

**APPROVED JULY 11<sup>TH</sup>**

**CITY OF EDMONDS  
PLANNING BOARD MINUTES**

**June 13, 2012**

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Chair Lovell called the 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**

Philip Lovell, Chair  
Valerie Stewart, Vice Chair  
Kevin Clarke  
John Reed  
Neil Tibbott  
Bill Ellis

**STAFF PRESENT**

Kernen Lien, Planner  
Mike Clugston, Planner  
Karin Noyes, Recorder

**BOARD MEMBERS ABSENT**

Todd Cloutier (excused)

**READING/APPROVAL OF MINUTES**

**BOARD MEMBER REED MOVED THAT THE MINUTES OF MAY 9, 2012 BE APPROVED AS PRESENTED. BOARD MEMBER CLARKE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

**ANNOUNCEMENT OF AGENDA**

The agenda was accepted as presented.

**AUDIENCE COMMENTS**

There was no one in the audience.

**PUBLIC HEARING REGARDING ADDING A NEW CHAPTER TO EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) 20.23 – BED AND BREAKFASTS (B&B) (FILE NUMBER AMD20120001)**

Mr. Clugston reviewed that staff introduced the topic of bed and breakfast (B&B) code amendments on March 28<sup>th</sup> and developed draft code language for Bed and Breakfasts (ECDC 20.23 that was presented to the Board on April 25<sup>th</sup>. The Board provided several comments and recommendations which are reflected in the updated code language (Attachment 3). He reviewed each of the changes as follows:

- ECDC 20.23.040.C originally contained a requirement that a B&B operator had to own and live full-time at the establishment. The Board suggested conditional language, instead. The new language states that “the operator of the bed and breakfast may maintain full-time residence in the home.”
- ECDC 20.23.040.D initially stated that a B&B could not have non-resident employees. At the request of the Board, this standard was updated to allow one non-resident employee.

- ECDC 20.23.040.E includes parking standards that originally stated that all required parking be provided off-street, except in the BD zones where no additional parking was required. The new draft language includes the option of using legal on-street spaces to count towards the required number of parking spaces (1 parking space per rental room). This change will allow single-family dwellings in the downtown area additional flexibility in meeting the parking requirement.

NO ONE WAS PRESENT IN THE AUDIENCE, SO CHAIR LOVELL CLOSED THE PUBLIC PORTION OF THE HEARING.

Chair Lovell referred to Edmonds City Code (ECC) 4.72.010 and asked if B&Bs would be subject to the definition of “family,” which limits a private residence to five unrelated people. He also asked if a mother-in-law apartment, with a separate kitchen area and entrance, could be used as a B&B. Mr. Lien answered that B&B’s would be allowed to accommodate up to six unrelated people. Mother-in-law apartments are governed by the accessory dwelling unit provisions, and one additional unrelated person would be allowed to reside on the property, as per the definition of “family.” Mr. Clugston added that B&B’s would not be allowed in structures that appear to function like accessory dwelling units. He clarified that staff is not proposing any substantive changes to ECC 4.72, which relates to business licenses. This section was provided as part of the staff report to illustrate the necessary adjustments associated with the additional B&B language.

Chair Lovell reviewed that ECDC 20.23.040.C was changed at the request of the Board. While they agreed they did not want to require B&B operators to maintain full-time residence in the home, they wanted to leave the language in the document as a placeholder to encourage public discussion and bring the concept to the City Council’s attention. Mr. Clugston agreed that the language was amended at the request of the Board, but it is not really necessary for inclusion since it does not specifically require anything of an applicant. He summarized that the language does not detract or add to the draft proposal.

Chair Lovell also questioned the need to limit the number of non-resident employees, as long as the operator obtains the necessary business license and meets all code requirements. He said the Board’s intent is to make the regulations work, but allow flexibility, as well. If the provisions are too prescriptive, they may discourage potential B&B operators from locating in Edmonds. Board Member Clarke agreed that the provisions should be flexible enough to accommodate different types of business plans such as owner-occupied B&B’s and B&Bs that are owned by one individual and operated and/or managed by another.

The Board agreed to leave ECDC 20.23.040.C in the proposed language as currently drafted to highlight the change and call the City Council’s attention to the fact that the original language required owner occupancy. The City Council can make the final decision as to whether the language is retained or eliminated.

