

**City of Lynnwood
PLANNING COMMISSION MINUTES
June 10, 2010 Meeting**

Commissioners Present:	Staff Present:
Richard Wright, Chair	Shay Davidson, Administrative Asst.
Maria Ambalada	Paul Krauss, Director
Van Aubuchon	Kevin Garrett, Planning Manager
Jeff Davies	Gloria Rivera, Senior Planner
Michael Wojack, Second Vice-chair	Keith Maw, Senior Planner
Bob Larsen, Vice Chair	
	Other:
Commissioners Absent:	Council President Hikel
Chad Braithwaite	

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

APPROVAL OF MINUTES

1. Meeting of May 27, 2010

Motion made by Commissioner Wojack, seconded by Commissioner Ambalada, to approve the minutes as presented. Motion passed unanimously.

COUNCIL LIAISON REPORT

None.

CITIZEN COMMENTS

Ellen Clairemont, 5001 180th Street SW, Lynnwood, spoke regarding her frustration with the timing of the traffic lights in the City of Lynnwood. She asked that something be done about this in the future. She stated that people are choosing not to come into the City because of frustration with traffic lights and that businesses are also upset.

Chair Wright thanked her for coming. Planning Manager Garrett offered to put her in touch with Public Works staff who could assist her.

PUBLIC HEARINGS

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

Planning Manager Garrett explained that every year under state law the city may consider amendments to our Comprehensive Plan. Tonight is the

first opportunity for the public to comment on this year's docket. June 24 will be the last night for public comments and after that the Commission will make its recommendation. He then summarized the proposals and gave staff's recommendation on each item.

- **Amendments to Transportation Element.** - These are five minor amendments, none with major policy implications.
- **Policies and Zoning Regulations for Preserving Mobile Home Parks.** - He gave background on this item. Staff is recommending that Council not adopt a new mobile home park zone at this time due to legal risks.
- **Text and Map Amendments Related to Planning Light Rail Line.** - This proposal would recognize Sound Transit's extension into Lynnwood and map out two stations that need to be built in Lynnwood as part of the current extension – one at the Transit Center/Park-and-Ride and a second station in the City Center.
- **Amendments to Parks Element – Annual Update.** - No policy implications in this.
- **Amendments to Implementation Element – Annual Update.** - This change recognizes that the state changed the date for our major update of the Comprehensive Plan to 2014.
- **Amendments to Introduction – Growth Allocations.** - This corrects an error in last year's amendments and provides more details about growth allocations in the current incorporated area of the city, the Municipal Urban Growth Area (MUGA) and the 2007 amendments to our MUGA.
- **Land Use Element – Review 60:40 Sub-goal.** - This relates to the subgoal for a ratio between single-family housing and multi-family housing in the city.
- **Amendments to Implement Hwy 99 Subarea Plan.** - This is a placeholder for amendments from Project Highway 99. Since that project has not identified any amendments, this item is being removed from this year's Docket.
- **Land Use Element: Revision to City's Municipal Urban Growth Area Boundary in Meadowdale Gap (area north of Lund's Gulch, west of 52nd Ave. W. and south of 148th St. SW and Norma Beach Road).** - This is also a placeholder. Staff is negotiating with Mukilteo for a common MUGA boundary between Mukilteo and Lynnwood in the Meadowdale Gap area. As those negotiations are not complete, this item is being removed from this year's Docket.
- **Energy & Sustainability Element – Greenhouse Gas Reduction Targets.** - This would write Greenhouse Gas Reduction Targets into the Element.

Chair Wright opened the public hearing for comment at 7:20 p.m.

Public Comment:

Hal Warren, 20810 Highway 99, Lynnwood, WA, 98036, stated that he helps manage Seattle Heights Mobile Home Park with his father Harry Warren who has owned the park for over fifty years. He spoke to the fact that the City of Lynnwood feels Seattle Heights Mobile Home Park is not considered appropriate for preservation. On the City of Lynnwood's website it states that the mobile home park is deteriorating with past safety and housing infractions along with law enforcement issues. He stressed that in the last three years since he moved in with his father to take care of him because of health issues the park has made dramatic turnarounds due to new rental screening policies. He discussed the good group of renters they have there now and the positive environment of the mobile home park. He and his father want to continue operating as a mobile home park and providing homes for low income and fixed income families. The demise of this mobile home park would not only terminate a business but also displace 28 families. He read a letter he received from the City in regards to some violations they had incurred in the past. He said he would be open to the City's recommendation for anything they can do as owners of the park to be more acceptable as an "appropriate park for preservation."

Angela Leaf, 17410 52nd Avenue W, Unit 15, Lynnwood, WA 98037, spoke in favor of the zoning ordinance for mobile home parks, but against the preservation ordinance. She does not think that Lynnwood should be able to pick and choose which parks should stay and which ones should go, but she does feel it is important to save the parks that are there. She stressed that zoning regulations are really important to save what they have. She takes pride in her home and takes care of her home and yard. She doesn't think people should be able to choose which homes are worthy of saving. She pointed out that there are a lot of really ugly homes on foundations in the City. She encouraged the City to do everything they can to protect the people who live in Lynnwood, and make it pretty and safe, but don't kick people out of their homes.

