

City of Lynnwood
PLANNING COMMISSION MINUTES
June 22, 2006

Commissioners present:

Maria Ambalada
Jeff Davies
Patrick Decker
Elisa Elliott
Tia Peycheff
Michael Wojack

Staff present:

Ron Hough, Planning Manager
Dennis Lewis, Senior Planner
Rod Kaseguma, City Attorney
Kevin Garrett, Planning Manager
Shay Davidson, Admin. Assistant

Commissioners absent:

Brian Bigler

Others Present:

CALL TO ORDER

The meeting was called to order at 7:00 PM by Chair Decker. A quorum was present. Newly appointed Commissioners Ambalada, Davies and Wojack were welcomed.

APPROVAL OF MINUTES

No changes or corrections were offered for the minutes of the June 8, 2006 Planning Commission meeting. The minutes were approved as written.

Chair Decker noted that Commissioner Elliott's changes had been made to the May 25, 2006 minutes as previously approved. No additional action was necessary.

COUNCIL LIAISON REPORT

No report.

CITIZEN COMMENTS

None

PUBLIC HEARING

E-1: Comprehensive Plan Amendments – Group 2:

Chair Decker announced that this is a continuation of the public hearing that was opened on June 8 to hear the final four proposals to amend the City's Comprehensive Plan. He asked if any members of the Commission wished to make any disclosures. Commissioner Ambalada disclosed that she is a resident of a mobile home park. However, because her park has been sold and is now being purchased by the Housing Authority, she stated that her park residency will not affect her position on the mobile home park zone proposal. There were no objections to her participation in that discussion.

Chair Decker explained the sequence of presentations and testimony. He then opened the public hearing and asked staff for their reports.

Planning Manager Ron Hough provided an overview of the Plan amendment process and schedule. He described the two Edmonds School District proposals (Bus Barn and Service Center sites), followed by a description of changes to the 5-year Implementation Program.

Senior Planner Dennis Lewis described proposed amendments to the text of the Land Use Element to provide a new MH-1 designation for mobile/manufactured home parks. He noted that the proposal also includes a change to a related Housing Element policy.

Chair Decker opened the hearing and asked for public comments from anyone wishing to speak about the school district's proposals or the 5-year Implementation Program.

Kay Livingston (201st Place SW) disagreed with the proposal to move the bus barn operations to the 52nd Avenue site. She felt the district should look at other alternatives.

Commissioner Elliott asked if Ms. Livingston had attended the school district's recent neighborhood meeting. She said she did not attend and added that the neighborhood includes diversity and many elderly people who don't participate.

Marla Miller (Edmonds School District) informed the Commission that the district sent invitations for the public meeting to about 500 households, but only 8 people attended the meeting. It was held at 7:00 pm on a Wednesday evening.

Mary Monahan (5214 – 201st Place SW) said she received the meeting notice but couldn't attend. She said she has been fighting the bus barn proposal for many years and feels her neighborhood is being looked down upon. She talked about the health effects of bus exhaust and feared the large amount of bus traffic would have serious effects on neighborhood residents. She offered a paper entitled "Health Effects of Diesel Exhaust" which was accepted as Service Center Exhibit #1.

Laura Brent (consultant to the school district) clarified that the proposal is to amend the Comprehensive Plan and Zoning. A conceptual site plan was offered for discussion, but it is not being considered for approval. More specific studies will be done for the next project phase, during which environmental issues will be addressed. A Conditional Use Permit will also be required and there will be additional opportunities for community input.

Frank Cheeney (17408 – 44th Ave., Space #40) is the primary applicant for the mobile home park zone proposal. He urged its passage. He stated that his primary objective is that mobile home park tenants are given adequate notice of proposed changes and will have chances to comment on future plans and rezones. He felt that the RS-4 zone is discriminatory because it applies only to parks within a radius of Highway 99. Furthermore, only property owners are given notice of Comprehensive Plan amendments and rezones and mobile home owners are considered tenants. He objected to staff report references to pre-HUD Code mobile homes as "substandard". He said many homes, including conventional homes, which are older than 30 years are not necessarily substandard just because they were built to a different code. Lynnwood's 17 mobile home parks are occupied by 574 families but there are only 17 park owners. The families want to be notified and want to have opportunities to be heard. Mr. Cheeney's letter was entered into the record as MHP "Zone" Exhibit #5.

Jeff Palmer (Kingsbury West Mobile Home Park) reminded the Commission of some past City actions and decisions related to earlier mobile home park zoning considerations. He expressed concern that such a zone would impose a "stick" and severely limit property rights and future options. Chair Decker asked if Palmer objected to the basic concept of a zone. Palmer replied that he would object to being forced into any zone against his will.

