



CITY OF EDMONDS

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DEVELOPMENT SERVICES DEPARTMENT • PLANNING DIVISION

BEFORE THE HEARING EXAMINER FOR THE CITY OF EDMONDS

Phil Olbrechts, Hearing Examiner

<p>RE: Woodway High School Field Improvements – Phase 1</p> <p>Design Review (PLN20140065)</p> <p>Height Variances (PLN20140066, PLN20150009 and PLN20150013)</p> <p>Conditional Uses (PLN20140067)</p>	<p>FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMENDATION</p>
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INTRODUCTION

The applicant has applied for one conditional use permit, three variances and design review to install field lights, ball control fencing and bleachers as part of a playfield improvement project at the former Woodway High School site at 23200 100th Ave West. The project site is split into two zoning districts, specifically the Open Space (OS) and Single-Family 8 (SR-8) zones. The conditional use permit is requested for bleachers, field lights and a 30-foot high ball control fence in the OS zone. One of the three variances is requested to exceed the height limit for the field lights in the OS zone. A second variance is requested to exceed the height limit for the field lights in the RS-8 zone. A third variance is requested to exceed the height limit for the proposed thirty-foot ball control fence in the RS-8 zone. The permit applications should be approved to the extent they apply for the bleachers and ball control fencing. The applications should be denied to the extent they authorize the field lights. The field lights are denied because uncontested and highly plausible expert testimony establishes that night time use of the fields has the potential for generating traffic that is significantly detrimental to public safety and welfare.

1 A major issue of contention during the hearing was the replacement of the grass
2 playfields with artificial turf. Testimony was not allowed on this issue because the
3 artificial turf is not part of the applications under consideration. The applications are
4 only for bleachers, field lights and ball control fencing. The playfields themselves are
5 permitted uses in both the OS and RS-8 zones. According to the staff report, the
6 replacement of the fields can be done without any conditional use permit. However, a
7 conditional use permit is required for schools in the RS-8 zone. The Edmonds
8 Community Development Code (“ECDC”) does not address when changes to a
9 development authorized by a conditional use permit necessitate an amendment to or a
10 new conditional use permit application. This recommendation only addresses the
11 applications for the bleachers, field lights and fencing and does not address whether a
12 separate permit is required for the proposed artificial turf.

13 As noted previously, the conditional use permit application as to field lights is denied
14 because impacts to traffic are not adequately addressed. There are two major reasons
15 for this conclusion. One is that the applicant apparently believed that traffic impacts
16 were beyond the scope of the conditional use permit review. The conditional use
17 permit review is decidedly unique in that only portions of the project are considered
18 as opposed to the field improvements as a whole. Under these conditions it is
19 challenging to determine what impacts are attributable to the improvements under
20 consideration. It is highly debatable that the bleachers by themselves would generate
21 any increase in use that would lead to traffic problems. The lights are an entirely
22 different matter. By enabling night time use, which can include peak hour traffic
23 generation during winter months, the lights can dramatically alter the use and impacts
24 of the playfields. It cannot be reasonably questioned that installation of the lights will
25 increase traffic demand. Those impacts should have been addressed in the
conditional use permit review.

The second reason for the denial of the permits as to the field lights is that the
evidence on adverse traffic impacts was completely uncontested. During the hearing
Mark Wall submitted several expert reports, including a report from a traffic engineer
asserting that the proposal could create significant traffic impacts. The examiner
directly asked the applicant if they wished to see the documents and if they had any
objection to them. The applicant stated they had no objection and declined to review
the documents. The examiner asked staff about the traffic impacts, and it was staff’s
position that traffic impacts would be addressed during building permit review. As a
result, there is uncontested expert testimony that the proposal will generate a
significant amount of traffic that will affect at least one intersection that is suffering
from significant congestion. In the absence of any evidence to the contrary, it cannot
be determined that the traffic generated by the proposal will not be significantly
detrimental to surrounding properties as required by both the conditional use and
variance criteria.

