

APPROVED MARCH 23RD

**CITY OF EDMONDS
PLANNING BOARD RETREAT
Summary Minutes**

March 9, 2016

Chair Lovell called the meeting of the Edmonds Planning Board to order at 6:00 p.m. in the Brackett Room, 3rd Floor of City Hall, 121 – 5th Avenue North.

BOARD MEMBERS PRESENT

Philip Lovell, Chair
Carreen Rubenkönig, Vice Chair
Matthew Cheung
Alicia Crank
Nathan Monroe
Daniel Robles
Valerie Stewart

STAFF PRESENT

Kernen Lien, Senior Planner
Diane Cunningham, Administrative Assistant
Patricia Taraday, City Attorney
Rosa Fruehling-Watson, City Attorney

BOARD MEMBERS ABSENT

Todd Cloutier
Samuel Kleven (Student Representative)

READING/APPROVAL OF MINUTES

VICE CHAIR RUBENKONIG MOVED THAT THE MINUTES OF FEBRUARY 24, 2016 BE APPROVED AS AMENDED. BOARD MEMBER STEWART SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

ANNOUNCEMENT OF AGENDA

The agenda was accepted as presented.

PUBLIC COMMENT

Natalie Shippen, Edmonds, provided copies of pages from Carmel, California's sign code and suggested the Planning Board consider the information as they review and update the City's Sign Code. Chair Lovell announced that the Board's first public hearing on the Sign Code is scheduled for April 27th, which will be followed by more discussion and possibly a recommendation to the City Council on May 11th.

THE BOARD RECESSED THE MEETING FOR DINNER AT 6:10 PM, AND THE MEETING RECONVENED AT 6:20 PM.

TRAINING: PRESENTATION AND DISCUSSION WITH THE CITY ATTORNEY(S) ON THE PUBLIC RECORDS ACT

Ms. Taraday and Ms. Fruehling-Watson led a discussion regarding the Public Records Act, which included the following:

- A public record is defined as “any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function that is prepared, owned, used or retained by any state or local agency, regardless of its physical form or characteristics.” Personal notes written by Board Members that relate to the conduct of government or the business at hand could be considered a public record. For example, if the note remains in the Board Member’s control and he/she is able to discard it at their pleasure, it would be considered more of a personal record, but notes that are intended to be circulated amongst others would be considered a public record. Because interpretation of the law is complicated, Board Members were encouraged to contact the City Attorney with specific questions.
- Public records can include written documentation, audio, sound, voice messages, presentations, etc. It is not limited to what many people consider an actual record. When identifying whether a record is public or not, it is important to consider whether the record was created while acting in the capacity of a Board Member or if it was created under a different, personal context. Purely personal emails between Board Members that have no relation to the conduct of government would not be considered public records. However, once you mix the record to contain both personal and public information, it becomes entirely a public record and it would not be possible to redact the personal information.
- The courts have agreed that records created on personal devices or accounts can be public records. The courts look at the content, rather than the origin or source of the record. For example, depending on the content, text messages can be public records. They must be retained so they can be disclosed if asked. The City is in the process of adopting a text messaging policy, which will limit the use of text because it is too hard to manage those types of records.
- The City has an obligation to assess when a public records request has been made. Public records request can come in a variety of sources, including requests made by the public during a public meeting. If a public records request is received, in any format, the City has an obligation to respond to the request within 5 days. If a Board Member receives a public records request, it should be immediately forwarded to the City Clerk, who has been trained to coordinate responses. This approach will allow each request and response to be accurately recorded. If the City receives a request pertaining to Planning Board activity, Board Members will be notified.
- There is no charge for public records, and many local agencies are concerned that the staff time involved with large, complicated requests is not being compensated for in any way. Currently, there is no reasonable standard and/or limitation built into the Act. Therefore, the City is obligated to respond to every request, regardless of how large.
- There are very few situations in which a public records request can be denied. Many are simple and the documents can be provided within five days. Other times is it necessary to request clarification from the requester, and having a conversation with the requester can often result in a narrower scope. When a large request is received, the City must assess how long it will take to fulfill the response. It’s important to keep an open dialogue with the requester and keep him/her updated on the City’s progress and turn over documents on a regular basis.
- If a request is received pertaining to Planning Board business, a reasonable approach would be for Board Members to search all devices that could have been used to create relevant documents. It would be a good idea to provide the City Clerk with a summary documenting the places you looked and the information that was found. If a document meets the definition of a public record and there is no applicable exemption, it must be disclosed, no matter how embarrassing it may be.
- While there are certain exemptions that address the issue of privacy, the standards are very high. The City Clerk will review these issues on a case-by-case basis and consult with the City Attorney. It was cautioned that the exemption must be applied very judiciously.
- Revised Code of Washington (RCW) 40.14.020 outlines the specific retention guidelines that govern the period of time that local agencies must retain particular records and is based on the content, function and purpose of the record. There was a lengthy discussion about the City of Edmonds’ retention schedule for various documents, which follows the RCW guidelines and can be found in the City Clerk’s Office or online. It was suggested that Board Members clean out their in-boxes and delete documents that do not have a retention value. Otherwise, the search can be cumbersome when a

request comes in. Although emails that go through the City's server are retained by the server, senders should keep the records, as well.