Board Member Ellis suggested that the words “at a time” should be deleted from ECDC 20.23.040.I because they are redundant. The remainder of the Board concurred.

Board Member Clarke referenced ECDC 20.23.040.D and questioned why the City would want to limit the number of employees a B&B is allowed to have. Mr. Clugston said the initial thought was that allowing just one employee would be consistent with the requirements of the home occupation provisions. If more employees are allowed, a business could become more commercial in nature.

Board Member Clarke acknowledged that parking could become an issue if more than one non-resident employee is allowed, but most B&Bs in the City of Edmonds will be small operations with three to five bedrooms. These businesses would not require large numbers of employees, but some employees may be required to cook, perform housekeeping tasks, care for the landscaping, etc. He noted that adult group homes are allowed in single-family residential zones, and they are allowed to have employees come to the facility to perform various services. He said he does not believe home group homes have resulted in a disruption of the normal neighborhood flow or an adverse influence to surrounding properties.

Board Member Tibbott asked if, in addition to one non-resident employee, B&B operators would be allowed to contract with landscaping and food service providers for needed services. He also asked if a B&B could have multiple non-resident employees, as long as not more than one is working on-site at any given time.

Vice Chair Stewart asked if adjacent property owners would have any recourse if ECDC 20.23.040.D is eliminated and parking associated with a B&B becomes a problem. Mr. Clugston pointed out that, depending on the location, B&Bs could utilize on-street parking to meet their parking requirement. If off-street parking is required, the code would not prohibit a property owner from creating a large parking area to accommodate numerous cars. The parking provisions do not specify the maximum number of parking spaces allowed. He expressed his belief that parking problems would be very unlikely give the size of typical B&Bs. If parking becomes a problem, the provisions could be updated at a later time to address the concerns.

The Board concurred that the number of non-resident employees should not be limited. However, they agreed to retain ECDC 20.23.040.D to call the City Council's attention to the change. They recommended that the language be changed to read, "A bed and breakfast may employ non-resident employees."

Board Member Clarke questioned the need to define "private residence" (ECC 4.72.010.D) and "rental unit" (ECC 4.72.010.C). He specifically asked how the definitions are applicable to B&Bs. Mr. Clugston pointed out that these two definitions are already in place in the Edmonds City Code, and staff is not proposing any substantive changes. The intent was to make just the minor changes necessary to allow the new B&B regulations to exist. Board Member Ellis suggested that it is not within the Board's purview to rewrite the definition section of the Edmonds City Code as part of their review of the B&B regulations. He explained that the definitions would not be included in the actual B&B code language. They were included them in the Staff Report to illustrate the changes necessary to implement the proposed new B&B language.

**VICE CHAIR STEWART MOVED THAT THE BOARD RECOMMEND APPROVAL OF THE PROPOSED NEW LANGUAGE IN ECDC 20.23 (BED AND BREAKFASTS) (FILE NUMBER AMD20120001) AS PRESENTED BY STAFF AND AMENDED BY THE BOARD AS FOLLOWS:**

- 1. CHANGE ECDC 20.23.040.D TO READ, "A BED AND BREAKFAST MAY EMPLOY NON-RESIDENT EMPLOYEES."**
- 2. CHANGE ECDC 20.23.040.I BY ELIMINATING THE WORDS, "AT A TIME."**

**BOARD MEMBER ELLIS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

**PUBLIC HEARING ON UPDATING THE CITY OF EDMONDS CITY CODE (ECC) 4.12 AND PORTIONS OF EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) TITLE 16 TO ALLOW MOTORIZED MOBILE VENDORS (FILE NUMBER AMD20100012)**

Mr. Lien reviewed that the Board began discussions about Motorized Mobile Vendors (MMV) on February 8<sup>th</sup>, and they directed staff to evaluate appropriate zones and areas for MMVs and revise ECC 4.12 accordingly. Staff presented the proposed updates to the Board on March 28<sup>th</sup>, and a public hearing was held on May 9<sup>th</sup>. After the hearing, the Board identified additional changes. He referred the Commission to the draft amendments to ECC 4.12 (Attachment 1) and the draft amendments to ECDC 16 (Attachment 2), which incorporate the following changes requested by the Commission:

Mr. Lien summarized that the Board is requesting that the document be updated for further review with the following changes:

