

City of Lynnwood
PLANNING COMMISSION MEETING MINUTES
NOVEMBER 14, 2002

Commissioners present:

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

Absent: Rosemary Melomey

Staff present:

James Cutts, Community Development Director
Ron Hough, Comprehensive Planning Manager
Kevin Garrett, Current Planning Manager
Darryl Eastin, Senior Planner
Dennis Lewis, Senior Planner
Greg Rubstello, City Attorney

Others present:

Elaine Taylor, DSHS

SUMMARY OF THE NOVEMBER 14, 2002, MEETING MINUTES

Secure Community Transition Facilities

DSHS staff explained proposed changes to the Interim Secure Community Transition Facilities Ordinance that was adopted earlier by the City Council. Staff will incorporate comments received from the Commission, DSHS and City Attorney for further discussion and recommendation at the December 12 Commission meeting.

Historic Preservation Code Amendment

Staff explained that the purpose of this proposed code amendment is to allow the rehabilitation of historic buildings through greater flexibility, waiver, or reduction of certain development standards. Comments received during discussion will be incorporated and presented at a public hearing to be held on December 12.

Transitional Buffers Code Amendment

This proposed code amendment will provide a process for a reduced buffers between two different types of zones. The Commission will conduct a public hearing on December 12 and recommendations will be made to the City Council.

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Powers moved to approve the October 24, 2002, minutes as written. The motion was seconded by Commissioner Bigler and carried unanimously.

DIRECTOR'S REPORT

Community Development Director Cutts reported on the following:

November 12:

City Council adopted the 2002 Comprehensive Plan and Zoning Amendments, including:

- Mobile Home Parks – With the exceptions of The Squire and Kingsbury East Mobile Home Parks which will return for further study in 2003.

- MUGA Boundaries – Similar to the Commission’s Option 1 with some modifications.
- College District Plan and related zoning and design guidelines.

Council adopted an Interim Ordinance Establishing Siting Requirements for an Opiate Substitution Treatment Center, relating to a methadone clinic being proposed in the vicinity of Alderwood Mall. A public hearing will be held within 60 days.

November 20 - Council is scheduled to discuss Development Regulations – Phase 1 proposals, followed by a public hearing on Nov. 25.

City Attorney Greg Rubstello informed the Commission that the Council’s review of the Tree Ordinance has been postponed until the second Council work session in January. Commissioner Decker added that the Council has taken no action on the Tree Ordinance to date.

WORK SESSIONS

1. Secure Community Transition Facilities (SCTF)

Chair Johnson prefaced the discussion on Secure Community Transition Facilities by reminding that it is the Planning Commission’s task to address proposed development regulations and arrive at a rational and technical recommendation to the Council. The Commission should not spend time discussing any personal or emotional issues related to this matter that are beyond the Commission’s control.

Senior Planner Lewis introduced City Attorney Rubstello and Elaine Taylor, Land Use Administrator for SCTFs Special Commitment Center/Lands and Buildings DSHS, who are available to answer questions that may arise during discussion on this matter. Lewis then summarized amendments to the interim ordinance as suggested by DSHS. At the request of Chair Johnson, Ms. Taylor explained the DSHS suggested amendments. Generally speaking, DSHS felt the proposed regulations were well done. Chair Johnson asked Ms. Taylor if it was DSHS’s position that this interim ordinance makes the siting issue too restrictive. Ms. Taylor responded that DSHS would have advised the City if they felt the ordinance was too restrictive.

During discussion on the amendments proposed by DSHS and suggestions made by staff, the following comments were made:

Commissioner Decker

- Did not agree that the language in Section 4.C.2 was too broad because it is unknown what the makeup of the City will be in the future.
- Suggested that “site buffering” language be substituted for “extensive buffering” in Section 4.C.3 to avoid the vague term “extensive”.
- Requested that the complete security plan and operating rules be available as part of the public record. He felt the members of the community have a right to know the security plan and operating rules of this facility. An option allowing for a briefing from law enforcement would be acceptable if this language remains.

Commissioners Psycheff and Bigler agreed with Decker’s “site buffering” suggestion.

