

**APPROVED JANUARY 27<sup>TH</sup>**

**CITY OF EDMONDS  
PLANNING BOARD MINUTES**

**November 18, 2015**

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

**BOARD MEMBERS PRESENT**

Neil Tibbott, Chair  
Matthew Cheung  
Nathan Monroe  
Daniel Robles  
Carreen Rubenkönig  
Valerie Stewart  
Samuel Kleven (Student Representative)

**STAFF PRESENT**

Shane Hope, Development Services Director  
Rob Chave, Planning Division Manager  
Jim Lawless, Assistant Police Chief  
Karin Noyes, Recorder

**BOARD MEMBERS ABSENT**

Todd Cloutier (excused)  
Philip Lovell, Vice Chair (excused)

**READING/APPROVAL OF MINUTES**

**BOARD MEMBER STEWART MOVED THAT THE MINUTES OF OCTOBER 28, 2015 BE APPROVED AS SUBMITTED. BOARD MEMBER CHEUNG SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

**ANNOUNCEMENT OF AGENDA**

The agenda was accepted as presented.

**AUDIENCE COMMENTS**

No one in the audience indicated a desire to comment during this portion of the meeting.

**DEVELOPMENT SERVICES DIRECTOR REPORT TO PLANNING BOARD**

The Board acknowledged the written Development Services Director's Report, but made no comments related to it.

**PUBLIC HEARING ON PROPOSED CODE AMENDMENTS RELATED TO VEHICLES PARKED ON SINGLE-FAMILY LOTS**

Ms. Hope explained that concerns have been raised about perceived large numbers of vehicles parked on various Single-Family Residential (RS) lots and about extensive vehicle repair being done in front yards. These activities can have a significant impact to neighbors and may conflict with the community's expectations for front yards within RS neighborhoods. In addition, large amounts of impervious surface for vehicle parking and driving can result in excessive stormwater runoff. In recent months, she has been working with the Code Enforcement Officer and officers in the Police

Department to develop code amendments to address these issues. She emphasized that the proposed amendments would only apply in RS zones and not Multi-Family Residential (RM) zones. She reviewed the proposed amendments as follows:

- While the existing code does not limit the area of impervious surface for outdoor parking on RS lots, the proposed code would restrict the amount of improved surface for outdoor parking to no more than 50% of the front yard. She noted that the proposed definition for “improved surface” includes both pervious and impervious permanent hard surfaces that are designed or used for driving or parking motor vehicles. Examples of pervious material include grasscrete and pavers. She advised that stormwater runoff is a particular concern associated with impervious surfaces. This minor amendment is intended to provide clarification, but does not deal with the larger stormwater issue that will be addressed as part of the 2016 Development Code update. She also emphasized that the proposed amendment would not apply to patios in the front yard, as long as they are not specifically designed for vehicles.
- The existing code prohibits the parking of more than five vehicles in the front yard of RS lots, but it does not specify whether this limit applies only to vehicles parked outdoors or if it includes vehicles parked in a garage. The proposed amendment would prohibit the parking of more than four vehicles in the front yard, but would specify that the restriction applies only to vehicles parked outdoors and not those parked in garages and/or carports.
- In most cases, occasional vehicle repair in the front yard is not a neighborhood problem, but there are some situations where car repair activities can look like a business and operate many hours a day. While the code currently requires a business license for this use, there is often no evidence that a business exists and the license requirement is not triggered. In situations where repair work looks like a business and has an impact on the neighborhood, the idea is to deal with the issue regardless of whether or not a business license has been obtained. The proposed code amendment would limit outdoor car repair to between the hours of 8 a.m. and 10 p.m. It would also require that vehicle parts must be either be stored in an enclosed structure or screened from public view.

Ms. Hope emphasized that the proposed amendments before the Board at this time are not the only changes proposed to address vehicle parking in residential areas. The Police Department is also working on amendments that will address parking in the rights-of-way.

Chair Tibbott reviewed the procedures for the public hearing and then opened the hearing.

