

**City of Lynnwood
PLANNING COMMISSION MINUTES
January 10, 2008**

Commissioners Present:	Staff Present:
Elisa Elliott, First Vice-chair	Shay Davidson, Administrative Assistant
Maria Ambalada	Kevin Garrett, Planning Manager
Jeff Davies	Ted Hikel, City Council Liaison
Tia Peycheff	Paul Krauss, Community Dev. Director
Richard Wright	David Osaki, Comm. Dev. Deputy Director
Michael Wojack, Second Vice-chair	
Commissioners Absent:	Others Absent:

CALL TO ORDER

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

APPROVAL OF MINUTES

Motion made by Commissioner Wright seconded by Commissioner Wojack to approve the minutes of the meetings of June 14, 2007, June 28, 2007, and July 26, 2007. Motion passed unanimously (6-0).

Motion made by Commissioner Wright seconded by Commissioner Wojack to approve the minutes of the September 13, 2007 meeting. Motion passed (5-0) with Commissioner Elliott abstaining since she did not receive the minutes for review in her packet.

COUNCIL LIAISON REPORT

Councilmember Ted Hikel thanked all the commissioners and Commissioner Decker for their service in 2007. He looks forward to being with the Planning Commission tonight and hopefully for the rest of 2008 if appointed again.

Community Development Director Paul Krauss gave a brief overview of the Council retreat in La Connor and topics that would be coming to the Planning Commission this year. Councilmember Hikel discussed options that might be considered for the recreation center renovation and expansion project. He also highlighted annexation issues with Mukilteo and the Norma Beach area. Director Krauss discussed Council's desire to address sidewalks, trail systems, transit connections for non-motorized communication in a holistic manner. He introduced the new Community Development Deputy Director, David Osaki.

CITIZEN COMMENTS

None

PUBLIC HEARINGS

None

WORK SESSION

1. Lot Size Averaging Code Amendment (2008-CAM-0001)

If approved, this code amendment would revise the City's regulations for averaging the size of lots in new subdivisions to provide that the area of no more than a certain percentage of lots in a subdivision could be less than the minimum size for the application zoning district. This is a referral from Council.

Planning Manager Kevin Garrett gave some background on this matter. He referred to the LMC 21.42.210C which is the authorization for averaging the size of lots. This applies only in the RS-7 and RS-8 zones for new subdivisions. The proposal is add a new paragraph that limits the number of lots that can be less than the minimum lot size to 25% of the total number of lots in the subdivision.

Staff is recommending that the existing code is maintained with the existing flexibility in lot size averaging. Staff's opinion is that this does not affect the character of neighborhoods. The effect of making this change in the code could marginally decrease the number of lots in future subdivisions. Also, there are not many parcels left to subdivide in the existing City of Lynnwood. This will, however, come into play if we annex up to 148th. Staff believes maintaining this flexibility is consistent with Council's desires to create more single-family homes and to keep housing affordable.

Councilmember Hikel reviewed the history of lot size averaging in the City. The original limit of lot size averaging was 20% in 1959. This continued until sometime in the late 1980's or early 1990's when there was a lot of pressure on the City to allow all kinds of development, especially multi-family development. He discussed the Amini property, which spurred this discussion. He also reviewed the Sundquist development in which almost 50% of the lots are under the 8400 square foot lot average.

Vice Chair Elliott thanked Councilmember Hikel for the background on this issue. She asked for comments or questions from the commissioners. Commissioner Peycheff asked for confirmation that a lot could not be less than 90% of the minimum lot size. Planning Manager Garrett confirmed this. Commissioner Peycheff asked how this matches with the Growth Management Act (GMA) density targets. Director Krauss commented that generally speaking the County densities are higher than what the City would allow. Staff believes that there will be a desire on the City's behalf and on the people who will become new residents to decrease the densities to a more comfortable level. However, under GMA the state projects growth and the counties and cities within the counties are charged with figuring out ways to accommodate that growth. When we annex the MUGA, we will have to assume responsibility for the units that the County had programmed into that area. Having this kind of flexibility at hand will help us to reach the targets. Even more helpful will be intensive development along Highway 99. Staff feels that the more flexibility that is built into the system, the more flexibility the Planning Commission and the Council will have to be responsive to the residents of Lynnwood and yet meet our GMA responsibilities by accommodating growth.

