

**Lynnwood Planning Commission
Meeting of January 9, 2003**

Staff Report

Agenda Item: **B**

Election of Officers for 2003

- Election of Officers
- Informal Public Meeting
- Work Session
- New Business
- Old Business
- Information
- Miscellaneous

Lynnwood Dept. of Community Development — Staff Contact: Ron Hough, Planning Manager

Background:

The Planning Commission's Scope and Rules call for the election of new officers at the first meeting of each new year. Officers serve one-year terms. There are no term limits. The current officers are:

- Chair – Dave Johnson
- First Vice-Chair – Vacant (Cynthia Olsen resigned)
- Second Vice-Chair – Brian Bigler

There is currently one vacancy on the Commission.

Procedures:

- Chair Dave Johnson will call this meeting to order and, following the roll call, will ask for nominations for the position of Chair.
- Nominations will be made from the floor by any of the Commissioners. There may be more than one nomination. After all nominations are made, the Chair will ask for a vote.
- As soon as the Chair position is filled, that person will immediately assume the new position and chair the remainder of the meeting.
- Election of the First Vice-chair and Second Vice-chair will follow in that order with the newly-elected officers assuming their new positions.
- The nominee receiving the majority of the votes cast is declared elected.

Duties of Officers:

Chair:

The chair presides over the Planning Commission and exercises all the powers incidental to the office, retaining however, the full right as a member of the Commission to have a vote recorded in all Commission deliberations, and to propose and second motions. The Chair may call special meetings of the Commission in accordance with the Scope and

Rules, signs the approved minutes, resolutions and other formal documents, and sees to it that all actions of the Commission are properly taken.

First Vice-Chair:

During the absence, disability or disqualification of the Chair, the First Vice-Chair assumes the duties and powers of the Chair. The First Vice-Chair retains the full right as a member of the Planning Commission to have a vote recorded in all deliberations and to propose and second motions.

Second Vice-Chair:

During the absence, disability or disqualification of the Chair and the First Vice-Chair, the Second Vice-Chair assumes the duties and powers of the Chair. The Second Vice-Chair retains full rights as a member of the Planning Commission to have a vote recorded in all deliberations and to propose and second motions.

Chair Pro-Tempore:

During the absence, disability or disqualification of the Chair, the First Vice-Chair and the Second Vice-Chair, the most senior member of the Planning Commission shall chair the meeting. The Chair Pro-Tempore shall retain the full right as a member of the Planning Commission to have a vote recorded in all deliberations and to propose and second motions. [Example: If Chair Johnson and Second Vice-chair Bigler are absent, Commissioner Powers, the most senior remaining member of the Commission, would chair the meeting.]

Executive Secretary:

The Director of Community Development serves as Executive Secretary of the Planning Commission. Since the Director attends most City Council meetings and numerous other meetings, he has designated the Comprehensive Planning Manager to perform many of the duties of the Executive Secretary and provide the staff services necessary to carry out the work of the Planning Commission.

Council/Commission Liaison:

Each year, the City Council appoints one of its members to function as a liaison to the Planning Commission. Ruth Ross has been the liaison during 2002. A better communication link between the two bodies often exists when a Council member is present to answer questions or help explain the Council's actions or intent.

Last year the Planning Commission decided to appoint one of its members to act as a liaison to the City Council – for a one-year trial period. Patrick Decker became the liaison and has been attending primarily those Council meetings at which Commission recommendations are being considered. Commissioner Decker has assisted in the presentations, provided helpful background information to the Council, provided support to staff, and has been available for questions.

Since the Liaison position was experimental in 2002, there is no obligation to continue this assignment. However, in the opinion of staff, Commissioner Decker's presence at Council meetings has been valuable and his reports to the Commission on Council actions has helped the Commission understand the fate of its recommendations. Therefore, staff suggests that the Commission continue this position on an informal basis for another year.