**John Espanola, Edmonds**, commented that this is a complex issue and the proposed amendments will only partially address the problem. He explained that a property owner in his neighborhood has 11 to 14 vehicles alternatively parked on the street in various stages of disrepair. These cars block the right-of-way and create a safety issue for walkers, particularly children who are heading to and from the bus stop. The only place left to walk is in the middle of the busy street. He suggested the City could do a better job of enforcing its parking code. Currently, the owner is bypassing the three-day parking rule by simply moving cars from one place to another. He voiced concern that the proposed amendment could actually worsen the problem. If the number of vehicles that can be stored in the front yard is limited to just four, more cars would be pushed out onto the street. He proposed that the City implement a system similar to the one that citizens use to report violations in the High Occupancy Vehicle (HOV) lanes where citizens can either call or visit a website to report violations. The Department of Transportation follows up on the reports and it is incumbent upon the violator to prove he/she did not commit the infraction. This approach would empower the citizens to help resolve the problems.

Mr. Espanola voiced support for limiting street parking to two vehicles per house. He felt this would be adequate given that property owners would also be allowed to park four cars in the front yard and additional vehicles in the garage. Lastly, Mr. Espanola suggested that the code be amended to address vehicles that are polluting the environment. These should be dealt with as a high priority, independent of the number of cars that are allowed to park on an RS property.

**Kevin Stively, Edmonds**, requested clarification about whether cars parked in carports would be counted as part of the four cars allowed to park in the front yard. He voiced concern that cul-de-sacs often have very little on-street parking, and visitors often have to park further away. If the City limits on-street parking to a certain distance from the RS property, residents on cul-de-sacs could be significantly impacted. He pointed out that a property owner in his neighborhood rotates numerous cars every night to avoid the three-day on-street parking limit. He is also concerned that cars traveling down the street create a safety hazard for children that must be addressed. Although the City has a code requirement that prohibits cars from parking

on the street within 25 feet of a stop sign, this requirement has not been enforced in his neighborhood and it creates a safety hazard. He concluded his remarks by asking the Board to recommend approval of the proposed amendments.

**Anne Klein, Edmonds**, said she and her husband moved in to their home 18 years ago when the concerns expressed by neighbors today were not an issue. Since that time, they have watched the number of vehicles that belong to just one homeowner grow from 5 to 9 to 12 to 15 and finally 17 this past year. This is of particular concern to her friendly neighborhood and has created traffic backups and frustration. She noted that although most of the 17 cars are not used, the City does not have effective codes to deal with the issue. While she recognized that the proposed amendments will not directly impact all of their concerns, it is important for the Planning Board and City Council to see the picture of what has brought so many complaints to different City departments. She voiced the neighborhood concerns as follows:

- Safety of children. There are at least two bus stops located at/near the corners of Maplewood Drive, Sierra Drive, and 204<sup>th</sup> Street.
- Environmental concerns. Oil and other fluids from the vehicles that are consistently parked on Maplewood Drive and Sierra Drive go directly into the storm drains. How does the City check these situations and enforce environmental requirements?
- Work being done on vehicles in public view and on public streets. She questioned how the current code could ever be enforced when the Code Enforcement Officer is not available during the times the work is happening.
- Non-working or junk vehicles. There are numerous vehicles stored on the property and on the street, and most could be classified as non-working or junk.
- Large number of vehicles that are consistently lined up and/or stored along Sierra Drive and Maplewood Drive. Most of these vehicles have flat or low tires, parts stored inside and extensive body damage. Those on Maplewood Drive often sit for months in the same position, and those on Sierra Drive are moved just a few feet or rotated to avoid parking infractions. The street sweeper has not been able to clean the streets in those areas for years, mailboxes have been blocked, neighbors do not have spots for guest parking, visibility at intersections is impaired, walking is difficult if not dangerous, and property values could be impacted. The overall enjoyment of the neighborhood has declined and neighbors cannot walk or drive by without commenting on the problems and counting the cars that are in their face every day.

Based on the concerns outlined above, Ms. Klein presented the following comments and questions related to the proposed amendments:

