

City of Lynnwood
PLANNING COMMISSION MEETING MINUTES
MARCH 27, 2003

Commissioners present:

Dave Johnson
Brian Bigler
Patrick Decker
Tia Peycheff
Jacqueline Powers
Donna Walther

Staff present:

Jim Cutts, Community Development Director
Ron Hough, Comprehensive Planning Manager
Dennis Lewis, Senior Planner
Lee Michaelis, Associate Planner
Tim Fargo, Assistant Planner

SUMMARY OF THE MARCH 27, 2003, MEETING MINUTES

Mobile Home Park Study – Informal Public Meeting

Staff explained the background of the Mobile Home Park Study that pertains to two parks – Kingsbury East and The Squire. Testimony was provided by interested parties and will be considered in the recommendation to be forwarded later to the City Council.

Subdivision Code Rewrite – Public Hearing

Staff reviewed the proposed changes to Title 19, Subdivision Code. Testimony was then heard from interested parties and will be considered in the recommendation to be forwarded to City Council.

Code-related Comprehensive Plan Amendments

Staff described proposed changes to the Development Regulations that might require Comprehensive Plan amendments that should be included on the Study List.

CALL TO ORDER

Chair Johnson called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES

Commissioner Decker moved to adopt the February 27, 2003, minutes as presented. The motion was seconded by Commissioner Bigler and carried unanimously.

CITIZENS COMMENTS

None of the citizens present offered any comments.

INFORMAL PUBLIC MEETING

Mobile Home Park Study

Assistant Planner Fargo explained the background of this year's mobile home park study for the Kingsbury East and The Squire mobile home parks. He described the existing inconsistencies between the Comprehensive Plan and the Zoning Map and summarized the Commission's previous recommendations to the City Council in 2001 and 2002. Fargo stressed that the Commission is

reviewing these Comp Plan/Zoning inconsistencies again because the City needs to comply with the Growth Management Act's consistency requirement.

At the conclusion of the presentation, Chair Johnson opened the Informal Public Meeting portion for this item. The following persons spoke to the Commission:

1. Joan Holbein, 4515 176th Street SW #5, 98037 – Ms. Holbein expressed concern that the park owner would sell the property if zoned multi-family and displace the residents, many of whom are senior citizens. Ms. Holbein also inquired about the benefits to the City of the proposed changes, specifically if property taxes would be increased. Staff explained that there is currently no active recommendation – we're simply hearing comments. However, there are many factors to consider in determining whether or not any particular change would benefit the city in the form of increased tax revenues or in other ways. Ms. Holbein requested protection and assurance that the homeowners would have some place to live if the park owners decided to develop their properties to something other than a mobile home park. Ms. Holbein stressed the importance of keeping the zoning as single-family, and change the Comprehensive Plan to achieve consistency. Mr. Fargo had indicated earlier that the Comprehensive Plan would need to be changed to SF-1 to support RS-8 (single-family) zoning.
2. Bill Foster, Hutchison & Foster, 4300 198th Street SW, 98046 (attorney representing the Squire Mobile Home Park and Kingsbury East) – Mr. Foster noted that he has represented these park owners for over 15 years and they have never expressed any desire to develop their properties or change the use from what it is currently. There is no hidden agenda the residents need to be concerned about at this time. Mr. Foster concluded that the property owners would like to bring the current zoning into conformity with the Comprehensive Plan by rezoning the property to multi-family and keeping the Comprehensive Plan designation as MF-1. Due to the location of the properties, proximity to arterials, and the use of surrounding properties, it would be an error to zone these properties for single-family residential.
3. Nick Heinzen, 506 79th Avenue SE, Everett. – Mr. Heinzen asked if he understood correctly that 3/4s of the surrounding properties are multi-family. After a brief discussion between staff and the Commission, it was determined that his understanding was generally correct. Mr. Heinzen understands that the owners are looking at having the highest and best use of the land, but the sentiment of the families living in the parks and their concerns about being displaced should also be considered.
4. Dave Lewis, 17408 44th Avenue W, #43, 98037 – Mr. Lewis, a commercial real estate agent, noted that there is no market at the present time for multi-family projects and probably won't be for some time. He supports Mr. Foster's presentation and urges the Council to change the zoning to comply with the Comprehensive Plan.

Commissioner Decker advised that it was not the Commission's role to explore alternative values to owners; nor is it the Commission's role to look at renters' rights vs. property owners' rights. The Commission deals primarily with the laws related to planning and zoning. The recommendation the Commission will make should be based primarily on consistency. Political issues such as renters' rights vs. property owners' rights should be dealt with by the City Council.

Commissioner Walther inquired what the replacement cost of a manufactured home would be. She was advised that it would be approximately \$100,000.

Commissioner Bigler urged everyone to attend the Council hearing when this issue is scheduled and voice their opinions as they have done here tonight.

Commissioner Peycheff noted that proper land use is determined by the prevailing sentiment of the people living in the area. It is not exactly clear-cut.

At the conclusion of all comments, Mr. Johnson briefly outlined the opportunities for further input before a final recommendation to Council is made.

