

PLANNING BOARD MINUTES

January 26, 2005

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 – 5th Avenue North.

BOARD MEMBERS PRESENT

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

STAFF PRESENT

Rob Chave, Planning Division Manager
Duane Bowman, Development Services Director
Brian McIntosh, Parks, Recreation and Cultural Services Director
Jennifer Gerend, Economic Development Director
Karin Noyes, Recorder

READING/APPROVAL OF MINUTES

BOARD MEMBER DEWHIRST MOVED TO APPROVE THE MINUTES OF JANUARY 12, 2005 AS CORRECTED. BOARD MEMBER FREEMAN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

Mr. Chave advised that members of the audience have informed the staff that two of the agenda items were published in the newspaper as public hearings, but that is not the case. These items (Items 7a and 7b) were scheduled on the agenda as Board review, only.

Chair Young explained that after the Planning Board Meeting two weeks ago, it was brought to the Board's attention that in the process of deliberating on their recommendation for the Comprehensive Plan update to the City Council, they did not deliberate in enough summary form regarding their recommendation on the height designation for the Downtown Waterfront Comprehensive Plan document. He suggested that the Board address this issue further once the audience comment portion of the meeting is done to clearly identify their findings and observations. The remainder of the Board agreed that this discussion should be added to the agenda after Item 4.

AUDIENCE COMMENTS

Colin Southcote-Want, 10616 – 237th Southwest, said that at a recent City Council meeting he attended, the Edmonds School Board indicated that they submitted an application to amend the Comprehensive Plan to allow housing to be developed on the old Woodway Elementary School site, which the school district has earmarked for sale. He explained that this site has not been used for about 15 years, except for a Montessori school and storage for the historical society. The space is also being used for disaster preparation for the building.

Mr. Southcote-Want reminded the Board that as long ago as 1993 when the property was still part of Snohomish County, Edmonds Mayor Hall, City Council President Earling and County Council Member Brubaker were working to acquire this property to develop as parks and recreation space for the City of Edmonds. While the district was not ready to sell the property at that time, numerous letters were submitted by citizens in support of the school property becoming a park and playfield when it was no longer needed as a school.

Mr. Southcote-Want advised that last August the School Board announced that the property would be for sale, and since that time, the neighbors have worked to collect a new list of signatures in support of having the property used for open space as a neighborhood park or as playfields. He explained that in 2001, he was a member of the citizen group that was responsible for putting together the Parks, Recreation and Open Space Plan for the City. He said he particularly likes the map that was included in the document to illustrate the areas in the City that are currently covered by a park. This map indicates that the southwest corner of the City is devoid of a park, and it is about two miles to the nearest park, which is City Park.

Mr. Southcote-Want referred the Board to Page 427 of the Parks, Recreation and Open Space Plan, which explains that the City is short about 60 acres of parkland and ball fields. He pointed out that this is an excellent opportunity for the City to acquire about 11 more acres. He said he was disappointed to hear that the School District is moving forward with an amendment to the Comprehensive Plan that would allow housing to be built. The existing fields on this site could be improved and retained to be the best fields in the City, and there could even be space for a small dog park. If the existing buildings are removed, a neighborhood park could be constructed. He requested that the Planning Board make a recommendation against the rezone application and recommend, instead, that the City Council retain this property for park space and playfields, which are desperately needed. This is a wonderful opportunity will not come around often, and he said he would be happy to talk to the Board members further about his request.

Roger Hertrich, 1020 Puget Drive, reminded the Board that parks are part of their responsibility. At this time, parks are a big part of the City and they do not have enough of them. There have been numerous public comments over the years regarding the shortage of ball fields in the City. He agreed that the school property is very valuable and he is concerned about the district's apparent desire to make the most money possible from the sale of the property. However, he questioned where the City would get the money to acquire the property if it were available for park uses. He advised that the current City Council policy is to use real estate tax revenue to purchase park property. In addition, the City also has the ability to obtain grant funding to replace funds that are spent on property acquisition. He pointed out that, just recently, the City acquired property on the waterfront. However, in speaking with the Mayor, he indicated that the City did not apply for any grants to help pay for this acquisition. He noted that retroactive grants could be applied for, but so far, the City does not have plans to do so. He questioned why. He concluded that he believes the City lost up to \$500,000 because they failed to apply for grants for this acquisition, and that is not the way he wants the City to run.

Mr. Hertrich referred to the public hearing that was held two weeks ago by the Board regarding the Comprehensive Plan amendments. He noted that the Board did quite well in several subjects regarding the Comprehensive Plan and Downtown Waterfront Plan. For instance, the Board agreed to eliminate the option that would allow height averaging. However, when the staff presented the Board's recommendation to the City Council, they included the concept. He said he was also pleased that the Board created special standards for the historic district. However, the boundaries for the historic district have still not been defined.

Mr. Hertrich recalled that at the public hearing there were numerous public comments about the proposed height limit for the downtown waterfront area. The majority indicated their opposition to a 33-foot height limit. However, once the public testimony was completed, the Board failed to discuss the most important element of the Downtown Waterfront Plan. He said it was disappointing for the public to see no reaction from the Board regarding their testimony. However, he expressed his opinion that it is too late for the Board to provide their excuses for the way they voted. The Board needs to recognize that they did their job improperly and they should now let the issue go before the City Council for review. None of the Board Members should have the ability to explain why they voted the way they did now that the public is no longer in attendance. The public hearing is done and the Board's recommendation has been made. He said he is ashamed of the system used by the Board, and he encouraged them to simply apologize for their actions and then let the City Council handle the issue.

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Don Krieman, 24006 – 95th Place West, said that he attended every single Board discussion and public hearing related to the Comprehensive Plan amendments, and he felt the Board did an excellent job in their review. The public hearing went great, also. The Board accepted a significant amount of public testimony during the hearing. While people have agendas and want things a certain way, they and everyone else had an opportunity to provide comment.