In response to a question from the Commission, City Attorney Rubstello advised that he authored the interim ordinance using existing ordinances from other jurisdictions and welcomed suggested changes from the Commissioners and staff.

Chair Johnson asked for clarification as to whether or not the ordinance is too restrictive and would prevent siting. Ms. Taylor did not feel that the ordinance, as written, nor the recommended changes are overly restrictive.

Chair Johnson reviewed the suggested amendments as presented by the Commissioners:

1. Undue Impacts – change “an analysis showing that utmost consideration ...” to “an analysis showing that consideration...”
2. Extensive Buffering – change “Extensive” to “Adequate” or “Effective”, with a reference to “site buffering.”
3. Security Plan and Operating Rules – not to include in total as public record, but a general description be included in the permit. . Attorney Rubstello will discuss this matter further with the Police Department.
4. Concentration of Essential Public Facilities – Commission in agreement with changes.
5. Mitigation – Commission in agreement with changes.
6. Additional amendment to protect City interests – concern was expressed by some Commissioners about the availability of qualified consultants for this process, but were assured that was not a problem.

Staff will incorporate recommendations made by the Commissioners for discussion and adoption at the next scheduled Planning Commission meeting.

[Chair Johnson called for a break at 8:55 pm. The meeting was reconvened at 9:05 pm]

2. Historic Preservation Code Amendment:

Senior Planner Eastin explained that this proposed code amendment would encourage the historic preservation of such structures as the Manor Hardware building. Currently, our development standards prevent rehabilitation of historic buildings. The proposed amendments would allow historic properties to be rehabilitated with flexibility, waiver, or reduction of certain development standards.

Mr. Eastin will incorporate comments received from City Attorney Proebsting relating to definitions and notification process and comments received from David Toyer, Master Builders Association, and the Commission about the nomination process. A public hearing will be held on December 12 and Planning Commission will make their recommendation to the City Council following that hearing.

3. Transitional Buffers Code Amendment

Planning Manager Garrett advised that this code amendment would allow a process for a reduced buffer between two different types of zones. Currently, a typical transitional buffer must be at least 20 feet wide with two rows of closely planted evergreen trees and a six-foot fence. The proposed amendment would authorize the Community Development Director to adjust the buffer requirement if certain conditions already exist; i.e., existing landscaping, change in topography, etc.

Commissioner Decker expressed concern about the amount of discretion allowed in this code amendment. He does not want staff to experience undue pressure from developers and internal sources to make administrative adjustments. Commissioner Bigler noted that with checks and balances in effect, the community needs to depend upon the professional integrity and judgment of the Planning Department. In certain instances discretion is required for extenuating circumstances.

At the suggestion of the Commission, staff will provide more clarity in the amendment to be considered at the public hearing on December 12.

NEW BUSINESS

Commissioner Decker reported on the following:

City Center Project Oversight Committee – prepared a sub-area plan for public comment.
Director Cutts reported that a full-scale outreach program will be done in March/April 2003 and an updated model will be created.

City Council

Tree Ordinance – will be discussed in January.

Proposed Budget Issues – 30% increase in cost of business licenses; a reduction in the amount of raise for the Mayor; Police Department cut their budget by \$70,000; 3% utility tax for 2003 and 4% tax for 2004.

INFORMATION ITEM

Upcoming Commission Meetings

Upcoming Commission Meetings

December 12:

Hearing: Historic Preservation Code Amendment

Hearing: Transitional Buffers Code Amendment

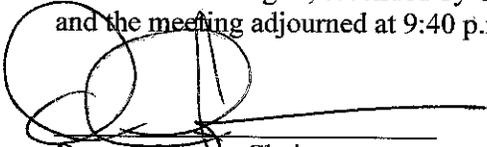
Work Session: Commission Election Process.

December 26

No meeting – Christmas Holiday

ADJOURNMENT

Commissioner Bigler, seconded by Commissioner Decker, moved to adjourn. The motion carried, and the meeting adjourned at 9:40 p.m.



Dave Johnson, Chair