2002 Planning Commission Attendance Record

| DATE | Bigler | Decker | Johnson | Olson | Psycheff | Powers | Teno | Comments | |
|----------|----------|--------|---------|----------------|----------|--------|--------------------------|--------------------------------|-------------------|
| 1/10/02 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Absent | | |
| 1/24/02 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Absent | | |
| 2/07/02 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Absent | Special Meeting | |
| 2/14/02 | Absent | ✓ | ✓ | ✓ | ✓ | ✓ | Absent | | |
| 2/28/02 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Absent | | |
| 3/14/02 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Teno – Resigned 2/4/02 | | |
| 3/28/02 | ✓ | ✓ | ✓ | Absent | ✓ | ✓ | | | |
| 4/11/02 | Absent | Absent | ✓ | ✓ | ✓ | ✓ | | | |
| 4/25/02 | Canceled | | | | | | | | |
| 5/09/02 | ✓ | ✓ | Absent | ✓ | Absent | ✓ | | | |
| 5/23/02 | ✓ | ✓ | Absent | ✓ | ✓ | ✓ | | | |
| 6/13/02 | ✓ | ✓ | ✓ | Absent | ✓ | ✓ | | | |
| 6/27/02 | ✓ | ✓ | ✓ | Absent | ✓ | ✓ | | | |
| 7/11/02 | ✓ | ✓ | ✓ | Absent | Absent | Absent | | | |
| 7/25/02 | ✓ | ✓ | ✓ | Absent | ✓ | ✓ | | | |
| 8/08/02 | ✓ | Absent | ✓ | Absent | ✓ | ✓ | | | |
| 8/22/02 | ✓ | ✓ | Absent | | Absent | ✓ | Olson – Resigned 8/21/02 | | |
| 9/12/02 | ✓ | ✓ | ✓ | | | ✓ | | | |
| 9/26/02 | Canceled | | | | | | | | |
| | | | | Melomey | | | Walther | | |
| 9/30/02 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Special Meeting w/City Council | |
| 10/10/02 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Absent | | |
| 10/24/02 | ✓ | ✓ | ✓ | Absent | ✓ | ✓ | ✓ | | |
| 11/14/02 | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ | Melomey resigned 11/11/02 | |
| 11/28/02 | Canceled | | | | | | | | T-DAY |
| 12/12/02 | ✓ | ✓ | ✓ | | Absent | Absent | ✓ | | |
| 12/26/02 | Canceled | | | | | | | | Christmas Holiday |

Attendance Summary:

| COMMISSIONER | PRESENT | % | ABSENT |
|--------------|---------|------|--------|
| Bigler | 20 | 91% | 2 |
| Decker | 20 | 91% | 2 |
| Johnson | 19 | 86% | 3 |
| Olson | 9 | 60% | 6 |
| Peycheff | 18 | 82% | 4 |
| Powers | 20 | 91% | 2 |
| Teno | 0 | ---- | 5 |
| Melomey | 2 | 67% | 1 |
| Walther | 4 | 80% | 1 |

**Current Status of the
LYNNWOOD PLANNING COMMISSION
as of January 1, 2003**

| COMMISSIONERS | Appointed | Term Expires |
|------------------------------------|--------------------|-------------------|
| Pos. #1 – Jacqueline Powers | October 25, 1999 | December 31, 2004 |
| Pos. #2 – Tia Peycheff | December 10, 2001 | December 31, 2004 |
| Pos. #3 – Dave Johnson | July 13, 1998 | December 31, 2005 |
| Pos. #4 – Brian Bigler | January 1, 2001 | December 31, 2006 |
| Pos. #5 – Donna Walther | September 23, 2002 | December 31, 2007 |
| Pos. #6 – Patrick Decker | January 1, 2002 | December 31, 2007 |
| Pos. #7 – VACANT | ---- | December 31, 2002 |

