

APPROVED APRIL 11, 2012

**CITY OF EDMONDS
PLANNING BOARD MINUTES**

March 28, 2012

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 – 5th Avenue North.

BOARD MEMBERS PRESENT

Philip Lovell, Chair
Valerie Stewart, Vice Chair
Kristiana Johnson
John Reed
Neil Tibbott

STAFF PRESENT

Rob Chave, Development Services Director
Mike Clugston, Planner
Jen Machuga, Planner
Kernen Lien, Planner
Karin Noyes, Recorder

BOARD MEMBERS ABSENT

Kevin Clarke
Todd Cloutier (excused)
Bill Ellis (excused)

READING/APPROVAL OF MINUTES

BOARD MEMBER TIBBOTT MOVED THAT THE MINUTES OF FEBRUARY 8, 2012 BE APPROVED AS AMENDED. BOARD MEMBER JOHNSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

Item 8c (Urban Farming) was placed before Item 8a (Motorized Mobile Vendors). The remainder of the agenda was accepted as presented.

AUDIENCE COMMENTS

Michael Mearns, Edmonds, said he and his wife were present to talk about the urban farming code regulations, which the Board would discuss later in the meeting. He referred the Board to a letter he previous submitted that was attached to the Staff Report. He and his wife, Melissa, started Rubberneck Farms on Maplewood Drive last year, and they would like to be able to sell their produce to neighbors without obtaining a conditional use permit.

Mr. Mearns advised that, as part of the 2010 Year of Urban Agriculture, the City of Seattle approved Council Bill 116907 that supports the rapidly growing local food movement. The ordinance updates the city's land use code governing urban agriculture uses, including allowing "urban farms" and "community gardens" in all zones, with some limitations in industrial zones. It also allows residents to sell food grown on their property. He said the City of Seattle views these changes as a tremendous opportunity to develop local sources of healthy food by turning existing lawn and garden space into productive agricultural plots. Small-scale urban agriculture can help create livable, walkable and sustainable communities. He referred to Seattle's code as an example of one way to address the issue. He said that while the City of Edmonds recently updated their code to allow people to sell food on their properties, the conditional use permit requirement does not accomplish what it was intended to do. The City of Seattle defines an "urban farm" as "a use in which plants, and products derived from them,

are grown and sold on the same lot or off site.” He summarized that the City of Seattle has successfully allowed urban farms for two years; and the City of Edmonds should be able to do the same, without requiring a conditional use permit.

DISCUSSION ON A POTENTIAL CONFLICT BETWEEN THE HOME OCCUPATION REGULATIONS RELATED TO URBAN FARMING CONTAINED WITHIN THE EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) SECTION 20.20.010 AND THE PROVISIONS OF STATE LAW RELATED TO THE PEDDLING OF PRODUCE CONTAINED WITHIN REVISED CODE OF WASHINGTON (RCW) 36.71.090 (FILE NUMBER AMD20120002)

Ms. Machuga said the City Attorney has advised that there is a potential conflict between the City’s current requirement for a Type II Conditional Use Permit for urban farms (ECDC 20.20.010) and the provisions of state law related to the peddling of produce (RCW 36.70.090). She explained that RCW 36.70.090 specifically states that “It shall be lawful for any farmer, gardener, or other person, without a license, to sell, deliver, or peddle any fruits, vegetables, berries, eggs, or any other farm produce or edibles raised, gathered, produced, or manufactured by such person and no city or town shall pass or enforce any ordinance prohibiting the sale by requiring a license from the producers and manufacturers of farm produce and edibles.” She said the City Attorney has recommended the City remove the requirement for a Type II Conditional Use Permit from the code language, while retaining certain regulations related to traffic and the display of goods to address potential impacts to adjacent property owners.

Board Member Johnson referred to Mr. Mearns’ letter and asked him to explain what a CSA is. Mr. Mearns replied that CSA stands for Community Supported Agriculture. CSAs are used by large farms to get a burst of income during the beginning portion of their season. Chair Lovell asked if Mr. Mearns is recommending that the City allow CSAs. **Melissa Mearns** explained that a CSA is a system whereby people can sign up to receive a box of produce weekly or biweekly and pay ahead of time. Mr. Mearns added that through a CSA, property owners could allow someone else to plant on their property in exchange for a portion of the harvest.

Chair Lovell noted that in addition to removing the Type II Conditional Use requirement, the Mearns have also asked that the City change the definition of “urban farming” from “the display or sale of edible farm products or fresh produce grown on site” to “the display or sale of edible farm products or fresh produce grown within the Edmonds City limits.” Mr. Mearns clarified that their main request is the City eliminate the permit requirement to allow for the display or sale of produce from a private residential property. Chair Lovell suggested that changing the definition of “urban farming” to allow property owners to sell produce that is grown within the City of Edmonds goes beyond the scope of the proposed amendment, which would allow an individual resident to set up a stand to sell the produce that is harvested from his/her own property.

