

City of Lynnwood
PLANNING COMMISSION MEETING MINUTES
May 10, 2001

CHAIR TEMPLES
COMMISSIONER BIGLER
COMMISSIONER HUDSON
COMMISSIONER JOHNSON
COMMISSIONER OLSON
COMMISSIONER POWERS
COMMISSIONER TENO

SUMMARY OF THE MAY 10, 2001, MEETING MINUTES

Public Hearing – Plan/Zone Consistency

The Commission conducted its fifth in a series of consistency hearings. Staff outlined proposed Comprehensive Plan and/or Zoning Map changes with specific identified sites and proposed amendments to the text of the Comprehensive Plan and Zoning Code.

Work Session –

Plan & Zoning Recommendations

Final Recommendations on Area #2 Sites and Hold-over Sites

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

Comprehensive Plan & Zoning Code Text Amendments

The Commission briefly discussed the proposed text changes but, due to the late hour, continued the discussion and recommendations to a special meeting on May 15.

Moratorium Work Plan

The Commission approved Moratorium Work Plan Option A as presented by staff.

A. CALL TO ORDER

The meeting was called to order at 7:31 p.m.

B. APPROVAL OF MINUTES – Meeting of April 26, 2001

Commissioner Johnson, seconded by Commissioner Powers, moved to approve the April 26, 2001, minutes. Commissioner Hudson requested the following changes to the minutes:

Page 2 – Add “within Area 4” to “Testimony, oral and written, was received on the following sites:”

Page 3 – Include in the comments made by Mr. Faulconer, Mr. Neff, and Mr. Palmer that they also provided written comments.

Page 5 – Item G-3: first paragraph. Change “He also requested that on page G-3...” to “Chair Temples requested that on page G-3...”

The motion passed and the minutes were approved as corrected.

C. CITIZEN COMMENTS

Peter Frame, PO Box 60, Lynnwood, WA (developer for senior housing project at the former Virginia Mason site) – Mr. Frame spoke to the overall direction of the Comprehensive Plan Amendment Process. In particular, the Plan should provide a better balance of all types of housing

and all types of density regardless of existing proportion in the City. This would accomplish two things: 1) better compliance with the GMA, and 2) provide a better service to the community in terms of long-term housing. He also requested accurate statistics on specific types of housing. He has noted that in Council Work Sessions, statistics are given with no apparent evaluation or verification. As a developer, he is concerned with the terminology of “multi-family housing” and the fact that it covers a wide range of housing from nursing homes to attached townhome condominiums. He advised the Commission that the City has little in the way of independent senior housing such as the development that is being proposed that would provide safety and access to services for seniors. This project has been halted by the recent six-month Moratorium on multiple family permits. He believes the City should seriously consider this type of housing before the finalization of the Comprehensive Plan and any decisions are made on the 60/40 ratio.

Bob Morgan, 5010 194th Street SW – Mr. Morgan expressed his concern with the property located at 194th Street and 48th Avenue. He understands there is a problem with the development of this property because of the Moratorium and asked for the status on the Moratorium. Chair Temples responded that City Council will hold a public hearing on May 14 to discuss and determine whether the Moratorium will stay in effect for six months. Community Development Director Cutts added that, due to major changes in the original plans for this project, the Moratorium is in effect for this site. Cutts offered to meet with Mr. Morgan to discuss the progress of the project.

Bob Vick, 7127 – 196th Street SW (Sundquist Homes) – Mr. Vick is the developer of a project at the SW corner of 194th Street and 48th Avenue. He described the changes that were made to the planned project. He is concerned that the project has been slowed by the recent Moratorium, especially since it is his understanding the City wanted to have a design of this type in the community. He is very concerned with the Moratorium policy and:

- the process that was taken enacting the Moratorium and placing a burden on developers and citizens, and
- the appearance of “exclusionary zoning,” that sends messages indicating certain populations are not wanted in the City and should live elsewhere (social engineering)

Mr. Vick also asked that the Moratorium policy be amended.

Chair Temples explained that the Moratorium originated from the City Council. He recommended that citizens with concerns about the Moratorium write letters to the Council and appear before the Council during their public hearings and express their concerns verbally.