Bruce Witenberg, 8725 Madronna Lane, noted that later on the agenda, the Board would receive a report about an exciting new project for the youth of Edmonds, a new skate park. This project is different than many other City park projects because it was planned and designed by the youth of the community. He said he cannot recall a time when the youth of the community have worked so hard on a project, and they are prepared to make a presentation to the Board regarding their plans. He said that, at this time, kids skate around Edmonds in areas where they shouldn't be because there is no park for them to use. Over the past eight months he has worked with a youth group under the leadership of the Parks and Recreation Department, with support from the Police Foundation, the Police Department and local citizens. The workgroup developed a concept of a skate park for the City, and the youth have not only learned how an idea develops into what they hope will become a reality, but they have had a hands-on civic experience on how a project winds its way through the City government. He thanked the Board for affording the kids an opportunity to demonstrate their advocacy and commitment for a project they feel will benefit the entire community, and not just the youth. He said he supports their dedication and commitment to make a skateboard park a reality in Edmonds.

Ron Wambolt, 530 Dayton Street, said he understands that people are usually happy when they get something they want. Those people who were in support of the 33-foot height limit for the downtown area are happy. He recalled that at the recent public hearing he stated his belief that the Board had already made a decision regarding this issue, and Board Member Crim indicated that his comment was unfair to the process. At the January 12th hearing, his comments were proven right because the increase in height was approved with no Board discussion. The Board appropriately took time to carefully review and sometimes amend other portions of the Comprehensive Plan. They reviewed testimony from the Port, property owners in the downtown area, etc. But they acted like the 33-foot height limit proposal did not exist and there was no reference made in the Board's recommendation. In the end, the Board passed a motion to approve all districts, and people were surprised that no time was spent discussing the massive opposition to increased building heights in the BC zone. He said he supports Mr. Hertrich's comments. He is not sure that the Board's explanations and further action would have any value now.

CLARIFICATION OF THE PLANNING BOARD'S RECOMMENDATION REGARDING THE DOWNTOWN WATERFRONT PLAN

Chair Young emphasized that it was his suggestion to Mayor Haakenson that the Board clarify their recommendation further. He said he contacted each Board member, on an individual basis, asking them if they wanted to explain their action further. The minutes of the Board's review and recommendation on the Downtown Waterfront Plan and Comprehensive Plan make their intent clear. Much of the public testimony was about the same thing, what people felt was best for the downtown area. He recalled that the Board reviewed all of the testimony, as well as all of the information that was submitted, and then came up with a recommendation that they felt was an overall balance that would be good for the entire community.

Chair Young emphasized that it was not the consultant's report that persuaded him to make a recommendation to the City Council to accept a height limit change. He was persuaded that this would be a good idea by an existing business owner who said she was able to start a business in the community and expand because her location had the same type of architectural configuration that is being proposed in the Downtown Waterfront Plan. This type of configuration should be great for the downtown. He said he was also persuaded by someone who testified that the change could be viewed as a return to Edmonds' roots with shops on the first floor and living quarters above. He noted that none of the public testimony indicated that promoting residential space in the downtown would be a bad thing, and he feels this would be good for the City. He said he reviewed the maps to determine if there would be a downside to changing the height limit as proposed. None of these properties would abut a single-family zone. He recalled that the Board's recommendation to increase the height limit was partially based on topographical differences. Maps have indicated that there would not be any substantial view obstruction. The recommended criteria would result in more open space on the street so the public's concerns that the downtown would turn into a type of canyon are unfounded. The City could actually end up with more space on the street.

Chair Young recalled that the Board deliberated numerous times, and on several occasions it was pointed out that the change would not result in significant change in the immediate future. If the changes are approved as recommended by the Board, he would be surprised if more than two or three buildings would be changed over the next five years. He concluded that he believes the proposed change in height makes economic sense for the community and preserves the values, which is what the public identified as important.

Chair Young agreed that the Board met the Sunset Avenue issues head on, and they agreed to preserve the character of this area. They also addressed the height averaging issue to the public's satisfaction. But as he weighed all of the facts, he determined that the best thing for the community would be to increase the height limit as proposed. He concluded that he believes this change would help preserve the downtown and have very little negative impact to the property owners.

Board Member Guenther pointed out that the buildings in the downtown area have a limited lifespan, and eventually they would all be replaced. The studies conducted by the staff and consultant indicated that when a building is replaced in the downtown area it would probably become a three-story building. Under the current code, a three-story building would be allowed, but there would be unintended consequences such as a low first floor ceiling height and an aesthetically unpleasing design. He recalled that there was a lot of testimony about the character of Edmonds, which can be defined by the quality of its social, natural and built environment, and their main concern is the quality of the built environment. The current code does not provide for elegant designs. He recalled that when he first joined the Planning Board, they worked on design standards, which were intended to maintain the quality of Edmonds, to keep the environmental function and to maintain the character. He summarized that the current code is not working and needs to be fixed. In his opinion, he said he would like to see an even greater height limit for the downtown zone.

Board Member Cassutt said she found this to be a difficult decision. Everyone wants Edmonds to stay like it is today, but they must look beyond today. One thing that swayed her was the fact that so many business people had talked to the Board about things that were happening in downtown Edmonds. Having had a business in the downtown, she said she knows Edmonds is a very hard City to make a living in. They do not have a 360-degree draw of clients. Many people who live in Edmonds do not shop in the downtown, either. In the public testimony, citizens suggested that the Board should not listen to the merchants. But she felt that if they don't, the City could end up without any merchants to pay taxes, and this would be bad for the City. She summarized that she feels the proposed change to the height limit is appropriate. If the City finds that it was a bad move, they can change it back. But right now, they need to look towards the future.

Board Member Works said she listened carefully to the public testimony and she also listened to the tape recordings and minutes from the meetings. She said she has lived in Edmonds for five years and does not like the three-story buildings that are being developed in the downtown with low ceiling heights and sunken first floors. She said she was not comfortable supporting a 35-foot height limit, but she feels the proposal to increase the height limit to 33 feet is appropriate, especially in conjunction with the 3-foot setback requirement that would allow for wider sidewalks. She said she is concerned about the City's ability to generate tax revenue, especially when she reads about the large number of cities that are facing financial struggles at this time. She said she believes it is important to preserve the character of Edmonds, and the design standards that were created by the Planning Board previously will become very important. In addition, the topography of Edmonds makes it unlikely that the change would result in a serious view loss. She summarized that the change would be good for Edmonds and would help preserve the downtown.