Board Member Johnson observed that the home occupation regulations, which were updated in 2011, would allow a property owner to farm and sell produce that is harvested from an adjacent property, but both property owners would have to obtain a home occupation permit. She suggested it would behoove the Board to understand the complexity of the issue as it relates to the home occupation regulations. Chair Lovell agreed, but pointed out that staff is not prepared to deal with this broader issue tonight. Again, Mr. Mearns said their main request is that the City’s urban farm regulations be updated to allow property owners to set up produce stands without a conditional use permit.

Chair Lovell pointed out that Item 2 in RCW 36.71.090 is not applicable to the current discussion since it deals with species rather than produce. Ms. Machuga agreed that the proposed amendment is intended to address conflicts only within Item 1 of RCW 36.71.090.

Ms. Machuga referred to Attachment E, which provides draft language for ECDC 20.20.010.C to implement the City Attorney’s recommendation to eliminate the requirement for a land-use permit for urban farms to be consistent with RCW 36.71.090. It retains the regulations related to traffic and the display of goods. Because a Type II Conditional Use Permit would no longer be required, staff is also proposing a new requirement that the owner/applicant must submit a site plan and any necessary supporting documents to the Planning Division indicating compliance with the applicable criteria. She summarized that, as currently proposed, no permit would be required for an urban farm use. However, an applicant would be required to submit a plan for staff review to make sure the applicable code requirements are met.

Board Member Johnson observed that ECDC 20.20.010.C.2.a and ECDC 20.20.010.C.3 appear to say the same thing. She suggested, and the Board concurred, that ECDC 20.20.010.C.2.a should be clarified and ECDC 20.20.010.C.3 should be eliminated.

Vice Chair Stewart said it makes sense to eliminate the permit requirement to be consistent with state law. However, she is concerned about allowing someone to grow and sell produce using someone else's land, which is what the CSA concept would allow. Mr. Mearns said their goal is to eventually establish a CSA, but he understands that the proposed amendment would not address this issue.

Board Member Tibbott questioned what potential problems could result from allowing someone to bring produce from another property to sell at their stand. Chair Lovell said it is possible that the produce could be contaminated and make someone sick. It would also be possible for a small neighborhood stand to grow into a local produce market. Board Member Tibbott pointed out that the proposed language would require an applicant to submit a site plan showing how visitors to the site could be accommodated without creating a traffic hazard or nuisance to adjoining properties. Ms. Machuga agreed that if a stand was too big, the property owners would probably not be able to adequately accommodate traffic.

While he understands that the City must consider what could possibly happen, Mr. Mearns suggested the Board keep in mind how much produce could reasonably be grown on a property in Edmonds. He said it would be impossible for him to create a farmer's market. His 3,000 square foot garden is just enough to feed his neighborhood, and his stand is just one table. Board Member Tibbott asked if the Mearns anticipate their produce stand could grow in the future. Mr. Mearns said that would be fantastic. However, once it reaches a certain size, it would make more sense to purchase space at the Edmonds Summer Market. He said that, in addition to providing his neighbors with good food, the community building that occurs through the process is incredibly important.

Mr. Mearns also explained that there are significant misconceptions about how foods become tainted. Most of the problems occur at industrial farms and not from food grown in private backyards. Vice Chair Stewart expressed concern about liability issues that could come up if property owners are allowed to sell produce that is harvested from numerous locations throughout the City. Again, Mr. Mearns said the real concern about food safety comes from large industrial produce farms that use chemicals and fertilizers and locate their growing areas within close proximity to livestock. He expressed his belief that the public should have the choice of purchasing local produce, and the City should not be responsible for policing their food choices. Vice Chair Stewart suggested that additional language should be added to the code to make it clear that urban farming is intended to provide food for the local neighborhood. Mr. Mearns agreed that could be the focus of the urban farming regulation, but the regulations should not prohibit urban farms from selling their produce outside of the neighborhood, either.

Board Member Johnson asked staff to provide more information about why this issue has come up and what the concerns are. Ms. Machuga explained that when the home occupation code was written, the City was not aware of the conflicting RCW. The Mearns brought the conflict to the City's attention, and staff passed the concern along to the City Attorney.

Chair Lovell summarized the Board's consensus to move the proposed amendment forward to a public hearing on April 11th, with the change identified earlier by the Board to clarify ECDC 20.20.010.C.2.a and eliminate ECDC 20.20.010.C.3.