- **Section 17.60.040(A)**. Changing the number of vehicles from five to four will actually increase the number of vehicles on the streets.
- **Section 17.60.040(A)(1)**. How will the temporary 24-hour parking duration be enforced or monitored? Could the position of vehicles still be rotated to avoid this provision?
- **Section 17.60.040(C)**. What is the definition for “vehicle-oriented business,” which would be prohibited? How many cars can be sold, repaired and/or sold from a residential lot?
- **Section 17.60.040(D)**. What is the definition for “intact” or “inoperable vehicle”?
- **Section 17.60.040 (D)(2)**. Does the term “vehicle parts” mean every part and accessory? Does the phrase “including but not limited to . . .” include tires, batteries, chargers, seats, etc.? Would all debris have to be stored in an enclosed area? If so, how would it be enforced in backyards?
- **Section 17.60.040(G)**. Who determines if a vehicle has intruded into an improved public right-of-way or obstructed sight visibility? Do people call the police or is this a code violation?
- **Section 17.60.040(J)(1)**. The neighborhood has been trying to apply this provision to their specific concerns because they know vehicles are worked on, then set aside for months to work on another one; but the City has advised that their evidence has not been verified. How is the 30-day time limit monitored and enforced? Does the Code Enforcement Officer have to stop by each day, including weekends, for 30 days?
- **Section 17.60.040(J)(2)**. If only one vehicle can be worked on at a time, where would the others be located while working on the “one?” How would this provision be monitored and enforced?
- **Section 17.60.040(J)(4)**. Who will enforce the provision that prohibits work from being done in public rights-of-way?
- **Section 17.60.040(J)(5)**. This provision appears to contradict Section 17.60.040(D)(2). Does the code mean that all vehicle parts must be stored in a completely enclosed building or just an area that is screened from public view?

**APPROVED**

- **Section 17.60.040(J)(8).** How does the City determine if there is a concern with vehicle fluids and how they are drained/disposed of, and how does the City follow up on concerns?
- **Section 17.60.040(J)(10).** While this provision sounds good, who will enforce it?

Ms. Klien explained that the neighbors have filled out many code violation forms, and they are often told that evidence has not been verified or has not been established. She questioned who is responsible to verify, establish and enforce the code provisions that are now being proposed? At what point, after years of reminders, do situations turn into code violations? Again, she noted that the person responsible for enforcing the codes is not always available during the times when infractions are occurring, and personal statements by neighbors and photographs are not considered evidence. She asked how it is possible for neighbors to follow up and make sure the codes are enforced. She concluded that, while the proposed changes could be of some help, they are not clear and specific on how they will be monitored and enforced.

**Alan Mearns, Edmonds**, voiced support for the concerns raised by Mr. Espanola. If the City limits the number of cars that can be parked on individual properties, they will likely spill out onto the adjacent streets. He shared a situation that occurred last week when he was turning right from Sierra Drive onto Maplewood Drive. Because cars were parked within 10 feet of the corner and he couldn't see well around them, he was unable to see a gentleman who was in the road. There seems to be some confusion about what is right-of-way and what is private property. People often park in the right-of-way, thinking that it is private property. Parking too close to the intersection can result in a hazardous situation, particularly for the school children who meet at the bus stop in this location. Recently, he was unable to clean out the gutter on one side of his home because someone was parked too close to his home.

**Michelle Mearns, Edmonds**, said her main concerns are related to the environment and safety. She pointed out that many children live in the neighborhood, and they like to play outside and ride their bikes in the street. Because there is no sidewalk on the north side, the line of cars that are parked along the street requires pedestrians to go out in the middle of the street to get by. She said she is more concerned about the cars that are parked on the street than about how many cars are parked in the front yard. The current wall of cars along Maplewood Drive creates a significant safety hazard for pedestrian and other vehicles. It also creates an absolute blind spot at the intersection.

**Roger Hertrich, Edmonds**, voiced concern that the proposed amendments are intended to address a single situation that is occurring in a neighborhood in the City. The repair work that occurs on the property in question could be taken care of with the existing code provisions that deal with commercial uses in residential zones. He agreed with previous speakers that if the City restricts the number of cars that can be parked in a front yard, it will push more cars out into the street. He observed that some apartment developments have been overbuilt and do not provide sufficient parking to meet the tenants' needs. As a result, cars spill out into the street in places where parking was never an issue before. He noted that many jurisdictions require that vehicles parked on the street must be operational and licensed, and there are already code provisions in place to address "junk" vehicles. While he sympathizes with the neighborhood, he is opposed to amending the code to take care of a problem that can easily be handled by provisions that are already in the code.

**Mr. Mearns** submitted photographs for the record to illustrate the problems that exist in his neighborhood.

Chair Tibbott closed the public portion of the hearing.