Robert Rua, 5830 17th Avenue South, Seattle – Mr. Rua has previously addressed the Commission about parcel #31. He was pleased that the recommendation was that his property not be changed to RS-8. He once again brought up the issue of this property being designated as a potential sensitive/wetland area and asked when, why and who identified this property as a potential sensitive/wetland area. Staff explained that a resource map was compiled using other resources maps prepared by various agencies. The City’s sensitive areas map was included in the 1995 Comprehensive Plan. Commissioner Bigler added that a change in the land status would trigger a sensitive area study, which would be completed by a private consultant to identify the wetlands.

Chair Temples added that from time to time the City of Lynnwood may look for property to develop future parks and that may be an option for this property. He was referred to Bill Evans, Director of Parks and Recreation.

Francine Morgan, 50101 – 194th Street SW – Ms. Morgan wanted to let the Commission know that the neighbors on this street are very pleased with the way Bob Vick, Woodbury Grove

Development, has treated them by keeping them informed and soliciting suggestions. She is disturbed that there is a blanket moratorium stopping this development. In September 1999, the residents on 194th Street had written a letter to the Mayor and City Council in support of this condominium development. She feels that, if Lynnwood gets a reputation for having moratoriums on these types of developments, developers will go elsewhere. She is hopeful that this matter will be resolved quickly so this development can be completed. Ms. Morgan added that they would be willing to write more letters to express their satisfaction with this development. Chair Temples encouraged her and her neighbors to write letters to the Mayor and City Council, and if possible, appear before the Council and verbally express their concerns.

David Toyer (representing the Master Builders Association of King and Snohomish Counties) 2155 112th Avenue NE, Bellevue – Mr. Toyer added some comments to those already made on the moratorium issue. Mr. Toyer advised the Commission that the Master Builders Association has a large library and many professionals for research. He contacted their Codes & Standards Dept., a group of planners & engineers, and they searched nationally to find local ordinances or other types of professional materials for planning standards that would suggest that a prescriptive 60/40 or any other type of ratio for single-family vs. multi-family was used anywhere and accepted as a standard to form livable communities. They were unable to find anything of that sort. In fact, one of the planners responded that it was dangerous to do anything but to base the types of housing that you put in your community on what the housing needs for the area are.

Toyer also noted that, with the increasing costs of housing, multi-family developments provide a variety of affordable housing that are not just rentals but also provide ownership opportunities. The Master Builders Association has been a strong voice against emergency moratoriums and moratoriums as a whole. The message a moratorium sends to the business and economic development communities is that there is uncertainty and unpredictability associated with the community that adopts a moratorium. Mr. Toyer continued that opportunities that might otherwise be interested in Lynnwood, may go elsewhere where this uncertainty does not exist. He added that the Growth Management Act requires cities and counties to plan for higher densities to plan to reduce sprawl as well as to have housing access/opportunities at affordable levels for everyone. This will become important in the future to meet the needs of an expanding county.

Commissioner Hudson clarified to Mr. Toyer and others who had made comments about the Moratorium that the Planning Commission had nothing to do with the Moratorium. This was enacted solely by the City Council and he does not expect that the Planning Commission will be asked by the Council for any comments or advisory recommendations in connection with the Moratorium. Commissioner Johnson added that since the effective date of the Moratorium, April 9, there have been no public comments in favor of the Moratorium.

Bryan Park, 13906 SW 216th, Vashon, WA [representing the Senior Housing Assistance Group (SHAG)] – Mr. Park delivered a letter from Arthur Martin, Executive Director-SHAG, opposing the proposed rezone of Site #49-B from Medium Density Multiple Family (RMM) to Single Family Residential. SHAG is a sponsor of a proposed retirement facility for seniors to be developed on this site, formerly known as the Virginia Mason site. Mr. Park added that he and Peter Frame also testified at the March 22 public hearing in opposition to the proposed change. Mr. Park also expressed his displeasure with the Moratorium, acknowledging that he understands that the Planning Commission was not responsible for this action taken by City Council.

At the close of the Citizens' Comments, Chair Temples acknowledged the presence of City Council member Ted Hikel in attendance at tonight's meeting.