DISCUSSION ON UPDATING THE CITY OF EDMONDS CITY CODE (ECC) 4.12 AND EDMONDS COMMUNITY DEVELOPMENT CODE (ECDC) TO ALLOW MOTORIZED MOBILE VENDORS (FILE NUMBER AMD20100012)

Mr. Lien reminded the Board that they began discussions on Motorized Mobile Vending Units (MMVs) on February 8th. At that time, they directed staff to evaluate appropriate zones and areas for MMVs, revise ECC 4.12 accordingly, and bring the proposed draft language back to the Board for further review. Mr. Lien and the Board reviewed the draft language as follows:

- **ECC4.12.555.A.** Mr. Lien explained that because the Board indicated that NMVs would be appropriate uses in all commercial zones but may not be appropriate for all commercial zones, separate language was created for each type of use. He referred the Board to the proposed changes in ECC 4.12.055.A to identify the zones where Non-motorized

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Mobile Vending units (NMVs) and MMVs would be allowed. As currently proposed, NMVs would be allowed in the following zones: Neighborhood Business (BN), Community Business (BC), Planned Business (BP), Downtown Business (BD1, BD2, BD3, BD4 and BD5), Commercial Waterfront (CW), General Commercial (CG and CG2) and Firdale Village Mixed-Use (FVMU). MMVs would be allowed in the BN, BC, BP, BD2, BD3, CW, CG, CG2 and FVMU zones.

Board Member Johnson recalled that several Board Members expressed concern about allowing MMVs in the BD1 zone because it is the City's primary downtown core. However, she has talked with business owners in the BD1 zone who are enthusiastic and felt that MMVs would help draw customers to their stores. She said she understands why it would not be desirable to allow MMVs within close proximity to restaurants because it is important to avoid competition with front door operations. However, there is also a reason to encourage MMVs because they provide additional dining opportunities, which is one of the focuses of the BD1 zone. The PCC and QFC attract different clientele and serve different purposes, and the same would be true from established restaurants and MMVs in the BD1 zone. She felt that allowing MMVs in the BD1 zone would also create a concentration of dining opportunities that would actually draw people towards downtown Edmonds. She asked staff to seek additional feedback regarding this option from the Downtown Edmonds Merchant's Association (DEMA). Until they have more information, she suggested the draft language should allow MMVs in the BD1 zone for discussion purposes.

Vice Chair Stewart agreed with Board Member Johnson in principle. However, many of the downtown business owners she has talked to have indicated concern about competition and the reduction of available parking space. She agreed it would be appropriate to seek feedback from the public about whether or not MMVs should be allowed in the BD1 zone, and the Downtown Edmonds Merchant's Association should be particularly invited to provide feedback.

Chair Lovell suggested that if the Board decides to include the BD1 zone as a possible location for MMVs for public hearing purposes, perhaps they should also include the BD4 and BD5 zones. He said he is not so concerned about creating competition for established dining businesses, but he is concerned that MMVs could displace parking. However, he acknowledged this would be true in any of the BD zones, and the proposed code language includes a provision that would prohibit an MMV from displacing parking spaces.

Mr. Lien said that, as per the Board's direction, the draft language does not allow MMVs in the BD1 zone. Parking in the BD1 zone is already tight, and allowing MMVs to park on the street would further exacerbate the problem. He noted that the BD4 zone is primarily residential, with very few places for MMV's to locate. There are some larger parking areas in both the BD2 and BD3 zones that could accommodate MMVs. There are also places in the remaining commercial zones where MMVs could be easily accommodated off street.

Vice Chair Stewart expressed concern that implementing the proposed code provisions could require a lot of staff time if Edmonds becomes a popular destination in the future and more vendors express interest in operating within Edmonds. Rather than a process that requires staff to review each request on a case-by-case basis, she suggested a better approach might be to designate specific locations where MMVs could locate. Vendors could contact the City to reserve a location. Mr. Lien pointed out that there is little to no City right-of-way that could be designated as specific locations for MMVs. They will most likely be located on private property, and it would be up to individual property owners to decide if they want to allow the use or not.

Board Member Johnson pointed out that there is ample room for an MMV to locate within the private parking lot located at 6th and Main, which is within the BD1 zone. She noted that this parking area is rarely used. Board Member Reed pointed out that the parking lot is posted as "no parking," except for individuals who are going into the adjacent building to conduct business. Board Member Johnson acknowledged that approval from the property owner would be required for an MMV to locate in this space, but it is possible. Mr. Lien said this parking area is probably the only location in the BD1 zone that could accommodate an MMV.