Chair Tibbott reminded the Board to focus their discussion on the code amendments before them, which apply to private property and do not address parking in rights-of-way. He asked Assistant Chief Lawless if he believes the proposed code amendments would provide clarification and help with enforcing the issues they face on a regular basis. Assistant Chief Lawless explained that, although a majority of the public testimony focused on the problem that exists in one neighborhood, the proposed amendments are intended to address problems throughout the City and not just this one isolated incident. In most situations, the City staff has been successful in gaining voluntary compliance, but this is has proven more difficult in some cases. He said the Police Department has been working with the Development Services Director and Code Enforcement Officer for some time to deal with the issue that exists in this one neighborhood. While he recognized that the neighborhood is frustrated, City staff has been attempting to enforce the codes that are currently available relative to parking and legitimate code enforcement actions and are in various stages of resolution. Some have been upheld by the court, some are still pending, and others have been dismissed. The City does not have any authority after a citation has been issued.

Assistant Chief Lawless said it is important to keep in mind that the proposed amendments before the Board will be accompanied by amendments to the parking provisions for public rights-of-way. While amendments to the parking provisions for public rights-of-way are outside of the Board's purview, the intent is to forward the two ordinances to the City Council at the same time. The right-of-way provisions are intended to address the concern that limiting the number of cars that can park on private property could end up pushing additional cars out onto the streets. As currently written, the right-of-way provisions would limit the number of cars that can be parked in the right-of-way, as well as the distance they can be parked away from a residence. The intent is to allow sufficient street-parking for visitors and residents within a reasonable distance, but avoid situations where one property owner can park a number of cars along a single-street. He commented that it is not easy to find the correct balance that also addresses the rights of private property owners and can meet the judicial test. Chair Tibbott asked about the timing for presenting the two ordinances to the City Council, and Assistant Chief Lawless answered that the goal is to present both ordinances to the City Council as a package.

Chair Tibbott asked if the proposed amendments offer some improvements relative to enforcement. Ms. Hope clarified that the proposed amendments are just one part of a bigger package. Amendments to the zoning code must be presented to the Planning Board for a public hearing and recommendation before they are forwarded to the City Council for a final decision. Proposed amendments relative to public rights-of-way are within the City Council's purview and will not come before the Board for review. The intent is to present both sets of amendments to the City Council as a complete package. If the Board recommends approval of the ordinance before them, they could add something in their motion about encouraging the adoption of reasonable restrictions for public rights-of-way, as well.

Ms. Hope recalled that concern was raised about how many vehicles are appropriate in a front yard. She emphasized that, as currently proposed, only four cars could be parked in the front yard of an RS lot. However, this number does not include cars that are parked in either a garage or carport. The current code limits the number of cars in the front yard to five, including those in garages and carports. Some street parking would also be allowed, but the number would be limited. However, street parking will be dealt with in the other ordinance that was prepared by the Police Department.

Ms. Hope said citizens also raised concerns about the City's ability to enforce its codes. While the goal is to have tools in place to enable City staff to better enforce the code, it is not possible to have a code in place to deal with every situation that might come up.

Ms. Hope recalled citizen comments that the Code Enforcement Officer was not always available to respond to issues that come up, particularly on weekends. However, it is important to keep in mind that the Police Department is available to respond to concerns about parking in public rights-of-way. Some citizens also voiced concern about limiting the amount of on-street parking allowed per residential lot. She explained that the intent is to limit the total number of cars parked in the rights-of-way and front yards on a regular basis, but perhaps there could be some exceptions to accommodate temporary guest parking. She reminded the Board that parking codes are enforced on a complaint basis.

Board Member Stewart asked how many parking spaces are required in the RS zones, and Ms. Hope answered two. She explained that the two parking spaces can be in a garage, a driveway, a carport, etc. She noted that there are also parking requirements for the multi-family residential zones. Board Member Stewart observed that if only two parking spaces are provided on a single-family lot, a family with kids who drive may have to park in the street, as well. Ms. Hope pointed out that a minimum of two parking spaces are required for RS zones, but a property owner could certainly provide more. For example, a property owner could park two cars in a carport and four in the front yard, for a total of six spaces. Additional parking would also be available on the street.

Board Member Stewart pointed out that many homes in Edmonds do not have carports or garages, and people do not always have the resources to construct improved surfaces in their front yards to accommodate vehicles. As currently written, these people would only have two on-street parking spaces available to them. She questioned the appropriateness of prohibiting parking on grass areas when allowing people to park on grass could free up on-street parking. She noted that grass enables infiltration to occur, and the Environmental Protection Agency's best practices to reduce discharge to storm drains include washing cars on grass. While she understands the visual impact of allowing cars to park on grass in the front yard, proper screening could resolve this concern. She said she would support allowing five cars to be parked in the front yard, including on grass surfaces.

