

City of Lynnwood
PLANNING COMMISSION MEETING MINUTES
April 12, 2001

CHAIR TEMPLES
COMMISSIONER BIGLER
COMMISSIONER HUDSON
COMMISSIONER JOHNSON
COMMISSIONER OLSON
COMMISSIONER POWERS
COMMISSIONER TENO (absent)

SUMMARY OF THE APRIL 12, 2001, MEETING MINUTES

Public Hearing – Plan/Zone Consistency

The Commission conducted its third of a series of public hearings. Staff outlined proposed changes to the Zoning Map that are necessary to consistent between the Comprehensive Plan and Zoning, as required by the GMA. Public testimony was taken and the hearing was continued to April 26.

Work Session – Plan/Zone Consistency – Discussion of Proposals

The Commission discussed the proposed changes and made recommendations to staff on all sites scheduled for discussion.

A. CALL TO ORDER

The meeting was called to order at 7:34 p.m.

B. APPROVAL OF MINUTES – Meeting of March 22, 2001

Commissioner Johnson, seconded by Commissioner Bigler, moved to approve the March 22, 2001, minutes. Commissioner Hudson noted that on page 2, the list of sites where “No comments were made” was incorrect. The list should be corrected to read “...#46 through #49-A, #62, #63, #67 #68, #69...” Commissioner Johnson, seconded by Commissioner Olson, moved to adopt the minutes with the changes outlined by Commissioner Hudson. The motion passed and the minutes were approved as corrected.

C. CITIZEN COMMENTS

Rod Neff, 5225 176th Street, SW – Mr. Neff spoke in opposition to the changes proposed for Site #28. He presented a photograph of the view from his lot and the adjacent lot which is the back of an apartment building. Mr. Neff does not think this view would be very appealing for a single-family residence and requested that this site remain low density, multiple family. Planning Manager Hough noted that this particular site will be discussed at a public hearing in two weeks and encouraged Mr. Neff and his neighbor to speak at the public hearing about their concerns for this site.

Tom Hoban, 2610 Wetmore Avenue, Everett – Mr. Hoban, CEO of Coast Management Company (property management), spoke generally on behalf of clients that may be represented in some of the zones discussed tonight or at a later meeting. Mr. Hoban stated the Planning staff approached him for his opinion on what downzoning may do and what kind of impact it would have. He stated the following:

- ✓ There would be a long-term negative effect on the investment community that would otherwise invest in this community. The message being sent is that this can be a dangerous place to invest and speculate on future real estate.
- ✓ Crime rate in apartment communities is about the same as in single-family neighborhoods, but the perception is that the rate is higher. Effectively managed property can reduce crime.
- ✓ There may be a perception that the large multi-family complexes attract crime or low income. Even so he does not foresee many large projects being developed in Lynnwood in the future. There are just not many large parcels left.
- ✓ The market will do most of the work. If an apartment complex were to be built today, an income of \$30,000-\$40,000 would be necessary in order to qualify to rent. The word on the street is that Lynnwood is not a low-income area anymore.

Commissioner Johnson advised Mr. Hoban that a majority of the property owners that have expressed their opinions, feel that downzoning is not in their best interest. The role of the Planning Commission is to make recommendations based on the information received during the public hearings.

Chair Temples added that City Council had enacted a multiple family ordinance, effective April 10 that suspends the issuing of permits for multiple family developments for six months. A public hearing will be held on May 14, 2001, on this matter. Chair Temples suggested that Mr. Hoban prepare documentation for City Council and appear at the public hearing during that portion of the meeting.

Arnie Knudson, PO Box 3265, Lynnwood, 98046 – Mr. Knudson distributed a letter and spoke to the Commission about his suggestions for changes in the Tree Ordinance. The following are his concerns:

- ✓ No clearing without a building permit.
- ✓ Verify permit information – Would like to require staff to visit lot to verify information on permit.
- ✓ Reduce permitted clearing. Current language is too broad. Allow only cutting/clearing for specific activity that is the subject of a current permit.
- ✓ Penalties for illegal removal of trees. Finds it inconceivable that the city does not protect trees that the builder is prohibited from removing.
- ✓ Replace trees that are permitted to be removed either on-site or off-site.

Chair Temples advised Mr. Knudson that there would be a public hearing on the Tree Ordinance during the Planning Commission meeting of May 24, 2001.

