

**City of Lynnwood  
PLANNING COMMISSION MINUTES  
July 9, 2009 Meeting**

<b>Commissioners Present:</b>	<b>Staff Present:</b>
Richard Wright, Chair	Shay Davidson, Administrative Asst.
Maria Ambalada	Paul Krauss, Director
Van Aubuchon	Kevin Garrett, Planning Manager
Chad Braithwaite	Jared Bond, Envir. Prog. Manager, PW
Jeff Davies	Keith Maw, Senior Planner
Bob Larsen, Vice Chair	
Michael Wojack, Second Vice-chair	<b>Other:</b>
	Matt Fontaine, Herrera Environmental
<b>Commissioners Absent:</b>	
None	

The meeting was called to order Chair Wright at 7:00 p.m.

**Approval of Minutes**

1. Meeting of July 9, 2009

Planning Manager Garrett pointed out that there had been an issue with tracking changes in the minutes. He discussed options available to the Commission regarding approval of the minutes.

*Motion made by Commissioner Ambalada, seconded by Commissioner Davies to approve the substance of the minutes, delegating final review authority to Chair Wright after corrections are made. The motion passed unanimously (7-0).*

**Council Liaison Report**

Councilmember Ted Hikel informed the Planning Commission that the Council had set the date for the vote for the annexation of the North-East-South Annexation Area for April 27, 2010.

**Citizen Comments**

None.

**Public Hearings**

None.

## Other Business

1. Surface Water Management Plan. Update of the City's plan for managing surface water, responding to regulatory requirements and addressing drainage and water quality problems.

Planning Manager Garrett pointed out that this proposal was discussed at the last Commission meeting and that staff had provided the Commission with a copy of Appendix E showing the list of projects in the Plan as requested at the last meeting. He also distributed the tables that were included in Appendix E. He stated that Public Works staff is asking for a recommendation to City Council on this.

Program Manager Jared Bond pointed out that Table E-6 summarizes the rankings of the proposed projects. He reviewed and answered questions regarding the following:

- Table E-1 - *Recommended capital improvement program projects.*
- Table E-2 - *Benefit points scoring system for potential flooding, erosion, and water quality improvement projects.*
- Table E-3 - *Benefit scores for potential flood control CIP projects.*
- Table E-4 - *Benefit scores for potential erosion control CIP projects.*
- Table E-5 - *Benefit scores for potential water quality improvement CIP projects.*

### Discussion:

Commissioner Aubuchon asked for confirmation that the cost of \$154,000 for FL-6 was just for the study and not the actual project. Mr. Bond confirmed the cost of the study and explained that the project is very involved. It will require some expensive modeling because of the watershed issues. They will probably need to raise a portion of the roadway install supports to prevent it from dropping again.

Commissioner Ambalada stressed her concern regarding flooding. She asked to see a map of all of these areas in order to have a more comprehensive view of this. She recommended making the flooding and water clean-up issue the number one priority. Mr. Bond agreed that many of the projects are interrelated and discussed some of those relationships.

Commissioner Ambalada asked about the possible cost-efficiency of combining the Scriber projects together as one. Mr. Bond explained how they are looking at projects regionally. He discussed the North Scriber Regional Detention Project the City embarked upon in 2001. With that project they looked at the whole Scriber Creek corridor to see what they could do to help downstream flooding. They have also identified a couple other pieces of property that would help with flood attenuation as well as native plants restoration opportunities.

The City has also partnered with Mountlake Terrace, Edmonds, Snohomish County, Shoreline and Lake Forest Park on a large regional effort to try to improve the Halls Lake/Halls Creek watershed-and-corridor.

Commissioner Ambalada suggested applying for grants related to cleaning up the environment. Mr. Bond stated that they are always looking for grants.

Commissioner Larsen asked about a mechanism to deal with some of the most expensive projects that are also very important. Mr. Bond replied that most of the projects will be paid out of the Surface Water Utility Fund. They are trying to design the projects because they score better for grants when they are designed and ready to build. Some of the more expensive projects won't get built without grant funds. They are applying for grants as they come available.

Commissioner Ambalada suggested being unique and proactive in order to get attention and get funding.

Commissioner Davies commended the staff on their prioritization of the projects and assigning points to different areas. He found it interesting that the highest ranking projects were also the cheapest. He asked how far they would get down the list if there were no grants. Mr. Bond indicated this would be difficult to determine.

Commissioner Wojack commended Mr. Bond for the presentation and the document. He referred to the project that is ranked #17, *Decommissioning septic tanks and connecting residences to the sanitary sewer system*. He asked if the residences would have to pay part of this bill as they would in the County. Mr. Bond commented on the hazards that failing septic tanks contribute to the waterways. Because of this the City feels this is an important issue to at least identify. They are still trying to determine how it might be funded.

Chair Wright pointed out that this probably doesn't take into account the number of septic tanks they will be annexing if the vote in April is successful.