TESTIMONY

1 A detailed summary of the hearing testimony is appended to this decision as
2 Attachment 1.

3 **EXHIBITS**

- 4 Exhibit 1 Staff Report dated March 19, 2015 w/ 18 attachments (listed on page 2
5 of the staff report and public comments)
6 Exhibit 2 powerpoint slides
7 Exhibit 3 posters about uses of grass
8 Exhibit 4 photograph by Mr. Cain depicting light permeability of forested buffer
9 Exhibit 5 Packet submitted by Mark Wall – (a) A traffic report, (b) a letter from
10 the Audubon Society, (c) an audio engineer study, (d) a statement from
11 the Capital Projects Manager (Ryan Hague), (e) the deed for the
12 property with restrictions, (f) sections of the staff report (pages 11 and
13 16), (g) six photos of empty play fields

14 **FINDINGS OF FACT**

15 **Procedural:**

- 16 1. Applicant. Edmonds School District
17 2. Hearing. The Hearing Examiner conducted a hearing on the subject
18 application on March 26, 2015 at 3:00 pm in the Council Chambers of the Edmonds
19 Public Safety Complex.

20 **Substantive:**

- 21 3. Site and Proposal Description. The applicant has applied for one conditional use
22 permits, three variances and design review to install field lights, ball control fencing
23 and bleachers as part of a playfield improvement project at the former Woodway
24 High School site at 23200 100th Ave West. The project site is located in two zoning
25 districts, specifically the Open Space (OS) and Single-Family 8 (SR-8) zones. The
conditional use permit is requested for bleachers, field lights and a 30 foot high ball
control fence in the OS zone. One of the three variances is requested to exceed the
height limit for the field lights in the OS zone. A second variance is requested to
exceed the height limit for the field lights in the RS-8 zone. A third variance is
requested to exceed the height limit for the proposed thirty-foot ball control fence in
the RS-8 zone.

Proposed improvements to the ball fields are divided into three phases, with the
permits subject to this decision addressing Phase I. Phase I involves installing two
new synthetic turf fields together with 30-foot tall ball control fencing, backstops,
bleachers, dugouts and lights. The project site is split-zoned between Open Space
(OS) and Single-Family Residential (RS-8), with most of Phase I in the OS zone and

1 a small portion in the southeastern corner in the RS-8 zone. See Ex. 1, att. 13. The
2 existing school buildings, parking areas and vehicular circulation patterns will remain
unchanged.

3 Phases 2 and 3 will be constructed at a future date depending upon funding
4 availability and will include an identical multipurpose synthetic turf field to the North
5 which will connect the pedestrian pathway system to the southern field constructed in
Phase 1. Phase 3 includes a one story restroom and concession building.

6 The record is somewhat unclear as to how much ball field use will change as a result
7 of the proposal. The testimony suggests that the change in use will be substantial.
8 Numerous people testified of the strong need for additional fields. Many Edmonds
9 residents have to travel to fields outside of Edmonds because Edmonds doesn't have
enough ball fields available. A detailed summary of all the public testimony on the
proposal is appended to this report as Attachment 1.

10 4. Characteristics of the Area. The surrounding area is primarily developed single-
11 family residential, with some BN zoned property to the north. Adjoining uses are
12 buffered by an existing forested area which varies between about 50 feet and 200 feet
in width (Attachment 3, cover sheet).

13 5. Adverse Impacts of Proposed Use. The administrative record at least reveals the
14 potential for unmitigated significant adverse traffic impacts. Further information is
15 necessary to determine whether traffic impacts need to be mitigated. Excluding
16 traffic impacts, the proposal will not create any other significant adverse impacts or
be significantly detrimental to other properties. Impacts are more specifically
addressed below:

17 A. Traffic. The proposal may create significant adverse traffic impacts.
18 Potential impacts were well summarized in a traffic engineering report
prepared for Mark Wall, project opponent, in p. 1-2 of Ex. 5(A) as follows:

19 *Both national and local trip generation studies of similar multipurpose fields*
20 *experience heavy demand throughout a majority of the year, especially when*
21 *combined with field lighting to provide late afternoon/early evening*
22 *tournaments, games and practice events on sports fields. Average peak hour*
23 *trip generation levels during the pm peak hour of adjacent street traffic using*
24 *locally observed rates (within the Seattle-Metro area) are 35 trips per field,*
25 *would equate to 140 pm peak hour vehicle trips for this 4-field project. As*
these events would occur outside of normal school hours and begin after
school, these events during a typical weekday or weekend tournament events
would constitute a change in use even from historical high school uses which
would have been limited to only a few special event days rather than
purposely built to serve the larger Edmonds and south Snohomish community.
Over the course of an entire day, peak daily trips averaged roughly 71 trips
per field, amounting to an additional 285 trips.