Board Member Henderson said he believes the economic viability of downtown Edmonds is dependent on the mixed-uses of residential and retail space. He said he found the compromise of increasing the height limit to 33 feet, with a 3-foot setback requirement would be appropriate and would take into account the economic viability of redevelopment while preserving the character of the downtown.

Board Member Freeman said she also favors the 33-foot height limit as proposed, with a 3-foot setback requirement. This change would permit two floors of residential space above the street level and require a 12-foot minimum ceiling height on the ground floor. The result would be more people being able to live in the downtown area, which adds to the vitality and vibrancy of Edmonds and provides a better selection of housing units for people who want the amenities the downtown can offer. More housing in downtown Edmonds would be good, especially for the older citizens who need to walk to the services that are available. Providing more housing choices would also help keep the price down.

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Board Member Freeman also expressed her opinion that the sidewalks in the downtown are too narrow. If the developers take advantage of the greater height limit, they would also have to set the building back three additional feet. This would eventually result in wider sidewalks throughout the downtown. In addition, she recalled that concerns were raised about the pedestrian scale of the buildings in the downtown. Increasing the distance between the buildings on either side of the street by requiring an additional three-feet of front setback would maintain the current pedestrian scale ratio.

Board Member Freeman said she recognizes there are some negative aspects of the increased height, one being the potential loss of view. However, the topographical map provided by staff to illustrate the cross sections down three major streets, made it clear that view blockage would be minimal. She said that when she weighed the pros and the cons, she found that the reasons to support the increased height limit outweighed the negative aspects. She said she listened very carefully to all of the testimony at the December 15th hearing and took careful notes. After reviewing the minutes, she found that of the 22 people that testified regarding the increased height limit (discounting any staff members who spoke in favor), 12 were in favor of the change and 10 were not. Although several citizens have indicated that there was a massive number of residents who opposed the change, this was not apparent at the public hearing. She understands there was a petition of 1,000 signatures from people who were against the proposal. But on the other hand, Chris Guitton from the Chamber of Commerce indicated that there were over 2000 people from their organization who were in favor of the change, and many of these people live in Edmonds, too. She said she tried to listen to everyone.

Board Member Dewhirst expressed his opinion that the Board's review process was good. Just because the final recommendation did not fall the way some citizens wanted does not mean the entire process should be condemned or that the review process should start over. He said he recognizes this is an emotional issue, but he feels the Board came to a good compromise that addresses all of the broad issues. He said that one thing that influenced his decision was that during the October 27th meeting, citizens who were present to testify against the proposal to increase the height also indicated that they do not shop in downtown Edmonds. This statement made their comments less credible to him.

Board Member Dewhirst said that after considering the public comments it appears that the real issue is the size and bulk of the new mixed-use buildings that have been constructed in the downtown area. The design of the buildings is not bad, but they are too large for their location. He suggested that if the City Council had moved forward with adoption of the design guidelines document, these issues could have already been addressed. He concluded by stating his belief that the 33-foot height limit would be a good compromise, but would address only half of the issue. If the City Council were to adopt the proposed change, the next step would be to create an ordinance that would carry out the policies. This would give the Board an opportunity to tie the design guidelines into the zoning ordinance. He said the Board would be looking to extract ideas from the development community on how to improve the design of buildings.

Lastly, Board Member Dewhirst reminded the public and Board Members that they are fortunate to be able to have open discussions about land use restrictions. He alerted the community that a year from now this may no longer be possible. There is a movement gathering in the State of Washington to have the same kind of zoning restrictions that were recently imposed in Oregon. With this new law, any jurisdiction that chooses to place land use restrictions on a property must compensate the owner of the property for that right.

As a summary of his thoughts on the height issue, Board Member Crim directed the City Council's attention to the comments he made at the public hearing on December 15, 2004, which appear on the record at the end of the minutes for that date. He said a great deal of rhetoric has been expended trying to claim collusion and devious plots, but the simple fact is that after hearing all the information presented to the Planning Board, he cannot help but conclude that raising the first floor height and the overall building height is the most logical way to address the development problems he sees happening today. He said the only way the City will see redevelopment of "tired properties" is if the residential component is such that it makes development economically feasible. However, he emphasized that there are not that many "tired properties" available today. He further said he believes it would be many years before the City would see much new construction that embodies the changes being proposed. If problems do appear, the City would have ample time to address them before they become overwhelming. He said he does not expect to see significant problems.

Board Member Crim pointed out that he lives low in the bowl area of Edmonds. If a building were to be constructed along 5th Avenue to 30 feet in height, he would lose his view of some trees and building tops. He would not lose his view of Puget Sound. The difference that a 33-foot building would make isn't worth talking about. He concluded that he lives in the affected area, and he does not see a problem with the proposed height limit change.

In answer to Mr. Hertrich's comments, Board Member Crim said he has done a classic job of twisting the Board's actions. The Board's recommendation regarding the historic area was taken totally out of context. It was never the Board's intent to create a historic district in the downtown. The area is described as a historic area, but it is not called out as a separate historic district, and it is important that this clarification be made for the record.