Commissioner Ambalada asked if this flexibility would result in less resistance from people who want to annex. Director Krauss discussed reasons why people want to annex into a city, such as better police protection and more responsive local government. In this case, annexing into Lynnwood also has the potential of significantly decreasing property taxes. Finally, many county residents are very upset about LDMRs and other types of development in the County. They want to annex into the City because they believe that the City Council is more responsive to those kinds of issues.

Councilmember Hikel responded to Commissioner Psycheff's question. He stated that regarding the same amount of property, there will not necessarily be more or less houses allowed on the land. Different types of planning can result in the same number of lots, but at a larger size. This would result in more compatibility with houses around them.

Commissioner Elliott commented that the public hearing would provide another opportunity for discussion about this.

Commissioner Ambalada asked if this amendment would provide protection for the existing mobile home parks. Director Krauss replied that the existing mobile home parks would not be affected by the amendment. Commissioner Ambalada wondered if this would encourage developers to really pursue buying mobile home parks. Commissioner Elliott explained that the mobile home parks that are set aside for redevelopment fall into RS-4 zone which is a higher density than the RS-7 or RS-8 zones. Councilmember Hikel added that there is no provision for lot size averaging in the RS-4 zone. Planning Manager Garret commented that there appear to be three mobile home parks designated for the preservation program that the Council just put in place. Those are zoned either RS-7 or RS-8 so the existing code language would provide, at the margin, a little more flexibility if somebody wanted to redevelop those than if the proposal was approved.

Commissioner Wojack referred to Section C under Additional Developmental Standards. He wondered how roads factored into the calculations. Planning Manager Garrett explained that both public streets and private roads are excluded from the calculations. Commissioner Wojack asked about the typical use of the larger lots on a development. Planning Manager Garrett referred to the three that he could remember in the last 13 years. One was the Amini plat and the subdivider wanted to retain the existing house and brick building exactly where they were. The second one was up in the north end. The developer wanted to retain the home and two accessory buildings because he was going to stay on the lot. He didn't have specifics on the third one.

Commissioner Wojack asked if all the environmental requirements, such as a retention pond if required, are factored in to the residential portions. Planning Manager Garrett stated that this amendment would only affect the calculation of lot size averaging. All the other existing city regulations would remain in place regardless of what would happen on this matter.

Planning Manager Garrett stated that they would do a formal presentation at the public hearing on this.

2. Tent Cities Code Amendment (2007-CAM-0003)

This code amendment would provide zoning regulations for the permitting process for and operation of temporary tent encampments ("Tent Cities").

Staff Presentation:

Director Krauss reviewed this matter briefly. The City of Monroe's ordinance was used as the basis for what they are proposing to bring before the Planning Commission. He discussed some of the concerns of cities prior to having on of these tent cities. He noted that the police departments that they have talked to have indicated that there are very few, if any, incidents related to these tent cities. Some highlights of the proposed ordinance are:

- It would establish a setback buffer from single-family neighborhoods of 40 feet (20 feet from other uses).
- It would require a 6-foot high sight obscuring fence, such as a portable construction fence.
- Limitations on exterior lighting.
- Limitation on the number of residents.
- A legitimate sponsor who takes the responsibility.
- Adequate levels of parking.
- No unaccompanied children under 18.
- Written code of conduct should be in place.
- Prohibition against residents with outstanding warrants or sex offenders.
- Clarifications about building code.
- Requirements that the site is cleaned up and restored when the tent city is gone.
- Limit to how often they can occur in any one site.
- Limit to only one encampment in Lynnwood at any one time.

Director Krauss commented that they would want to give the neighbors an opportunity to have some foreknowledge and the ability to participate, but with a tight timeframe in these situations staff is proposing that these applications be handled by the Community Development Department. A public notice would be issued immediately to the typical area. The decisions would be issued administratively by the department director, but could be appealed to the Hearing Examiner. He stated that fostering an atmosphere that is based on community spirit and mutual respect and is cognizant of the needs of the community as well as the residents of the encampment appears to be the best way to achieve what we want to achieve in the public's interest.

Commissioner Ambalada suggested that the hosting entity should encourage families within their community to sponsor the family that is homeless and help them to rehabilitate themselves. Director Krauss agreed with the sentiment and said they could encourage this, but it would be difficult for a city ordinance to mandate this. He noted that this is in fact what ends up happening much of the time.