D. PLANNING COMMISSION MEMBER DISCLOSURES

Commissioner Johnson announced that he has contracted with the City of Lynnwood to teach cooking classes through the Recreation Center and stated it would not affect his ability to make unbiased decisions on any items heard before the Commission this evening.

E. PUBLIC HEARING

E-1: Plan/Zone Consistency

Chair Temples briefly explained the process that will be followed for this hearing, stating that staff will make presentations on proposed rezones, the public will be invited to speak, and the

Commissioners will have an opportunity to ask questions of the public or staff. This process will be followed for each proposed rezone site.

Comprehensive Planning Manager Hough explained that the Comprehensive Plan is a long-range land use plan for the next 20 years and zoning is a regulatory tool that needs to be consistent with the Plan in order to ensure that the Plan will be implemented over time. Senior Planner Dennis Lewis began the presentation of the sites proposed for rezones, describing each site and the proposed changes. To expedite the process, a full presentation and discussion was held only on those sites on which citizens in the audience came to speak and those about which the Commission had questions or concerns.

No testimony was given on the following sites: #34-A&B, #36, #37-#42-A&B, #43, #50-#52-A, #53, #55-#60-A&B.

Testimony, oral and written, was received on the following sites:

Site #31 – Proposed Comp Plan change: Medium-density Multi-family (MF-2) to Large Lot Single-family (SF-1) and Proposed Zone change: Medium Density Multi-family (RMM) to Single Family Residential (RS-8). This property is currently vacant and an environmentally sensitive area covers most of it. These changes are based, in part, on the development characteristics of the site and the City Council’s directed 60/40 housing ratio (60% single-family and 40% multiple-family).

1. Robert Rua, 5830 17th Avenue S, Seattle, WA

Mr. Rua owns the property identified as Site #31. Mr. Rua stated this property has been in the family since the mid 50s. When the property was purchased, there was a small creek running through a small corner of the property. That stream now runs across a large portion of this property. He does not understand who or how this property was identified as a sensitive area. He was never notified of this designation change in his property. At one time the property was appraised at \$239,000; now they can’t get \$60,000 because of the wetlands area designation. Mr. Rua distributed Property Account Summaries prepared by Snohomish County of his property and adjacent properties showing their value. Mr. Rua is very concerned that this property is classed as a wetland, yet he pays taxes at \$1.50 square foot. Mr. Rua opposes the proposed change to single-family residential.

Chair Temples encouraged Mr. Rua to prepare correspondence to City Council regarding his concerns about the proposed changes as well as public testimony when City Council conducts their public hearings.

Commissioner Bigler responded to Mr. Rua’s question on who designated his property as a potential sensitive area. He advised Mr. Rua that the stream running through his property is the headwaters of Scriber Creek. Scriber Creek, downstream, is documented as supporting a population of Chinook salmon. The Chinook population in Puget Sound has been listed as threatened under the Endangered Species Act. On January 8th the National Marine Fisheries Service promulgated regulations for the protection of ‘critical habitat’ for the Chinook salmon in this region. Critical habitat encompasses everything – any watershed that has Chinook in it, is critical habit within 300 feet of the stream. This is the origin of the sensitive area designation.

Site #52-B – Proposed change: General Commercial (CG) to Single-family Residential 7,200 sq. ft. (RS-7) – consistent with the adopted and proposed Comprehensive Plan.

1. Reverend Jonathan Coon, Calgary Apostolic Tabernacle, 19117 60th Avenue W, Lynnwood

Reverend Coon, representing the congregation of the Calgary Apostolic Tabernacle, expressed opposition to the proposed zone change. He stated that the majority of properties located nearby are zoned commercial. If this site were changed to residential, the value of the property would decline dramatically. Future plans for the church include selling the property and building a larger church in Lynnwood and that would not be possible if rezoned.

Site #35– Proposed change: Medium Density Multiple Family (RMM) to Low Density Multiple Family (RML) – consistent with the adopted and proposed Comprehensive Plans.

Associate Planner Amrine stated that Mr. Rick Longet telephoned the department and sent a letter expressing his opposition to the proposed change. Mr. Longet purchased the property as an investment. He opposes the proposed change because it will reduce the value of his property and make it difficult to sell or insure. He also noted his displeasure with dealing with the City of Lynnwood.

As there was no further testimony from the audience, Chair Temples closed the testimony portion of the public hearing on Plan/Zone Consistency for Area #3 at 8:45 p.m.