PARKS, RECREATION AND CULTURAL SERVICES DEPARTMENT REPORT

Brian McIntosh, Parks, Recreation and Cultural Services Director, reviewed the projects the department has been working on for the past year as follows:

- **Mid-Waterfront Bulkheads and Walkway Project:** The design and permitting process for the Ebb Tide Condominiums portion of the project would commence in 2005 and 2006. The dedication for the carved cedar pole "Friendship Tree" was held on October 29, 2004 when the Hekinan delegation was in Edmonds. The dedication was attended by about 200 people, including the Japanese Consul-General from Seattle.
- **Edmonds Center for the Arts:** The Edmonds Public Facilities District has begun the permitting process and is now completing the grant and fundraising portion of the project. The reconstruction is anticipated to begin in mid 2005 with a final opening in 2006. The Board Members and public can obtain more information about this project at their website: www.edmondscenterforthearts.org.
- **Edmonds Interurban Trail Project:** The public involvement process was started with a meeting last summer and will continue for the next six months. A major unanticipated delay has been determining the rights-of-way in the old interurban train corridor going back three generations. This issue appears to be resolved and there is a possibility the project could go out to bid later this year.
- **Public Art:** The City's original One Percent for the Art purchase was a glass scene, which was repaired at the end of 2004 and will be reinstalled in 2005 at the Anderson Center with a better case and improved location in the main hallway. A call for artists was sent out in the fall of 2004 for a project to recycle copper from the old roundabout fountain and create a new sculpture for the south wall of City Hall. Selection for this new piece will be made in the spring of 2005. In addition, the Arts Commission Public Art Committee is working to develop design concepts in partnership with the Highway 99 Task Force for the International District on Highway 99.
- **Edmonds Memorial Cemetery Columbarium:** The Architectural Design Board has approved the project and construction designs are now complete. It continues to move forward with anticipation of bid award this spring and completion by late 2005. The Cemetery Board completed a positive feasibility and performance study, which reflects the community needs and revenue benefits to the cemetery operations. Fees from cemetery sales and services will partially offset the annual cost of operations. The goal is to insure a continual funding source to provide for operation and maintenance of the cemetery.
- **Skate Park:** The Skate Park Work Group has worked diligently since May 2004, and their discussions have included the need for a park, the Recreational Immunity Act, problems associated with skate parks and recommendations for addressing potential problems, site criteria, and site selection. A presentation by the group is scheduled later on the Board's agenda.
- **Band Shell at City Park:** The Daybreakers Rotary Club of Edmonds is sponsoring this project to commemorate the Rotary Centennial. The design work has been completed, and they are currently filing for appropriate City permits. Construction of the foundation, pad and utility connections are on scheduled to be finished in the spring, with the band shell structure being completed in the fall. The project will be a wonderful addition to the park and will accommodate the existing Summer Concert Series, as well as other opportunities for performing arts.
- **264 Beach Place:** Early this year the City acquired waterfront property adjacent to Olympic Beach Park. The intent was to increase public access to the waterfront. Waterfront acquisition remains a high priority identified in the City's Parks, Recreation and Open Space Plan.

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- **Marina Beach Park:** Due to the failure of the Willow Creek stormwater outfall pipe under the park's north parking lot last fall, the park has been closed since November. The emergency repairs have been completed. Coincidentally, the western outfall pipe replacement for this line was also scheduled to begin last fall and has immediately followed the emergency project. Current contractors should be finished in early February and clean up work, which includes irrigation line replacement, turf, paving new pathways and parking lots, picnic table and bench replacement, etc., will begin immediately after the contractors are off site. Access to the off-leash area at South Marina Beach Park should be open by early February. The entire park should be restored by late spring.

Next, Mr. McIntosh reviewed the upcoming projects for 2005 as follows:

- Complete master plans for Edmonds Marsh and Hummingbird Park.
- Work with the Department of Natural Resources and the Washington Department of Fish and Wildlife to develop a master plan/maintenance plan for the Edmonds Underwater Park in anticipation of the renewal of the City's nine-year lease.
- Work with the Port of Edmonds to complete a property line adjustment at the west end of Dayton Street and in partnership with the Washington State Department of Fish and Wildlife to enter into another 30-year lease for the Edmonds Fishing Pier.
- Complete the 2004 Community Development/HUD Grant project for elevator replacement and kitchen upgrades to the South County Senior Center and complete application procedures for the 2005 Community Development/HUD Grant project that includes fire detection system improvements and construction of a new entry vestibule and walkway canopy.
- Begin work on a new six-year Parks, Recreation and Open Space Comprehensive Plan.
- Upgrade the playground at Pine Street Park and rename the playfield "Meyring Field" in honor of Edmonds Little League pioneer, Don Meyring, who passed away last fall.
- Renovate the restrooms at Olympic Beach Park and the fishing pier cleaning stations.
- Replace 150 feet of trail and bridges at Yost Park by the end of March.

Board Member Freeman inquired if the City has any plans to plant more shade trees at Marina Beach Park. Mr. McIntosh answered that he does not have specific details at this time about the landscape plans for the park. The park's landscaping will likely remain close to what it previously was. None of the existing trees were removed as a result of the project. He said he would speak with his staff to see if more shade trees could be provided at the park.

Board Member Dewhirst recalled that the City went through a fairly emotional process regarding the traffic circulation at City Park. He questioned the outcome. Mr. McIntosh replied that City staff decided to take a common-sense approach to the issue. While they did not discount the consultant's recommendation, they did not feel the situation was critical enough to warrant a total reverse in the traffic flow direction. The staff determined that reversing the traffic would not improve the entrance and exit situation at the park. Therefore, it would be best to leave the traffic in its current configuration.

Chair Young suggested that it would be helpful to the Board for staff to remind them where Edmonds fits in as a community in terms of the amount of parkland and park facilities they have per capita. He referred to Mr. Southcote-Want's statement about the need for more athletic facilities in the City. Mr. McIntosh explained that the standards in the City's Comprehensive Plan represent the standards identified by the National Parks Association as the ideal situation. While the City would like to reach these ideal standards, there are deficiencies in many areas. However, given the age of the City and the land that is available, they are doing the best they can.

REPORT FROM EDMONDS SKATE PARK WORK GROUP

Mr. McIntosh advised that on March 23, 2004, staff met with the Edmonds Police Foundation to update them on the possibility of building a skate park in downtown Edmonds. In 1999 the Foundation made a financial donation for this specific purpose. Following this discussion a decision was made to form a Skate Park Work Group. Mr. McIntosh further reviewed that on May 17th the Skate Park Work Group held its first meeting to talk about the possibility of developing a skate park facility. This meeting was organized by members of the Edmonds Police Foundation and the Edmonds Parks and Recreation Department in response to requests from Edmonds skaters, parents, police and community members who believe

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a facility in downtown Edmonds would be a valuable asset for the community's youth. He noted that the need was identified in the 2001 Parks, Recreation and Open Space Comprehensive Plan and included in the Capital Improvement Plan.

