

**City of Lynnwood
PLANNING COMMISSION MINUTES
April 29, 2010 Meeting**

Commissioners Present:	Staff Present:
Maria Ambalada	Kevin Garrett, Planning Manager
Jeff Davies	Jeff Elekes, Deputy Director
Bob Larsen, Vice Chair	David Mach, Planning Manager
Michael Wojack, Second Vice-chair	
Commissioners Absent:	
Richard Wright, Chair	
Van Aubuchon	
Chad Braithwaite	

The meeting was called to order by Vice Chair Larsen 7:00 p.m.

Approval of Minutes

1. Meeting of March 25, 2010

Motion made by Commissioner Ambalada, seconded by Commissioner Wojack, to approve the minutes as presented. Motion passed unanimously (4-0).

Council Liaison Report

None – Councilmember Hikel on vacation.

Citizen Comments

None.

Public Hearings

None.

Work Session

1. 2010 Amendments to the Comprehensive Plan (2010CPL0001).
Group 1:

Planning Manager Garrett introduced the 2010 Amendments to the Comprehensive Plan - Group 1. He then introduce Mr. Jeff Elekes, Deputy Public Works Director, and Mr. David Mach, Project Manager in the Public Works Department.

- Amendments to Transportation Element.

David Mach summarized the proposed changes to the Comprehensive Plan as shown on page G-1-1. He then reviewed each change as it was tracked in the Planning Commission's packet.

Commissioner Davies referred to the 20-year list for pedestrian improvements and asked if they are listed in priority order. Mr. Mach replied that they are not in priority order, but that list is available if the Commission would like to see that. Commissioner Davies asked how they determine priority. Mr. Mach said that they have a two-level screening process with criteria related to distance from schools and commercial areas and other project features. He noted that the criteria was reviewed by the City Council. Commissioner Davies asked if the City's budget deficit would impact projects. Mr. Mach said it wasn't impacting too much because they didn't have much funding to start with. They are exploring potential funding options such as a levy LID lift and grants.

Commissioner Wojack asked if the 20-year list was reviewed annually. Public Works Deputy Director Jeff Elekes noted that this list will stay pretty much static unless there is a driver to change the criteria. When projects come off the list they go to the six-year TIP and get constructed. This list gives us a framework for making development decisions.

Commissioner Ambalada asked if Commission comments regarding handicapped and wheelchair accessibility had been incorporated. Mr. Mach indicated that they had been recommended to the City Council that they take a comprehensive look at the issue. Deputy Director Elekes added that Public Works staff has embarked on a citywide assessment and inventory. Additionally, if developments occur near an intersection that has a need for an update for a wheelchair ramp, the City's policy for ADA requires that those get fixed. Planning Manager Garrett pointed out that the ramps at a number of corners near the recreation center are being replaced around the intersection of 188th St. and 44th Ave.

- Policies and Zoning Regulations for Preserving Mobile Home Parks.

Planning Manager Garrett reviewed background on the mobile home park issue. The County's Ordinance 09-095 amends the

County's Comprehensive Plan to establish a policy basis for stronger action by the County to support the preservation of mobile home parks. They did not change their land use map. The County also adopted a second Ordinance (09-096) that made changes to their zoning map and zoning ordinance by creating a new Mobile Home Park zone. In that zone they allowed mobile home parks, senior housing and a series of accessory uses. The zone was then applied to existing mobile home parks in the County that had a future residential land use designation.

The City last considered mobile home parks in 2006 -2007. There was a proposal at that time to adopt a Mobile Home Park zone in the City; however the City Attorney felt that adopting a zone that restricted use of a property so narrowly as to be essentially a single-use would create substantial risk for the City. He summarized concerns expressed by the City Attorney. He noted that staff is recommending that at this time the City not adopt a Mobile Home Park zone. This is consistent with the position they took two years ago due to the legal risk to the City. He reviewed options available to the Planning Commission.