1 The traffic engineer noted that the signalized intersection of 100th Ave W and
2 Edmonds Way, located immediately to the north of the project site, is one of the
3 most congested intersections in the city and that a traffic analysis could result in
improvements required to that intersection. Other improvements, such as turn
lanes and sight access improvements, could also be required.

4 The record contains no evidence that contradicts Mr. Wall's traffic study. There
5 isn't even the assertion made that the proposal would not adversely create traffic
6 impacts. In response to examiner questioning, staff stated that off-site traffic
7 impacts would be addressed during building permit review. The applicant
8 provided no rebuttal evidence. It is certainly within the realm of possibility that a
9 traffic study may conclude that no off-site improvements are necessary. It is
10 notable that Mr. Wall's traffic expert did not make the assertion that the project
11 would cause the Edmonds Way/100th Ave W intersection to fail under adopted
12 level of service standards. However, it is much more notable that no qualified
13 person was able to say that traffic should not be a concern. From the one-side
14 evidence in the record, it cannot be concluded that traffic generated by the
15 proposal will not be significantly detrimental to public health, safety and welfare.

16 Approval of the bleachers and ball control fields could result in increased use of
17 the fields without the field lights, but the record does not suggest that this increase
18 would be significant. The fields are already used for day time sports activities.
19 The conditions of approval limit the fields to school use during school hours.
20 There is nothing about the addition of ball control fencing and bleachers that
21 inherently suggests a major new draw for sports leagues during off-school hours.
22 The reconfiguration of the ball fields, with or without artificial turf, might
23 generate a significant amount of new traffic, but that can likely be done without
24 any permitting review or associated traffic mitigation. Consequently, the impacts
25 of the bleachers and fencing has to be considered in terms of how much traffic
they would generate in addition to the traffic generated by ball field
reconfiguration. That amount of traffic is more likely than not negligible.

As to internal circulation, there is nothing to suggest that any mitigation or design
changes are necessary. The staff report concludes that internal circulation is
adequate because no changes to internal circulation are proposed. In the absence
of any evidence to the contrary, the staff's conclusions on this issue are
determinative.

22 B. Lighting. The lighting for the proposal is mitigated as much as is
23 reasonably possible and should not be construed as significantly detrimental to
24 adjoining properties. All lights proposed for the project will be on tall poles
25 which will allow the lights to be directed more steeply downward into the site.
Shielded fixtures will be used (Attachments 8 and 12). This arrangement will
result in low light spill at the site boundaries of less than 1 foot candle measured
at 3 feet above the ground (Sheet SPL-1.0, Attachment 8). An automatic timer
that shuts lights off at 10:15 p.m. is required as condition of approval. The lights

1 will also be screened from adjoining properties by a 50 to 200 foot wide forested
2 buffer surrounding the ball fields. Greg Cain submitted a photograph showing
3 that the forested buffer is not very opaque. If the applicant reapplies, it should
investigate whether the planting of additional trees at the project site more closely
together will enhance the buffering of the existing forested buffer.

4 C. Noise. As conditioned, the project does not create significant noise
5 impacts. The City Council has adopted what it deems to be acceptable noise levels
6 in Chapter 5.30 ECC. ECC 5.30.100(G) exempts noise from school or league
7 sponsored athletic events from the noise level restrictions of Chapter 5.30 ECC.
8 This should be construed as a legislative determination that high noise levels from
9 athletic events should not be construed as significantly detrimental to neighboring
10 properties. Although the City Council has comprehensively regulated noise levels
11 in Chapter 5.30 ECC, there is nothing to suggest that the Council intended these
12 regulations to prevent the imposition of reasonable noise control measures in the
13 conditional use review process. Simply because the Council finds high noise
levels from athletic events to be tolerable doesn't mean that it would have found it
acceptable for these noise levels to go on for 24 hours a day. The conditions of
approval recommended by staff reasonably limit the noise of the athletic events
by requiring the events to end at 10:15 (the time the lights are required to shut
off). Coupled with the forested buffer around the athletic fields, the project has
been reasonably designed and conditioned to limit noise impacts to adjoining
property owners to reasonable levels.