Councilmember Hikel stated that failing septic tanks are a priority of the County Health District, not the City. They require that when a septic tank fails it must be rebuilt or that sewer service be provided. The City of Lynnwood has always had the same method of providing sewer service for areas that are not currently sewerred. This has always been done under a Local Improvement District (LID) which is paid for by the people who benefit for it. Mr. Bond added that the City works with the Health District to identify the failing septic tanks and to help the homeowner in a cost-effective manner. Councilmember Hikel stated that all of the annexation area is serviced by Alderwood Water and Wastewater District.

Chair Wright asked for clarification regarding possible bio-swales that are currently sidewalks. Mr. Bond discussed plans for these areas and explained that

they weren't planning on removing sidewalks, but in places where they currently have no sidewalks they might just add one sidewalk on one side of the street and have a swale on the other side of the street. Matt Fontaine from Herrera Environmental Consultants added that none of the projects that are under construction right now will incorporate pervious pavement or LID techniques for sidewalks. One project that will be incorporating LID and pervious sidewalks is 36<sup>th</sup> Avenue redevelopment from Maple Road and into the County. There are projects under design right now that will be incorporating that when possible. Chair Wright expressed concern that this is not being incorporated more currently. Mr. Bond stated that they would probably see more in the next year or two.

Commissioner Aubuchon asked about ways to deal with private ownership of drainage facilities associated with flooding. Mr. Bond stated that flooding is a difficult issue because there is such a patchwork of public and private ownership and there is no single point that is causing the problem. When there is something that is readily identifiable they generally are able to address that. For example, when water passes through an undersized culvert on private property and causes a backup onto the street, there are not any tools to make the owner dig it up and enlarge it. Also, there is often no specific source of sediment that fills-up a culvert or stream, reducing capacity because it's full of dirt. In those instances the City has to maintain it and keep the channel open.

Commissioner Aubuchon asked how the City protects itself from the possibility of litigation. Director Krauss agreed that there is an element of liability with these situations. He mentioned some situations where this is a possibility, but noted that often there is a chain of property ownerships. The City's responsibility then is to make sure that any action they approve on that chain is done properly so that the pre-development runoff rate and post-development runoff rate are consistent. Some cities offer to go in and work with the neighborhood to help address a communal problem.

Mr. Bond stated that they have facilitated private property owners to talk about solutions. He added that stormwater requirements are fairly new and older developments did not have the requirements that exist now. Councilmember Hikel concurred that the regulations that exist today are far different from those that were in place in the past. He discussed some examples of this and how the staff, although excellent, is somewhat constrained by the situations that exist.

Commissioner Larsen pointed out that with all this discussion about water they are essentially talking about environmental quality and sustainability. The report encompasses a lot of what they want to grasp. He expressed support for forwarding this on to Council, but noted that he hopes the minutes go to Council so they can see some of these concerns and issues.

He suggested that as Keith Maw puts together a "Green Report" maybe they can dovetail with the Surface Water Management so that it fits in with the objectives of the City in terms of environmental quality. He said that the next time this report comes back he hopes that they would see some sort of scoring based on sustainability and how this fits into the green side of things.

Commissioner Aubuchon congratulated staff on the very thorough job they have done with this document. He shared that part of the problem at Halls Lake has nothing to do with surface water runoff, but has a lot to do with an old wrecking yard that used to be on the side of the hill above the lake.

Commissioner Davies asked whose responsibility it was to approach the owner when a situation on their lot was causing flooding on surrounding property. He referred to a specific situation. Planning Manager Garrett expressed concern about the direction of the conversation. He stressed that staff is not qualified to provide legal advice on liability for a particular situation. Speaking generally, Mr. Bond replied that if there is a problem on private property the city would not be able to go in and do anything about it. If a neighbor called and said that their neighbor had done something that was causing flooding on their property then the city could help them in facilitating a conversation and encouraging the neighbor to remedy the problem.

*Motion made by Commissioner Larsen to pass the 2009 Surface Water Management Plan to City Council with a recommendation for approval. He added the recommendation that they encourage City Council to confer with legal counsel with the idea to explore a greater range of authority to deal with private owners when there is a problem in order to meet public need. The motion was seconded.*

Commissioner Wojack spoke against the additional recommendation. He stated that it is private property for a reason.

*Commissioner Larsen withdrew his motion, but asked that the minutes reflect his comments and that they be forwarded on to Council.*

*Motion made by Commissioner Ambalada to forward the 2009 Surface Water Management Plan to City Council with a recommendation that they tie in Environmental Sustainability with the Surface Water Management Plan. The motion was seconded and approved unanimously (7-0)*

Planning Manager Garrett stated that the Council would receive copies of both sets of minutes regarding this item. He pointed out that this document comes at a transition point for the City. The Energy and Sustainability Element which was adopted last year says that it will be implemented over time. The Surface Water Management Plan was already underway when the Element was adopted. The

next version is expected to contain much more discussion of sustainability goals and issues.

### **Work Session**

1. 2009 Comprehensive Plan Amendments – (2009CPL0002)
  - A. MUGA Land Use Designations: Revise land use designations (map) for properties in the City’s Municipal Urban Growth Area (and North-East-South Annexation Area) in response to comments from public meetings and current status of development proposals.

