

## PLANNING BOARD MINUTES

February 26, 2003

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

### PRESENT

Jim Crim, Chair  
James Young, Vice Chair  
Virginia Cassutt  
Janice Freeman  
John Dewhurst  
Wayne Zhan  
Cary Guenther  
Ronald Hopkins

### STAFF PRESENT

Rob Chave, Planning Division Manager  
Duane Bowman, Development Services Director  
Karin Noyes, Recorder

### READING/APPROVAL OF MINUTES

BOARD MEMBER DEWHIRST MOVED TO APPROVE THE MINUTES OF JANUARY 22, 2003 AS CORRECTED. BOARD MEMBER FREEMAN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

### ANNOUNCEMENT OF AGENDA

There were no changes made to the proposed agenda.

### REQUESTS FROM THE AUDIENCE

Roger Hertrich, 1020 Puget Drive, referred to Agenda Item 8a, which is a review of the City Council's request to consider amendments to the ECDC regarding the regulation of hedges. He said he has a document he obtained sometime back from another jurisdiction regarding the regulation of hedges. He offered this document to the Board for their use. He said he believes that enforcement of the hedge ordinance is important particularly within the setbacks. Not only should view be considered, but light and air should also be an issue. He suggested that they should regulate hedges using the same philosophy that is currently used to regulate fences.

Mr. Hertrich said he attended the City Council meeting at which Mr. Chave made a presentation on the initial 2025 growth targets. The Council discussed issues surrounding the employment targets, specifically. He said he would hope that each of the Board members obtain a copy of the City Council minutes so that they can have a clear idea of the philosophy the Council discussed.

Mr. Hertrich noted that at the recent City Council retreat they discussed the issue of forming a Highway 99 Task Force. While there will be no formal minutes prepared for this discussion, the tape recording of the meeting is available for the

Board members to review. Another subject that was discussed by the City Council was the preservation of the BC zone, which was designed for retail business and office space. However, the current regulations limit the height of the first floor so much that it is not conducive for retail businesses. He noted that the BC zone is very small, and it is critical that the City follow through with some of the ideas presented at the retreat regarding the preservation of businesses in Edmonds.

Mr. Hertrich said it is also important that the City do what they can to encourage the preservation of historic buildings. He said he worked on a historic preservation committee to create a historic preservation portion of the code, but nothing has been addressed to change the code as it relates to non-conforming structures. He asked that the Board put this on a future agenda to discuss changes that can be made to the code to allow older buildings to remain intact, rather than being replaced with new structures.

### **PUBLIC HEARING ON INITIAL 2025 GROWTH TARGET FOR EDMONDS AND RECOMMENDATION TO THE CITY COUNCIL OF CITY RESPONSE**

Mr. Chave provided a short overview of the initial 2025 Growth Target for Edmonds, which is related to planning under the Growth Management Act (GMA). He said that when the GMA was adopted in the early 90's, a number of State goals were identified. One was to reduce urban sprawl, and another was to concentrate growth in the urban areas. All comprehensive plans adopted by the various jurisdictions must be consistent with these two goals.

Mr. Chave explained that county-wide policies were adopted by urban counties through a collaborative process and specific growth targets for jurisdictions to use in their comprehensive plans were identified. The existing comprehensive plans were predicated on the growth targets adopted in 1994 through the year 2012. There are only about ten years left for the current targets, and the State has mandated that jurisdictions planning under GMA must update their comprehensive plans by the end of 2004 to acknowledge the new State growth projections through the year 2025.

Mr. Chave said that over all, growth in Snohomish County has been tracking with the 2012 projections, but at the lower end of the range. The Office of Financial Management, the agency responsible for identifying the growth targets, has offered jurisdictions a degree of choices when setting growth targets. Each county was given a low and high projection range. Jurisdictions must choose a target that fits within this range.

Mr. Chave displayed a chart showing the high, mid and low range that has been identified for the Snohomish County Growth Target. He noted that the current projection for 2012 is very close to the lower range. He explained that while Edmonds has experienced population growth in the incorporated areas, particularly between 1990 and 2000, the growth in the Edmonds area (including the City limits and the unincorporated areas) has remained essentially flat. Most of the growth that occurred in the City was due to annexations. The City annexed quite a bit of area in Esperance, and this increased the City's population.