14 Mr. Wall's exhibits, Ex. 5(c), contains a memorandum from the Greenbusch
15 Group, a consultant with some apparent expertise in noise impacts. The
16 memorandum notes that upon construction of all three phases the long-term use of
17 the fields includes the potential for four games rather than the existing two, that
18 the frequency of use will increase and that the bleachers will raise the noise level
19 source. It does appear fairly clear that noise will increase as a result of the
20 proposal. As noted in the previous paragraph, however, high noise levels are
21 deemed legislatively acceptable for league and school sponsored athletic events.
The relevant inquiry for noise impacts is whether all reasonable mitigation
measures have been imposed. The Greenbusch Group memorandum does not
identify any additional reasonable noise conditions that could be imposed upon
the project.

22 D. Parking. Parking is adequate as defined by legislatively adopted parking
23 standards. Parking for different uses is regulated by ECDC 17.50.030(C), which
24 provides that the number of parking stalls must be the sum of the requirements for
25 different uses. As shown on Attachment 9, there are currently 307 parking stalls
on the site. For the school use, 102 parking stalls are required (1 stall per daytime
employee per ECDC 17.50.020(C)(6)). For the playfield use, the requirement for
outdoor places of public assembly in ECDC 17.50.020(C)(1) applies. This
parking requirement indicates: "*Outdoor places of public of assembly, including
stadiums and arenas require one parking space per eight fixed seats or per 100*

1 *square feet of assembly area, whichever is greater.”* Using the fixed seat method,
2 42 parking stalls would be required for the playfields. However, using the
3 assembly area method, 137 stalls would be required based on an estimate of
4 where spectators would most likely congregate around the fields. Summing the
5 137 stalls for playfield use and the 102 stalls for school use equals 239 stalls, 68
6 less than the 307 existing stalls on the site. The proposal is also conditioned to
7 provide that fields will not be scheduled for non-school activities during regular
8 school hours to reduce conflicts between school and non-school use.

9 Mr. Wall submitted Ex. 5(D), a statement from Ryan Hague, along with
10 photographs, identifying that on warm days and during swim meets, vehicles used
11 by visitors to the Klahaya Swim and Tennis Club regularly fill both sides of 238th
12 St SW and 104th Ave W. The vehicles block driveways and sidewalks and
13 obstruct sight distance at intersections. Mr. Wall submitted these documents as an
14 example of why a traffic study is necessary. There is no information in the record
15 to suggest that the parking standards applied to Klahaya are those that are being
16 applied to the present proposal. In the absence of any evidence that the City’s
17 parking standards will prove inadequate for the ball field proposal or that Klahaya
18 was subject to the same parking standards, the parking deficiencies of the Klahaya
19 complex have no relevance to the proposal under consideration.

20 E. Wildlife. The proposed bleachers and field lights will not create any
21 significant impacts to wildlife. The City Council has adopted standards that it
22 deemed adequate to protect wildlife in its critical area regulations, which includes
23 fish and wildlife habitat conservation areas. Information in the record suggests
24 that at least portions of the forested buffer surrounding the project qualify as fish
25 and wildlife buffers under the critical areas regulations. The Pilchuck Audubon
Society submitted a letter, Ex. 5(B), suggesting that noise from the field use could
adversely affect bird species in the fish and wildlife habitat conservation area.
The author of the Audubon letter is not identified and it is unknown if the author
has any expertise on wildlife impacts. In the absence of any expert testimony that
the City’s critical area regulations were not designed to address the type of
wildlife impacts created by the proposal, the critical areas ordinances are found to
adequately protect wildlife from adverse impacts.