Community Development Director Paul Krauss explained that the City of Lynnwood has tried to come up with strategies to protect mobile home parks. It is recognized that mobile homes provide a vital supply of good, affordable housing. The City itself has no means of opening, closing, preserving, or condemning mobile home parks. The question in the past has been that developers have found it worthwhile to buy up mobile home parks and tear them down to redevelop the property. The City was trying to come up with some way of preserving the long-term viability of some of the mobile home parks. The question of which mobile home parks should be preserved has nothing to do with the quality of the mobile home park itself, but mostly had to do with what kind of zoning district it's located in.

The mobile home parks that are located in residential zones are the ones that were selected for preservation efforts. The City has put into place a voluntary program that would encourage mobile home park owners to maintain themselves in business. The City offered to give them lower utility rates if they would sign up to preserve their mobile home park for at least five years. Plus they talked with the county assessor where instead of valuing the property as to what it could be worth if they tore down the mobile home park they would value it based on the current use of a mobile home park, resulting in lower property taxes for the owners. The City has a long-term goal of working to preserve the mobile home parks and is trying to come up with ways that are legal and doable to do that. He added that the City worked very closely with the Snohomish County Housing Authority when it acquired the two mobile home parks several years ago for permanent preservation.

Walt Olson, Attorney for the Manufactured Housing Communities of Washington, a statewide association of over 500 owners and managers of manufactured housing communities, also representing Kingsbury West Mobile Home Park and Royalwood Mobile Home Park. He shared ideas with the Planning Commission that include ways they might work this out together. He distributed a copy of the court decision for the City of Tumwater that passed restrictive zoning and made it mandatory which resulted in a federal lawsuit. He suggested that it would be prudent watching to see how this works out before considering something like this. He discussed implications of zoning restrictions. He is encouraged that the staff would not advise the City to go down this road so that we hopefully won't find ourselves in a situation like Tumwater where it's *us vs. them* instead of working together to try to preserve these communities. He encouraged the Planning Commission to consider the landlords' perspective and what the zoning actually does from their perspective. He explained how mobile home parks really do have a fixed shelf life of sorts, noting that as single-wide spots become vacant there are fewer and fewer to fill them because everyone wants double-wide now. This creates a problem for the owners. He suggested reconsidering the terms of the developers' agreement under the City program mentioned by Director Krauss which was one-way from their perspective. He also recommended a joint dialogue with the Snohomish County Assessor and the utility providers to make sure they are on board with this.

Victor Huff, 18501 52nd Avenue West, Royalwood Estates, discussed the high standards at his mobile home park even though it is an older park. He expressed that he would really like to get a decision on this because he is getting older and wants to be able to know that he will have a permanent residence or to take action if he has to move. It will be much harder for him to move several years from now.

Jill Parkening, 4515 176th Street, Space 22, Alpine Ridge, said she serves on the Board of the Association of Manufactured Home Owners. She spoke in support of preserving manufactured housing. She discussed the high number of seniors coming up in the next 10-15 years in Snohomish County and asked the City if they are ready for them. It is a lot less expensive to preserve what we already have than to try to build what's needed. Three years ago when lower income people were displaced from mobile home parks they were told that they had a three-year wait to get that kind of housing. She agreed with Mr. Olson that it would be nice if they could work together, but noted that she had not heard from him yet and she is the president of the state organization.

Ellen Clairemont, 5001 180th Street SW, Lynnwood, Tally Ho Mobile Home Park, disagreed with Mr. Olson's comments about the shelf life of mobile home parks and about the lack of single-wide homes. She referenced the City's efforts to become more green and commented that a manufactured home in good condition is energy efficient. She thinks that in the future people would still like to live in a manufactured home. It is a nice place for seniors and a good alternative to small apartments. She encouraged people to consider the importance of having the choice of having this lifestyle.

Roberto Ruida, 18501 52nd Avenue W, Unit 2, Lynnwood, concurred with Victor Huff's comments. He noted that this uncertainty is very difficult for older people who have difficulty moving. He urged the City to make a decision one way or the other so they can have peace of mind.

Don Soderberg, Kingsbury West, disagreed with Director Krauss's comments that Lynnwood City Council worked very hard to protect mobile home parks. He said that a couple years ago he had urged the City to use their power of moratorium but had been ignored. At that time the city attorney claimed that he knew of no moratorium that would stop the sale of private property. Mr. Soderberg asserted that the attorney knew this was not true.

As there was not one else wishing to speak, Chair Wright recognized Planning Manager Garrett. He noted that the Summary of the Docket proposals had the proposed language for the amendment to the Energy and Sustainability Element, but it did not show all the proposed changes. He then distributed an excerpt from that Element showing the changes with strike-throughs and double-underlines. This shows exactly what the changes are from the existing document. He also reiterated that there is another hearing opportunity in two weeks. Chair Wright asked if any Planning Commissioners had questions of any of the speakers. There were none.