- ECC 4.12.010.E and ECC 4.12.055.B were eliminated
- The "e" was removed from "therefore" in ECC 4.12.040.A.
- The word "on" was eliminated from ECC 4.12.055.A.
- ECC 4.12.055.A.1 and ECC 4.12.055.A.2 were combined because MMVs and Non-Motorized mobile Vendors (NMMVs) would be permitted in the same zones.
- The word "design" was changed to "designed" in ECC 4.12.010.C.
- Language was added in ECC 4.12.55.D to encourage recycling. The first sentence of this provision was changed to read, ". . . and vendor must provide a refuse container and is encouraged to provide containers for recycling."
- The spelling of word "downtown" was corrected in ECC 4.12.055.A.1.
- ECC 4.12.055.L was modified to make it clear that MMV operators do not need to obtain permission from adjacent property owners when locating on private property, but permission from abutting property owners would be required

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when locating on a sidewalk within the right-of-way. To clarify concerns raised by Ronnie Morgan at the public hearing, this provision was changed to read, “The applicant shall submit with his application a copy of the written approval for the vending site from the property owner when locating on private property. When locating on a sidewalk within the right-of-way, the applicant shall have written approval for the vending site from the abutting property owner and/or tenant.”

Board Member Clarke asked if the language would allow MMVs to locate on public properties. Mr. Lien pointed out that ECC 4.12.055.I would allow street vendors to operate in parks if they have a concession agreement with City of Edmonds. Board Member Clarke pointed out that there are other public-owned properties that are not “parks” where MMVs could be an appropriate use such as the Port of Edmonds, the Public Safety Complex, the hospital, schools, etc. He questioned why MMVs should be prohibited from these locations. He said he would be in favor of expanding the envelope of where MMVs would be allowed to locate. Mr. Lien responded that it would not be appropriate to allow MMVs to locate in the Public Safety Complex parking lot on weekdays because the parking area is very busy during when court is in session. However, MMVs could locate in this parking lot as part of the Saturday Summer Market or some other organized special event.

Mr. Lien explained that ECC 4.12.055.A.1 lists the zones where MMVs would be allowed. The Port property is currently zoned General Commercial (CG), which is one of the zones where MMVs would be allowed to locate. If the Board wants to allow MMVs on hospital and other publicly-owned properties, they could do so by amending ECC 4.12.055.A.1 to add Medical Use (MU) and Public (P) zoning. However, he acknowledged the issue could be more difficult to address for school properties that are located in residential zones. Board Member Clarke reminded the Board that the Port of Edmonds is in the process of developing a new Harbor Square Master Plan, and it is likely the master plan will be followed by a request to rezone the property to some type of mixed-use zoning so that allows residential development. He also reminded the Board that MMVs would not be allowed to locate in residential zones. Mr. Lien cautioned against creating code language to address a future potential rezone application. If the Port’s property is rezoned at some point in the future, the Board could consider amending ECC 4.12 to allow MMVs to locate in the newly created zone.

Board Member Clarke specifically referred to the old Woodway High School site, which has split zoning of residential and open space. Mr. Lien said that, as currently proposed, MMVs would not be allowed to locate on this property because it is located in a residential zone. However, the Parks, Recreation and Cultural Services Department is working on plans to develop the property as a recreational site that would be classified as a park. If this redevelopment occurs, MMVs would be allowed to operate on the site through a concession agreement.

Mr. Lien explained that the proposed language greatly expands the potential for MMVs to locate in Edmonds, but he cautioned that adding language to capture each and every possible situation could make the code difficult to interpret and have a negative impact on the City’s ability to encourage the use in desirable areas. Board Member Clarke expressed his belief that the code language should be written now to accommodate all potential uses the market will support. Rather than limiting the use by zone, they could limit the use based on ownership. Regardless of zoning, each public agency could have the ability to decide whether or not they want to allow MMVs on their property. Mr. Lien reminded the Board that the original intent was to limit MMVs to business zones. Expanding the use to residential zones has never been part of the discussion. Again, he said it is impossible to capture each situation, but the proposed language would cover the majority of MMV requests.

Board Member Clarke asked if MMVs would be allowed on the Sewer Treatment Plan property and the old Public Works property that is located near the Wade James Theater. Mr. Lien answered that these two properties would be addressed by ECC 4.12.055.L.1 because they are both owned by the City.