PUBLIC HEARING

Subdivision Code Rewrite

Associate Planner Michaelis outlined the proposed changes in LMC Title 19 - Subdivision Code such as additions of definitions, administration and procedures for plats, design standards, boundary line adjustments, etc. as contained in the Commissioners' packets. At the conclusion of his presentation, Mr. Michaelis answered questions from the Commissioners.

Chair Johnson opened this portion of the meeting for public comment and the following comments were received:

David Toyer, Master Builders, 2155 1125th Avenue NE, Bellevue 98004 – Mr. Toyer covered the following items that concerned him:

- Page 19-2 item D, add language: “or where adequate public facilities can easily be provided.”
- Page 19-2 or 19-3, add something such as “As long as you are meeting the goals and objectives, health, safety, welfare, etc., that this subdivision code acts in support of a person’s rights to develop their property based on zoning, etc.” Something of that nature.
- Page 19-12, section 19.20.005 – This section requires mandatory predevelopment meetings. Master Builders is opposed to this section because all applicants may not require pre-application meetings. It also creates a burden to staff and additional time to the developers.
- Agrees with switching some of the responsibilities to the Hearing Examiner and offered this suggestion: Under state law rather than the Council making decisions on plats, that authority can be delegated to the Hearing Examiner. Three sections of state law that provide for this are 35.63A.170, 36.70B.020(4), and 36.17.330(1). This would remove the City Council from land use issues, de-politicize the process for the developer and the citizen, and reduce the City’s liability should Council make an unintelligible political decision on an application.
- Page 19-32 #7 – Distributed information to staff regarding this buffering issue. Mr. Toyer stated that government-authorized home loan programs will not allow a development to qualify for the programs if there are common tract areas that are owned either by a particular property owner or if they are owned in common, undivided ownership. He suggested that these strips be owned by a homeowners’ association or by the adjacent owner. This would give the developer the option to qualify for the government-authorized home loan programs.
- Binding Site Plans – Mr. Toyer stated that binding site plans are used for multifamily development in many jurisdictions as well as for single-family detached dwellings. They are very effective for certain types of condominium projects. He would like to speak further with staff about this subject.
- Tree bonding issue – Mr. Toyer advised that within a year you would know whether a tree was going to survive. It would be better to transfer this liability to the homeowner or an association rather than keeping the developer liable for three years for something that is beyond his control.

Mr. Toyer indicated that he will provide further information on the Title 19 Rewrite at the next meeting, if allowed.

At the conclusion of Mr. Toyer's comments, Mr. Michaelis advised that this issue is still under discussion and more comments will be accepted. The Environmental Review Committee (ERC) has not issued a threshold determination so, according to Michaelis, it would benefit the Commission to wait for the appeal period to close before making any decisions.

Commissioner Bigler inquired about:

- Item #10 on page 19-13. Mr. Toyer responded that he would ask someone more knowledgeable in this area and will include his response in materials he forwards to staff.
- When asked about his opinion on the tree ordinance, Mr. Toyer responded that he is concerned about removal of heritage tree designation, the code didn't specify actions that would result in the death of a tree that the homeowner would be liable for, street tree issues, etc.

Chair Johnson continued the public hearing to April 24 to receive further comments.

NEW BUSINESS

Commissioner Decker reported on the following items from the City Council's March 24 meeting:

- Historic Code Amendment – passed with some changes
- Tree Preservation Ordinance – did not pass. Council is considering the Heritage Tree issue and harsh penalties applied in residential cases.

WORK SESSION

Code-Related Comp Plan Amendments

Senior Planner Lewis informed the Commission that staff is trying to anticipate changes that may be made to the Development Regulations that could have an impact on the Comprehensive Plan. Mr. Lewis briefly explained suggested code-related changes to the Comprehensive Plan, including (1) add a higher density single-family plan designation (SF-3), (2) change terminology and description for one commercial plan designation, and (3) create a holding-plan designation for the City Center Project. Mr. Lewis concluded by stating that these are staff recommendations. If the Commission believes they merit consideration they will be added to the proposed study list for a public hearing on April 10.

Further discussion took place between staff and the commissioners to clarify some of the suggested changes.

DIRECTOR'S REPORT & INFORMATION

Community Development Director Cutts reported that the City Center Project was discussed during the March 3 City Council meeting. The Council requested more detail on the EIS, traffic, and fiscal analysis and continued the discussion to April 2.

Planning Manager Hough reported on the following City Council meetings:

- March 17 – Planning Commission Annual Report to Council. No comments received.
- March 10 – Development Regulations – Phase 2. Staff described the Phase 2 program and was asked to consider a list of items requested during Phase 1 but postponed.

Cutts and Hough related their experiences in moving projects through the process in a timely manner and explained some of the obstacles encountered in getting matters onto Council work session and business meeting agendas. Other City departments often compete for limited time on Council agendas and the priorities sometimes cause planning projects to be delayed and rescheduled.

Changes to Planning Commission Agenda:

- April 10 – Depending on the length of the Opiate Substitution Program Ordinance public hearing and the Plan Amendment Study List & Recommendation public hearing, the Work Session may be eliminated.
- April 24 – Add Subdivision Code Rewrite Continued Public Hearing

ADJOURNMENT

Commissioner Decker, seconded by Commissioner Powers, moved to adjourn. The motion carried, and the meeting adjourned at 9:35 p.m.

Dave Johnson, Chair