- There are consequences (penalties) to the City for failing to respond in a timely manner, failing to produce all relevant documents, or failing to do a proper search. There are also penalties associated with the failure to retain records for the required amount of time.

Chair Lovell summarized that the important things for the Board to remember relative to the Public Records Act are to:

- Use the City's website for Planning Board communication.
- Avoid conducting "chain" meetings via email.
- Anytime more than three Board members are together would constitute a quorum and qualify as a public meeting.
- Once the minutes are approved in their final form, they become part of the public record. The Council relies heavily on the Board's minutes for information.

DISCUSSION: GROWTH PATTERNS AND STRATEGIES FOR EDMONDS

Chair Lovell reviewed that the focus of this discussion is related to growth in Edmonds, and specifically the issue of housing. He briefly reviewed the attachments in the Staff Report, which include a presentation on future growth, Comprehensive Plan discussion of growth and capacity, adopted Comprehensive Plan Housing Element, Revised Code of Washington addressing affordable housing programs, a presentation by the Alliance for Housing Affordability (AHA), and housing performance measures from the City of Kirkland.

Chair Lovell briefly reviewed the statistics that were provided in the Development Services Director's presentation on future growth pertaining to demographics, income levels, and housing types. He said it is also important to keep in mind that the City is nearly built out, and there is very little land available to produce substantial new housing. He sees the City's options to be fairly limited. They can rezone fringe areas that are currently single-family to multi-family, encourage infill development, rezone large areas of land, or create zoning standards that allow for and encourage multi-family housing on Highway 99.

Board Member Crank stressed the need to consider the specific housing needs of the people who will be moving to Edmonds in the future. She reviewed how the City of Mountain View changed its zoning code over a period of time to allow the types of development that was desired and needed to accommodate its growth. Vice Chair Rubenkönig agreed and recalled that the Housing Element in the Comprehensive Plan also talks about the need to consider the housing needs of the special populations in the City. Chair Lovell suggested that rather than trying to predict and determine where people can go and what category, the Board's job is to make sure that the conditions exist to allow for an expansion of housing types and opportunities.

Board Member Stewart suggested that the Board review the current zoning map and specifically identify the potential housing opportunities in areas such as Westgate, Firdale Village, Five Corners, Highway 99, etc. The Board raised some questions about whether or not housing types such as cottage housing, assisted living, and accessory dwelling units could be counted towards meeting the density requirement. Board Member Crank said it is possible the City will receive more rezone request as the population continues to increase. As the current aging population either passes away or moves away, developers could purchase and consolidate lots that could then be developed into greater densities.

The Board discussed whether or not the large lots (RS-20) in the northern portion of the City could be consolidated and rezoned to RS-8 to accommodate additional density. Mr. Lien explained that the properties zoned RS-12 and RS-20 are designated in the Comprehensive Plan Map as Single-Family Resource because there are steep slopes and critical areas present. Before a rezone could be approved, the Comprehensive Plan would have to be amended. Board Member Stewart cautioned that when considering opportunities to increase density, they must also continue to protect the green spaces and natural areas.

Mr. Lien reminded the Board that Edmonds is supposed to have a population of 45,550 by 2035, which is a growth of about 245 people per year. A 2012 Buildable Lands Report found that there was capacity under the existing zoning for 2,646

additional housing units by 2035. There have also been some changes to zoning on Highway 99 and at Westgate, which created an opportunity for an additional 267 housing units. He summarized that under the existing zoning, there is capacity for 3,339 housing units, which would meet the City's population projections.

Board Member Cheung pointed out that the cost of land in the downtown area is very high, and the same size lot on Highway 99 would likely be half the cost. He suggested that future development is more likely to occur along Highway 99. The Board agreed that they would like to encourage mixed-use development in the Edmonds portion of Highway 99, particularly because there is already rapid transit bus service available along the highway all the way to Seattle. They further agreed that affordable homes and apartments in the areas with the highest mobility would be very desirable.

Chair Lovell shared that a number of multi-family residential complexes have been developed recently in Mountlake Terrace and more are being planned. However, they are primarily apartment units rather than condominium units because the land is less costly. However, with the exception of perhaps Highway 99, these conditions do not exist in Edmonds. Board Member Crank pointed out that apartment units are often converted to condominium units over time. Board Member Robles added that, typically, these units are built to a higher standard in anticipation of converting them to condominiums later on.

