

City of Lynnwood
PLANNING COMMISSION MINUTES
September 13, 2007

Commissioners Present:

Elisa Elliott, First Vice-chair
Michael Wojack, Second Vice-chair
Maria Ambalada
Tia Peycheff
Richard Wright

Staff Present:

Planning Manager Garrett
Ted Hikel, City Council Liaison

Commissioners Absent:

Jeff Davies (arrived late)
Patrick Decker, Chair

Others Absent:

Shay Davidson

CALL TO ORDER

The meeting was called to order by First Vice-Chair Commissioner Elliott at 7:00 p.m.

APPROVAL OF MINUTES

None

COUNCIL LIAISON REPORT

Councilmember Ted Hikel reported the Council held public hearings on the signs in the right-of-way, the Alder Ridge II subdivision preliminary plat approval, and the 2007 Comprehensive Plan amendments. Public testimony was completed on all three of the items. The Alder Ridge II plat was approved. The public hearing for the plan amendments was continued to September 24th and additional questions from councilmembers will be presented to staff in writing. The Comprehensive Plan amendments will come back to a work session and will be scheduled for action by Council President Simmonds at a business meeting.

CITIZEN COMMENTS

None

PUBLIC HEARINGS

1. Work Release Facility Code Amendment

Staff Presentation:

Planning Manager Kevin Garrett reviewed the proposed code amendment which would put regulations in the city's zoning code regarding work release facilities. This was initiated by the Planning Commission at the last meeting.

Commissioner Davies arrived at the meeting.

Mr. Garrett reviewed the structure and function of a work release facility. The facilities allow someone who has been convicted of a crime and held in custody for most of their sentence the opportunity to re-enter day-to-day society by getting a job during the day and then staying at the facility overnight. It is also referred to as community custody because they are still under the control of the Department of Corrections. This is different from probation where they are under supervision, but otherwise they are on their own. The State is looking for ways to minimize the need to build new correctional facilities, which are expensive to build and to operate. Emphasizing the work release program is one way to accomplish this. Snohomish County has been designated as having a high need for new work release facilities.

The intent of moving this code amendment at this time is to get zoning regulations in place before someone actually wants to permit one. These are Essential Public Facilities that cannot be prohibited, but the City can impose reasonable conditions or mitigations on them. The model that the City is using for these regulations comes from the City of Auburn and the work Lynnwood did with Secure Community Transition Facilities (SCTFs) which are associated with the correctional facilities, but are intended for sex offenders.

Maria Ambalada asked what type of offenders there would be placed in these facilities. Mr. Garrett thought that there would probably be both felons and misdemeanors. It is up to the Department of Corrections on a case-by-case review. She asked if they had considered future annexation areas. He replied that they have not because they do not have the data about day care center locations, etc.

The key item for consideration for the Planning Commission is the radius of separation. For SCTFs the separation radius was determined to be 250 feet. He displayed a map showing a 250 radius off each of the schools, day cares, churches and residential zones. What remains is along Highway 99, in the vicinity of the mall, the retail area on the east side of I-5 or in the city center area. Staff would recommend not allowing these in the City Center (around 44th and 196th near the freeway). For the sake of discussion he noted that if they extended the separation radius on the map to 500 feet there would be essentially no locations left for placement of the facilities.

He stated that this was a noticed public hearing. They did send out an additional notice on the room change. They have had no phone calls or public contacts. There was no one in the audience.

Public Testimony:

The hearing was opened for public testimony. There was none. The public testimony portion of the hearing was closed.

Planning Commission Discussion:

Commissioner Wojack summarized that they were just preparing for the future in case there is ever an application. Mr. Garrett concurred.

Commissioner Davies concurred with the buffers around day cares, schools, and residential areas. He questioned the buffers around churches, noting that some churches might want to have some sort of outreach to these people. He brought up the possibility of making this a voluntary issue with churches. Mr. Garrett said he could check with the city attorney regarding the issue of permission.

Commissioner Wright wondered how much territory would be opened up if the churches were removed. Mr. Garrett did not think it would affect it much, but it would open up some additional commercial areas.

Commissioner Elliott stated that these are necessary facilities and if we did have them these people would be released into the community without supervision. It is certainly a better alternative since there are not enough rooms in jails and prisons right now and there are not enough Department of Corrections staff. This is a nice mid-range alternative. They are usually for people who stand a good chance of recovering and having some sort of healthy integration with the community.