Lynnwood Planning Commission
Meeting of January 9, 2003

Staff Report

Agenda Item: F-1

**Secure Community Transition Facilities
(SCTF) – Final Ordinance**

- Public Hearing
- Informal Public Meeting
- Work Session
- New Business
- Old Business
- Information
- Miscellaneous

Lynnwood Dept. of Community Development — Staff Contact: Dennis Lewis, Senior Planner

BACKGROUND:

The Planning Commission discussed the Interim Secure Community Transition Facilities (SCTF) Ordinance in detail on November 14th. The DSHS staff person present at the meeting explained several requested ordinance amendments, and the City Attorney advised the Commission on these matters. A Commission consensus was reached on each of the requested amendments and staff was directed to make the appropriate changes to the interim ordinance. The Commission reviewed an amended interim ordinance at the December meeting and the amendments were accepted. Approval was given to prepare a draft final ordinance and schedule a public hearing for January 9, 2003. This public hearing is for the purpose of taking any public testimony on the draft final SCTF ordinance.

RECOMMENDATIONS:

- Take public testimony on the draft final ordinance on Secure Community Transition Facilities.
- Consider any public testimony received and decide if any amendments should be made to the draft final ordinance.
- Make a Planning Commission recommendation to the City Council on adoption of a final ordinance on Secure Community Transition Facilities.

Attachments:

1. Final SCTF Ordinance.



1 WHEREAS, the Planning Commission has held a public hearing on a draft final
2 ordinance and has recommended a final ordinance on Secure Community Transition Facilities;
3 and

4 WHEREAS, the City Council has held a public hearing on the Planning
5 Commission recommended final ordinance.

6 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD,
7 WASHINGTON, DO ORDAIN AS FOLLOWS:

8 Section 1. The recitals set forth above are adopted as findings of fact in support
9 of the need for this ordinance providing for development regulations.

10 Section 2. A "Secure Community Transition Facility" (SCTF) means a residential
11 facility, as defined in chapter 71.09 RCW, for the housing of civilly committed and conditionally
12 released sexually violent predators.

13 Section 3. Title 21 of the Lynnwood Municipal Code is hereby amended to
14 include the siting of an SCTF in the City of Lynnwood as requiring the issuance of a conditional
15 use permit in accordance with the provisions of Chapter 21.24 of the Lynnwood Municipal Code
16 and this ordinance. The siting process and criteria for essential public facilities eligible for
17 common site review described in the *Capital Facilities & Utilities* element of the *Lynnwood*
18 *Comprehensive Plan* is hereby adopted as an optional process that may be elected by the sponsor
19 of a SCTF in addition to the conditional use permit process required by this section. In
20 considering the concentration of essential public facilities in the Site Evaluation Criteria
21 described in the *Capital Facilities & Utilities* element of the *Lynnwood Comprehensive Plan*, the
22 essential public facilities to be considered are those listed in RCW 71.09.250(8). Any mitigation
23 required under the Common Siting Process will not exceed those provided for by RCW 71.

1 Section 4. In addition to the requirements required of all conditional uses in
2 Chapter 21.24 LMC, a SCTF shall also be subject to the following standards:

3
4 A. Siting shall be limited to locations zoned General
5 Commercial (CG), Business/Technical Park (BTP),
6 and Light Industrial (LI) and only in such zoned
7 areas that are south of 208th St. SW, and west of
8 60th Ave. W.

9
10 B. Siting criteria.

11
12 1. Policy guidelines adopted by the secretary of
13 social and health services for the State of
14 Washington for the siting of a SCTF shall be
15 considered when providing for the siting of
16 Secure Community Transition Facilities.

17
18 2. The siting requirements set forth in RCW
19 71.09.285 through 71.09.340 shall be
20 considered as minimum requirements and
21 nothing therein shall prevent the imposition
22 of any condition or cause for denial of a
23 conditional use permit for a SCTF so long as
24 the condition or cause for denial does not
25 impose a requirement more restrictive than
26 those specifically addressed in RCW
27 71.09.285 through 71.09.340.