Board Member Ellis asked if the school district determines what uses can occur on their properties. Mr. Lien answered affirmatively, but added that the uses must still comply with adopted City codes. The same is true for the Port of Edmonds. Board Member Ellis asked who would be responsible for issuing approval of an MMV to locate on Port property. Mr. Lien answered that the Port would be treated as a private property owner, and permission from the Port would be required. Once again, he said a concession agreement from the Parks, Recreation and Cultural Services Department would be required in order for an MMV to locate on park property.

Board Member Reed suggested that, rather than trying to “cherry pick” each zone that could be a problem, a new section could be added similar to ECC 4.12.055.L.1 that talks about other public-owned properties. This new language could make it clear that permission from the public entity that owns the property would be required prior to permit approval by the City. The remainder of the Board concurred. To make the language clearer, Mr. Lien suggested that the first sentence of ECC 4.12.055.L.1 should be changed by adding “is on or” between the words “site” and “abuts.” The Board concurred. They also agreed that the Medical Use (MU) and Public (P) zones should be added to ECC 4.12.055.A.1.

Board Member Tibbott asked if the proposed language would require an MMV that moves to various locations throughout the City to obtain a permit for each location. Mr. Lien answered affirmatively and explained that ice cream trucks and other MMVs that are continually moving would require a peddler’s license from the City. Board Member Tibbott asked if NMMVs would be allowed to move from location to location without getting a separate permit for each location. Mr. Lien answered that a permit would be required for each location in which the NMMV remains for more than two hours. He emphasized no changes have been proposed to the NMMV provisions.

Board Member Ellis referred to ECC 4.12.010.C and asked if there is a provision that outlines what “other goods and services” would be allowed. He asked if an MMV would be allowed to sell clothing. Mr. Lien recalled that this additional language was added by the Board at a previous meeting to allow MMVs to sell items other than food. Board Member Ellis said he is not opposed to allowing MMVs to sell items other than food, but it is important to understand that the proposed language would allow MMV’s to sell just about anything. Mr. Lien noted that the proposed language does prohibit the sale of alcoholic beverages. However, he acknowledged there is no language elsewhere in the code that would further limit what an MMV could sell.

Board Member Ellis said the appeal procedure outlined in ECC 4.12.085 was set up before the language was rewritten to require approval from the entity that owns a public property. He asked if an MMV operator could appeal a public entity’s decision to decline their request. Mr. Lien said this provision pertains to business licenses and outlines the process for solicitor and peddler’s licenses regardless of who owns the property. There would be no appeal process if a property owner (public or private) and/or tenant denies an MMV operator’s request. The property owner or tenant’s decision would be final.

Board Member Ellis suggested that ECC 4.12.055.J should be amended to make it clear that street vendors are prohibited in three specific areas: residentially-zoned properties, unzoned properties abutting the residentially zoned areas, and right-of-way adjacent to or abutting the residentially zoned areas. The Board agreed to change the provision to read, “Street vendors are prohibited in residentially zoned areas, and unzoned property or right-of-way adjacent to or abutting the residentially zoned areas.” They agreed to amend ECC 4.12.055.L by deleting the word “within” after “locating” and by deleting the words “from the” after “vending site.” They further agreed to amend ECC 4.12.055.A.1 by replacing “CC” with “CG.”

AS THERE WAS NO ONE IN THE AUDIENCE, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

**BOARD MEMBER REED MOVED THAT THE BOARD RECOMMEND APPROVAL OF FILE NUMBER AMD 20100012, PROPOSED AMENDMENTS TO PORTIONS OF ECDC TITLE 16 TO ALLOW MOTORIZED MOBILE VENDORS AS PRESENTED BY STAFF AND PROPOSED AMENDMENTS TO ECC 4.12 AS PRESENTED BY STAFF AND AMENDED BY THE BOARD AS FOLLOWS:**