Mr. Chave advised that Snohomish County Tomorrow has asked that each jurisdiction report back to them regarding the initial 2025 Growth Target by April 1, 2003. He explained that each jurisdiction is being asked to choose a single initial planning target to use in their 2004 Comprehensive Plan update. Staff is recommending that the City choose the low end of the range for its initial planning target. This would be a target population of 44,880 in 2025, and the City's 2002 population is 39,460. He reviewed the logic behind the staff's recommendation as follows:

- The low end of the range is consistent with the City's current capacity, recently established through the buildable lands review process.
- Choosing the low end of the range does not place the City in the position of increasing its capacity in a manner contrary to the goals and policies established in the current Comprehensive Plan.
- Choosing the low end of the range does not preclude the City from proposing a higher growth target if, during its two-year plan update process, it is decided that there is a reason to increase capacity or encourage additional growth in one or more areas.

**APPROVED**

Mr. Chave pointed out that the staff's recommendation would allow the City to do an honest evaluation to decide if there are areas of the City where capacity could be increased or where capacity is not as high as the buildable lands analysis indicates. It is possible that the Highway 99 Task Force would make some recommendations that might affect the capacity and this would be reported to Snohomish County Tomorrow.

Mr. Chave advised that once the jurisdictions in the County have reported by April 1, Snohomish County Tomorrow will evaluate the targets and measure their consistency to make sure they match with the State's projections. If all of the jurisdictions reporting come back with a collective number somewhere in the State's range, the only additional work would involve tweaking those that are not consistent with the planning policies. He said he expects that the targets will be somewhere within the identified range. Snohomish County Tomorrow is scheduled to make a recommendation to the Snohomish County Council in June. The Council will follow up by adopting the initial growth targets as part of the County-Wide Planning Policies.

Mr. Chave advised that he provided a similar presentation to the City Council. They came to the conclusion that they were comfortable with using the low range for the initial planning target. Staff informed them that the Board would be holding a public hearing on the issue, and that staff would use the City Council's comments, along with the public hearing and Planning Board comments, to draft a letter for the Council to review in time to forward to Snohomish County Tomorrow by the April 1 deadline.

Mr. Chave reviewed that while the City Council indicated that they are very comfortable with using the low target range, they would like to be more aggressive on the employment issue. Staff feels that using the low end of the employment range is appropriate at this time (2,000 new jobs) recognizing that even the low end of the range will be difficult to accomplish. He suggested that while the capacity for employment growth in Edmonds is tremendous, a substantial economic development effort would have to take place. In addition, significant regional investment would have to occur.

Roger Hertrich, 1020 Puget Drive, said that while redevelopment of the Highway 99 area to create large centers of retail space should be high on the list of priorities, it is also important to make the BC and downtown areas more compatible for retail uses. He suggested that the Board work with the Chamber of Commerce to brainstorm what they can do to help the retail merchants in the downtown promote their businesses. A great emphasis needs to be placed on advertising Edmonds' retail uses. They should also keep in mind what they can do to create employment opportunities, encourage tourism, etc. when the ferry terminal is relocated. In addition, he suggested that the Board should work with some of the imaginative people in the City and the Chamber of Commerce to discuss what can be done to increase retail opportunities that are likely to result from the public facilities project that is currently in progress. Significantly more services will need to be provided to accommodate all the people that are anticipated.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

Board Member Dewhirst clarified that if staff's recommendation is adopted, the population increase by 2025 would be 5,400. Given the rather dire Edmonds budget, he questioned if the City could afford the new population without additional employment to support it. He said one of the shortcomings of the GMA is that it addresses where and how much population must be accommodated, but it does not address whether or not communities can afford the growth.

Board Member Crim said he feels comfortable accepting the staff's recommendation to use the lower range of the population growth target. He also agreed with Mr. Chave's comment that they need to do more from an employment standpoint since this is a key issue. Mr. Chave advised that there are a number of possibilities that the City should keep in mind. If the plans are realized for the multi modal transportation center and the ferry terminal is relocated, both of these could stimulate the Edmonds economy substantially. In addition, if more infrastructure is added, particularly on Highway 99, that could help, as well.

Board Member Crim requested that staff provide a brief explanation of the purpose and responsibilities of the Highway 99 Task Force.