Ms. Hope agreed that current literature encourages washing cars on grass instead of pavement. However, it is important to keep in mind that parking cars on grass for long periods of time can kill the grass, resulting in a dirt surface that is susceptible to erosion. While parking on grass on a temporary basis might be appropriate, it creates problems if it occurs on a regular basis.

Board Member Stewart said she has been advised to use “hog fuel” to provide a surface to accommodate more parking space on her property. This material, as well as native bark, allows for infiltration. She does not want these materials to be prohibited by code. As defined, an improved surface can include both pervious and impervious materials, and in her mind, grass would be a better option than a hard surface. Ms. Hope advised that materials such as pavers and grasscrete would be acceptable materials for parking surfaces, but grass would quickly die if vehicles are parked on it on a regular basis. She invited Board Member Stewart to identify other examples of pervious surface materials. For example, a ribbon driveway may be an acceptable solution.

Board Member Robles asked why photographs from the neighbors would not be accepted as reliable evidence. Ms. Hope explained that the problem is not related to the lack of evidence. The problem is there are not sufficient tools in the code to address the complaints. Even though the neighbors can provide pictures to show that 15 to 20 cars are parked along the street, there is no code provision that limits the number of cars that can be parked there. They have tried to address the problem using the provision that limits street parking to no more than three days, but people can be very creative in moving cars around to get around the code. The proposed ordinances are intended to provide tools to deal with egregious issues throughout the entire City, and not just this one neighborhood. Photographs are acceptable evidence when there are appropriate code provisions in place.

Board Member Robles questioned if the City has a system in place to enforce the existing and proposed code requirements. Ms. Hope answered that cities and counties have some discretion in how they enforce codes. For example, the City has a property maintenance code that addresses the appearance of structures. However, unless there is an egregious problem, the City does not actively pursue enforcement of the provisions unless there are safety concerns. The City has limited resources and only one Code Enforcement Officer. Oftentimes, code violations occur because people do not understand the requirements. Once they are advised of the code, they are usually willing to comply. Board Member Robles said he is not in favor of blanket legislation that is aimed specifically at resolving a particular neighborhood problem, but the City does need to have tools in place to deal with egregious situations.

Board Member Robles asked if it would be possible to document evidence so that, once notified with proper evidence that a safety issue exists, the City could be held liable if does not take care of the problem and an accident occurs. Ms. Hope pointed out that some safety concerns can be addressed by adding additional sidewalks or installing traffic calming devices. The City’s Traffic engineer can study problems and identify solutions for calming traffic and making the streets safer, but situations where people park too close to an intersection are more of a traffic enforcement issue that must be handled by the Police Department.

Assistant Chief Lawless advised that, for the most part, officers are proactively patrolling the areas, and the parking complaints they respond to are typically related more to quality of life than to life safety. However, both apply to the situation brought forward during the public hearing. The intent is to approach the problem by amending the code requirements for both private parking and parking in public rights-of-way. The goal is to gain voluntary compliance, which has not occurred in this situation due to a number of factors. They are now trying to address the issue from a broader perspective and in multiple tasks.

Assistant Chief Lawless explained that when the Police Department receives a complaint related to parking on private property, they typically refer the matter to the appropriate department. Complaints related to the lack of sidewalks and/traffic calming devices are referred to the engineering department for resolution. There are volumes of best practices to address parking problems, and there is no easy answer to any of the concerns expressed. The intent is to balance life safety and aesthetic concerns with individual property rights to find a solution that is enforceable and works for everyone.

Board Member Robles asked to what degree a property owner would be liable if he/she were to do something that harms someone else. Assistant Chief Lawless answered that numerous factors would come into play as far as proving true intent, and there are high thresholds in both the criminal and civil realms. Board Member Robles asked if a property owner who is

operating a commercial enterprise on an RS lot would be required to do an environmental study before selling the property to determine if there is any encumbrance in the action that could create a negative incident if it were to continue. Ms. Hope said the City will always encourage property owners to do the right thing, and sometimes just providing the right information can be helpful. However, in some cases, it is difficult to determine whether or not a property owner is operating a commercial business. The City has actually investigated various properties that appear to be operating as businesses. However, there is no business license on file with either the City or the State or any other evidence to indicate a business operation. You cannot penalize someone for having a business when there is no evidence of an actual business.