Commissioner Elliott expressed concern about the wording in the code amendment on page 2 of 7, section 8, where it says, "No children under 18 are allowed to stay overnight in the temporary tent encampment unless circumstances prevent a more suitable overnight accommodation for the child and parent or guardian." She would like this language tightened up so that it doesn't discourage families from staying there. She was concerned about how loosely written it is regarding calling Child Protective Services.

She suggested that it be changed to say, "If a child under the age of 18 who is not accompanied by a parent or guardian attempts to stay at the encampment . . ." She was concerned that families would be fearful about having CPS contacted if they attempted to stay there with their children.

Councilmember Hikel referred to the Monroe document on page 2 of 4, number 8 at the top of the page. It states, "If a child under the age of 18 attempts to stay at the encampment, the sponsor or managing agency shall immediately contact Child Protective Services and shall actively endeavor to find alternate shelter for the child and an accompanying parent or guardian." He thought this would be appropriate.

Commissioner Elliott reiterated that she was concerned about the introductory sentence.

Commissioner Davies wondered if there was a curfew at these types of encampments and if there were any alcohol restrictions. Director Krauss said the alcohol prohibition was generally part of the written Code of Conduct or the self-policing. He indicated he would check on this with the City Attorney. As far as the curfew, he noted that what they could do is have limitations to the amount of light and noise put off the encampment into a single-family neighborhood. The nuisance ordinance would pertain to this.

Commissioner Wright had the following questions:

- He asked what the average population of a tent city is. Director Krauss replied that it is usually 60 to 80 residents, but it varies. This also tends to be the capacity of the sponsor.
- He asked if the tent city is required to comply with WAC 296.155.040 regarding the requirement for one portable toilet for ten persons per week. Director Krauss said they could write in a reference to the health code, but noted that sometimes the religious institutions are already set up to accommodate a fair number of people.
- He referred to the requirements for refuse receptacles. He wondered if there could be a recycling requirement. Director Krauss thought that they could do this.
- He referred to temporary structures. He asked if a GP Large, which is a tent large enough to house 60 people, would require a permit to be assembled. Director Krauss said anything over a certain size is considered a structure.

Commissioner Wojack informed Commissioner Wright that that page 3, section J covers a lot of the health code information. He then asked Director Krauss for clarification about the "no-loss of required on-site parking" requirement. Director Krauss commented on this. Commissioner Wojack commended staff on the foresight to look ahead knowing that this could happen here. Commissioner Elliott concurred.

3. Presentation: Short Course on Local Planning

Planning Manager Garrett distributed CDs containing documents regarding local planning.

Commissioner Elliott said she has a condensed version of Roberts Rules and offered to email this to anyone who is interested.

OTHER BUSINESS

None

DIRECTOR'S REPORT & INFORMATION:

1. Upcoming Commission Meetings

Planning Manager Garrett noted that there would be public hearings on both the code amendments discussed tonight. The earliest those could be done would be February 14. He also mentioned that in past they have had an open public hearing if anyone wants to come in to suggest an item for Comprehensive Plan amendments. This could also be done on February 14. At this point there is nothing scheduled for January 26 so staff is recommending that meeting be cancelled. Generally, staff is looking at having Planning Commission meetings just once a month. He informed the commissioners that the dinner for former Commissioner Decker would be noticed because there would be a quorum of the commission there.

Motion made and seconded to cancel the January 26 meeting. Motion passed unanimously (6-0).

2. Looking Forward into 2008

Director Krauss gave an update on the Mukilteo annexation situation as well as the potential Perrinville and Maple Precinct annexations. He noted that the Lynnwood newsletter will start going out to everybody in our MUGA area so we can start communicating with them on a quarterly basis.

3. Recognition Dinner for Former Commissioner Decker

There was discussion about when to hold a recognition dinner for former Commissioner Pat Decker. Commissioner Elliott indicated she would try to arrange this for January 31.

Director Krauss noted that there was a potential appointment to the Planning Commission.

ADJOURNMENT

A motion was made and seconded to adjourn the meeting. Motion passed unanimously (6-0). The meeting was adjourned at 8:36 p.m.