**APPROVED**

Duane Bowman, Development Services Director, explained that at the recent City Council retreat, economic development was discussed, including both the Highway 99 Corridor and the downtown area. He discussed the concept of forming a Highway 99 Task Force with the City Council, and they have directed him to move forward. The Task Force will consist of the following: Stephen Clifton, Rob Chave and Duane Bowman from the City staff, as well as a Planning Board representative, City Council representatives, business people, citizens, and representatives from Stevens Hospital, the Chamber of Commerce and the Alliance. The goal of the Task Force is to review the Highway 99 Corridor and brainstorm the most effective things that can be done to improve the area for economic development. This could lead to a range of different options. The Task Force will review the Comprehensive Plan and other City policies and regulations as they relate to Highway 99 to identify actions that could be taken to stimulate growth. He emphasized that whatever recommended actions the Task Force comes up with will be brought before the Board for review. The Board would be responsible to hold a public hearing and make a recommendation to the City Council.

Mr. Bowman reviewed that the Highway 99 Task Force will be holding their first meeting on March 6. This meeting will be a housekeeping session to figure out what days they will meet and set up ground rules on how they will operate. He said he has drafted a work program for the Task Force's review, as well. It is likely that they will set a schedule or time line for the process. It is hoped that it can be completed by the end of 2003 or early 2004 so that the Planning Board and City Council can take the next steps to enact their recommendations.

Board Member Dewhirst inquired if the Task Force would only consider the Edmonds portion of Highway 99 or if they would also invite Mountlake Terrace and Lynnwood to participate. Mr. Bowman answered that the Task Force would focus specifically on the Edmonds portion of Highway 99 now, but the Task Force may decide to expand in the future. Board Member Dewhirst suggested that the Task Force carefully review the Highway 99 proposals from the City of Shoreline and the City of Lynnwood. Mr. Bowman agreed that the Task Force would review these plans, but they may decide to do something different but complementary to the adjacent communities.

Mr. Chave summarized that the Board is in agreement with the staff's recommendation. It also appears that the Board would like more focus to be given on economic development. The Board agreed.

Board Member Young noted that the projected population growth would be about one percent per year if the staff's recommendation is accepted. He questioned what would happen if the City is unable to meet the growth target. Mr. Chave said this concern relates to the issue of reasonable measures. If the City is not reaching their population growth targets, they will be placed in a position of having to review their regulations and measures to identify the reasonable steps that have been taken to encourage infill development. They will also have to consider additional steps. He said that staff has pointed out to the County the fact that the City does not have control over many of the factors that will play a role in whether or not the City meets their growth targets. The property left in Edmonds is the most difficult to develop and the least desirable. He noted that while Edmonds has struggled with the growth targets because of their limited capacity, Southwest Snohomish County as a whole has been meeting the targets. He emphasized that the City has already taken a long series of actions to encourage infill development. While the capacity to accommodate the growth is available, whether or not the development actually occurs is not entirely within the City's control. Staff believes the City has already taken the steps they can.

Board Member Freeman inquired if the Sound Transit Project could help the City meet their growth target. Mr. Chave said that projects such as Sound Transit and the multi-modal facility could help, but it will all come down to the constraints and relative cost of development in Edmonds. Right now, it is significantly less costly to develop in other areas of the County. In addition, maintaining high development standards and a quality infrastructure will also help. Ms. Freeman pointed out that if Edmonds provides better public transportation opportunities, the City might become an even more desirable place to live.

Board Member Young referred to the employment target again. He clarified that if Edmonds agrees to the population target as recommended by staff, they would also be accepting the employment target of 2,000 new jobs in Edmonds. He suggested that when the economic development element of the Comprehensive Plan is developed, this target number should be used as the basis. Mr. Chave answered that the employment target sets a goal, and it is up to the City to strategize on how they can reach the goal. He again noted that capacity for employment growth is tremendous in Edmonds. However, he agreed that

**APPROVED**

2,000 new jobs by 2025 is very ambitious. But both the staff and the City Council have agreed that economic development is very important to the future of Edmonds.

### **REVIEW OF COUNCIL REQUEST TO CONSIDER AMENDMENTS TO THE ECDC REGARDING THE REGULATION OF HEDGES**

Mr. Bowman explained that in 1989 the Hearing examiner issued a landmark ruling regarding an interpretation of ECDC 21.40.020 regarding the definition of hedges. His decision indicated that unless a specific species of tree was “low growing” they could not constitute a hedge. Even so, staff is still caught between neighbors arguing over height and the composition of vegetation planted between properties. Over the past few years, the City has received numerous appeals of the staff’s decision regarding hedges.