D. PLANNING COMMISSION MEMBER DISCLOSURES – None

E. PUBLIC HEARING

E-1: Plan/Zone Consistency

Chair Temples briefly explained the process that will be followed for this fifth Public Hearing on Plan/Zone consistency, 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 (CPM) Hough explained that the staff report for this hearing includes four sites held over from previous hearings for additional review and a number of proposed amendments to the text of the Comprehensive Plan and Zoning Code. CPM Hough explained that the Comprehensive Plan is the long-range land use plan for the next 20 years and zoning is a regulatory tool that must be consistent with the Plan in order to ensure that the Plan will be effectively implemented over time.

Site #84 – CPM Hough explained that the proposed change for this site was General Commercial (CG) to Business Technical Park (BTP). The first hearing on this site took place on March 8. A number of property owners testified at that hearing that their businesses under BTP would be non-conforming or proposed development could not happen under this proposed zoning. Staff reviewed these sites further and proposes the following:

- Everything north of 212th up to 210th - leave zoning as General Commercial and change the Comprehensive Plan.
- South of 212th – leave as the proposed zoning of BTP

1. Steve Verhey, 1915 Ocean Avenue, Edmonds – Mr. Verhey owns several properties south of 212th and stated there are many small lots in this area. Under the current General Commercial zoning these lots are buildable; under the BTP zoning, building would not be possible on these small sites. He would like the small lots south of 212th to be included in the area to remain as General Commercial.

Site #89 – CPM Hough described this property as a seven-unit apartment building west of 52nd Avenue W and north of Interstate 5 and was proposed to change from Medium Density Multiple Family (RMM) to Single Family Residential 8,400 sq. ft. (RS-8). After review of this area, staff has revised the recommendation to leave the existing inconsistent zoning in place.

Site #4 – CPM Hough described this property as a single-story brick medical office building on a small site located at the southeast corner of 168th Street SW and 62nd Avenue W. Proposed change: Restricted Business (B-4) to Limited Business (B-2). At the previous hearing there was concern about building height. The B-4 zoning would limit the height to two-stories; B-2 has no height limitations. Commissioner Bigler stated that it was his concern for the unrestricted height that sent this site back for review. He is still concerned and wanted to know if there are checks and balances that would preclude something more than four stories being built next to a high school and single family housing. CPM Hough responded that the main restriction is the small size of the site itself. It would be very difficult and costly to provide the necessary parking for a larger building.

Site 23-C – CPM Hough explained that the previous concern with this site was its ownership. After determining that the City owned this property and intended to use it for open space purposes, staff now proposes: Zone change – General Commercial (CG) to Public Use (P-1)
Plan Amendment: Single-family Residential (SF-2) to Recreation/Open Space (RO)

Senior Planner Lewis briefly presented, by section, the Text Amendments that are being considered for changes. The following Sections contain proposed amendments:

- Introduction – no public comment
- Land Use Element
 1. David Toyer, representing the Master Builders Association, 2155 112th Avenue NE, Bellevue – Mr. Toyer stated he does that agree with the proposed amendments to items 7, 8 & 9 dealing with the single-family/multi-family ratio. He stated that establishing prescriptive ratios does not address the overall community need. A more reasonable solution to pursue would be to do a needs assessment by the City. Commissioner Johnson asked Mr. Toyer if there was anything fundamentally sound about that ratio, based on the reference materials he was able to resource with respect to the single family/multi family ratio.. Mr. Toyer responded that there is no scientific or professional standard associated with the ratio.
- Transportation Element – no public comment
- Housing Element
 1. Arnie Knudson, PO Box 3265, Lynnwood – Mr. Knudson asked if there is a definition of the word ‘affordable’ that is used in the City ordinances, etc. Senior Planner Lewis responded that in the glossary of the Plan, ‘affordable housing’ is defined as “residential housing that is rented or owned by a person or household whose monthly gross housing costs, including utilities other than telephone, do not exceed 30% of the household’s gross monthly income.”
 2. David Toyer, as stated previously, is not in agreement with the 60/40 housing balance as stated in Item 2-Housing Balance Policy. As far as affordable housing, he added that the State goes further by identifying very low income, low income, and middle income. He added that the median family income for Snohomish County would allow for purchase of a home costing about \$160,000, which is not close to the average new home price.
 3. Peter Frame added that the current values of lots in the City of Lynnwood are now \$100-160,000, raw land is \$60,000, developed \$110-120,000. At this rate housing will be in the \$350-400,000 range in the near future. This will eliminate approximately 90% of the population from purchasing homes. This should be strongly considered for the future of Lynnwood.
- Economic Development Element – no public comment
- Implementation Element – no public comment