Vice Chair Larsen recommended not tabling this issue tonight, but instead gather more information and try to make a well-informed decision on this. He thanked the citizens who came tonight to listen to this information and encouraged them to forward comments to staff.

Commissioner Wojack recalled that the compromise they had reached was the Mobile Home Park zoning that the mobile home parks could voluntarily apply for. Planning Manager Garrett further discussed the voluntary Mobile Home Park Preservation Program.

Commissioner Ambalada stated that this is a sacred issue for her because she lives in a mobile home park. She spoke in support of pushing the zoning through even though there is a risk of being sued. She discussed the impacts of all this controversy and stress on the senior citizens who live in mobile home parks.

Commissioner Davies requested that the City Attorney answer the question: *How far could we go and still be protected legally?*

Commissioner Wojack concurred with Commissioner Davies. He would be very uncomfortable forwarding something on to the Council which might result in a lawsuit. Having more parameters from the City Attorney would be a very good idea. Planning Manager Garrett said they would forward that question on to the

City Attorney. He will also provide documents that were created in 2007 to assist the Commission.

Commissioner Ambalada encouraged the mobile home park residents who were present to work harder than ever before on this issue.

Commissioner Wojack asked how somebody would change the zoning under the new County zoning. Planning Manager Garrett said that process-wise it would be like any other rezone; however there are criteria for evaluating a proposal for rezoning out of an MH-1 zone.

Vice Chair Larsen brought up the County's broad spectrum of uses allowed in their zone. He wondered if it would be a good idea or not for the City. Commissioner Ambalada remarked that the broad range of uses really reflects the multi-generational uses that they have seen with the senior center and day care sharing space.

- Text and Map Amendments Related to Planning for Light Rail Line.

Planning Manager Garrett discussed considerations related to planning for light rail service, including a second station in the City Center. David Mach discussed the importance of moving people out of cars and into multi-modal transportation in order to make the City Center successful. He explained that without this second station they cannot achieve the projected *mode split*. The purpose of the Perteet study was mode split in relation to transit and the LRT station.

Commissioner Wojack said it was great to see this on the map.

Commissioner Davies expressed disappointment that the northern station wasn't closer to the mall given the amount of traffic going to and from the mall every day. Planning Manager Garrett responded that getting a second station in the City Center is probably as far as we can stretch ST2. He pointed out that the further extension does include a station at Alderwood Mall. The next station north of the Mall is slated to be at 164th Street. Deputy Director Elekes added that in the TIP they have put in a plan that will help continue planning of this project to ensure that Lynnwood stays very involved in this process.

Commissioner Ambalada asked if they would be able to get some federal funding for this. Planning Manager Garrett said they intend

to. Deputy Director Elekes explained that they are also pursuing partnerships and grants which will make this much more viable.

- Change Future Land Use Designation for portion of Aurora Heights #2 Subdivision (208th St. SW and 62nd Ave W).

Planning Manager Garrett referred to Map I in the Commission's packet and discussed the proposed amendment to the Future Land Use Designation to attempt to resolve the situation with the small lots in this area. He reviewed the three alternatives regarding this.

Other Business

1. Briefing: Six-Year Transportation Improvement Plan

David Mach explained that the state RCW requires every city, county and state to do this on an annual basis. There are not a lot of changes from last year. He reviewed changes in the proposed 2010-2015 TIP as outlined on page G-1-2. He also discussed funding issues.

Commissioner Ambalada asked about an 18-story building project she read about in the paper. Planning Manager Garrett thought she was talking about proposed new zoning regulations for the County urban centers. He stated that it does not affect the road projects on the TIP.

David Mach concluded that they were seeking a recommendation to pass this year's TIP on to Council.

Commissioner Wojack commented that this looks really good.

Vice Chair Larsen asked if there is a chance that the budget would be so tight that we couldn't match a grant and would there be a chance of losing that money. Deputy Director Elekes explained that they keep pushing projects further out to address that. Projects that have funding or have a strong likelihood of funding are in the first year. In other items coming before the Commission tonight we are starting to look at dedicated funding sources as ways to start paying for transportation.