Mr. Bowman referred the Board to information that was provided related to a particular case. The intent was to give the Board a flavor for the kind of arguments (both pro and con) that are being made by each side. He said the current definition for a hedge is much too vague and puts staff in an untenable position when dealing with complaints. There are currently seven unresolved cases related to this issue.

Mr. Bowman said that upon research of the issue, he found only one other area that regulates hedges, and that is Clyde Hill. He referred the Board to a copy of Clyde Hill’s ordinance. He noted that cities like Kirkland, Bellevue, Mukilteo and Everett do not regulate hedges to protect views.

Mr. Bowman suggested that the City should either redefine the definition for a hedge to make it more enforceable or discontinue regulating hedges. He said the staff favors the elimination of regulations for hedges on private property except in the area of the sight distance triangle at street intersections or driveways. Trying to regulate vegetation on private property exposes the City to potential lawsuits, increased attorney costs, and expensive enforcement procedures to create proper documentation of existing conditions.

Mr. Bowman requested that the Board take testimony from any persons interested in the topic and then give the staff direction as to how they would like them to proceed. He noted that any changes proposed would require a public hearing and a recommendation to the City Council. The Board agreed to accept public comment regarding the hedge regulations.

Board Member Crim inquired if there is a way to write a regulation that would set guidelines to help the adjoining land owners to work out the problems by themselves. Mr. Bowman cautioned that the City is responsible to administer all guidelines that are included in the code. He said one issue the Board should consider is whether or not it is appropriate to use public dollars to regulate private property rights.

Charles VanGoedert, 440 – 12<sup>th</sup> Place North, said that if the Board waits to receive input from the public until after they have decided the direction they want to take, they will have made a decision without hearing from those concerned. He thanked the Board for allowing him an opportunity to provide comments so that he can help them understand that this is a significant problem. When views are impacted, it costs money. It also costs money to protect the views. Since the Board has discussed opportunities to stimulate economic growth in Edmonds, they should recognize that increasing the assessed valuation of a home goes hand-in-hand with this goal. He suggested that if a reasonable height can be established in a given area so that people can have privacy, then a hedge would be fine. But everybody has to work together and a policy must be implemented. The cost of implementing this policy should be born by the government. That is what the government was created for. The government has been endowed with certain responsibilities and the power to protect the citizen interests. Right now their interests are not being protected because of the actions of some of the citizenry. The expenses incurred while protecting the property owners would be realized by additional tax revenue in the future.

Roger Hertrich, 1020 Puget Drive, said he is in favor of the City having regulations to govern hedges. While he thanked the Board for allowing the public to speak, he cautioned that they may be eliminating some individuals who might have wanted to address the Board on the issue, but saw from the advertised agenda that no public comment was invited. Board Member Crim noted that if any changes are proposed, the Board would hold a public hearing prior to making a recommendation.

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Mr. Hertrich said Edmonds has always had a difficult time determining whether trees are low growth or not. It is difficult to use the mature height of a tree to determine if it is low growing. When a hedge is planted, it is short and viewed as a hedge. They eventually get to a significantly greater height, but they still perform the same function. There needs to be a point when they give up the battle on height. There are a number of violations and people do not mind as long as it does not cause a problem. A lot of work needs to be done on the description of a hedge to give more ability to those who have to make the decision. There is enough information presented in previous hearings to identify the significant issues that have been brought forward. He encouraged the Board Members to read through these documents. Rather than eliminate the hedge regulations, he encouraged the Board to give staff more ability to enforce the regulations.

Mr. Bowman said that if the Board were to direct staff to come up with a new definition and regulations for hedges, they should keep in mind that the City Attorney has indicated that an inventory of all properties would have to be done to identify the existing conditions. In order for the City staff to enforce the regulations, a baseline would have to be established. This type of inventory would be costly and time consuming, but is the only way to provide sufficient documentation. He said another option would be for the City to create an amortization schedule in which property owners would be given a set amount of time to bring their situation into compliance. However, this would also require an inventory.