Planning Manager Garrett introduced the item, stating that this proposal followed on the proposal in last year’s Docket. Senior Planner Keith Maw distributed a copy of the principles that were used last year as well as the principles for the 2009 proposed changes. He discussed the Principles for MUGA Land Use Plan Changes 2009 and existing issues in the MUGA related to planning for future land use as contained in the Staff Report.

#### Questions and Comments:

Commissioner Larsen expressed concern about zoning areas based on how they are being used currently as opposed to how the City envisions the area. Mr. Maw explained that certain uses would be grandfathered in, but new developments would need to conform to the City’s land use plan. Director Krauss addressed Commissioner Larsen’s concern. He noted that one of staff’s goals is to preserve single-family neighborhoods. Staff chose to do it this way and to include language in the Comprehensive Plan saying that this is recognition of the status quo situation, not that we intend to perpetuate that land use program.

Commissioner Braithwaite asked if there are any developments with the SF4 designation that aren’t finished yet. Mr. Maw stated that there might be, but they right now they are only determining if a project has vested under the county rules. Planning Manager Garrett added that they have asked County staff for a list of developments that were vested in the annexation and the County said they could not do that. There was significant discussion surrounding LDMR developments and the SF4 zoning.

Commissioner Wojack said he thought that the MH1 designation could only be applied to property within a quarter-mile of Highway 99. Planning Manager Garrett stated that the quarter-mile rule applies to the SF3 High Density Single Family designation. The guidance on applying the MH1 zone back in 2007 was that if a mobile home park had a future land use designation of Residential it was eligible for preservation and would get the designation, which 12 of the 17 parks in the City did. The same rule was used in the MUGA. Mr. Maw discussed the status of existing mobile home parks in the MUGA.

Commissioner Ambalada brought up the status of mobile home parks in Lynnwood. Chair Wright asked to keep the discussion to issues related to the MUGA land use designations.

Commissioner Larsen commented that the current map of the MUGA shows a scattering of high-density pockets that have occurred as a result of county planning. If the annexation is approved by the public, he believes there will be a more systematic approach to finding ways for additional housing capacity in the area. He hopes people understand that the annexation will probably help in terms of preserving single-family areas and respecting compatibility of land use.

Commissioner Ambalada again brought up the issue of preservation of mobile home parks. Chair Wright requested that they stick to the topic of MUGA land use designation. He suggested that they could bring up the mobile home issue with staff another time. Commissioner Ambalada expressed concern about the MH1 designation because of a situation with mobile home parks within the City.

Planning Manager Garrett reported that the public hearing on this was scheduled for July 23. Following that, staff will be looking for a recommendation from the Planning Commission.

Commissioner Ambalada said she thought that the mobile home parks were supposed to be a topic of conversation at this work session since there was a paragraph about it in the Staff Report. Planning Manager Garrett explained that the paragraph in the Staff Report showed how they developed their recommendation of land use designations in the MUGA. Commissioner Ambalada recommended making this stronger to benefit senior citizens in mobile home parks that are offered preservation. Planning Manager Garrett replied that it would need to be carried in the next year's docket because the noticing they have done on this year's docket describes only land use designations in the MUGA. It doesn't say anything about changes to the mobile home park preservation program.

### **Director's Report**

#### **1. Update on Annexation Project**

Director Krauss reported that they had a very successful determination from the Boundary Review Board (BRB) as Councilmember Hikel had indicated. The BRB found strongly in favor of Lynnwood's position on everything required by RCW and GMA including the items that Fire District 1 and the City of Mill Creek attempted to interject to support their position. He explained that resolving the Mill Creek lawsuit will take at least six months, but they should still be on target for the April ballot. He discussed the cooperative relationship they have had with Mukilteo on

annexations. He also reviewed other local annexations that were before the BRB. He noted that the effective date of the annexation is still undecided, but January 1, 2011 is a possibility. Maple Precinct Annexation is effective on July 24

2. Other Matters

- Director Krauss reviewed budget cutbacks and impacts on the Community Development Department.
- He notified the Planning Commission that the Community Development Department and the Permit Center will move into the City Center.
- He noted that they are still following mobile home park issues. He gave a brief update on Snohomish County's moratorium on mobile home park redevelopment and their plans for the future.
- The City Council has referred the issue of the increasing use of electronic signs to the Planning Commission. This will be addressed in early fall.
- The Urban Land Institute (ULI) had a fabulous program in Seattle that staff and some elected officials attended to discuss developing transit-oriented development around future light rail stations. ULI picked the UW station in Seattle, the Bel-Red corridor stations in Bellevue, and the Lynnwood City Center as the ones to study. This was a fascinating and successful effort. More information will be coming to the Planning Commission. It was particularly satisfying that the group came to the same conclusions that the City came to: Lynnwood needs two separate stations in the downtown area to serve both the Park-and-Ride and the City Center.
- Councilmember Hikel commented on Mill Creek's allegations that there was an appearance of fairness issue.

**ADJOURNMENT**

It was moved and seconded to adjourn the meeting. The meeting was adjourned at 9:16 p.m.

  
Richard Wright, Chair