necessary enforcement is not available to make sure this provision is followed. Part of the reasoning behind the proposal to raise parking fines was to provide funding for better enforcement of the parking regulations.

Board Member Dewhirst reminded the Board that the parking study indicates there is a good turn over of parking already in the downtown area. It also indicated that there is always space available for parking. He felt the system is partially working now. Maybe the business owners are forcing their employees to park in the employee parking spaces already.

Board Member Cassutt said she tries to utilize the businesses in the downtown as much as possible. She said that during the weekdays there is nowhere to park near many of the businesses in the downtown. This makes it difficult for many people to shop downtown.

Board Member Young inquired if the study indicates how much of the existing problem would be resolved by implementing the recommendations found in the parking study. While the recommendations are good, if there is no enforcement, this entire process would become academic. Mr. Chave said the consultant did not indicate how much of the problem would be resolved by implementing certain recommendations. The Board has the option of implementing the recommendations in phases to see how much of the problem could be resolved by implementing portions of the study. It might be that they do not have to implement all of the recommendations in order to resolve the problems adequately.

Board Member Freeman inquired if money has been guaranteed to pay for enforcement. Mr. Chave suggested that staff contact the Police Department and request feedback as to what they feel the level of enforcement would be if the parking study recommendations were implemented. They could also ask for feedback as to how the various fee increases could impact the City's ability to enforce the requirements.

Mr. Chave suggested that at the next meeting the Board should be prepared to discuss and provide direction to the staff on the following proposed changes: EMC 8.51.030.A.7, EMC 8.51.040.E, ECDC 17.50.010 and ECDC 17.50.070.C. The Board also needs to discuss whether or not the commercial waterfront zone should be included as part of the downtown business area. He said staff would conduct more research and provide additional information for the Board's consideration. At the next meeting, staff could provide a list of point-by-point decisions that need to be made by the Board prior to the public hearing.

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Board Member Guenther asked if the combined use provision could be considered in order for a development to meet the parking requirements. Mr. Chave suggested that the proposed language should explicitly state that the parking requirement is low enough that the joint use option would not be available to reduce the parking even further.

Board Member Crim said he would be in favor of eliminating the provision that would require the parking enforcement officer to distinguish between employees and patrons parking in the downtown core area. He said he would also be in favor of eliminating the provision that would allow the City to charge a higher fine to employees who park in areas other than those designated for employee parking. He felt that trying to distinguish between customers and employees could become a real nightmare.

Mr. Chave reminded the Board that a public hearing on the downtown parking recommendations is scheduled for March 10, 2004.

### **PLANNING BOARD RECOMMENDATION ON THE HEDGE ORDINANCE**

Board Member Young explained that he feels it is important to clearly convey to the City Council the reasons why the Board recommended that the City get out of the business of regulating hedges. He referred to the changes he made to the proposed ordinance since the last meeting, and requested that the Board provide feedback. It should be made clear that the Board believes the current hedge regulation is illegal and as they explored ways to make it legal they realized that it could not be done through codes and the zoning ordinance.

Mr. Chave advised that since the Board has already forwarded their recommendation on the hedge ordinance to the City Council, they could forward this new draft as a better version of the ordinance. But he suggested that this be done by motion.

**BOARD MEMBER FREEMAN MOVED THAT THE BOARD FORWARD THE AMENDED VERSION OF THE DRAFT HEDGE ORDINANCE AS REVIEWED AND DISCUSSED BY THE BOARD ON FEBRUARY 11, 2004. BOARD MEMBER CRIM SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

### **APPOINTMENT OF SUBCOMMITTEES TO REVIEW ELEMENTS OF THE DOWNTOWN/WATERFRONT PLAN**

Mr. Chave recalled the Board's previous decision to divide into subcommittees to discuss the various elements of the Downtown/Waterfront Plan. He suggested that once formed, the subcommittees could meet at 6:00 p.m. just prior to their regular Board Meetings.

Board Member Dewhirst suggested that one subcommittee be formed to review the existing Downtown/Waterfront Plan and determine those sections that are still valid and those that need to be changed. After further discussion, the Board formed the following subcommittees:

- The **BC North Subcommittee** would consist of Board Members Cassutt and Works. Their responsibility would be to discuss the performing arts center and the area in the north part of the BC zone and how they could be linked to the waterfront and downtown area.
- The **Arts and Parks Subcommittee** would consist of Board Members Crim and Freeman. Their responsibility would be to discuss how the arts programs and facilities could be combined with the Parks and Recreation programs and facilities.
- The **Downtown/Waterfront Plan Review Subcommittee** would consist of Board Members Dewhirst and Guenther. Their responsibility would be to review the Downtown/Waterfront Plan and identify areas that need to be updated and changed.

Board Member Young said he would continue to work on the Highway 99 Task Force.

**APPROVED**

Mr. Chave advised that because the subcommittees consist of only two Board members each, their meetings do not have to be advertised to the public. He suggested that it would be appropriate for the subcommittees to keep rough notes of their discussions.

**REVIEW OF EXTENDED AGENDA**

Mr. Chave advised that at the next meeting, staff would bring the Board up to speed on the common sources of information they all should all have in their possession related to the Comprehensive Plan Critical Areas Update.

**PLANNING BOARD CHAIR COMMENTS**

Board Member Young provided no additional comments during this portion of the meeting.

**PLANNING BOARD MEMBER COMMENTS**

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

THE MEETING WAS ADJOURNED AT 10:07 P.M.

**APPROVED**