Mr. Bowman said another issue the Board must discuss if they decide they want to pursue new regulations is the areas they want to regulate. Should the regulations only apply to setbacks or to the entire property.

Board Member Dewhirst noted that most zoning laws, when enacted only apply from that time forward. Anything that is found in violation prior to that is considered a non-conforming use. Mr. Bowman agreed, but noted that the City would still need to document the existing situations.

Mr. Bowman said another issue that needs to be considered is light and whether or not a hedge should be allowed to block the light of an adjacent property. In most cases, people in these situations are able to reach an agreement. But there are some situations where people do not want to try and work things out.

Board Member Freeman expressed her opinion that doing nothing to address the current problem would be unacceptable. Mr. Bowman agreed, and said the City Council was very clear that something needs to be done. The City Attorney and the staff have pointed out that there are two options the Board can consider. They can either change the regulations so they are more clear and easier to enforce or they can eliminate the hedge regulations altogether.

Board Member Freeman suggested that the Board should at least consider the option of changing the regulations so that they are more enforceable. Board Member Dewhirst disagreed. He felt the City should get out of the business of regulating hedges. Board Member Cassutt agreed with Board Member Dewhirst. Board Member Dewhirst pointed out that the citizens have spoken out that they want less government and creating more regulations would require a significant amount of time and money. He suggested that since the main issue of concern is related to view, perhaps it should be handled City-wide rather than separately for fences, hedges, etc.

Board Member Hopkins said it appears that the main issue is view, and he does not see how the City can regulate hedges no matter how well defined without regulating other types of vegetation. He said he supports the option of the City getting out of the business of regulating hedges because he does not believe that winnable regulations can be created. Even with a sound definition for a hedge, there would still be other issues to make the regulations unacceptable.

Board Member Crim clarified that one option would be to consider regulations for hedges where there are safety concerns related to site distance triangles and take out all other regulations pertaining to hedges. The other alternative would be for staff to attempt to simplify the current method of controlling the height of vegetation within the setback areas. Mr. Bowman clarified that, in general, the City has shied away from telling people what they can and cannot do with single-family residential development, with the exception of the provisions for fences and hedges.

Board Member Young agreed with Board Member Freeman that the concerns expressed by the public are valid enough that perhaps the Board and staff should make one more attempt at coming up with regulations that are clear and enforceable

**APPROVED**

before making a final recommendation to eliminate the regulations, altogether. He asked that staff elaborate on what is involved from the standpoint of enforcement. For example, would an inventory be needed or could they start enforcement of the regulations with the date the ordinance is approved.

Mr. Bowman said he could come up with a revised definition for hedge that would be more enforceable. He could also identify what it would take to enforce the regulations. This could be brought before the Board for their review and comments. He noted that the majority of the Board Members appear to be leaning towards the elimination of the regulations, but they would like him to take one more stab at coming up with something to show what it would take to enforce a revised definition.

Board Member Guenther said he tried looking up the definition of hedge on the internet and found numerous versions. He found that everyone's concept of a hedge is different. He suggested that clarifying the definition of a hedge would be very difficult.

The Board agreed that staff should bring a draft definition and regulations back to a work session and the Board could then decide how they want to proceed. Mr. Bowman suggested that there are enough concerned people that the Board should have some kind of forum for them to voice their opinions. Perhaps they should do an initial public hearing at the next meeting to allow the public to give their ideas on the current regulations as well as suggestions for change. Board Member Crim noted that the Board would also have to consider the changes that would be required to the Code in order to eliminate the hedge regulations.

Board Member Young said the cost of implementing the regulations also needs to be brought out in the public forum. In addition, he pointed out that the City Council would make the final decision on this matter. He agreed that the Board should hold at least one public hearing to focus on what direction they should go and find out if the people are willing to pay for enforcement.

Mr. Bowman suggested that the Board hold a public hearing based on both of the options: creating new regulations or elimination the regulations entirely. Evidence on both options could be presented at the hearing—particularly related to what must be done to enforce new regulations. Board Member Dewhirst suggested that both options be clearly identified in the advertisement to the public so that more precise comments can be received.

The Board agreed to schedule the issue as a work session discussion and then a public hearing. At the work session the Board could develop a policy paper describing both options for use at the public hearing.

Board Member Young said he did not feel that the City's ability to trim vegetation for site distance and safety issues should even be addressed in the draft regulations. These situations would be regulated regardless of what is done with the hedge regulations.