21 F. Compatibility. Beyond the issues already addressed, the proposal is
22 compatible with surrounding uses. The 50 to 200 foot-wide buffer surrounding
23 the ball fields is taller than the proposed 30 foot fencing and bleachers. The
24 proposed ball control fencing, bleachers and playfield lighting in the OS zone will
25 be set back between 100 and 200 feet from the nearest property line and will be
screened by the forest buffer. Traffic impacts have not yet been addressed, but if
and when off-site traffic impacts are mitigated to conform to the City’s level of
service and street standards, traffic impacts will be deemed compatible with
surrounding uses as well.

CONCLUSIONS OF LAW

Procedural:

1
2 1. Authority of Hearing Examiner. ECDC 20.01.003 provides that the
3 Hearing Examiner will hold a hearing and issue a final decision on conditional use
4 permit and variance applications. ECDC 20.01.002(C) requires consolidation of
5 design review permits with the hearing examiner review of the conditional use and
6 variance permits. ECDC 17.00.030(C) requires that examiner decisions on variances
7 be recommendations to the City Council for public structures and uses. The
8 conditional use and design review decisions are consolidated along with the variance
9 recommendations to the City Council per ECDC 20.01.002(C).

Substantive:

10 2. Zoning Designations. Most of the project is located in the OS zone. The
11 southeastern portion of the project is located in the RS-8 zone. Bleachers, ball control
12 fencing and field lights are located in both zoning districts.

13 3. Scope. The applications under review are for bleachers, ball control fencing and
14 field lights. The applications do not involve the artificial turf contemplated by the
15 applicant to replace the existing grass fields. The proposed artificial turf was not a
16 part of the application considered by the examiner and its impacts are beyond the
17 scope of this recommendation.

18 4. SEPA Issues. Mr. Wall's exhibits (Ex. 5) assert deficiencies in the environmental
19 checklist and environmental review of the proposal under the Washington State
20 Environmental Policy Act ("SEPA"). SEPA issues are beyond the scope of this
21 recommendation. The examiner and City Council only have jurisdiction to consider a
22 timely appeal of a SEPA threshold determination or adequacy of an environmental
23 impact statement. See WAC 197-11-680(3)(a)(iii). Even that jurisdiction is
24 somewhat questionable since the applicant as opposed to the City issued the SEPA
25 threshold determination. No timely appeal was filed so the adequacy of SEPA
26 review is not an issue subject to consideration. Mr. Wall cites to WAC 197-11-
27 340(3)(a), which authorizes the lead agency to withdraw a SEPA determination of
28 nonsignificance ("DNS") if there is significant new information or the determination
29 was procured by misrepresentation or material nondisclosure. In this case the lead
30 agency is the applicant. The City has no authority to withdraw the DNS.

31 5. Permit Review Criteria. A conditional use permit is required for the
32 portion of the project in the OS zone for the bleachers, field lights and ball control
33 fencing over 25 feet in height pursuant to ECDC 16.80.010(C)(3) and ECDC
34 16.80.010(C)(4). ECDC 16.80.010(C)(4) imposes a height limit of 60 feet on all
35 structures in the OS zone. Consequently, a variance is required for the 90 foot field
36 lights proposed in the OS zone. ECDC 16.20.050(B) imposes a maximum height of
37 15 feet for accessory structures in the RS-8 zone. Consequently, a variance is needed
38 for the 30-foot ball control fence and the 90 foot field lights in the RS-8 zone.

1 Conditional use permit criteria are governed by ECDC 20.05.010. Variance criteria
2 are governed by ECDC 20.85.010. All applicable criteria are quoted in italics below
and applied through corresponding conclusions of law.