Senior Planner Lewis continued with a summary of the changes that were proposed for the Zoning Code:

- Public & Semi-Public Zone (P-1) – no public comment

Arnie Knudson asked what was the purpose of having a statement relating to affordable housing. CPM Hough responded that a Housing Element is required of all Comprehensive Plans and must provide for housing that meets the needs of all economic segments of the community, including affordable housing for those who need it. Affordable housing provisions are contained in the adopted Countywide Planning Policies as well. The City Council has determined that Lynnwood has provided enough affordable housing – more than its share. However, until the new Census data is available, we have no recent accurate statistics to support or deny that conclusion.

F. DIRECTOR’S REPORT

Community Development Director Cutts reported on the following:

- Central Business District Task Force
 - Mick Teno and Jim Potter have been selected as co-chairs on the Oversight Committee.

- Contract for the planning study with LMN should be finalized soon. The planning study will take approximately 15 months with a progress check in January/February 2002.
- Kick-off meeting will take place on May 22, Fisher Building
- Citywide Design Program
 - Presentation by Mark Hinshaw made to City Council on May 10. Formal approval to move to Phase II will be made at the May 14 Council meeting.

Planning Manager Hough reported on the following City Council meetings:

- April 23 – Moratorium Work Plan. At a work session, the Council directed staff to remove the College District Plan from the Moratorium Work Plan.
- April 30 – Single-family Mitigation Program. Discussion but no action was taken.
- May 14 - Moratorium Public Hearing

G. WORK SESSION

Item G-1: Plan & Zoning - Recommendations

Final recommendations on Area #2 sites and holdover sites

Site #84 – Commissioner Hudson moved, seconded by Commissioner Powers, that Sector 84-E as identified in the report and 84-A, including all lots with the exception of parcels 57-64, maintain the existing General Commercial Zoning. Motion passed. After discussion, it was decided that the intent of this motion was to include 84-B and 84-C with appropriate changes also made to the Comprehensive Plan to maintain consistency.

Commissioner Hudson moved, seconded by Commissioner Teno, that 84-A parcels 57-64 be rezoned to Business Technical Park and 84-D be rezoned per staff's recommendation (to P-1). Motion passed. Chair Temples added if any related corrections are necessary to the Comprehensive Plan, that is the intent of the Commission as well.

Site #89 – Proposed change: Medium density Multiple family (RMM) to Single family Residential (RS-8)

Commissioner Powers moved, seconded by Commissioner Bigler, to leave the zoning as RMM. Motion passed.

Site #4 – Proposed change: Restricted Business (B-4) to Limited Business (B-2) Commissioner Teno moved, seconded by Commissioner Olson, to change the zoning for Site #4 to Limited Business (B-2). Commissioner Hudson expressed his concern that some uses outlined in B-4 are not allowed in B-2 such as respite care, preschools, universities/colleges, community schools, etc. Roll call: Yes – Temples, Johnson, Olson, Powers, Teno; No – Bigler, Hudson. Motion passed.

Site #23-C – Proposed change: Zone – General Commercial (CG) to Public Use (P-1); Plan Amendment – Single-family Residential (SF-2) to Recreation/Open Space (RO)

Commissioner Teno moved, seconded by Commissioner Bigler, to recommend Site 23-C zoning to be changed to P-1 and amend the Comprehensive Plan to Parks, Recreation & Open Space (PRO). Motion passed.

Site #25 – Proposed change: Low-density Multiple-family (RML) to Single-family Residential (RS-8)

CPM Hough reminded the Commission that three property owners, Mr. Kinnard, Mr. Lam, and Mr. Neff offered testimony in opposition to the proposed change from RML to RS-8. Following

discussion, Commissioner Hudson moved, seconded by Bigler, to support the recommendation of a rezone from RML to RS-8. Commissioner Powers noted her objection to this proposed zoning due to the inevitability of multi family coming down 44th Avenue from 176th. There is a very large development directly behind this site. Rezoning to RS-8 would create an island among the multi-family developments. Commissioners Bigler and Teno agreed with Commissioner Hudson and do not want to allow more multi-family in this area. Roll call: Yes – Bigler, Hudson; No – Temples, Johnson, Olson, Powers, Teno. Motion failed.