Board Member Dewhirst asked that Mr. Bowman solicit written comments from the City Attorney regarding the City's liability if they continue to regulate hedges.

### **REVIEW OF REGULATIONS CONCERNING AMATEUR RADIO ANTENNAS**

Mr. Chave referred the Board to the memorandum from the City Attorney, which provides a good summary of the history and current status of the code as it relates to amateur radio antennas. The City Attorney and the City Council Committee has suggested a variable review process depending upon whether the antenna is proposed to be on a tower or located on a roof. They also suggested that the decision process vary based upon the size of the proposed antenna. This would allow the City to place more stringent requirements and review process on larger antennas that have a more significant impact to surrounding properties. The smaller antennas that are similar to television antennas could be exempt from the regulations.

Board Member Crim referred to a letter that was submitted by Mr. John Waldburger which states that in 1996 the FCC was directed by the United States Congress to adopt the Over-the-Air Reception Devices Rule which prohibited restrictions that

**APPROVED**

impair the installation, maintenance or use of antennas used to receive video programming. This rule applies to satellite dishes and TV antennas that are mast mounted at less than 12 feet above the roofline. He questioned if the City Attorney was aware of this ruling when he wrote his recommendation. Mr. Chave suggested that this letter be forwarded to the City Attorney for comment.

Board Member Dewhirst suggested that if amateur radio antennas are similar to what people put on their homes before cable was introduced, he did not feel the City should be regulating them at all. Mr. Chave pointed out that amateur radio antennas come in various sizes and shapes, depending upon their purpose and range. He agreed that the smaller ones should be regulated to a lesser degree or not at all. Board Member Dewhirst suggested that this is a case where technology has outstretched most zoning ordinances and they need to update the regulations.

Board Member Cassutt agreed that there should be graduated regulations. Small antennas should not be regulated at all. Larger ones should be considered on a case-by-case basis.

Board Member Hopkins agreed with Board Members Cassutt and Dewhirst. He said the only reason that Mr. Waldburger was subjected to a different process was because his antenna not only received signals, but transmitted them, as well. Perhaps the graduated requirements could take this into account. Mr. Chave said that because of the nature of what Mr. Waldburger is doing, his antenna would be regulated by the City's current code rather than the FCC. This is partially the result of the definition, but also an issue of size and separation.

The Board agreed to accept public comment on the issue.

John Waldburger, 327 – 2<sup>nd</sup> Avenue North, said that the large amateur radio antennas are what everyone wants to have if they can afford them, but not every one can because they are very expensive. The smaller ones are more economical and easier to support. They are similar to TV antennas and should be regulated equally. He suggested that it is ridiculous to charge a person \$1,400 for a permit to install an antenna that costs \$300.

Mr. Waldburger said the 1996 FCC ruling pertained to TV and satellite transmissions. Congress directed the FCC to pass the law, but it did not include ham Radio antennas. He said he put this information in his letter to show that TV and satellite antennas can be mounted the same. He said the purpose of requiring a conditional use permit for larger antennas is to make sure they are engineered safely, and a conditional use permit would be appropriate in these situations. The small ones do not present the same concern. Mr. Waldburger said he does not want the City ending up as the antenna police along with being the hedge police. No regulations for the smaller antennas would be the best solution.

Board Member Crim asked that Mr. Waldburger provide information to the Board regarding the classification of the various types of antennas. Mr. Waldburger explained that the antennas come in different sizes and shapes, but if they can be mounted to the roof on 12-foot mast that is made from a 1½-inch pipe, the City would be ensured that they would be relatively small since the mast would not support a large one. He said he would be happy to provide pictures of the different types of antennas that are available commercially that would fit on a 12-foot mast.

Board Member Young inquired if there is a classification system for the antenna. Mr. Waldburger answered that there is not. He said a lot depends on the frequency. The Board asked that Mr. Waldburger provide examples of the types and sizes of antennas that could be mounted on a mast that is no taller than 12-feet.

Board Member Dewhirst inquired if it is common for a person to have more than one of these antennas on a roof. Mr. Waldburger answered that, typically, if people have more than one antenna, they tend to stack them on top of each other and vary the heights. But he agreed that there could be more than one antenna placed on a single roof.