Walt Olson (representing Don Shaw, owner of Royalwood Mobile Estates) disagreed with the proposed new zone as a way to address the concerns. Mr. Shaw is 75 years old and a resident of his mobile home park. He doesn't want the value or future land use options of his property taken away by an objectionable zoning action. Mr. Olson suggested that the City Attorney look closely at this proposal. In response to a clarification question from Commissioner Elliott, Mr. Olson explained that zoning determines potential uses for property. In turn, potential use affects the value of property. One of the criteria for changing the zoning of a property is to make a finding that circumstances have changed. In this case, nothing has changed that would warrant a change in zoning.

John Woodring (representing Kingsbury West Mobile Home Park) stated that he would not be opposed to a new zone that was created to establish new manufactured home communities. However, it would be objectionable to apply a new zone to existing mobile home parks that are already established. He stated that owners need reasonable use of their properties and flexibility is necessary to preserve property rights. In his opinion, Kingsbury West was rezoned properly.

Gloria Holsing (Royalwood Mobile Home Park) said she bought her mobile home eight months ago and Mr. Shaw promised the park would not be sold. If a park is sold for redevelopment, she suggested that the new owner be required to buy all the homes.

Hanna Albany (Kingsbury East MHP resident) was disgusted that the bottom line is the almighty dollar.

Ellie Claimont (Talley Ho MHP resident) advised the Commission that elderly people are very colorful and are good for neighborhoods.

Hope Sheflin (Center MHP resident) talked about the costs of mobile home living and the fear of being evicted.

Ed Wallace (Kingsbury West MHP, #14) stated that the 2004 rezone (of his mobile home park) did more harm than good. He claimed that letters were kept from the City Council and may have changed the votes. He wants those letters to be provided again. He said Patty Murray suggested that zoning could be used to maintain the status quo and he supports the new zone proposal.

Hugh Verge (Kingsbury West MHP, #1) asked the Commission to show compassion for those mobile home park tenants who couldn't attend this meeting.

Sherry McIntire (Kingsbury East MHP, #7) asked the Commission to "do something." Many of the tenants are ill and have very little money.

H. Parks (The Squire MHP, #43) talked about the need for neighborhood cohesiveness. Tenants were told their park would not be sold, but it was. There is no protection and poor notification. She acknowledged the owners' right to sell, but felt they also have a moral obligation to their residents.

Brenda Boudreaux (Kingsbury West MHP) read a letter to the Editor that she wrote. The letter was entered into the record as MHP "Zone" Exhibit #6.

Commissioner Elliott asked Mr. Woodring about zoning compatibility with surrounding area and how a change in zoning would be a taking. Mr. Woodring described the zoning in the vicinity of Kingsbury West MHP and referred to the City's rezone criteria as the basis for rezone decisions. Commissioner Ambalada asked Woodring if there was any way to ensure that the mobile home park will stay. Woodring's response was "No".

Commissioner Wojack asked about the rezone process and notification requirement. Staff responded that the state requires a one year notice and recent legislation included a 3-year covenant. Mr. Woodring added that the 3-year covenant is weak and may be waived by a simple clause in the lease agreement.

At 9:23 PM, being no further testimony on the four scheduled Plan amendments, Chair Decker closed the testimony on the four main items and declared a short recess. When the Commission reconvened, Chair Decker asked the audience for any new testimony or information on any of the Plan amendment proposals from the June 8 hearing.

Kent Whitehead (Beacon Development Group) explained a couple changes to the draft concomitant zoning agreement (CZA), including a specific 35 ft. minimum side setback from the west property line and that the facility would provide housing for seniors below 60% of median income. He also reminded the Commission that the site plan is not the final plan. They are considering various design options that will be consistent with the provisions of the CZA.

Donna Walther (Copper Ridge Condo resident) referred to an earlier petition with the signatures of about 45 people who were opposed to the amendment. Her presentation included housing design-related articles from a State of Washington (CTED) website (Exhibit #26); an Enterprise newspaper article about the Housing Authority of Snohomish County's purchase of two Edmonds apartment complexes (Exhibit #27); a revised shadow and building mass illustration of an idea for the church's senior apartments (Exhibit #28); and two photographs of Alderwood Court's open space and landscaping (Exhibit #29). Ms. Walther urged the Commission to require an east-west boundary instead of the proposed north-south, to force development toward 196th Street. She objected to a driveway along the Copper Ridge side (west side) of the church property because it would result in noise and exhaust impacts to Copper Ridge residents. And, she explained an illustration of a two-building concept with one building at the rear of the church property. Ms. Walther informed the Commission that the Housing Authority is acquiring apartments for seniors in Edmonds, which will reduce the need for senior housing in our area. She asked the Commission to vote "no" on the proposed amendment and, instead, promote neighborhood plans.