Board Member Johnson said she believes it is extreme to prohibit street vendors from locating on City streets and rights-of-way. Chair Lovell reminded the Board that the goal of the proposed amendment is to identify where MMVs can safely locate without impacting traffic and pedestrian safety and access. The City Engineer has indicated there are few, if any, public streets and rights-of-way within the commercial zones where MMVs could be safely accommodated. Mr.

Lien said the City of Seattle has designated specific areas where MMVs can locate on streets and in public rights-of-way, but parking is already a significant issue in the Edmonds downtown. Available parking could be further limited if MMVs are allowed to park on the street. Board Member Johnson challenged the Board and staff to consider places throughout all commercial zones in the City where it may be appropriate to allow MMVs within the right-of-way. For example, it may be appropriate to allow MMVs within the right-of-way adjacent to a public gathering place. Vice Chair Stewart said it might also be appropriate to allow MMVs to park on the street if a street is closed off to accommodate a festival or community event. Mr. Lien pointed out that this type of use would require a special festival permit.

Mr. Lien observed that there may be adequate space to accommodate MMVs within the public right-of-way along Admiral Way and near the ferry, both of which are located in the CW zone. In these locations, it may be possible for an MMV to park on the street and serve people from the sidewalk. However, there is no street parking along Highway 99, at Westgate or at Firdale Village. Board Member Johnson observed that there is some street parking available on Bowdoin Way in the Five Corners commercial area.

- **ECC 4.12.055.J.** Mr. Lien explained that this section prohibits street vendors in parks unless the vendor has a concession agreement with the City of Edmonds to operate on a specific park property.
- **ECC 4.12.055.H.** Mr. Lien said this provision would prohibit street vendors from locating within the portion of the street right-of-way designed for vehicular traffic or parking. It would also require a street vendor to obtain approval from the traffic engineer to locate within a right-of-way. He explained that the City Engineer has determined that there are very few streets in the commercial zones that can safely accommodate MMVs.
- **ECC 4.12.055.G.** Board Member Reed pointed out that ECC 4.12.955.H would allow street vendors to locate on sidewalks. Because sidewalks in the commercial areas of Edmonds are typically narrow, allowing street vendors on the sidewalks could restrict pedestrian access. He suggested that perhaps it would be appropriate to be more restrictive by identifying specific locations where MMVs and NMVs could locate in the commercial zones. Chair Lovell commented that, as per the proposed language, only NMVs would be allowed to locate on sidewalks. If located on the sidewalk, ECC 4.12.055.G would require that a minimum clearance of five feet be maintained at all times.
- **ECC 4.12.065.C.** Board Member Reed asked if there would be a tendency for MMV operators to show up early to set up when people are still sleeping. He asked how the City would regulate this issue. Chair Lovell referred to ECC 4.12.065.C, which sets forth time constraints for when vendors can operate. He also noted that ECC 4.12.055.E prohibits a vendor from leaving any structure or equipment overnight.

Vice Chair Stewart asked the rationale for prohibiting MMVs from staying in a location overnight. Mr. Lien explained that MMVs are intended to be temporary. If they are allowed to stay overnight, operators tend to build stuff around them and they can become permanent homes. He said the provision is intended to address aesthetic issues. Vice Chair Stewart expressed concern that requiring the vendors to leave the City every night does not support the City's goal of reducing their carbon footprint, particularly if the units come from longer distances. Mr. Lien noted that MMVs tend to move around to different locations each day. The idea is that they are temporary rather than permanent.

Vice Chair Stewart suggested that the operating hours identified in ECC 4.12.065.C may be too restrictive, particularly during the summer months. She reminded the Board of the City's goal to make the downtown more vibrant, and it would be desirable for the downtown to still be active at 8:00 p.m. on a summer evening. She suggested the hours of operation for MMVs and NMVs should be consistent with the operating hours recently approved for outdoor dining. The remainder of the Board concurred.

- **ECC 4.12.065.A.** Chair Lovell questioned why language related to fireworks displays is necessary in this section of the code since fireworks are illegal in Edmonds. Mr. Lien agreed that this provision could be deleted.
- **ECDC 16.** Mr. Lien explained that the operating restrictions in some commercial zones require that all sales be carried out entirely within completely enclosed buildings. This section will need to be amended to be consistent with the proposed changes to ECC 4.12. Staff will propose draft language that adds MMVs as a specific exception to this requirement in the applicable zones.