Motion made by Vice Chair Larsen, seconded by Commissioner Wojack, to forward this to Council with a recommendation for approval. Motion passed unanimously (4-0).

2. Briefing: Proposed Transportation Benefit District.

Deputy Director Elekes explained that a few years ago the legislature provided the Transportation Benefit District as a tool to increase local

funding for transportation projects, and staff is proposing to take advantage of that tool. The Transportation Benefit District (TBD) provides a way to whittle away at the big list of transportation projects by developing a dedicated funding source. David Mach discussed the staff report regarding TBDs on pages G2-1 and 2. One of the mechanisms to fund these TBDs is using vehicle registration fees. The legislation allows up to a \$20 vehicle registration fee with Council approval. Over \$20 and up to \$100 would have to go to a public vote. The other mechanism allows for a 0.2 percentage-point sales tax increase. All sales tax increases have to go to a public vote. Lynnwood already has the highest sales tax in the state at 9.5% and the Council was not interested in a sales tax increase, but they were interested in looking at the vehicle registration fee. Staff estimates that this could generate \$450,000-600,000 annually and the money could solely be used for transportation improvements.

Deputy Director Elekes reiterated that they've structured where they want to spend the money to things that they believe are palatable to the community. Mr. Mach added that there is a hearing scheduled with the Council on May 24.

Commissioner Wojack asked about the length of time for the TBD before it expires. Deputy Director Elekes explained that it depends how it is set up. If it's for a specific project, then it is done after the project is completed. The way staff plans to set it up is to use it for recurring expenses for the pavement overlay program so it would go on until the Transportation Benefit Board (Council) would choose to stop doing it.

Commissioner Wojack asked if you can add projects after it is established. Mr. Mach replied that there is some flexibility. The Transportation Benefit Board could hold a public hearing with a recommendation to add a new project. This could potentially be done on an annual basis.

Commissioner Wojack asked if the \$20 fee would be for all kinds of recreational vehicles or just regular street vehicles. Mr. Mach said there is a list which details which ones it applies to, but generally it's just street vehicles.

Commissioner Ambalada asked if they would impose tax on the skateboarders who are notorious for damaging sidewalks.

Vice Chair Larsen asked if this was strictly within the city limits. Deputy Director Elekes confirmed that the \$20 has to be citywide. If it went out for a public vote then they could pick just certain areas. Vice Chair Larsen asked if they could do an Interlocal Agreement with the County or some other jurisdiction and coordinate TBD's. Mr. Mach replied that they could.

The County can also enact a TBD but they have to get a certain percentage of the other agencies to be on board with it.

Commissioner Wojack asked if they would have to create a new TBD or amend an existing TBD as annexation areas come into the city. Mr. Mach replied that this would be addressed in the verbiage of the initial TBD and would just happen naturally. Commissioner Wojack asked if this would be reviewed every year. Mr. Mach said that one of the requirements is that an annual report be developed. Councilmember Wojack asked how they would stop it. Mr. Mach replied that it would either stop when the designated project was completed or when Council (the Transportation Benefit Board) decides to stop it.

Commissioner Ambalada asked if there is some kind of requirement about the age of the motor vehicles. Mr. Mach explained that the age does affect the fee.

Commissioner Ambalada spoke in support of this and also of looking into the sales tax. Deputy Director Elekes indicated that they would likely look at the sales tax option at a later date. Commissioner Ambalada expressed concern about how the public would react to this at this time.

Vice Chair Larsen shared that concern, but noted that they could clearly point to public interest and the support of our transportation needs. He liked that it links the fee directly to a transportation-related improvement.

Commissioner Wojack said he agrees with this, but cautioned the City Council not to get carried away and to consider the impacts to citizens.

There was consensus among the Planning Commission to recommend support of this item.