Dee Stanwick (The Squire MHP) corrected her earlier testimony to say that Brighton Court charges more than \$2,000 per month. She does not consider it affordable.

Lynn Melby (5809 Central Drive, Mukilteo and President of Good Shepherd Church) stated that the apartments in Edmonds that the Housing Authority is buying, as mentioned by Ms. Walther, is already fully occupied and will not provide additional senior housing. The Good Shepherd housing will include very small units of about 450 sq. ft., so the building's overall size will be much smaller than a typical 40-unit apartment building. The project will also be subject to the City's Design Guidelines, which will help ensure a quality design.

Pastor Chris Boyer (6213 – 183rd Place SW, Lynnwood) emphasized that the concept plan is only a concept. The church has not spent money on architectural plans and doesn't intend to do so until the zoning is approved.

Following all testimony, Chair Decker closed the public hearing and announced that, due to the late hour, agenda item G-1 will be postponed to the July 13 meeting to finalize the Commission's recommendations on these proposals.

E-2: Re-adoption of City Center Zoning:

Chair Decker announced that this is a public hearing to accept public testimony on zoning alternatives for the City Center and asked for the staff report.

Planning Manager Kevin Garrett described zoning alternative #4, which is the "Development Regulation Alternative." It would include provisions in the zoning regulations to prevent buildings on designated park sites, as shown on the City Center Plan. Mr. Garrett described alternative #5 as the "Partial Rezone Alternative" which would apply City Center zoning only to blocks without planned park sites. The remaining blocks would go through a rezone process later.

Chair Decker opened the hearing and asked for public testimony.

Bob Burkheimer (Seattle) described some past history and felt the City Center Plan was a great plan, in which parks and plazas are necessary. However, he felt the City should be required to purchase the park sites at City Center zone values. He suggested adding a clause to require fair market value be paid for the park sites, based on City Center values.

Commissioner Peycheff noted that several new documents had been submitted at this hearing, making it impossible for the commissioners to read them all and arrive at a decision. She asked if there was a cut-off date for written materials. Staff responded that both verbal and written comments are accepted until the hearing is closed, unless an earlier cut-off date was established. In this case, no earlier date was set. City Attorney Rod Kaseguma suggested that the Commission decide how it wants to handle last-minute submittals at future hearings. Commissioner Ambalada agreed that there was lots of material to read as well as some legal considerations. The Commission needs more time.

Doug Purcell (attorney representing the car wash property at SW corner of 194th Street and 44th Avenue) liked Mr. Burkheimer's proposal and suggested that the Commission reject the other alternatives and get the zoning applied.

Commissioner Elliott read an email that she had sent to Planning Manager Hough regarding a City Attorney memo to the Planning Commission on June 8. There was no further discussion of that matter.

Fred Ehrlich (owner of Park Dental Building) provided copies of a letter regarding objections to the P-1 zoning alternative. He felt that Alternatives #4 and #5 were also unfair and will reduce the usefulness of his property. He felt that all alternatives will involve takings without proper compensation. He feels the City should buy the park sites and pay full value for them. He recommended approval of the Burkheimer amendment.

Jim Pirie is the owner of property on the south side of 198th St. at the location of the main core park. He said he had not been informed of these new alternatives, but had sent several letters to the City earlier. He feels the City wants to take his land through a rezone action at a fraction of its value. In response to a question from Commissioner Wojack, he described his land development background and assured the Commission that he has the resources and ability to develop his property to its maximum potential.

Following all comments, Chair Decker closed the public hearing. Considering the three new commissioners, new written documentation and the late hour, he suggested sending the matter to the City Council without a recommendation. Commissioner Elliott stated that she was comfortable with the Burkheimer proposal. Commissioner Peycheff was not ready to make a recommendation.

Chair Decker moved to refer the City Center Zoning proposals to the City Council without a recommendation. The motion was seconded by Elliott and passed unanimously.

Commissioner Psycheff moved to recommend to the City Council to consider the interests of not just the private sector but also the public sector and the tax payers as they work to find a compromise that will move the City Center project forward while maintaining and emphasizing that the Parks Master Plan is necessary as it was outlined in the original documents. The motion was seconded by Decker and passed unanimously.

WORK SESSION

None

BUSINESS

G-1: Comprehensive Plan recommendations: Postponed to July 13 meeting.

DIRECTOR'S REPORT & INFORMATION

Planning Manager Hough waived his director's report, due to the late hour.

ADJOURNMENT

Chair Decker moved to adjourn. The motion was seconded by Psycheff, passed unanimously, and the meeting was adjourned at 10:55 PM.

Patrick Decker, Chair