- **ECC 4.12.055.F.** Board Member Johnson said this provision allows the Development Services Director to determine the allowable number of street vendors. It also allows him to exercise discretion based upon the needs of the public, diversity of products offered for sale, the smooth flow of pedestrian and vehicular traffic and other considerations. Vice Chair Stewart asked if this provision would allow the Development Services Director to deny a request for an MMV that is operated by individuals who are skimpily clad. Mr. Chave answered that this issue is addressed by another section of the code.
- **ECC 4.12.055.C.** Vice Chair Stewart asked about the cost of a street use permit. Mr. Lien said fees are outlined in the fee schedule and are not specifically identified in the code language. Vice Chair Stewart suggested it would be appropriate to identify the associated fee for the street use permit in the code language. Mr. Chave explained that the City usually identifies permit fees in the public information materials that are available to members of the public. Including specific numbers for permit fees throughout the code would require the City to amend the code every time the fee schedule is adjusted. He reminded the Board that the fee schedule is adopted by the City Council by resolution, and it is up to the City Administration to make this information available to members of the public who need to know. This is typically done via the City's website and informational handouts. Vice Chair Stewart suggested the code should be more user friendly. Perhaps the code should reference the fee schedule so that citizens know exactly where to look for information about permit fees. The Board agreed it would be appropriate to scan the code language and add a reference to the fee schedule wherever a permit that requires a fee is discussed.
- **ECC 4.12.055.N.** Mr. Lien said this is a new section that outlines the criteria for locating within a parking lot of a private location. As proposed, an applicant would be required to provide a circulation plan that would be reviewed and approved by the City Traffic Engineer to ensure the MMV will not interfere in any way with vehicular or pedestrian traffic or safety. The applicant would also be required to demonstrate that the site meets the parking requirements of ECDC 17.50. He recalled that Board Member Clarke previously suggested that MMVs should orient towards the sidewalk, but most of the parking stalls are head on to the sidewalk, and parking sideways would require several parking spaces.
- **ECC 4.12.055.** Mr. Lien advised that this proposed amendment would eliminate the requirement for a street vendor to obtain Architectural Design Board (ADB) approval. He pointed out that there are currently no standards for ADB review of MMVs. Instead, ECC 4.12.055.B was added to address aesthetic issues. As proposed, MMVs must be commercially manufactured vehicles as defined in ECC 4.12.010.E. This means that the vehicles must be specifically designed to be MMVs. He provided illustrations of different types of MMVs and noted that most of them would meet this qualification. Board Member Johnson suggested that perhaps it would be appropriate to require a photograph of the MMV as part of the application.
- **ECC 4.12.055.D.** Mr. Lien said that, as currently proposed, sign area on NMVs and MMVs would be limited to 10 square feet. Another option would be limit the sign size based on the size of the vehicle, which would be similar to how the City regulates signs for businesses. Board Member Tibbott questioned the appropriateness of limiting signs on MMVs to a specific size, since they typically operate in multiple locations. He suggested that limiting the sign size would make it difficult to accommodate the creativity that is inherent with MMVs. The remainder of the Board concurred. They discussed the concept of limiting MMV sign area to the surface area of the vehicle, without allowing signs on top or protruding out of the vehicle. Board Member Johnson pointed out that MMVs are temporary, and she would not be opposed to allowing more signage, in addition to the vehicle space, so MMVs can attract passersby. The Board agreed it would be appropriate to maintain the 10 square foot sign limitation for NMVs, but signage for MMVs should not be limited to a specific size.
- **ECC 4.12.010.C.** Mr. Lien said the proposed definition for MMV came from an ordinance drafted by the City Attorney. Since that time, the City has received a request from someone who wants to operate a mobile boutique, which would not be allowed as per the proposed definition. He suggested that the definition should be changed to be more in line with the definition for "street vendor," which does not limit the sales to food items. The Board concurred.
- **ECC 4.12.055.P.** Mr. Lien explained that this new provision would prohibit MMVs from operating within any of the BD zones during special events where food providers are required to pay a fee to participate. He said the purpose of this

provision is to avoid situations where MMVs park just outside of a special event such as the Edmonds Arts Festival or Taste of Edmonds to sell food items, creating competition for the vendors who pay to participate in the event. Board Member Reed suggested that perhaps the provision should be more general to include all special events that take place in Edmonds, including events in the CW zone. Mr. Lien suggested that rather than identifying specific zones, they could prohibit MMVs from locating within a certain distance from any festival in Edmonds. The Board agreed that the language should be changed to prohibit MMVs from operating within ¼ mile of any festival in Edmonds where food providers are required to pay a fee to participate.