Board Member Dewhirst suggested that perhaps the various types of antennas could be grouped into categories by Mr. Waldburger and provided to staff. Mr. Waldburger agreed to provide this information. Mr. Chave indicated that he would bring the information back to the Board soon so that they could take the next step.

**APPROVED**

## **REVIEW OF REGULATIONS CONCERNING NEIGHBORHOOD DAY CARE FACILITIES**

Mr. Chave advised that in 1994 the State revised the law regarding family daycare providers to let them accommodate up to 12 children. However, the City's ordinance was never revised. The ordinance proposed in Attachment 1 would bring the code into compliance with State law. The second ordinance (Attachment 2) would make the City's code consistent with State law, but it would also expand the notion of daycare to include caring for the elderly or disabled. While this is not required by State law, it is a possible proactive code amendment which would allow daycare for the elderly or disabled in a neighborhood setting while their caregivers are unavailable.

Mr. Chave said that when Attachment 2 was presented to the City Council Committee, their only comment was that the Board consider any impacts related to adult daycare facilities. However, staff has been unable to identify any impacts that would be greater than those associated with a daycare for children.

Board Member Crim suggested that the ordinance that includes adult daycare facilities would be the appropriate option, but he questioned why the age limit was placed at 65. He noted that there are situations where Alzheimer patients are less than 65, but still are in need of the care. Perhaps this needs to be changed to "mature adults." Mr. Chave pointed out that Alzheimer patient care is covered by the regulations for the disabled rather than those for daycare.

Board Member Freeman inquired if the proposed ordinance would allow for the same number of adults to be cared for as it allows in a daycare for children 12 and under. Mr. Chave answered that the definitions would be applied the same.

Board Member Freeman suggested that Section 21.20.010.C be changed by deleting the words "while their adult children or other family caregivers are at work" from the end of the second sentence. The Board agreed. They also asked that Mr. Chave request that the City Attorney research adult daycare facilities in the area to find out about the types of services they perform and for what ages. They agreed that the proposed ordinance (Attachment 2) should go directly to a public hearing.

Board Member Freeman inquired if there are impacts such as parking and traffic associated with adult daycare facilities. Board Member Cassutt pointed out that regardless of whether the daycare is for adults or children, the operator would have to obtain a business license and a license from the State. The State regulations would be enforced, and these would limit the size of the daycare based on the size of the home, etc. Mr. Chave said he would seek additional information from the City Attorney regarding the State regulations for daycares, as well.

## **REVIEW OF EXTENDED AGENDA**

The Board scheduled a public hearing on the daycare regulations on March 26, 2003. They also agreed to discuss the amateur radio antenna issue further.

Board Member Crim recalled that the Board previously agreed that they wanted to hold a retreat, but it has not been scheduled yet. The Board agreed that they should try to schedule the retreat for a regular meeting night in April. Mr. Chave suggested that the first meeting in April would be best. Public hearings resulting from the Board's work session on March 26 could be scheduled for the second meeting in April. The Board agreed to schedule a retreat for April 9<sup>th</sup>. Mr. Chave asked that the Board consider possible topics of discussion for the retreat as soon as possible so that the appropriate staff and background information can be made available.

Board Member Freeman asked that the Engineering Department provide the additional map that was left out of the Board's packet at the last meeting.

Board Member Cassutt suggested that in light of the number of public hearings scheduled on the March 26 agenda, perhaps the Board should limit each speaker to three minutes.

**APPROVED**

Board Member Hopkins inquired if the quarterly report from the Parks and Recreation Department, which was scheduled for the January 22 meeting that was cancelled, would be rescheduled on a future agenda. Mr. Chave said this report was provided in writing. The Parks and Recreation Department Director would provide a report to the Board in April.

Board Member Dewhirst pointed out that there are some significant issues facing the parks. As a Parks Board, he felt they should spend some time discussing these issues. He suggested that the Parks and Recreation Director be invited to the Board's retreat.

**PLANNING BOARD CHAIR COMMENTS**

Board Member Crim had no further comments to provide during this portion of the meeting.

**BOARD MEMBER COMMENTS**

Mr. Chave reported that the City Council would be holding a public hearing on the design aspect of the design guidelines on March 4. They would be holding a public hearing on the Board's recommendation related to the PRD ordinance on March 18.

THE MEETING WAS ADJOURNED AT 9:22 P.M.

**APPROVED**