3 **CONDITIONAL USE PERMIT**

4 **ECDC 20.050.010:** *No conditional use permit may be approved unless all of the*
5 *findings in this section can be made.*

6 A. *That the proposal is consistent with the comprehensive plan.*

7 6. Except as to traffic impacts, the proposal is consistent with the
8 Comprehensive Plan. As noted in the staff report to the Architectural Design Board,
9 the playfield upgrade project was included in the Parks, Recreation and Open Space
10 (PROS) Plan adopted by City Council in February 2014 (Attachment 10, page 3).
This Plan is adopted by reference in the Comprehensive Plan and specifically includes
Objective 2.E which describes the project:

11 *“Implement previous community process to work with the Edmonds School*
12 *District to redevelop the Former Woodway High School site into a regional*
13 *sports and recreation asset with adult soccer/multi-sports turf fields, providing*
14 *for year-round recreation options and serving a growing community. Involve*
15 *the community in design development.” [Chapter 4: Action Plan, page 4-4]*

16 In addition, staff feels that the proposal is consistent with the design guidance found
17 in the Community Culture and Urban Design Element. Refer to Section G of
18 Attachment 10 (pages 3 – 7) for further discussion on how this proposal is consistent
19 with the Comprehensive Plan.

20 **ECDC 20.05.010(B):** *Zoning Ordinance. That the proposed use, and its location, is*
21 *consistent with the purposes of the zoning ordinance and the purposes of the zone*
22 *district in which the use is to be located, and that the proposed use will meet all*
23 *applicable requirements of the zoning ordinance.*

24 7. The staff report analysis of Zoning Ordinance compliance, located at
25 pages 10-12 of the staff report, is adopted and incorporated by this reference as if set
forth in full.

ECDC 20.05.010(C): *Not Detrimental. That the use, as approved or conditionally*
approved, will not be significantly detrimental to the public health, safety and welfare,
and to nearby private property or improvements unless the use is a public necessity.

8. The criterion is not met for the field lights. As determined in Finding of
Fact No. 5, it cannot be determined from the record whether or not traffic impacts

1 caused by the field lights will be significantly detrimental to public health, safety and
2 welfare. In point of fact, the most compelling evidence strongly suggests that the
3 traffic will be detrimental to public safety and welfare. Mr. Wall's traffic expert
4 established that the proposal will generate significant traffic and also that at least one
5 affected intersection is significantly congested. The staff position on traffic impacts is
6 that those impacts will be addressed during building permit review. Traffic issues are
7 an integral part of project impacts in conditional use permit review and potential
8 solutions should be presented for public comment. As noted in Mr. Wall's traffic
9 analysis, the lights will result in a significant increase in traffic during night time
10 hours. As further noted in that analysis, the number of trips generated by the
11 nighttime use enabled by the field lights exceed the thresholds in Edmonds that trigger
12 required traffic studies. If traffic generation reduces the level of service of any
13 affected intersection below adopted levels, the project would unquestionably be
14 construed as being significantly detrimental to public health, safety and welfare.

9 Note that the criterion is not met solely because of the traffic impact issue. If the City
10 Council determines that traffic impacts are adequately addressed as proposed or
11 further conditioned, then the criterion quoted above should be construed as satisfied
12 and all permits under the review of this decision should be approved. As determined
13 in Finding of Fact No. 5, the proposal will not create any significant adverse impacts
14 except for potentially traffic impacts.

13 As to the bleachers and ball control fencing, there are no impacts associated with
14 those structures that would be significantly detrimental to public safety and welfare.
15 There is nothing in the record to reasonably suggest that those structures, limited to
16 day time use without the field lights, would generate a significant increase in traffic
17 over existing use. As determined in Finding of Fact No. 5, there are no other
18 significant impacts associated with the proposal as proposed and conditioned. The
19 criterion quoted above is met as to the bleachers and ball control fencing.

18 **ECDC 20.05.010(D):** *Transferability. The hearing examiner shall determine whether
19 the conditional use permit shall run with the land or shall be personal. If it runs with
20 the land and the hearing examiner finds it in the public interest, the hearing examiner
21 may require that it be recorded in the form of a covenant with the Snohomish County
22 auditor. The hearing examiner may also determine whether the conditional use permit
23 may or may not be used by a subsequent user of the same property.*

22 9. The conditional use permit shall be personal as requested by the applicant.
23 Given the nature of the impacts generated by the proposal, it is in the public interest to
24 maintain ownership of the use in the hands of a public agency that is accountable to
25 the public.