- **ECC 4.12.030.A and ECC 4.12.050.** Vice Chair Stewart said she understands that a background check would be done for each vendor. However, she felt the term “investigation” was a bit off putting. She asked how other jurisdictions refer to the background check requirement. Board Member Reed suggested that “investigation” may be a commonly used police term. Changing the term may go beyond the Board’s purview. Mr. Lien agreed to contact the City Clerk for feedback. Vice Chair Stewart suggested that, if determined appropriate, the term should be changed to the more friendly term “background check” throughout the document. The Board agreed.
- **ECC 4.12.055.J.** Vice Chair Stewart suggested that the language in this section could be more positive. She recommended it be amended to read, “Street vendors may operate in parks if they have a concession agreement with the City of Edmonds to operate on a specific park property.” The Board agreed the change would be appropriate.
- **ECC 4.12.055.M.1.** Board Member Johnson questioned the appropriateness of requiring City Council review and approval for requests for sites abutting public land owned by the City. She suggested that this requirement would be excessive, particularly given that the Development Services Director has the authority to use discretionary judgment. Mr. Lien said this is existing code language. He agreed to review the language further and provide additional feedback to the Board.
- **ECC 4.12.055.O.** Board Member Johnson requested clarification about the size limitation contained in this section. Mr. Lien pointed out that the size limitation refers to NMVs and not MMVs, and is based on existing code language. Board Member Johnson asked if the proposed language identifies size limits for MMVs. Mr. Lien answered that none have been proposed. However, the code does require that MMVs be commercially manufactured vehicles. To make the language clearer, Mr. Lien agreed to renumber ECC 4.12.055.O to be ECC 4.12.055.N.3.

The Board agreed that the draft language, as updated per the Board’s comments, and prepare to move forward to a public hearing.

THE BOARD RECESSED THE MEETING AT 8:57 P.M. THE MEETING WAS RECONVENED AT 9:06 P.M.

DISCUSSION OF CURRENT BED AND BREAKFAST REGULATIONS AND OPTIONS FOR CLARIFYING THEM (FILE NUMBER AMD20120001)

Mr. Clugston said the City recently received a request from someone who wants to operate a bed and breakfast (B&B) in a residential zone. He explained that while the current code allows B&Bs within single-family residential zones, the use is not defined and there are only limited standards and criteria for how they should be reviewed and approved. He referred to the flow chart in Attachment 1, which attempts to visually outline the current regulations. He explained that in some cases (more than one room), a business license would be required. In other cases (one room), an applicant would be required to register as a transient accommodation. Attachment 2 was created by the Fire Department in 1986 to identify what should be included as part of a transient accommodation review. He said that the current Fire Marshall pointed out that when the transient accommodations language was approved in 1995, there were 10 B&Bs operating in the City, and now there is only one. He said the purpose of tonight’s discussion is for the Board to review what currently exists and provide direction to staff on how to move forward. Possible outcomes include:

- **No Change.** Although the current regulations are difficult to follow, there is a process in place whereby a resident can establish a B&B based on existing code. Producing a handout for applicants that includes the definitions and describes the relationship between the disparate parts of the code would help an applicant. However, there would still be no review criteria and standards.

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- **Define B&Bs and establish criteria that fits within the recently updated Home Occupation code (ECDC 20.20).** Home occupations are permitted secondary uses in residential zones when certain criteria can be met and conditionally permitted in other situations.
- **Define B&Bs, establish criteria, and create a new code section specifically regulating B&Bs.** This could be similar to the City’s Accessory Dwelling Unit (ADU) chapter (ECDC 20.21). ADUs are secondary uses requiring a conditional use permit in single-family residential zones, and the ADU code provides criteria and standards for the number of units, size, occupancy, parking, etc.

Mr. Clugston explained that many municipalities in the area permit B&Bs in single-family residential zones with a conditional use permit or as home occupations, and staff provided examples from Mercer Island, Mukilteo, Bainbridge, Bellingham, Shoreline, University Place, and Friday Harbor (Attachment 3). These cities have established specific criteria to limit the number of rooms/boarders, the duration of stay, signage, parking requirements, etc. He said staff is recommending that the City code be updated to provide reasonable guidance for B&Bs. Requiring some type of license or permit would allow staff the ability to review applications to minimize potential impacts to residential neighborhoods.

Chair Lovell asked if it would be possible to address the issue without requiring that B&Bs meet the City’s current definition for “family.” Mr. Clugston answered that the regulations would have to be consistent with the City’s current definition for “family,” which is “individuals consisting of two or more persons related by genetics, adoption or marriage, or a group of five or fewer persons who are not related by genetics.”

Chair Lovell advised that the B&B regulations should also address issues such as smoke detectors and the number of bathrooms. Mr. Clugston explained that, currently, B&Bs consisting of only one room require a transient accommodation license, and Attachment 2 outlines the review criteria that would be used for the Fire Marshall’s inspection. If a B&B has more than one room, a business license would be required and a building inspection would be done to make sure the structure is code compliant.