Commissioner Teno moved, seconded by Commissioner Olson, to recommend that the zoning remain RML and that the Comprehensive Plan be changed to reflect the corresponding land use. Roll call: Yes – Temples, Johnson, Olson, Powers, Teno; No – Bigler, Hudson. Motion passed.

Site #49-A – Proposed change: Single-family Residential (RS-8) to Public use (P-1)

Commissioner Teno moved, seconded by Commissioner Olson, to recommend the zoning be changed on Parcel 49-A to P-1. Motion passed.

Site #49-B – Proposed change: Medium Density Multiple-family (RMM) to Single-family Residential (RS-8)

CPM Hough briefed the Commission on the background of this site stating that it has been planned and zoned for multiple family. He further stated that the property was proposed as a change to single-family residential (RS-8) to be consistent with the proposed subgoal of the Comprehensive Plan to achieve a 60/40 housing ratio. Following discussion, Commissioner Teno moved and Bigler seconded to recommend the zoning remain RMM for Site 49-B. Motion passed.

Site #9 – Proposed change: Low-density Multiple-family (RML) to Single-family Res. (RS-8), with a corresponding change to the Comprehensive Plan designations.

CPM Hough provided background on this site and informed the Commission that one of the owners, Mr. O'Brien, objected to the proposed change, noting similar land uses and new developments in the area and stating that the change would have a financial impact on him. Commissioner Teno moved, seconded by Commissioner Powers, to recommend the zoning of this site remain RML and that the Comprehensive Plan remain MF-1.

Site #10 – Proposed change: Low-density Multiple-family (RML) to Single-family Res. (RS-8).

CPM Hough stated that Poppy Hansen, representing her parents, opposed this zoning change. Following discussion, Commissioner Teno moved, seconded by Commissioner Powers, to recommend the zoning remain RML and that the adopted Comprehensive Plan remain MF-1. Motion passed.

Site #11 – Proposed change: Single-family Residential (RS-8) to Low-density Multi-family (RML)

Commissioner Johnson moved, seconded by Commissioner Bigler, to accept the recommendation to change from RS-8 to RML. Motion passed.

Site #12 – Proposed change: Single-family Residential (RS-8) to Public Use (P-1)

Site #13 – Proposed change: Single-family Residential (RS-8) to Public Use (P-1)

Commissioner Johnson moved, seconded by Commissioner Bigler, to accept staff's recommendations on sites 12 and 13. Motion passed.

Commissioner Teno moved, seconded by Commissioner Bigler, to accept the recommendation to change the following sites to P-1: **#26, #27, #28, #29, #46A, #46B, #48, #62, #63, and #68.**

Motion passed.

Site #14 – Proposed change: Medium-density multi-family (RMM) to General Commercial (CG) Commissioner Teno moved, seconded by Commissioner Powers, to accept the recommendation to change zoning from RMM to General Commercial (CG). Commissioner Teno explained that these appear to be good sites for General Commercial use. Commissioner Hudson was opposed to the motion and referred to the presence of other commercial businesses to the north end and multi-family across the street. Roll call: No – Temples, Bigler, Hudson; Yes – Olson, Powers, Teno; Abstained – Johnson. Motion died.

After further discussion, Commissioner Teno again moved, seconded by Commissioner Powers, to recommend zoning on Site 14 be changed to CG. Motion passed.

Site #15 – Proposed change: Medium-density multi-family (RMM) to Single-family Res. (RS-8) Senior Planner Lewis explained this is undeveloped, vacant property and the proposal is related to the City Council's 60/40 proposed subgoal. Commissioner Bigler was opposed to the proposed change due to the surrounding zoning and land use patterns. Following further discussion, Commissioner Powers moved, seconded by Commissioner Bigler, to leave this zoning as RMM because it is not a desirable area for single-family homes. Commissioner Teno opposed this site changing to RMM. He felt it should be CG (General Commercial) to better match the surrounding zoning. Roll call: Yes – Bigler, Hudson, Johnson, Powers; No – Temples, Olson, Teno. Motion passed.