VARIANCES

ECDC 20.85.010: *No variance may be approved unless all of the findings in this
section can be made.*

1 **ECDC 20.85.010.A(1) – Special Circumstances:** *That, because of special*
2 *circumstances relating to the property, the strict enforcement of the zoning ordinance*
3 *would deprive the owner of use rights and privileges permitted to other properties in*
4 *the vicinity with the same zoning.*

5 a. *Special circumstances include the size, shape, topography, location or*
6 *surroundings of the property, public necessity as of public structures and*
7 *uses as set forth in ECDC 17.00.030 and environmental factors such as*
8 *vegetation, streams, ponds and wildlife habitats.*

9 b. *Special circumstances should not be predicated upon any factor personal*
10 *to the owner such as age or disability, extra expense which may be*
11 *necessary to comply with the zoning ordinance, the ability to secure a*
12 *scenic view, the ability to make more profitable use of the property, nor any*
13 *factor resulting from the action of the owner or any past owner of the same*
14 *property;*

15 10. The criterion is met for all three of the variances because the ball control fencing
16 and 90 foot light polls are all a public necessity, as recognized in the Edmonds Parks,
17 Recreation and Open Space (PROS) Plan. Specifically, Objective 2.E states:

18 *“Implement previous community process to work with the Edmonds School*
19 *District to redevelop the Former Woodway High School site into a regional*
20 *sports and recreation asset with adult soccer/multi-sports turf fields, providing*
21 *for year-round recreation options and serving a growing community. Involve*
22 *the community in design development.”* [Chapter 4: Action Plan, page 4-4]

23 **ECDC 20.85.010(B) – Special Privilege:** *That the approval of the variance would not*
24 *be a grant of special privilege to the property in comparison with the limitations upon*
25 *other properties in the vicinity with the same zoning;*

15. A height variance for ball control fencing in the RS-8 zone based on public
necessity would not constitute special privilege. Ball control fencing of a similar
height shown on Sheets F-2.5 and F-2.6 of Attachment 3 is proposed for the OS-zoned
portion of the site (through permit PLN20140067) and exists at athletic fields on the
Edmonds-Woodway High School campus as well as Meadowdale High School, the
new Lynnwood High School, and other sports field installations throughout the Puget
Sound (Attachment 17 – fence letter).

A height variance for the 90 foot light poles in the RS-8 and OS zones based on public
necessity would not constitute special privilege. Light poles of a similar height exist
at athletic fields on the Edmonds-Woodway High School campus as well as
Meadowdale High School, the new Lynnwood High School, and other sports field
installations throughout the Puget Sound.

ECDC 20.85.101€ – Comprehensive Plan: *That the approval of the variance will be*

1 *consistent with the comprehensive plan;*

2 15. The proposal is consistent with the comprehensive plan for the reasons identified
3 in Conclusion of Law No. 6.

4 **ECDC 20.85.010(D) – Zoning Ordinance:** *That the approval of the variance will be*
5 *consistent with the purposes of the zoning ordinance and the zone district in which the*
6 *property is located;*

7 13. The proposal is consistent with the purposes of the RS-8 and OS zones.
8 One of the primary purposes of the residential zones, as expressed in ECDC
9 16.10.000, is to protect residential uses from hazards and nuisances, expressly
10 including noise and glare. The purpose of the OS zone, as expressed in ECDC
11 16.65.000, is to designate land acquired by public agencies for open space uses and to
12 regulate these open space lands recognizing that they cannot be developed without
13 severe environmental impacts. The project design and conditions of approval are
14 designed to provide for compatibility with residential use as contemplated by ECC
15 16.10.000. The retention of the 50 to 200 foot forested buffer surrounding the ball
16 fields is consistent with the purpose of the OS zone.

17 **ECDC 20.85.010€ – Not Detrimental:** *That the variance as approved or*
18 *conditionally approved will not be significantly detrimental to the public health, safety*
19 *and welfare or injurious to the property or improvements in the vicinity and same*
20 *zone;*

21 14. The criterion is not met for the field light variances. As concluded in
22 Conclusion of Law No. 15, the 90 foot height for the field lights is the minimum
23 necessary to make the field lights function appropriately. Consequently, the night
24 time traffic generated by the proposal is directly attributable to the 90-foot height
25 proposed for the field lights. The requested variances would enable the installation of
field lights, which in turn would enable night time sports events that could create
significant adverse traffic impacts as determined in Finding of Fact No. 5(A). For
these reasons, it cannot be determined that approval of the variances would not be
materially detrimental to the public safety and welfare.