Mr. Chave summarized that because the code does not expressly address B&Bs, the only way to regulate them is through a convoluted set of regulations. He summarized that the business license provisions (Title 4) imply that B&Bs are allowed in the City, but the land use code is silent on B&Bs. The only way to regulate them at this time is through the definition of “family.” The central question is whether the City wants to acknowledge, permit and encourage B&Bs or continue with their current regulations? Again, Mr. Clugston referred the Board to Attachment 3, which provides examples of how neighboring jurisdictions provide clear processes, as well as standards and criteria for reviewing B&B applications.

Board Member Johnson requested background information about why the number of B&Bs in the City has been substantially reduced. Mr. Clugston said staff cannot explain why there are fewer B&Bs now, but the City has not been approached with very many requests, either. Board Member Tibbott requested information about how viable B&Bs are in the City of Edmonds. Mr. Chave pointed out that they have been proven viable uses in other communities, similar to Edmonds. Board Member Johnson asked if the community has expressed a desire one way or another, and Mr. Clugston answered no.

Vice Chair Stewart reminded the Board of the City’s goal to promote tourism, and B&Bs provide a natural opportunity towards accomplishing this goal. B&Bs can also be viable home occupations. Regulating B&Bs similar to ADUs would also be appropriate. She expressed her support for following the example of other jurisdictions by amending the code to define B&Bs and establish criteria and standards. The City should encourage this type of use.

Mr. Chave said he does not anticipate the City will get much in the way of additional hotels or larger accommodations, and B&Bs can provide opportunities for people to stay in the community for tourist purposes in a manner that fits within the residential setting that defines Edmonds. He agreed that establishing clear standards and criteria for B&Bs is one way to promote tourism.

Board Member Johnson agreed that providing standards and criteria for reviewing B&B applications would be appropriate, but she questioned if a detailed staff review would be necessary or if a business license requirement would be adequate. Mr. Chave suggested the Board review the examples from other jurisdictions to address this issue.

Board Member Reed recalled that in 2009, the Board had several discussions about code provisions related to short-term rentals. He suggested that some of the issues discussed at that time may have some bearing on the Board's current discussion about B&Bs. He suggested the Board review the minutes from these discussions (January through March 2009).

Chair Lovell observed that Edmonds is a residential community, and allowing and encouraging B&Bs makes sense because there are numerous properties that could be converted into B&B's for various reasons. He expressed his belief that establishing clear criteria and standards for B&Bs would be perfectly appropriate because it would encourage a use that attracts tourists and results in additional tax revenue for the City.

The Board briefly reviewed each of the examples provided in Attachment 3. They discussed whether or not it would be appropriate to require the owner of a B&B to live on site. Board Member Johnson said she has stayed in B&Bs where the owner did not live on site. Vice Chair Stewart expressed her belief that requiring the owner to live on site would be appropriate given the residential nature of the Edmonds community. Board Member Tibbott pointed out that requiring the owner to live on site would also provide additional supervision. Vice Chair Stewart reminded the Board that the ADU regulations require one of the units to be owner occupied. Board Member Tibbott suggested it would be appropriate to allow B&B owners to live in a separate, detached unit on the site. Chair Lovell suggested another option would be to require the owner to be in residence when the rooms are being rented.

Board Member Tibbott referred to Mountlake Terrace's requirement that two off-street parking spaces must be provided for each rental room. He suggested this requirement might be overly restrictive since people might come to the site via train or another form of public transportation. Vice Chair Stewart agreed that the City should encourage people to use public transportation when viable. However, they must also require adequate parking to address the demand to avoid impacts to surrounding properties. Mr. Clugston observed that while public transportation is readily available in downtown Edmonds, that is not the case for all parts of the city. For that reason, he recommended that the City's B&B regulations includes some standard for parking. Board Member Johnson noted that the City of Shoreline requires one parking space per room plus two spaces per facility. She expressed concern that this would be an excessive amount of parking in a neighborhood setting.

The Board discussed whether or not it would be appropriate to limit the number of rooms a B&B is allowed to have. While he does not believe it is necessary to significantly restrict the number of rooms allowed, Board Member Tibbott expressed concern that allow more than 8 rooms would exceed the intent of the residential neighborhood. Chair Lovell suggested that the number of rooms be limited to six to avoid problems with the number of bathroom fixtures relative to bedrooms.