Mr. McIntosh referred the Board to the attachments that were provided to each of the Board Members titled, "Location Analysis Chart" and "Healthy Communities 40 Development Assets." He noted that both of the documents would be referenced in the group's presentation to the Board. He advised that the work group has been meeting monthly to research and prepare their proposal, and they would provide a 15-minute presentation that includes significant background data explaining their process. He advised that the work group would like to move ahead with planning the development of a skate park in the downtown, and they would like to hear from the Board regarding the process they should follow for this type of project. He noted that David McMillan put the PowerPoint presentation together, then he turned the presentation over to the group members.

Kal Taylor said she is a mother of skateboarders. She said there are many benefits to having a skate park in Edmonds. In addition to skateboarding being a popular and healthy sport, skate parks are a safe place for kids to play. However, at this time there is a lack of facilities in the immediate area, with Lynndale being the closest.

Ben Pruitt pointed out that the growth of skateboarding continues to increase at an exponential rate. About 11.6 million people between the ages of 6 and 18 were skateboarding in the year 2000, and by 2003 the number grew to 13 million. Researchers expect 15 million skateboarders by 2005. As the number of skateboarders increases, so does the need for facilities to accommodate the sport. He advised that the Skate Park Association of the USA has stated that skateboarding is the third most popular sport in the nation for 6 to 18 year olds, behind only basketball and soccer. The fact is that the sport of skateboarding is growing, and at the core of this popular sport are energetic young kids who now surpass the number of Little League Baseball players.

Aaron Taylor continued the presentation by pointing out that aspiring young riders are usually drawn more to the excitement than the fitness benefits, but experts say that skateboarding does provide a great workout. It is cardiovascular and many trainers say it's better than running. In addition, balancing and timing is key, and the sport develops one's sense of direction and agility. He said that while learning to skateboard requires patience and perseverance, the rewards are many. For example, kids are always progressing, and they are always learning something new. The sport is goal oriented, and is a no-cut sport. Kids see tricks and they want to replicate them. The closer they get to performing the tricks, the more the mystery is solved and the more excited they get. It is a great thing for kids to do. The trend also means that kids spend a lot less time in front of the television and on video games and more time being active. Skateboarding actually gets them outside doing something physical, and that is good.

Kal Taylor advised that the City adopted the 40 Developmental Assets Model in their Comprehensive Plan as a goal for youth. She pointed out that a skate park would address the following assets:

- **Caring Neighborhood:**
- **Community Values Youth:** The development of a skate park would send the message that adults in the community value youth.
- **Safety:** By enhancing support for something kids enjoy, the City can help young people feel safe at home, at school and in the neighborhood.
- **Neighborhood Boundaries:** Neighbors can take responsibility for monitoring young people's behavior by identifying a place for kids.
- **Adult Role Models:** Parents and other adults would be present at the park to provide a model for positive, responsible behavior.
- **Youth Programs:** A skate park would provide a safety place for kids to spend their time.
- **Interpersonal Competence:** A skate park would provide a place for young people to develop friendship skills.
- **Self Esteem**
- **Sense of Purpose**
- **Positive View of Personal Future**

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David Boubel explained that safety risk is another issue to touch upon while discussing the skate park. He said that according to the U.S. Consumer Product Safety Commission, there are fewer skateboarding injuries per capita than other popular sports such as baseball, soccer or snowboarding. In comparison, kids under the age of 15 are three times more likely to suffer a bicycle injury and twice as likely to be injured on playground equipment. In addition, he pointed out that active skate park use yields more positive activities in all areas of the park. With such a young population utilizing skate facilities, it makes sense that by providing additional facilities, communities can provide safe places for kids to go and take part in constructive activities. Also, by encouraging the use of helmets and other safety equipment, the City can send a message that they care and that they want kids to be safe. As other communities have done, the City can develop programs that reward kids who wear helmets. A good example of this is in Poulsbo where police officers patrol the skate park and give kids who are wearing helmets a coupon for a free sandwich courtesy of Subway. He further pointed out that this would not only encourage the use of helmets, but it would also create a bond between skateboarders and police officers, and this foundation could go a long way towards kids making the right choices in life. He concluded his remarks by pointing out that the Recreation Immunity Act protects cities from liability for skateboarding accidents.

Dylan Packard advised that according to skate park industry statistics, in 2002 there were approximately 1,000 skate parks in the United States, and there are as many as 2,000 more parks projected to be built by the end of 2004. According to the Skate Park Association, 168 communities in the United States have currently posted a want, need or urgency for skate park development in their area. This is just one good example of the popularity of skate parks. He further stated that as the popularity of skateboarding continues to increase, the need for skate parks in neighborhood where kids live also increases. At this time, kids living in or around the downtown Edmonds area have to be driven or ride a bus or ferry to get to a skate park. For this reason, the likelihood of kids skating on the streets of Edmonds has increased. He emphasized that a lot of kids are looking for alternative forms of recreation, and skateboarding is a way for them to express their creativity. He suggested that Edmonds could best support its kids and families by providing a skate park right here in the community.

Mr. Packard reviewed slides of nearby skateboard parks that have been constructed in neighboring communities such as Bothell, Everett, Lynnwood/Edmonds, Marysville, Mill Creek, Monroe, Shoreline, Tukwila and Woodinville.

Alex Witenberg explained that when the group first started meeting, they asked the City's crime prevention officer to email other cities in order to learn more about the positive and negative impacts of skate parks based on location. These responses were used to develop the following site selection criteria:

- Natural visibility
- Easily assessable by sidewalk or bus lines
- Good neighborhood response and the proximity to residents
- Adequate parking or drop off areas
- Minimal impact to the active uses already located in the area
- Natural buffers for noise
- Close proximity to services such as food and drink, restrooms and telephone
- Easy access for skaters to get in and out.
- Easy access for police and fire

Mr. Witenberg advised that after reviewing each of the potential sites based on the above criteria, the work group identified the Edmonds Civic Center as the preferred location for the skate park. He pointed out that this site would be easy to get to, and it is located close to fire and police services. The visibility of the site is good, and a sanican and the facilities at the Boys and Girls Club could provide restroom facilities. It is located close to businesses that provide food and beverages, and because of its location near the Boys and Girls Club, it could attract new skaters. The site provides an open and wide area, and because it is visible to people passing by, it is an attractive location from a parent's standpoint.