F. DIRECTOR'S REPORT

Community Development Director Cutts distributed Ordinance #2364 relating to the moratorium on multiple family residential uses, an interpretation by the City Attorney on what constitutes vesting relating to the moratorium, and a proposal from LMN Architects for the Central Business District Study. Director Cutts briefed the Commission on the Ordinance and the City Attorney's interpretation, effective April 9, which declares a moratorium on the construction of new multiple family residential projects in the City for approximately six months.

Commissioner Johnson inquired as to whether or not the 60/40 split (residential to multiple family) is achievable with the available undeveloped land in the City. He is concerned that the moratorium is based on that premise, and if it is not achievable, the moratorium is flawed. Senior Planner Lewis stated that would not be possible even under the best circumstances within the life of the 20-year Comprehensive Plan. Director Cutts added that there might be other ways to get there, but it would be very difficult.

Commissioner Powers asked how this moratorium would affect the GMA requirements for multi-family residential. Director Cutts responded that the City is close to meeting the goals that were established by the County. Whether or not the City will continue to meet the goals, if based on the 60/40, would be problematic.

Planning Manager Hough advised the Commission that the moratorium requires Staff and the Planning Commission to develop a work plan, prior to the May 14th public hearing, intended to correct the problems that required the moratorium. Staff will prepare a work plan to be discussed at the next Planning Commission meeting of April 26. The Planning Commissioners were encouraged to attend the City Council Public Hearing on May 14, 2001.

Director Cutts explained that four firms were interviewed for the Central Business District Study and the LMN Architect Team was chosen. This item will be continued to the next work session in order for the Commissioners to review the information contained in the proposal that was distributed.

Chair Temples inquired why the Council liaison was not present. Planning Manager Hough responded that Council member Utter said she was very busy due to spring break and could not attend the Planning Commission meeting this evening.

G. WORK SESSION

Item G-1: Plan/Zone Consistency – Discussion of Proposals

Senior Planner Lewis made presentations on the following sites and the Commissioners made recommendations:

Site #31 – Proposed Comp. Plan change: Medium-density Multi-family (MF-2) to Large Lot Single-family (SF-1)

Proposed Zone change: Medium Density Multiple Family (RMM) to Single Family Residential (RS-8)

Commissioner Johnson, seconded by Commissioner Olson, moved not to change the Plan or to rezone this site based in part on the testimony of the property owner opposing the proposed change. Motion carried.

Site #34-A – Proposed Change: Single Family Residential 8,400 sq. ft. (RS-8) to Single Family Residential 7,200 sq. ft. (RS-7) – consistent with the adopted and proposed Comprehensive Plans.

After discussion, Commissioner Hudson, seconded by Commissioner Johnson, moved to revise the Comprehensive Plan from SF-2 to MF-1, with a corresponding rezone to RML for Lots 1 through 9 only. Motion passed.

Commissioner Olson, seconded by Commissioner Bigler, moved to leave the zoning as RS-8 and change the Comprehensive Plan to SF-1 for Lot 10. Roll call: Yes – Bigler, Johnson, Olson. No – Temples, Hudson, Powers. Motion failed.

Commissioner Hudson, seconded by Powers, moved that Lot 10 of Site #34-A be rezoned to RML with a corresponding Comprehensive Plan revision to MF-1. Motion passed.

Site #34-B – Proposed Change: Medium Density Multiple Family (RMM) to Single Family Residential 7,200 sq. ft. (RS-7) – consistent with the adopted and proposed Comprehensive Plans.

Commissioner Bigler, seconded by Commissioner Johnson, moved to change the zoning from RMM to RML and change the Comprehensive Plan to MF-1. Motion passed.

Site #35 – Proposed change: Medium Density Multiple Family (RMM) to Low Density Multiple Family (RML) – consistent with the adopted and proposed Comprehensive Plans.

Planning Manager Hough briefly explained the contents of a letter from the owner of Lot 8, Mr. Longet. Mr. Longet expressed dissatisfaction with the services he receives from the City of Lynnwood and is opposed to the change.

Commissioner Johnson, seconded by Commissioner Hudson, moved to change parcels in this site from RMM to RML. Motion passed.

Site #36 – Proposed change: Light Industrial (LI) to General Commercial (CG) – consistent with the adopted and proposed Comprehensive Plans.

Commissioner Johnson, seconded by Commissioner Bigler, moved to change the zoning from Light Industrial to General Commercial. Motion passed.

Site #37 – Proposed change: Single Family Residential 8,400 sq. ft. (RS-8) to Public Use (P-1) – consistent with the proposed Comprehensive Plan.