Board Member Monroe agreed that it is important for the two sets of amendments to go forward to the City Council as a combined package. He asked when the right-of-way amendments would be ready. Assistant Chief Lawless answered that the amendments related to parking in the public rights-of-way are ready and can move forward to the City Council as soon as the Board makes a recommendation on the proposed amendments related to private property. However, he cautioned that it can take time to schedule the item on the City Council's busy agenda.

Board Member Cheung asked if it would be considered a violation to park an unlicensed, inoperable vehicle on the street or in the front yard of a RS lot. Assistant Chief Lawless answered that a vehicle must be legally registered and operable to be parked in the right-of-way. However, if a vehicle has four inflated tires and a valid registration, it is difficult for the City to determine whether or not it is operable unless it remains parked in the same place for more than three days. Board Member Cheung asked if it would be possible for a person to move a vehicle around in order to avoid the three-day limit, and Assistant Chief Lawless agreed that is possible, and enforcement requires the City to prove intent. Unless someone is watching, it would be difficult to determine if the car was moved to avoid a citation or if it was moved so another car could be parked behind it. Ms. Hope said the intent is to limit the number of vehicles parked in the right-of-way for any individual property owner, which is much easier to prove and enforce.

Board Member Rubenkonig announced that she read the minutes from the October 28<sup>th</sup> meeting, at which the proposed amendments were presented to and discussed by the Board. She is prepared to participate in the deliberations and recommendation. She said she can appreciate the concern of citizens living on Sierra and Maplewood Drives. However, the Board has been encouraged not to focus on this particular situation since the codes would apply citywide. She cautioned against allowing this one situation to drive the Board's recommendation on the proposed amendments. She recalled that, in the past, it has been common practice to dictate what can and cannot be located in a front yard, but that is no longer the case. From her point of view, the City should consider the proposed amendments from an urban perspective. She reminded the Board that Edmonds is struggling to become more urban, as there is less land for more people and residents are still in love with the car. Parking is an urban problem that is not adequately addressed in either the current code or the proposed amendments. As currently proposed, a property owner could park three or four cars in the garage and driveway, and an additional four cars in the front yard. This high number of cars flies in the face of Edmonds becoming more urban and perpetuates Edmonds as a suburban area. She said she understands that the proposed amendments are intended to provide a better tool for addressing situations that come up, but she is not convinced it is the right approach.

Board Member Rubenkonig also voiced concern about the proposal to limit the number of cars that each resident can park on the street, such as two for each address. This might lead some people to believe that the parking spaces are theirs and no one else can park there. On the other hand, the provision would be difficult to enforce as police would be unable to carefully monitor who is parking in front of each house. She suggested that it would be better to address the issue as part of the overall Development Code Update. Ms. Hope said the idea is to address these smaller issues immediately, recognizing that other issues could be addressed at a later date as part of the larger code update. Board Member Rubenkonig recalled that the City Council asked the Board to review the issue, conduct a public hearing, and forward a recommendation to them. She asked if it would be possible to adopt the ordinance with a sunset clause that would require further review after a set amount of time. Ms. Hope explained that, typically, the City Council only uses sunset clauses to address temporary situations that need to be reevaluated. However, it is important to keep in mind that the Development Code can be amended at any time if it is determined that changes are needed to better address the problem. These particular amendments would not lend themselves to a sunset clause because they already know what the problem is, as well as the intermediary steps that will help address it.

Board Member Rubenkonig said she does not see that parking is a rampant issue in the RS zones. Ms. Hope agreed, but emphasized that it is a serious problem for those who are dealing with particular situations. Like most codes, some provisions are intended to deal with specific problems, but they also have a citywide context. The proposed amendments

recognize that at least part of the front yard should remain as open area, and there are things that need to be done to be fair to neighbors and still provide reasonable opportunities for residents to park and/or work on their cars.

Board Member Rubenkonig clarified that the front yard does not include the gravel area that is located within the right-of-way in front of the property. Ms. Hope agreed that the front yard is measured from the property line and does not include public right-of-way. However, she agreed that sometimes owners have the misconception that this area is actually part of their property.