Board Member Crank asked if the City could require that a certain number of units in a new development must be affordable or a developer must pay into an in-lieu-of program to construct affordable units elsewhere. Mr. Lien said some cities use this approach, but Edmonds does not. However, some zones in the City, such as the Commercial Business-Edmonds Way (BC-EW) zone, offer reduced setbacks and/or height as an incentive to encourage affordable housing.

The Board talked about the need for a diversity of units that are dispersed throughout the City, serving all types of people, including the special populations. Housing types could include micro units, community living, and co-ops. Mr. Lien referred the Board to Pages 82 and 83 of the Housing Element of the Comprehensive Plan, which talks about Area Medium Income (AMI) for the Seattle/Bellevue area. He noted that medium income for Edmonds is about \$67,000. The Housing Element also talks about the average rents in Edmonds and the distribution of affordability. At this time, there is no extremely low-income housing available in Edmonds, and only limited very low-income housing. While the capacity might be adequate, the mix of housing types and affordability will be a bigger challenge to address.

The Board discussed the City's goal to create opportunities for people who live in Edmonds to work in Edmonds. They agreed that creating employment in Edmonds of a nature and variety that can generate enough income for individuals and families to live in Edmonds will be quite a challenge. Mr. Lien pointed out that the CG zone along Highway 99 allows development up to 60 feet in height and the CG2 zone allows up to 75 feet in height. There are also two high-rise nodes that allow unlimited height. It was discussed that redevelopment of Highway 99 will play a key role in the City's economic future, and it is important to obtain input from and discuss opportunities with the property owners along the highway. Board Member Cheung commented that if the City could attract several quality office buildings on Highway 99, they could attract businesses that do not want to pay the higher Seattle rents. It was noted that the availability of transit service is also attractive to businesses.

Chair Lovell pointed out that, with the exception of Highway 99, the height limits in Edmonds make it very difficult and less attractive for developers to construct multi-family housing. Board Member Cheung said most people do not see Edmonds as being an affordable place for apartments. Less costly apartments are available in Lynnwood and Mountlake Terrace. People do not choose Edmonds for the convenience factor, either, because Lynnwood is more convenient and closer to 99.

Board Member Monroe observed that the City has a high percentage of single-family homes and people own more of the community. He said he would hate to see this sacrificed in order to meet the demands of growth. Board Member Cheung agreed and, once again, noted that it is hard to compete with some of the cheaper areas. Board Member Stewart and Vice Chair Rubenkonig stressed the need to provide housing opportunities that allow people to stay in their communities when they need to downsize from their single-family homes as they age or their circumstances change.

The Board Members spent time reviewing the existing development Highway 99 and discussing potential opportunities for both commercial and residential development. Mr. Lien reminded the Board that the City is currently in the process of creating a subarea plan for Highway 99, which will include a Planned Action State Environmental Policy Act (SEPA)

Review. This approach removes some of the hoops that developers have to jump through, and may encourage more redevelopment along the highway.

Board Member Crank reminded the Board that “affordable housing” is different than “low-income housing.” Mr. Lien agreed and referred to the information provided in the Housing Element of the Comprehensive Plan. Vice Chair Rubenkonig suggested that a more accurate term for “affordable housing” is “living-wage housing.” Mr. Lien referred to the chart on Page 84 of the Housing Element, which identifies the projected housing needs based on income.

It was noted that the Housing Element projects that 2,790 new units will be needed to accommodate the anticipated growth, and the Board agreed that the City has an opportunity to steer the type of new development that occurs. While the capacity is already available, attracting the appropriate type of development to meet the needs will be the challenge. They need to look ahead and learn from other communities. Chair Lovell suggested that the Board invite a representative from the Puget Sound Regional Council (PSRC) to attend a future meeting and provide information on what is going on in the rest of the county and how other jurisdictions are addressing the issue of housing. The remainder of the Board agreed that would be helpful.

The Board agreed that mass density should be focused along the corridors where adequate public transportation and services are already available. However, they also agreed it is important to provide housing options that allow people who already live in Edmonds to remain as they age or their circumstances change. Potential options include Airbnb, cottage housing, and accessory dwelling units.

Board Member Robles said the City of Twentynine Palms did an extensive research on the topic of vacation home rentals and came up with a massive code that covers everything. He suggested that the Board consider this research as they continue their code update discussion. This is one way the City can provide more overnight accommodations to visitors and help property owners at the same time.

As the Board continues its discussion about housing, Vice Chair Rubenkonig suggested that options to consider include: affordable housing requirements with off-setting density bonuses; multi-family residential tax exemptions; standards for transit-oriented development; impact fee exemptions for affordable housing; cottage and/or carriage housing regulations; small-lot, single-family allowances; broader accessory dwelling unit regulations; and allowing duplexes in single-family zones.

Mr. Lien reminded the Board Members of the public workshop for Highway 99 planning and visioning on March 24th at 7:00 p.m. at City Hall.

ADJOURNMENT

The Board meeting was adjourned at 8:55 p.m.

APPROVED