3. Briefing: Proposed Transportation Impact Fee.

Jeff Elekes discussed transportation impact fees as another tool to fund transportation projects. The philosophy of this kind of system is that *Growth Pays for Growth*. Transportation impact fees attempt to recover some of the cost incurred by government in providing new roads and upgrading existing roads required to serve new development.

Mr. Mach introduced this item and discussed the background information related to it. He then discussed transportation impact fees as a funding mechanism, the determination of cost per PM peak hour trip, various transportation impact fee rates for other agencies in Washington State and potential annual revenue to be generated by the transportation impact fee. There was also discussion about multiple rates for certain subarea zones

(such as west of Highway 99 and east of Highway 99) and potential exemptions for certain types of development. Staff recommended a rate of \$3,200 which seems to be a balance between the economic conditions and what the surrounding jurisdictions are currently charging. In the scenario of a two-zone transportation impact fee, the fee for the area west of Highway 99 would be approximately \$4,400; on the east side of Highway 99 it would be about \$3,000. Mr. Mach discussed phasing in these fees over a period of 3-4 years. A letter from Master Builders Association was included in the packet. They requested paying that fee as late in the process as possible rather than paying up front. Staff is looking at what they can do to push that out as far as they possibly can. Master Builders Association also asked that staff come to the Planning Commission for comments.

Vice Chair Larsen commented that he read an article recently by an economist who said that the American economy is no longer an economy; it's a fractured economy. Those areas around the world where commerce, banking, and employee base are strong are areas that are going to grow. The northwest is one of those areas. He feels that using impact fees to help pay for growth is fair and justifiable. The amount that staff has come up with appears to be quite conservative. As far as timing of payment of the fees, he felt that the standard right now is to collect the fee at the time of permits. The more you push that back the more problematic it becomes. He cautioned against delaying collection of the fee. He spoke strongly in support of this.

Commissioner Wojack asked if staff believes this fee will stunt the growth of the City Center expansion. Deputy Director Elekes said that the impact fee is in the Comprehensive Plan already as a mechanism and tool. Going to two zones addresses the City Center issue somewhat. This makes it competitive within the City. He pointed out that most of the Puget Sound has some form of a fee. A phased implementation approach may help. He feels that this is a balance approach.

Commissioner Wojack asked how it would be determined for commercial businesses. Deputy Director Elekes explained how the number of trips would be determined. Commissioner Wojack said he agreed with Master Builders' comments regarding tiered implementation. He then suggested that staff let builders know they'd only charge them half the fee if they do it within the next two years. Commissioner Wojack asked if they would be adjusting the impact fee as they see less builders coming in. Staff explained how they would determine this. Commissioner Wojack asked how these fees compare with the SEPA process. Mr. Mach was also interested in how average traffic mitigation costs compare to the impact fees. Commissioner Wojack thanked staff.

Commissioner Ambalada thought this was a great idea. She commended them for being cautious with their budgeting. She spoke in support of forwarding this to the Council. She expressed hope that the Council would support this.

Vice Chair Larsen thanked staff for the detailed level of research and the work that has gone into this. This helps him be more comfortable with what they are talking about.

There was consensus of the Commission to forward this to the Council with the recommendation to implement a phased-in approach.

Director's Report

- Planning Manager Garrett distributed an article from the *Harvard Business Review* regarding the attraction of densely packed mixed-use communities that don't require cars.
- The Council has been fully engaged with the budget. There have been no major actions on planning items. He noted that all of the documents related to the various analyses of the City's budget and finances are on the City's website, including the report of most recent analysis by the consultant hired by the Police Guild.
- He gave updates on the north-east-south annexation and the Perrinville annexation.

Commissioner Ambalada proposed a proclamation on advancing and maintaining diversity and economic changes in the City of Lynnwood.

ADJOURNMENT

Motion made by Commissioner Wojack, seconded by Commissioner Ambalada, to adjourn the meeting. Motion passed unanimously (4-0).

The meeting was adjourned 9:30 p.m.



Richard Wright, Chair