28
29 C. Conditional Use Permit Application Process: A
30 conditional use permit application for SCTF shall comply with all
31 the permitting and procedural requirements pertaining to a
32 conditional use permit under chapter 21.24 LMC and the
33 application thereof shall be accompanied by the following:

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35 1. The siting process used for the SCTF,
36 including alternative locations considered.

37
38 2. An analysis showing that consideration was
39 given to potential sites such that siting of the
40 facility will have no undue impact on any
41 one racial, cultural, or socio-economic
42 group, and that there will not be a resulting
43 concentration of similar facilities in a

1 particular neighborhood, community,
2 jurisdiction, or region.

- 3
4 3. Proposed mitigation measures including the
5 use of effective site buffering from adjacent
6 uses.
7
8 4. A general description of the security plan for
9 the facility and the residents.
10
11 5. Proposed operating rules for the facility.
12
13 6. A schedule and analysis of all public input
14 solicited or to be solicited during the siting
15 process.
16

17 D. The City of Lynnwood will require expert assistance
18 in reviewing the State's SCTF application. The fee charged for the
19 SCTF application shall be sufficient to pay for such expert
20 assistance.
21

22
23 Section 5. If any section, sentence, clause or phrase of this ordinance should be
24 held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity
25 or unconstitutionality shall not affect the validity or constitutionality of any other section,
26 sentence, clause or phrase of this ordinance.

27 Section 6. Ordinance No. 2424, the interim ordinance on Secure Community
28 Transition Facilities, is repealed on the effective date of this ordinance.

29 Section 7. This ordinance, being an exercise of a power specifically delegated to
30 the City legislative body, is not subject to referendum. This ordinance is necessary for the
31 protection of the public health safety and welfare. The ordinance shall take effect five
32 days following passage and publication. This ordinance may be published by summary
33 publication consisting of the ordinance title only.
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1 APPROVED by the Lynnwood City Council this _____ day of February 2003.

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MAYOR, Mike McKinnon

ATTEST/AUTHENTICATED:

Finance Director, Mike Bailey

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
City Attorney, Greg A. Rubstello

SUMMARY OF ORDINANCE NO. _____

of the City of Lynnwood, Washington

On the ____ day of _____, 2003, the City Council of the City of Lynnwood, Washington, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADOPTING FINDINGS OF FACT; ESTABLISHING SITING REQUIREMENTS FOR A SECURE COMMUNITY TRANSITION FACILITY, AS DEFINED IN RCW 71.09.020; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCE NO. 2424; AND PROVIDING FOR SUMMARY PUBLICATION.

The full text of this Ordinance will be mailed upon request.

DATED this ____ day of _____, 2003.

Finance Director, Mike Bailey

Lynnwood Planning Commission
Meeting of January 9, 2003

Staff Report

Agenda Item: **K-1**

**Upcoming Planning
 Commission Meeting Agendas**

- Public Hearing
- Informal Public Meeting
- Work Session
- New Business
- Old Business
- Information
- Miscellaneous

Lynnwood Dept. of Community Development — Staff Contact: Ron W. Hough, Planning Manager

■ The following schedule is for planning purposes – subject to adjustments.

Happy New Year

Jan. 9 **Public Hearings:** Secure Community Transition Facilities (SCTF)
Business: Election of Officers for 2003
 Planning Commission 2002 Annual Report
Work Sessions: None scheduled

Jan. 23 **Public Hearings:** None scheduled
Work Sessions: Development Regulations Update – Phase 2
 Shoreline Master Program – Introduction (tentative)

Feb. 13 **Public Hearings:** None scheduled
Public Meeting: 2003 Plan Amendments – Open House & Discussion

Feb. 27 **Public Hearings:** None scheduled
Work Sessions: Development Regulations – Phase 2

March 13
March 27
April 10
April 24
May 8
May 22