Motion made by Commissioner Wojack, seconded by Commissioner Aubuchon, to continue the meeting to June 24. Motion passed unanimously.

There was a brief recess from 8:00 until 8:07 p.m.

OTHER BUSINESS

None.

WORK SESSION

1. **Home Occupations Code Amendment (2010CAM0003).** Proposed Amendment to LMC 21.42.300 regarding businesses permitted in single-family residential zones as a home occupation. Referral from City Council.

Planning Manager Garrett explained that this began as a request for the City to allow personal service types of businesses as home occupations. These are currently prohibited. This request provides an opportunity to look at what's allowed in home occupations. Director Krauss commented that Lynnwood's Home Occupation Ordinance is one of the more restrictive ones that he has seen. He stated that home occupations should be pretty easy to regulate. If you see it, it probably shouldn't be there. A rule of thumb that has worked for him is that the amount of impact should be no different than what would be reasonable for a single-family home occupant. After surveying other communities, staff has some proposed ordinance concepts for consideration. He reiterated that there is no desire on the part of staff to create situations which would diminish the quality of single-family neighborhoods.

Senior Planner Gloria Rivera reviewed the present code which states prohibited uses and pointed out staff's recommendations for changes. She then reviewed proposed enforcement tools.

Commissioner Aubuchon referred to page F-1-1, number 7, and asked about the limitation of beauticians to only one station. Director Krauss clarified that the reason for this is that they are not to have any outside employees other than household members. Ms. Rivera noted that no one other than members of the resident household can perform labor or personal services on the premises. Director Krauss emphasized that the idea is to regulate the potential impacts and not limit specific uses.

Commissioner Aubuchon asked about regulation of people running boarding houses to non-familial individuals. Director Krauss explained that the problem they have had with these is that there is no law against renting out rooms in a house. Technically it is a rental situation, but practically from an impact standpoint it's probably no different than a house filled with family. He

commented that the Council has discussed licensing of all rental situations. He noted that this is not really what the home occupation code is intended to get at, but they can look at it further.

Commissioner Davies commented on the apparent discrepancy between trying to be more accommodating by relaxing the code and the proposed more restrictive changes in the code. He asked about restrictions regarding businesses attached to a house. Director Krauss commented that this would depend how they set up the code.

Commissioner Larsen referred to the list on F-1-2 of allowed home occupations. He likes the idea that the impacts of a home occupation should be no more than what families generate in single-family homes. He recommended listing that out specifically in terms of noise, odor, traffic, and light. Director Krauss concurred. He said he was more comfortable describing what would be prohibited rather than trying to list all of the allowable businesses.

Commissioner Ambalada asked about ways to allow homemade ethnic specialty foods. Director Krauss replied that in terms of a city-based business that might not be a problem, but it could be illegal in terms of the County Health Department. According to the health regulations when it comes to food preparation you need a commercial kitchen to do it properly and safely.

Commissioner Wojack commended Ms. Rivera on the information she had provided. He like the condition on page F-1-6, that *the Director of Planning and Community Development may impose conditions to mitigate any potential adverse impacts on the surrounding uses*. He also liked the tools provided on page F-1-9 for dealing with violations. He asked if it's possible to find a business without a business license if they deal in cash only. Director Krauss commented that it would be difficult if they deal in cash only. He emphasized that in the code enforcement area if there isn't a problem they are not really interested in actively pursuing things to make them a problem. If a business is licensed with the state, our Finance Department has the ability to track them down. However, if you have an ordinance that clearly lays out the lines, there are ways of dealing with it.

Commissioner Wojack asked about possible regulations that staff had referred to for people who rent out rooms in their homes. He suggested that it would probably be too problematic to do inspections for people who are renting rooms in their house. Director Krauss commented that this is a pretty controversial subject. The Council has not reached any conclusions on it. The idea is not to harass the property owners, but basically to just ensure that things are properly maintained.

Commissioner Larson asked if there is an insurance element to a person having a home occupation. If it is a rental situation, the owner might want to know about it. Staff indicated they would look into that. Commissioner Aubuchon commented that if you do have a business and you don't tell your insurance company about that your home owner's insurance is no good.

Staff indicated they would provide a draft ordinance for the Commission's review.

DIRECTOR'S REPORT

Director Krauss reported that the City now has a budget amendment to close out the balance of this year. He discussed impacts on the Community Development Department as a result of the revised budget. He then discussed efforts with the County to update the Countywide Planning Policies. Those policies will be brought to the Commission for review as well as to the Council. Planning Manager Garrett added that there is a link on the Snohomish County's website to the current draft of the Countywide Planning Policies.

Commissioner Ambalada thanked staff for the encouraging report. She commented that she hopes there will be no more fighting, posturing, or negativism during Council meetings.

ADJOURNMENT

The meeting was adjourned 9:02 p.m.


Richard Wright, Chair