Commissioner Wojack thought having this downtown in the City Center would be a good idea for their convenience and ease of getting around and finding a job. There was discussion about how having this downtown might make people fearful of going downtown or might prevent builders from developing downtown.

Commissioner Ambalada urged the City to be cautious of what the State asks them to do. She discussed how contracting out jail construction to the American Jail Association has ended up costing cities more than if they would have built it themselves.

Commissioner Elliott discussed the options available to the commission at this time. She noted that one item they had not discussed yet was the minimum distance between these types of facilities. Planning Manager Garrett suggested a mile or half-mile. The intent is that one area does not become saturated with these types of facilities. Commissioner Peycheff commented that a mile seemed appropriate.

Mr. Garrett noted that another item to consider is if the commission wants to keep the separation distance from religious institutions. He also noted that with a little bit smaller buffers along Highway 99, like 150 or 200 feet, the opportunities would increase. Commissioner Elliott commented that if they did this they may be putting some of the multi-family residents at risk of being treated differently than single-family residences because there are so many of them close to Highway 99.

Commissioner Ambalada suggested that staff could have discussions with the churches to get their input. Mr. Garrett said they could check with the city attorney on this. Commissioner Davies recommended taking the churches off for now.

There was consensus to forward this on without the buffer around churches and have Council specifically focus in on that issue.

Motion made by Commissioner Wright, seconded by Commissioner Peycheff, to forward on staff's recommendation regarding Work Release Facilities with the following amendments: 250 feet separation radius for items 1, 2, 3, 5, and 6; strike item 4; and one mile or more from additional work release facilities. Motion passed unanimously (6-0).

WORK SESSION

Update on Vision 2040

Planning Manager Garret played a video discussing the update of the regional plan for the Puget Sound region put together originally by the Puget Sound Regional Council. This looked at growth in the region in terms of employment and population in the area and set out broad principles regarding where and how growth should occur. He explained that this is still in draft form and will probably be about two years before it is completed. He noted that he had a couple electronic versions of the presentation and the draft Vision 2040. This is also available on Puget Sound Regional Council's website.

Commissioner Elliott asked about the information in their packet regarding "Fully Contained Communities". Mr. Garrett said this was the only item of controversy in the review of the draft plan by the Snohomish County Tomorrow organization. The County is pushing really hard to enable these Fully Contained Communities in unincorporated areas in the county. The cities do not think they are a good idea. There was some discussion about these types of communities.

Update on Buildable Lands Report

Planning Manager Garrett explained that this is another activity of Snohomish County Tomorrow. He discussed how this is evidence of a shift in direction in the department to looking at areawide planning. The City has become much more proactive on annexation issues of late. He summarized the contents and the importance of the Buildable Lands Report.

Councilmember Ambalada expressed her concerns as to how Lynnwood might be impacted by these policies. Mr. Garrett said that the PSRC is the regional planning body for Snohomish, King, Pierce and Kitsap counties. Their regional planning policies are binding in that area. Their regional plan, while very general, sets the tone and the direction for managing growth and development in those four counties. The City must pay attention to this. That original plan back in the early 90's designated Lynnwood as a regional center, specifically the area which is now the City Center. The designation of "sub-regional center" came from the PSRC. If we see something in these documents that we are concerned about, we must make that known. PSRC also controls federal funding for transportation.

They are the metropolitan planning organization for the four-county area. Commissioner Ambalada asked about representation at PSRC. Mr. Garrett explained that representation is set by state law. Everett has a guaranteed seat. There are two or three seats for other Snohomish County cities and those are rotated.

DIRECTOR'S REPORT & INFORMATION:

1. Information

- Update on Shay Davidson's condition
- Update on new Associate Planner position – still a vacancy
- New position being advertised: Deputy Director of Community Development
- Update on another staff member's health
- Relatively busy summer – development application in for expanding Macy's at the mall
- Update on activity at 196th and Highway 99 – no applications yet
- American Planning Association membership information
- Distribution of upcoming commission meeting schedule
- Update on the 2007 docket

2. Upcoming Commission Meetings

- 9/27 cancelled – No meeting
- 10/11 – Workshop
- 10/25 – Workshop – Highway 99 Economic Study by David Kleitsch, Economic Development Director
- 11/8 – No meeting
- 11/22 – No meeting
- 12/13 – Meeting
- 12/27 – No meeting
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ADJOURNMENT

Motion was made Chair Decker and seconded by Commissioner Peycheff, to adjourn the meeting. Motion passed unanimously (6-0). The meeting was adjourned at 9:00 p.m.

Patrick Decker, Chair