The criterion is met for the proposed 30-foot ball control fence variance. Installation
of the ball control fencing is not a pre-requisite to night time use and there is nothing
in the record to suggest that the fencing will directly increase traffic generated by the
proposal if it is limited in a practical sense to daytime use in the absence of field
lights. In the absence of significant traffic impacts, the ball fields will not create any
other significant impacts as determined in Finding of Fact No. 5.

ECDC 20.85.010(F) – Minimum Variance: *That the approved variance is the*
minimum necessary to allow the owner the rights enjoyed by other properties in the
vicinity with the same zoning.

15. The proposed heights for the ball control fencing and field lights are the minimum necessary to provide for safe and effective ball field use. The criterion quoted above is met.

As to the ball fields, as detailed in Ex. 1, att. 17, the 30-foot ball field fence height is necessary to protect adjoining school property users and spectators from errant balls. As further discussed in Ex. 1, att. 17, the fence height is consistent with the heights of fencing for ball fields in numerous other jurisdictions.

The light poles of Phase 1 range between 60 and 90 feet in height (Attachments 8 and 12). While lower towers could be used, the School District indicated that more light towers would then be required. Each of those lower towers would then not be able to direct the light down as steeply, increasing light throw-off from the site. As a result, to minimize the number of lights used and light spill off the site, light poles ranging in height between 60 and 90 feet is the minimum necessary for this project.

Design Review

The findings and conclusions of the planning division on design review, Ex. 1, att. 10, were adopted by the Design Review Board and are adopted by this decision as well. In addition, this decision adopts the conditions of approval recommended by the Design Review Board.

RECOMMENDATION

The variances, design review and conditional use permit applications for the bleachers and ball control fencing should be approved subject to the conditions below. The design review for the field lighting should be approved subject to the conditions recommended by the Design Review Board. The variances and conditional use permit application for the field lighting should be denied. More specifically:

PLN20140065 (Design Review) should be approved in its entirety.

PLN20140066 (Height variance for ball control fencing in the RS-8 zone) should be approved.

PLN20140067 (Conditional use permit for bleachers, playfield lighting, and ball control fencing height in the OS zone) should be approved for the bleachers and ball control fencing and denied for the field lighting.

PLN20150009 (Height variance for light poles in the RS-8 zone) should be denied.

PLN20150013 (Height variance for light poles in the OS zone) should be denied.

The approved permits should be subject to the following conditions of approval:

1. The ball control fencing in the OS and RS-8 zoned portions of the project site may be a maximum of 30 feet in height as shown on Sheets F-2.5 and F-2.6 of Attachment 3.

- 1 2. Fields shall not be scheduled for non-school activities during regular school
hours.
- 2 3. The Applicant shall give serious consideration to the location of the double gate
so as to not need to relocate it once subsequent phases of the project are implemented.
- 3 4. The Applicant must apply for and obtain all necessary permits. This application
is subject to the requirements in the Edmonds Community Development Code. It is
4 up to the Applicant to ensure compliance with the various provisions contained in
these ordinances.
- 5 5. The conditional use permit shall be personal to the Edmonds School District and
is not transferable.
- 6 6. Subsequent phases of this project will require separate land use permitting
7 processes as necessary.
- 8 7. The applicant shall work with staff to identify an appropriate species of tree for
the entry drive adjacent to the fields.

9 Dated this 10th day of April 2015.

10
11 
12 Phil A. Olbrechts
13 _____
14 City of Edmonds Hearing Examiner

15 This document serves as a recommendation to the City Council. The City Council
16 will make the final decision on the permit applications based upon evidence admitted
17 into the administrative record by the hearing examiner. Please contact the Edmonds
18 Planning Division, 425-771-0220, to determine when the recommendation will be
19 considered by the City Council and how citizens can participate in the City Council
20 review.