Commissioner Bigler, seconded by Commissioner Hudson, moved to adopt the proposed change from RS-8 to P-1. Motion passed.

Site #38 – Proposed change: Single Family Residential 8,400 sq. ft. (RS-8) to Single Family Residential 7,200 sq. ft. (RS-7) – consistent with the adopted and proposed Comprehensive Plans.

Commissioner Bigler, seconded by Commissioner Olson, moved to adopt the change in designation from RS-8 to RS-7. Motion passed.

Site #39-A – Proposed change: Single Family Residential 8,400 sq. ft. (RS-8) to Low Density Multiple Family (RML) – consistent with the adopted and proposed Comprehensive Plans.

Site #39-B – Proposed change: Medium Density Multiple Family (RMM) to Low Density Multiple Family (RML) – consistent with the adopted and proposed Comprehensive Plans.

Commissioner Hudson, seconded by Commissioner Johnson, moved to accept the recommendation of changing from RS-8 to RML on Site #39-A and on Site #39-B retain the RMM zone and revise the Comprehensive Plan to MF-2. Motion passed.

Site #40 – Proposed change: Light Industrial (LI) to General Commercial (CG) – consistent with the adopted and proposed Comprehensive Plans.

Commissioner Johnson, seconded by Commissioner Hudson, moved to change from Light Industrial to General Commercial. Motion passed.

Site #41 – Proposed Plan change: Low-density Multiple Family (MF-1) to Large Lot Single Family (SF-1) – consistent with the adopted Zoning map.

Commissioner Hudson, seconded by Commissioner Johnson, moved to rezone to RMM to be consistent with the zoning to the west and a corresponding Comprehensive Plan change to MF-2. Motion passed.

Site #42-A – Proposed change: Single Family Residential 8,400 sq. ft. (RS-8) to Low-density Multiple Family (RML) – consistent with the adopted and proposed Comprehensive Plans.

Site #42-B – Proposed change: Medium-density Multiple Family to Low-density Multiple Family (RML) – consistent with the adopted and proposed Comprehensive Plans.

Commissioner Hudson, seconded by Commissioner Johnson, moved to accept the proposed change on Site #42-A from RS-8 to RML. Motion passed.

Commissioner Hudson, seconded by Commissioner Johnson, moved that Site #42-B remain as an RMM zone. Commissioner Hudson added that he based his motion on the following: to the east is General Commercial, to the north is MF-1 density, and across the street a possible rezone to Business Technical. It appears to Commissioner Hudson that Site #42-B could support a higher density. Motion passed. Additionally, it is the intent of the Commission that the Comprehensive Plan be changed to MF-2.

Site #43 – Proposed change: Light Industrial (LI) to Business Technical Park (BTP) – consistent with the adopted and proposed Comprehensive Plans.

Commissioner Johnson, seconded by Commissioner Olson, moved to change from Light Industrial to Business Technical Park. Motion passed.

Site #50 – Proposed changes to lots 2, 3 and 4: Single-family Residential 8,4000 sq. ft. (RS-8) to Public Use (P-1).

Proposed changes to lot 1: Plan – Recreation/Open Space (RO) to Local Commercial (LC) Zone – Single-family Residential 8,4000 sq. ft. (RS-8) to Neighborhood Business (BN) These changes will result in Plan designations and zoning that are consistent with each other.

Commissioner Johnson, seconded by Commissioner Hudson, moved to change lots 2, 3, and 4 to P-1. Motion passed.

Commissioner Hudson, seconded by Commissioner Johnson, moved to concur with staff's recommendation on lot 1, by revising the Comprehensive Plan from Open Space to Local Commercial and rezone from RS-8 to Neighborhood Business. Motion Passed.

Site #51 – Proposed change: Single Family Residential 8,400 sq. ft. (RS-8) to Public Use (P-1) – consistent with the adopted and proposed Comprehensive Plans. This is the site of Lynndale Elementary School.

Commissioner Johnson, seconded by Commissioner Bigler, moved to change the zoning from RS-8 to P-1. Motion passed.

Site #52-A – Proposed change: Single Family Residential 8,400 sq. ft. (RS-8) to Public Use (P-1) – consistent with the adopted and proposed Comprehensive Plans.

Commissioner Bigler, seconded by Commissioner Johnson, moved to adopt staff's recommended change from RS-8 to P-1. Motion passed.