Chair Tibbott stressed the importance of having a code that is enforceable by both the Code Enforcement Officer and the Police Department. He referred to Section 17.60.040(D) and asked if a number other than 50% would be more appropriate. Ms. Hope said there is no magic number, and jurisdictions use various percentages. However, 50% is an easy number to identify and enforce. The intent is that no more than half of the front yard could be used for parking, and parking would only be allowed on improved surfaces, which can be either pervious or impervious. Chair Tibbott asked if a paved patio could be used occasionally for additional parking. Ms. Hope answered that long-term parking would be prohibited in patio areas, but temporary parking would be allowed. Chair Tibbott questioned if a 24-hour period for temporary parking would be adequate, and Ms. Hope clarified that this limit would only apply to parking on private property and not the rights-of-way. Ms. Hope expressed her belief that a 24-hour time limit should be adequate to address most temporary circumstances. Again, she reminded the Board that the time limit would only be enforced if someone issues a complaint. Therefore, unless it is a problem to the neighbors, the City will not pursue enforcement. Assistant Chief Lawless added that the proposed ordinance for rights-of-way only addresses vehicles registered to the persons living at the address. Visitor parking would still be available on the street with no maximum limit.

Chair Tibbott said he is not sure that limiting the number of vehicles that can park on a property would be helpful. Perhaps the 50% limitation would be sufficient and property owners could be allowed to park as many vehicles as will fit on the improved surface area. Ms. Hope agreed that is another option the Board could consider.

Chair Tibbott requested clarification of Section 17.60.040(E), which prohibits unattended vehicles on blocks, jacks or ramps or otherwise elevated above the ground in an unstable manner. He suggested that perhaps the words "in an unstable manner" could be replaced with "unattended for XX amount of time." Ms Hope noted that this approach would require the City to come back another time to determine if the vehicle is still there. It was noted that this provision has been in the code for a number of years. Mr. Chave clarified that "otherwise elevated" is meant to be in addition to "blocks, jacks, or ramps." As written, anything that is unstable would not be allowed if unattended. Chair Tibbott asked if cars on blocks would be allowed in the side or back yard, if screened from neighboring properties. Ms. Hope said the provision would apply anywhere on private property. But realistically, it is not likely the City would be notified of a situation that occurs in the side or back yard and out of the view.

Chair Tibbott asked who would enforce the provision related to commercial activity (vehicle repair). Ms. Hope answered that the provision would be enforced by the Development Services Director or Code Enforcement Officer. The Police Department and the City Clerk, who issues businesses licenses, may also be involved, depending on the situation.

Chair Tibbott pointed out that the provision related to recreational vehicles (RV) does not distinguish between motorized and non-motorized. As written, it appears that just two RV's could be on a RS lot at any given time. Ms. Hope said the provision would only apply to motorized RV's. She pointed out that no changes are proposed to the RV provisions at this time. Chair Tibbott asked if the current RV code provisions are effective. Ms. Hope answered affirmatively, but added that changes may come forward as part of the overall Development Code Update in 2016.

Chair Tibbott asked the Board Members to provide feedback regarding Section 17.60.040(D)(1), which would limit improved surface for parking to no more than 50% of the required front yard area.

Board Member Monroe said it is important to strike a balance between what is feasible and private property rights. He said allowing four cars to park outside of the driveway seems adequate and more than what the current code provides. He supports the proposal, as written.

**APPROVED**

Based on public testimony, Board Member Stewart expressed her belief that limiting parking to four or five vehicles to park in a front yard would not really address the problem or warrant the change. If the concern is related to visibility and aesthetics, perhaps a clause could be added relative to screening. The issue is they do not want vehicles parked on more than half of the front yard and they must be parked on an improved surface as defined in the proposed language. Board Member Robles commented that the proposal appears to be a progressive solution. It allows four cars to park in the front without screening, and with screening there would be no limit. Overflow parking could use the street, if necessary, as well. Ms. Hope explained that, typically, it is not desirable to have the front yard completely covered with cars, and it is not really practical to provide enough screening in the front yard so that the cars are not visible from the street. She noted that height limits apply to the front yard, as well. Board Member Robles suggested that the intent of the proposal is to create negative incentives for property owners to park numerous cars in the front yard. If they really want it, they must work for it.

Ms. Hope said it is a question of what kind of front yards you want to encourage: ones with screens and high fences across the entire front or fairly open ones with some room for parking but not totally covered with parking. Board Member Stewart said she would personally rather see some type of screen than parked cars. Board Member Robles added that screens can provide some freedom for property owners to have whatever they want in their front yard. Board Member Monroe said he is not sure he wants to live in a community with tall fences in the front yard. In some sense, they all keep their house up for the benefit and common good of the community and each other. Board Member Stewart suggested there is a difference between values. Some property owners value privacy over interaction, and this should be a personal choice.