Site #17 – Proposed change: Medium-density Multiple-family (RMM) to General Commercial (CG) for entire site.

Commissioner Bigler moved, seconded by Commissioner Hudson, to retain the RMM zoning due to the proximity of other multi-family dwellings. Commissioner Powers pointed out that access to this site might suggest that RMM is not appropriate. Following discussion, Commissioner Bigler retracted his motion. Bigler then moved, seconded by Commissioner Hudson, to approve the recommendation to change the zoning from RMM to CG. Motion passed.

Commissioner Teno moved, seconded by Commissioner Olson, to recommend that the Comprehensive Plan be changed to RC for consistency. Motion passed.

Site #18 – Proposed change: Medium-density Multi-family (RMM) to Single-family Res. (RS-8). CPM Hough advised that property owners objected to this rezone because it would cause personal economic hardships. They indicated they want to develop the property as zoned for RMM and requested a change to the Comprehensive Plan to reflect medium-density multiple family (MF-2). Commissioner Hudson moved, seconded by Commissioner Bigler to recommend lots 1 through 7 and 18 be rezoned to RML, with the corresponding Plan amendment to MF-2), with the balance of those lots, 8 through 12 and 13 through 17, be rezoned to RS-8. Motion passed.

CDD Cutts suggested that due to the lateness of the hour, 11:15 p.m., and the need to make a recommendation on the Moratorium Work Plan, that the remainder of the Work Session be continued to a later date. After discussion it was decided that the remainder of the Work Session would be continued to Tuesday, May 15, 2001, 6:30 p.m.

Item G-2: Moratorium Work Plan – Recommendation to City Council

CPM Hough briefly explained that Moratorium Work Plan – Option A was originally suggested and contains four main tasks that are presently being undertaken: 1) Comprehensive Plan Update; 2) Plan/Zone Consistency; 3) College District Plan; and 4) Single-family Loss Mitigation. He explained that Option B removes the College District Plan from the four tasks. This was a direction from City Council. After discussion, Commissioner Hudson moved, seconded by

Commissioner Teno, that Option A which includes the College District Plan be the core of the Work Plan subject to amendments or revisions that the Commission may put forth. Motion passed.

After the motion passed the Commissioners made the following requests for revisions:

Commissioner Teno

- page 4, lines 4-6– Change to read: “In January 2001, the City Council gave additional directions pertaining to housing stock ratio and related matters. The Planning Commission processed those proposals and recommendations were forwarded to the City Council to exclude Policy 2.14 and any reference to a 60/40 ratio in the Comprehensive Plan.

Chair Temples

- add new Subgoal on Residential Enhancement: “To enhance our residential communities through quality redevelopment, the careful balancing of family unit types, and the preservation of the environment, while complying with the projections of the GMA.”

Further discussion was held regarding elements in the Work Plan. CDD Cutts reminded the Commission that a Work Plan developed by staff and the Commission must be submitted to Council by the date of the public hearing, May 14.

Commissioner Hudson moved, seconded by Commissioner Johnson, to approve the Moratorium Work Plan Option A. Commissioner Teno requested the following changes to the schedule

- June 4 Work Session College District Plan – amend to include “Take action on the Plan.”
- Delete the College District Plan from the June 18 Work Session and July 9 Business Meeting

Motion passed.

H. NEW BUSINESS

Item H-1: Resolution 2001-1 – Plan & Zone Recommendations –Continued to May 15, 2001 Special Meeting.

Item H-2: Resolution 2001-2 – Moratorium Work Plan Recommendation

Commissioner Hudson requested to amend the fifth ‘Whereas’ paragraph to clearly state the four items that Council needs to address and that all Commissioners sign the document. Commissioner Hudson then moved, seconded by Commissioner Johnson, to accept Resolution 2001-2 with the revisions he suggested. Motion passed.

I. OLD BUSINESS – None

J. INFORMATION ITEMS – No discussion

K. ADJOURNMENT

Commissioner Teno, seconded by Commissioner Bigler, moved to adjourn. The motion passed and the meeting adjourned at 11:50 p.m.

Robert Temples, Chair