Ms. Taylor concluded the presentation by pointing out that the Civic Center location would encourage further development of this popular and healthy sport, provide a safe place for kids to skate and address the lack of facilities in the area

Board Member Henderson congratulated the group for their excellent presentation.

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Board Member Dewhirst asked if the City owns the property that has been identified as the preferred site. Mr. McIntosh answered that the property belongs to the Edmonds School District, and the City currently has a 40-year lease arrangement for the use of the property. There is about 20 years left on the lease, and this would likely exceed the lifespan of the skate park components. The school district has offered verbal approval of the park, but the City must still obtain their written approval.

Board Member Dewhirst inquired regarding funding options for the skate park construction. Mr. McIntosh explained that developing the site would be similar to creating a basketball court. Because the skate park would consist of various components, each of them could be purchased separately. The City has received a donation from the Police Foundation to purchase a component for the park, and the group will continue to look for other donations, as well. The City's Capital Improvement Program includes funding to develop the park, itself.

Chair Young asked regarding the time frame for construction of the park. Mr. McIntosh answered that it is important to make sure the project is done right. At this time, there is no definite time schedule for the project, but they would certainly like the park to be completed some time on 2005.

Board Member Freeman inquired if the park could be built in phases, with components being added as the funding is available. Mr. McIntosh answered that the group intends to approach service groups in the community with a request for funding to purchase more components.

Board Member Guenther inquired if the skate park would be built to serve a particular skill level. Mr. McIntosh answered that the Lynndale Skate Park is built to serve a higher skill level than is anticipated for the Edmonds Skate Park. The new park would be designed to meet the needs of younger kids who do not have the transportation to go to the other parks. He pointed out that the skate park would be designed by the youth who are participating in the work group. Board Member Freeman inquired if there would be a way to monitor the skate park to make sure the young kids are not squeezed out of the facility. Mr. McIntosh answered that they have used the Tukwila Skate Park as a good example of providing a separate area for the younger kids. He said he is confident that the skate park could be designed for all ages.

Mr. McIntosh asked that the Board provide guidance to the group as to what the next step should be. He suggested that if the Board agrees with the project so far, he could work with Mr. Chave to schedule a public hearing as soon as possible.

Board Member Dewhirst inquired if the new skate park would require a special use permit. Mr. Chave answered that it would not, as long as the funding is consistent with what is identified in the Parks, Recreation and Open Space Comprehensive Plan and the Capital Improvement Plan. Because the project is already identified in the Capital Improvement Plan and the Comprehensive Plan, Mr. Chave noted that no formal action by the Board is required at this point, but he would work with Mr. McIntosh to schedule a public hearing.

THE BOARD TOOK A BREAK FROM 8:30 P.M. TO 8:45 P.M.

REVIEW OF APPROACH, OUTLINE AND POTENTIAL SCHEDULE FOR ZONING CHANGES REQUIRED TO IMPLEMENT THE COMPREHENSIVE PLAN

Mr. Chave reminded the Board that, depending on the final action of the City Council, there might be a number of zoning changes to complete in order to implement the update of the Comprehensive Plan. These changes include:

- Zoning code amendment implementing the Comprehensive Plan update related to the RS-10 zoning designation.
- Zoning code amendment implementing the Comprehensive Plan update related to the downtown waterfront districts.
- Zoning code amendment implementing the Comprehensive Plan update related to the hospital/medical mixed-use zone and revisions to Highway 99 CG zones.
- Code amendment addressing essential public facilities.

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Mr. Chave advised that staff plans to provide a draft document for the Board's discussion at their next meeting. He asked that Board Members provide their ideas and suggestions as soon as possible. He said another issue the Board may want to discuss this year is the lot coverage regulations for the single-family zones. He said it is important for the Board to remember that the current lot coverage percentage is quite high if the intent is to protect the critical areas.

Board Member Freeman inquired if staff has any information about the situation that occurred on Finn Hill in Juanita where a family built a huge home, claiming it was to be used by the extended family. While they didn't break any of the rules, it as a huge structure that created a significant concern for the neighbors. She suggested that this same type of situation could occur on the large lots in the City unless they do something to prevent it. Mr. Chave recalled that there have been a few of these situations in the region, but the City should be cautious before they try to regulate something that really isn't a significant problem. This is a different issue than simple lot coverage, and involves things like the definition for family, fair housing rules, etc.

Chair Young asked what the City's lot coverage requirements would accomplish over and above what is already prescribed in the Critical Areas Ordinance. He noted that any development would have to be consistent with the setback and buffer requirements associated with a critical area. He questioned why the City would need to restrict development further by limiting the lot coverage percentage in addition to the conditions imposed by the Critical Areas Ordinance. Board Member Guenther pointed out that there are many lots within the large lot zones that do not have critical areas on them. Allowing 35 percent lot coverage on these lots could result in very large buildings, and the critical areas ordinance would not be applicable in these situations.

Mr. Chave reminded the Board that one of the goals of the Comprehensive Plan is to provide linkage between the critical areas by retaining large lot zones, and allowing a 35-percent lot coverage would run counter to this goal. He emphasized that the lot coverage restriction only includes buildings and structures, and not driveways, etc. He noted that it is typically less expensive to build one-story rather than two-story buildings, and allowing more lot coverage could encourage development to sprawl out. This would run counter to the City's goal of allowing large lot zones to exist to protect the critical areas.

Mr. Chave suggested that in order to avoid confusion, the Board should probably talk about the lot coverage issue separately from their discussion related to the RS-10 zoning designation. The Board agreed.

Board Member Henderson said it would make more sense to him to include all impervious surfaces in the City's calculation for lot coverage. Mr. Chave agreed and suggested that the Board should also consider the relationship of the lot coverage regulations to the stormwater regulations. The Board agreed to add a discussion regarding lot coverage to their extended agenda. They asked the staff to notify the Public Works Department staff of the Board's desire to discuss the issue at some point in time.