Ms. Hope said she would support the Board going forward with either four or five vehicles, and continue to limit the amount of space devoted to parking in the front yard. However, staff would like the Board to wrap up their discussion and make a recommendation to the City Council so it can move ahead and tie in with the right-of-way ordinance. She explained that if they do not have limits on the number of cars that can park in the front yard and limits are placed on the number of cars that can be parked in the right-of-way, front yards may become the next defacto parking place. They are trying to address the issue holistically.

Board Member Rubenkönig suggested that the proposed amendments represent progress, and she is hopeful that the issue can be further addressed as part of the Development Code Update to better address the issue in the context of a more urban setting. She supports forwarding the proposal to the City Council as presented, as an interim step to address the problem.

**BOARD MEMBER RUBENKONIG MOVED THAT THE BOARD FORWARD THE PROPOSED CODE AMENDMENTS RELATED TO VEHICLES PARKED ON SINGLE-FAMILY LOTS TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF. BOARD MEMBER MONROE SECONDED THE MOTION.**

Board Member Stewart indicated she would vote against the motion because putting it down to four vehicles will be too restrictive and a hardship to some people. Board Member Monroe observed that the proposed amendment would make the parking less restrictive relative to the number of vehicles that can be parked in the front yard. The current code limited parking to five cars total, and the proposed new language would allow a property owner to park four cars outdoors and as many as they want indoors. Mr. Chave concurred that the proposed code language would allow more cars to park on a property than the current code. He suggested that the proposed code language is intended to address appearance. Cars that are outside are going to be fewer than can be seen now, but there would be no limit on the number of cars that are in garages or otherwise screened. He explained that, absent the amendments, there is a way to park more than five cars on a property, but the property owner must show evidence that an exception is warranted and it was very difficult for the City to enforce. Having a number limitation is much simpler to enforce.

Given the explanation provided by staff, Board Member Stewart indicated she would support the motion, as proposed.

Chair Tibbott asked if the proposed amendment would also be applicable to side yards, and Ms. Hope said it is intended to apply only to front yards. Chair Tibbott commented the intent is not clear in ECDC 17.60.040(A). He suggested that the first sentence should be changed to read, "No more than four motor vehicles shall be parked in the required front yard of a residential lot." Both Mr. Chave and Ms. Hope voiced support for this proposed change.

**APPROVED**

**BOARD MEMBER RUBENKONIG WITHDREW HER MOTION, AND BOARD MEMBER MONROE, WHO SECONDED THE MOTION, AGREED.**

**BOARD MEMBER RUBENKONIG MOVED THAT THE FIRST SENTENCE OF ECDC 17.60.040(A) BE REVISED TO READ, “NO MORE THAN FOUR MOTOR VEHICLES SHALL BE PARKED IN THE REQUIRED FRONT YARD OF A RESIDENTIAL LOT.” BOARD MEMBER MONROE SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

**BOARD MEMBER RUBENKONIG MOVED THAT THE BOARD FORWARD THE PROPOSED CODE AMENDMENTS RELATED TO VEHICLES PARKED ON SINGLE-FAMILY LOTS TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF AND AMENDED BY THE BOARD. BOARD MEMBER MONROE SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

**REVIEW OF EXTENDED AGENDA**

There were no comments relative to the extended agenda.

**PLANNING BOARD CHAIR COMMENTS**

Chair Tibbott attended a presentation sponsored by a group who is interested in understanding toxic materials, especially relative to playgrounds where children may be in contact with it. Two experts, one from the University of Washington, spoke about their individual research regarding the issue. Each of them raised issues that had not previously been discussed and concluded that more research is needed. He anticipates this issue will continue to be a significant topic of discussion at the City Council level.

Chair Tibbott announced that, as he was elected to serve on the City Council, he would resign his position on the Planning Board effective December 31<sup>st</sup>. He voiced appreciation for the Board’s support and encouragement, and wished them well into the future.

**PLANNING BOARD MEMBER COMMENTS**

The Board Members thanked Chair Tibbott for his leadership and his service on the Board.

Board Member Rubenkönig reminded the Board that the amendments they recommended for approval should be considered an intermediary approach. As the discussion moves forward as part of the Development Code Update, she asked that the Board consider the issue in the context of an urban setting, which Edmonds is.

**ADJOURNMENT**

The Board meeting was adjourned at 9:15 p.m.

**APPROVED**