Site #52-B – Proposed change: General Commercial (CG) to Single Family Residential 7,200 sq. ft. (RS-7) – consistent with the adopted and proposed Comprehensive Plans. A small church is located on this site.

Commissioner Johnson stated that Reverend Jonathan Coons made a compelling case for not changing the present zoning. Commissioner Bigler, seconded by Commissioner Johnson, moved that the current zoning be retained and the Comprehensive Plan changed to Regional Commercial. Motion passed.

Site #53 – Proposed change: Low-density Multiple-family (RML) to Medium-density Multiple-family (RMM) – consistent with the adopted and proposed Comprehensive Plans.

Commissioner Johnson, seconded by Commissioner Bigler, moved to change the zoning from RML to RMM to be consistent with the Plan. Motion passed.

Site #55 – Proposed change: Single-family Residential 8,400 sq. ft. (RS-8) to Neighborhood Business (BN) – consistent with the adopted and proposed Comprehensive Plans.

Commissioner Johnson, seconded by Commissioner Hudson, moved to change from RS-8 to Neighborhood Business. Motion passed.

Site #56-A – Proposed change: Low-density Multi-family (RML) to Medium-density Multiple-family (RMM) – consistent with the adopted and proposed Comprehensive Plans.

Commissioner Hudson, seconded by Commissioner Bigler, moved to accept staff's recommendation to change from RML to RMM. Motion passed.

Site #56-B – Proposed change: Single-family Residential 8,400 sq. ft. (RS-8) to Medium-density Multiple-family (RMM) – consistent with the adopted and proposed Comprehensive Plans.

Commissioner Johnson, seconded by Commissioner Olson, moved to change the zoning from RS-8 to RMM. Motion passed.

Site #57 – Proposed change: Medium-density Multiple-family (RMM) to Single-family Residential 8,400 sq. ft. (RS-8) – consistent with the adopted and proposed Comprehensive Plans.

Commissioner Johnson, seconded by Commissioner Hudson, moved to accept staff's recommendation to change from RMM to RS-8. Motion passed.

Site #58-A – Proposed change: Single-family Residential 8,400 sq. ft. (RS-8) to Single-family Residential 7,200 sq. ft. (RS-7) – consistent with the adopted and proposed Comprehensive Plans.

Site #58-B – Proposed change: Low-density Multiple-family (RML) to Single-family Residential 8,400 sq. feet (RS-8) – consistent with the adopted and proposed Comprehensive Plans.

Commissioner Powers, seconded by Commissioner Hudson, moved to change Site #58-A from RS-8 to RS-7 and Site #58-B from RML to RS-8. Motion passed.

Site #59 – Proposed change: Restricted Business (B-4) to Single-family Residential 7,200 sq. ft. (RS-7) – consistent with the adopted and proposed Comprehensive Plans.

Commissioner Johnson, seconded by Commissioner Bigler, moved to accept staff's recommendation to change from Restricted Business (B-4) to RS-7. Motion passed.

Site #60-A – Proposed change: Community Business (BC) to Low-density Multiple-family (RML) – consistent with the adopted and proposed Comprehensive Plans.

Commissioner Hudson, seconded by Commissioner Johnson, moved to retain the existing BC zone and revise the Comprehensive Plan to Local Commercial. Motion passed.

Site #60-B – Proposed change: Medium-density Multiple-family (RM) to Community Business (BC) – consistent with the adopted and proposed Comprehensive Plans.

Commissioner Powers, seconded by Commissioner Johnson, moved to accept staff's recommendation to change from RM to BC. Motion passed.

H. NEW BUSINESS

Senior Planner Lewis distributed a memo, "Guide to Discussion and Preliminary Decisions on Sites in Area 2," for the Commissioners' review prior to the next meeting on April 26.

Commissioner Hudson stated that he appreciates Staff for their presentation and time taken to prepare the information for the Commissioners. Chair Temples agreed.

I. OLD BUSINESS – None

J. INFORMATION ITEMS

J-1 – Upcoming Commission Meeting Agenda

Planning Manager Hough stated that for the April 26 meeting in addition to the fourth Plan/Zone Consistency Hearing, there would be a Citywide Design Program presentation, Tree Ordinance presentation, and any deliberation that time allows. He added that the schedule is one meeting behind on the deliberations.

K. ADJOURNMENT

Commissioner Bigler, seconded by Commissioner Hudson, moved to adjourn. The motion passed and the meeting adjourned at 11:20 p.m.

Robert Temples, Chair