Board Member Crim requested that staff provide larger maps showing the lots that are being considered for change. He said it is important for the property owners to know if their properties would be impacted. Mr. Chave said staff plans to print a large map showing the areas that are being considered for change. Staff could also provide a map that actually identifies the square foot size of each of the lots.

Board Member Dewhirst referred to the changes that are being proposed to create a new master plan zone for some residential properties along SR-104. He recalled that the reason for requiring a master plan for future development of these sites is to require developers to adequately address the access issues that exist on the site. He suggested that perhaps the City should require that a PRD be created for the property as a unit. This would require that all property owners work together to come up with a standard plan for access, then each property could develop separately once the access issues have been addressed. Mr. Chave said this could result in a situation where one property owner decides against working together and all the other property owners would be held hostage. Requiring property owners to work together to manage access to an acceptable level would be a better approach.

REVIEW OF OUTLINE OF DRAFT CODE AMENDMENTS FOR TITLE 20 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) REGARDING PROCEDURES FOR STAFF, HEARING EXAMINER, PLANNING BOARD AND CITY COUNCIL DECISIONS

Mr. Bowman reported that the City Council discussed this issue again at their January 25th meeting. Staff reminded them of the joint Planning Board/City Council meeting that was held in January of 2004. He also reminded them that the Planning Board spent a great deal of time examining the issue of quasi-judicial review and what the City Council's role should be. City Councilmember Marin asked that this item be placed on the City Council's agenda to remind them of the issue. He would like the staff and Planning Board to move forward with their review. Mr. Bowman recalled that at the meeting last January, the Board indicated they would wrap up their recommendation with a review of Title 20, to provide a complete package for the City Council to consider.

Mr. Bowman noted that a few comments of particular note were made by the City Council. They wanted to make sure that when the Planning Board makes their recommendation, they provide potential alternative processes that could be used in case the City Council decides they should continue to be part of the quasi-judicial review process. They also asked the Board to provide alternative processes for closed-record reviews. Mr. Bowman pointed out that in the four years he has been back as part of the City staff, he has not seen even one closed record review that was done properly. People always try to introduce new information into the record and the closed-record review ends up being a new public hearing, which is illegal. He explained that the closed-record review that took place before the City Council a few weeks ago is a classic example. If this quasi-judicial matter were appealed to the Superior Court, the judge would likely raise questions about the City Council allowing new information into the record

Mr. Bowman said that if the City Council wants to conduct the closed-record review for quasi-judicial matters, he would recommend that only written comments be entered into the record at the City Council level. This would allow the City to remove new items so that the City Council would only receive information that had already been entered into the record. No new information would be included. Mr. Chave said he also recommended that the City Council no longer allow staff questioning as part of their closed-record review. Mr. Bowman clarified that the goal is for the closed-record review to include only the information that was submitted during the open public hearing.

Mr. Bowman said the City Council was also concerned about the need for the City to create a public outreach program to educate the public on how to participate in the public hearing process, including the closed-record review. Mr. Chave said some of the City Council Members also requested that the Board not deal with this issue holistically. If they make the recommendation that the City Council get out of the quasi-judicial review process, they should identify any other situations where the City Council should be involved in the review process. In other words, the Board's recommendation does not have to be all or nothing. He emphasized that the City Council Members are not all in agreement on this issue.

Mr. Bowman advised that he provided the City Council Members with all of the background information related to this topic from the Board's previous discussions. In addition, he reminded the City Council of the presentation that was provided by the WCIA representative and of the public hearings that were held before the Planning Board. Mr. Chave advised that he also provided the City Council Members with copies of the minutes from the joint meeting when the Board's preliminary review was presented to the City Council. The City Council understands that the Board is ready to move forward with a formal recommendation.

Board Member Freeman referred to Mr. Bowman's suggestion that testimony submitted as part of a closed-record review should be checked to make sure it does not introduce any new information. She asked who would be responsible to check the written comments. Mr. Bowman said a staff member who was present at the open record hearing and the City Attorney would be responsible for this effort. Any arguments that are based on the record would remain in the written comments, and those that are considered new evidence would be taken out before the document gets forwarded to the City Council for consideration. Board Member Cassutt pointed out that it would cost the City a substantial amount of money for the staff and attorney time required to review the written submittals.

Mr. Chave reminded the Board that they made a preliminary recommendation to the City Council previously, but because a code amendment is necessary to implement the change, public hearings on an actual code amendment must be conducted

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before a formal recommendation could be forwarded to the City Council. The Board previously reported to the City Council the direction they were heading, and the City Council is ready for them to move ahead with the hearings and a recommendation.

Board Member Dewhirst inquired if the City Council has placed a timeline on the Board's recommendation. Mr. Chave answered that the City Council would like the Board to begin their review of a proposed code amendment as soon as possible. Title 20 must be cleaned up and the process clearly outlined before it can be forwarded to the City Council for review. However, he said it is not critical that the Board forward their recommendation immediately.

Board Member Crim said his understanding is that the staff would draft a rewrite of Title 20 for the Board to begin their discussion. The Board agreed that this would be helpful. Mr. Chave referred to the yellow document that was distributed to each Board Member. This document illustrates the items that should be moved out of Title 20 since they are related to the zoning standards, instead. He said he would not recommend any changes to these criteria, but they should be moved to the zoning chapter. Title 20 should become the process chapter that talks about the process and standards for review. He said staff would work to create a matrix describing each type of decision. The matrix would also identify the various issues that need to be decided and the process that should be followed for each. Mr. Bowman advised that the last jurisdiction he worked for lumped the various land use approvals and permits into types. They identified the types of permits and the process that would be used for review. He said this is an easy format for the staff and public to understand, and changes to the process would be easier to make.

Board Member Dewhirst suggested that staff obtain feedback from the Architectural Design Board and the Hearing Examiner regarding the changes they feel should be made to the review process. Mr. Bowman suggested that staff be allowed to create an initial draft for discussion purposes and then forward a copy of the draft to the various groups for review and comment.