- 1. ADD A NEW PROVISION SIMILAR TO ECC 4.12.055.L.1 THAT SPECIFICALLY ADDRESSES OTHER PUBLIC-OWNED PROPERTIES.**
- 2. CHANGE ECC 4.12.055.L.1 BY ADDING “IS ON OR” BETWEEN THE WORDS “SITE” AND “ABUTS.”**
- 3. CHANGE ECC 4.12.055.A.1 TO ADD THE MEDICAL USE (MU) AND PUBLIC (P) ZONES.**
- 4. CHANGE ECC 4.12.055.J TO READ, “STREET VENDORS ARE PROHIBITED IN RESIDENTIALLY ZONED AREAS, AND UNZONED PROPERTY OR RIGHT-OF-WAY ADJACENT TO OR ABUTTING THE RESIDENTIALLY ZONED AREAS.”**
- 5. CHANGE ECC 4.12.055.L BY DELETING THE WORD “WITHIN” AFTER “LOCATING” AND BY DELETING THE WORDS “FROM THE” AFTER “VENDING SITE.”**
- 6. CHANGE ECC 4.12.055.A.1 BY REPLACING “CC” WITH “CG.”**

**CHAIR LOVELL SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

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## **PLANNING BOARD STUDENT REPRESENTATIVE**

Chair Lovell referred the Board to materials prepared earlier by Vice Chair Stewart regarding the process for selecting a student representative for the Planning Board. He asked the Board to provide additional direction on how they want to proceed.

Board Member Stewart reported that she has been in contact with a representative from Edmonds Woodway High School (EWHS) regarding potential applicants for the student representative position, and she would like to forward information about the position and the application process to EWHS and other school entities as soon as possible. She expressed her belief that the Board would benefit from having a youth voice in their discussions. However, she emphasized that the student representative would be a non-voting member of the Board.

The Board discussed the process that would be used for screening and selecting applicants. It was noted that the City Council has a very informal process for selecting their student representatives. The Board agreed that rather than interview each applicant, a Board Member or a group of Board Members could screen the applicants and make a recommendation to the Board for final approval.

The Board also discussed whether or not it would be appropriate to require applicants to be residents of Edmonds. It was noted that some potential candidates attend school in Edmonds, but they live outside of the City limits. The Board agreed that while residency would be preferable, it should not be a requirement. They would also consider students who attend school in Edmonds but live elsewhere.

Chair Lovell agreed to discuss this issue with Mr. Chave and Mayor Earling for final confirmation before the Board moves forward with the application process.

## **ARTICLES SUMMARIZING PLANNING BOARD ACTIVITIES**

Chair Lovell recalled that a Planning Board report was presented to the City Council on June 5<sup>th</sup>. Following the presentation, there was some discussion about the Board submitting articles summarizing their meetings for publication in *THE EDMONDS BEACON* and *myedmondsnews.com*. There was also some discussion about the possibility of televising the Planning Board meetings. The intent is to solicit more public participation.

Vice Chair Stewart suggested that a summary of the report that was presented to the City Council and submit it to *THE EDMONDS BEACON* and *myedmondsnews.com* for publication. She also suggested that rather than televising Planning Board meetings, the audio recording of each meeting could be made available on the City's website.

## **REVIEW OF EXTENDED AGENDA**

Chair Lovell announced that the Strategic Plan and Visioning Retreat that was scheduled for June 26<sup>th</sup> has been postponed. The Board's next regularly scheduled meeting is June 27<sup>th</sup>.

Chair Lovell suggested that the following items be added to the Extended Agenda:

- Ethics Training. The Board agreed to postpone the training session until a new Board member has been appointed to fill the vacant position.
- A discussion with Keeley O'Connell, Friends of the Edmonds Marsh. The Board agreed that this discussion should not take place until after the Port has submitted their proposal for City review.
- A presentation by consultants regarding the concept of form-based zoning.
- Planning Board review of potential code amendments related to street vacations. This item was forwarded to the Board from the City Council, and it would be appropriate to have legal support when the Board reviews the proposed amendments.

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**PLANNING BOARD CHAIR COMMENTS**

Chair Lovell announced that Board Member Clarke has agreed to replace former Board Member Johnson as Board liaison to the Citizens Economic Development Commission.

**PLANNING BOARD MEMBER COMMENTS**

Board Member Ellis requested an update on the status of the Tourist Survey, which is being done in conjunction with the Strategic Planning process. Chair Lovell reported that Mr. Clifton has requested volunteers to hand out the surveys to visitors at the Edmonds Arts Festival. He also reported that the Registered Voters Survey is ready to move forward, and the consultant is currently recruiting 600 registered voters to respond.

**ADJOURNMENT**

The Board meeting was adjourned at 9:07 p.m.

**APPROVED**