The Board agreed it would be appropriate to move forward with code language that promotes B&Bs by creating a definition, criteria and standards for regulating the use. Board Member Reed suggested it would be helpful for staff to prepare draft code language for the Board's consideration using the best features of each of the examples provided in Attachment 3. Mr. Clugston summarized that the Board is asking staff to review the examples provided in Attachment 3 and proposed draft language that could either incorporate B&B standards and criteria into the home occupation section (ECDC 20.200) or create a new section similar to the ADU code (ECDC 20.21).

Board Member Tibbott suggested that perhaps the requirements for B&Bs with one or two rooms could be less restrictive than the requirements for larger B&Bs. Mr. Clugston suggested that perhaps B&Bs of two rooms or less could require a business license, and B&Bs of three or more rooms could require a conditional use permit. He agreed to review the licensing chapter of the code (ECC 4.72) and work on the definition further. He also agreed to contact the City Clerk and Fire Marshall for additional feedback. He said he would prepare draft language for the Board to consider at a future meeting.

REVIEW OF EXTENDED AGENDA

The Board did not review their extended agenda.

PLANNING BOARD CHAIR COMMENTS

Chair Lovell did not provide any comments during this portion of the meeting.

APPROVED

PLANNING BOARD MEMBER COMMENTS

Board Member Tibbott reported on his attendance at the Strategic Plan Roundtable. He said he was concerned that most of the ideas and input was for innovations in the downtown bowl area, particularly along the waterfront. Very few comments were related to other parts of Edmonds. He reminded the Board that citizens have already complained about the lack of engagement with businesses along Highway 99 and other commercial areas of the City. He suggested that, sometime this year, the Planning Board should have a conversation about how to engage other parts of the City in the planning process. He recalled that the Board had a retreat discussion about looking at areas of the City that have redevelopment potential and then having an engaging conversation with property owners, developer and merchants about how they want their neighborhood commercial areas to redevelop.

Board Member Reed said he also attended the Strategic Plan Roundtable, and his group's discussion focused on Highway 99 and the Medical Activity Center. It was pointed out that the Highway 99 Task Force and Swedish Medical Center have a lot of plans for the area. He suggested it would be appropriate to invite the Highway 99 Task Force and representatives from Swedish Medical Center to meet with the Planning Board to discuss their ideas. The remainder of the Board concurred. They also agreed it is important for them to be proactive in building conversation in other parts of the City.

Vice Chair Stewart reported that she recently had a conversation with a City Council Member about how to improve communication between the Planning Board and the City Council. It was suggested that the Planning Board provide a summary report of each of their meetings at the subsequent City Council meetings. She pointed out that the City Council meetings are televised, so this would be an opportunity to raise public awareness about the Board's activities. Chair Lovell agreed to discuss this idea with the City Council president and report back to the Board.

Board Member Johnson thanked Board Member Tibbott for the informational articles he has submitted to *THE EDMONDS BEACON* on behalf of the Board.

Board Member Johnson said she attended the Strategic Plan Roundtable, as well. She noted that most of the discussion focused on the downtown/waterfront, arts in downtown, and Highway 99. She questioned how all areas in the City would be pulled together for the next community meeting. She expressed concern that if the strategic plan process continues to focus on these narrow topics, it will be difficult to engage the entire community in a discussion of citywide issues such as non-motorized transportation, connections between parks, and neighborhood enhancement. If this does not occur, she questioned how useful the end product would be.

Mr. Chave explained that the topics of discussion at the Strategic Plan Roundtables were identified as high priorities on the citizen survey. The group he participated with did not focus their discussion on just the downtown area when talking about the arts. They specifically talked about connecting the downtown/waterfront to other sections of the City such as the neighborhood commercial centers. He summarized that the conversations were far reaching, depending on the focus of each group. Board Member Johnson observed that, in some ways, the survey actually determined the next step because there were a lot of questions about arts, retail uses, etc. Mr. Chave said that in addition to the survey, the Strategic Plan Roundtable discussion topics include ideas and comments brought forward by the focus groups, which included a lot of locations throughout the City.

Board Member Reed reminded the Board of their earlier decision to revisit the City's Park Naming Policy. He also reported that an ordinance to reestablish and solidify the Citizens Economic Development Commission (CEDC) was recently adopted by the City Council. It identifies that there would be representatives from the Port of Edmonds and the City Council, but not from the Planning Board. Chair Lovell said this would not preclude the Board from appointing a liaison to attend the meetings as non-voting members. He noted that neither the Port representative or the City Council representative would be voting members of the CEDC. He suggested that the Planning Board may have been inadvertently excluded, but the likely intent was to avoid situations of conflict.

ADJOURNMENT

The Board meeting was adjourned at 9:58 p.m.

APPROVED