Board Member Freeman recalled Mr. Bowman's comment that the City Council would like the Board to provide alternatives. She questioned if staff has any idea what these alternatives might be. Mr. Bowman said the City Council understands that the Board will likely recommend that they get out of the quasi-judicial review process. But as the Board considers amendments to Title 20, they want them to also consider other alternative recommendations in the event the City Council decides they still want to participate in the review process.

Mr. Bowman explained that regulatory reform limits the review process to one public hearing, and closed record reviews are very limited in nature. The City Council is interested in learning about alternative processes that could be used decides if they decide to continue to hold closed record reviews for quasi-judicial issues. He said that both he and the City Attorney have some strong ideas about how the City Council could improve the process in a way that would not be confusing for the citizens. He said it is also important to consider ways to educate the public about the review process and how they can be involved. For example, City Councilmember Wilson asked what the City could do to get the public involved early in the process if the City Council were to get out of the quasi-judicial review process.

Board Member Cassutt suggested that all of the City Council concerns could be addressed if they were to approve the Design Guidelines package that was forwarded to them by the Board.

Mr. Bowman suggested that the Board complete their review of Title 20 as soon as possible and make a recommendation to the City Council. This recommendation should include alternatives in case the City Council decides not to get out of the quasi-judicial review process. Mr. Chave said staff would prepare draft language for the Board to review at their next meeting. Mr. Bowman reminded the Board that they promised to forward a recommendation to the City Council in code format. He recalled that the City Attorney has repeatedly told the Citizens that rather than complain about quasi-judicial actions that take place, they should get involved early during the Comprehensive Plan review process. He pointed that people did get involved in the Comprehensive Plan review that was just completed by the Board.

REVIEW OF EXTENDED AGENDA

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Mr. Chave reviewed the agenda for the February 9th meeting. He noted that the public hearing on File Number R-04-129 has been postponed to February 23rd. The agenda for the next meeting will include a review of the draft code amendments for ECDC Title 20 and a review of the zoning changes required to implement the Comprehensive Plan. In addition, perhaps the City Attorney could also be present to review the potential code amendments addressing essential public facilities and methadone treatment facilities.

Mr. Bowman advised that the City currently has an interim zoning ordinance regarding the definition of family as it relates to exchange students. There is a public hearing scheduled at the City Council level on February 2nd to extend the interim zoning ordinance, but the Planning Board must schedule their discussion on the issue sometime within the next six months in order to make a recommendation to the City Council before the interim ordinance expires.

Mr. Chave suggested that when the City Attorney is present before the Board to talk about essential public facilities and methadone treatment facility regulations he could also talk about the definition of family. At that point, the Board could consider a date for the public hearing. Mr. Bowman said that if the City Attorney is able to come to the Board's February 9th meeting, the Board could be ready to hold a public hearing in May. This would give the staff enough time to get the recommendation to the City Council for approval before the interim ordinance expires in July.

ADMINISTRATIVE REPORTS

There were no administrative reports.

PLANNING BOARD CHAIR COMMENTS

Chair Young congratulated the Board for the good job they did in reviewing the Comprehensive Plan amendments. He felt they used the correct process and took the appropriate action. He said each of the Board Members worked hard, and he appreciated the comments they provided early in the meeting.

PLANNING BOARD MEMBER COMMENTS

Board Member Crim said he becomes frustrated when people take the Board's words out of context such as what was done with the height averaging concept and the historic area of downtown. When the citizens misconstrue Board comments, it creates problems before the City Council when the Board is not present to defend their position. Chair Young suggested that it is important for the City Council Members to carefully read all of the written record that accompanies the Board's recommendations so that the Board's intent is clear.

Board Cassutt pointed out that even when Mr. Chave clarified the concept of height averaging, people had been so misled that they did not understand. She also questioned how the Board could counteract these situations in the future. Board Member Works said she does not see a way to resolve the problem, and that is why it is important for Board to clearly establish their position in the written record.

Board Member Dewhirst requested that staff provide more information regarding the issue of park funding since it could become a big deal in the future, particularly in light of the Woodway Elementary School site. He said he was not even aware the district asked for an amendment. He said it would be helpful to the Board if staff could provide background information regarding the process and possible funding vehicles. Mr. Chave reported that Don Fiene is scheduled to come before the Board in the near future to discuss the CIP, and it would be a logical time for the Board to discuss this issue, too. Mr. Bowman suggested that Mr. Dewhirst also contact Mr. McIntosh, the City's Parks, Recreation and Cultural Services Director, to make sure the issue is addressed adequately in the CIP.

Board Member Dewhirst said it would be helpful for the Board to know how the City might be able to craft a program to acquire some, if not all, of the school property for active recreational uses. He said that, right now, it is difficult for him to

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equate the purchase of more parkland versus some of the safety related needs that exist in the City. However, he also understands that funding for parks comes from a different pot of money. He said it is important to make this information available so the public and Board can clearly understand the issue.

Board Member Freeman asked how the Board could set the record straight when questions are raised from the floor that might not be totally accurate. While she understands that the Board should not prevent these comments, they should be able to publicly set the record straight.

Mr. Bowman advised that Mr. Hertrich's statement regarding grant funding for park acquisition was accurate. The City has funds for park acquisition and capital projects. They did not go after a grant to purchase the waterfront property. The City does pursue grants, but they are hard to obtain. The City has a long-standing policy to aggressively pursue acquisition of waterfront property when it comes available.

Board Member Freeman suggested that when incorrect statements are made on the public record, the Board should be able to provide the correct information so that the misinformation is not continually repeated. She said she does not feel the Board does enough to set the record straight.

Mr. Bowman said that he does not hesitate to respond if he feels that a comment is factually incorrect. He pointed out that the Board quickly responded to the allegations that were being voiced regarding their recent recommendation on the Comprehensive Plan amendments. The Board did a good job of stating their position.

Mr. Chave clarified that at the last City Council meeting he inadvertently used the term height averaging in his presentation. Mr. Wambolt mentioned this mistake, and he forwarded an email to each of the City Council Members to make sure they understand that the Planning Board took all language related to height averaging out of the proposed amendments.

ADJOURNMENT

The meeting was adjourned at 9:45 p.m.

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