

<p><b>City of Lynnwood</b>  <b>PLANNING COMMISSION MINUTES</b>  <b>July 22, 2010 Meeting</b></p>
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<b>Commissioners Present:</b>	<b>Staff Present:</b>
Richard Wright, Chair	Shay Davidson, Administrative Asst.
Maria Ambalada	Kevin Garrett, Planning Manager
Van AuBuchon	Keith Maw, Senior Planner
Chad Braithwaite	Rod Kaseguma, Asst. City Attorney
Bob Larsen, Vice Chair	Gloria Rivera, Senior Planner
Michael Wojack, Second Vice-chair	
<b>Commissioners Absent:</b>	<b>Other:</b>
Jeff Davies	Ted Hikel, Council President

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

### APPROVAL OF MINUTES

**1. Meeting of June 24, 2010**

Motion made by Commissioner \_\_\_[inaudible]\_\_\_, seconded by Commissioner AuBuchon, to approve the minutes as presented. Motion passed unanimously.

### COUNCIL LIAISON REPORT

Councilmember Ted Hikel stated that the Council has been working hard on the 2011-2012 Biennial Budget.

### CITIZEN COMMENTS

None.

### PUBLIC HEARINGS

**1. 2010 Amendments to the Comprehensive Plan (2010CPL0001).  
(Continued from 6/22 meeting) - Policies and Zoning Regulations for  
Preserving Mobile Home Parks**

Staff Presentation: Planning Manager Garrett summarized the history of this matter. The proposal is to adopt Comprehensive Plan policy language and zoning regulations similar to the action taken by the County last fall. Staff is recommending against the proposal due to the legal risk that would come with that action. He noted that there is some interest by some commissioners to recommend approval. He emphasized that even if the City puts in a Mobile Home Park zone similar to the County's regulations, it would not be a guarantee that

the parks will be preserved. He stated that it would be beyond the City's legal authority to require an owner to maintain a park against their wishes. Ultimately the way to guarantee preservation of a park is to buy it, like the action taken by the Housing Authority of Snohomish County (HASCO) in 2008. He distributed written materials they had received in support of the proposal. He stated that staff made contact since the last meeting with representatives of the mobile home park owners and mobile home unit owners. The City has offered to host a session to find some common ground regarding a proposal, but that that meeting had not yet occurred. Planning Manager Garrett stated that they heard from the attorney representing the Royalwood Mobile Home Park who submitted comments on a possible development agreement regarding the City's voluntary program. He then reviewed discussions staff had with the cities of Marysville and Bothell regarding their mobile home park zones.

Planning Manager Garrett introduced Assistant City Attorney Rod Kaseguma who commented on the Tumwater ordinance, the proposed Marysville ordinance, and the Bothell ordinance. Mr. Kaseguma stated that he also spoke with the Assistant Snohomish County Prosecuting Attorney who had advised the Snohomish County Council when they were considering the mobile home park zone ordinance last fall. He welcomed additional comments and questions.

Planning Manager Garrett then reviewed the process for the hearing. Since staff is recommending against the proposal they have not put an ordinance together; however if the Commission recommends adoption of an ordinance it would become one of the top priority work items for staff.

Commissioner Braithwaite commented that he had reviewed the audio and the minutes of the prior two meetings.

Chair Wright opened the hearing for public comment at 7:33 p.m.

Public Testimony:

Jerry Williams, Kingsbury West, commented that his park is a "Seniors Only" park. There were a number of people who could not attend for various reasons but who had given him letters in support of the rezoning request. As the president of the social club at Kingsbury West, he spoke on behalf of those who could not attend. He encouraged the Commission to support a mobile home park zone in order to protect the residents. He discussed the extreme difficulty that would come if these people had to be uprooted and relocated.

Ed Wallace, Kingsbury West, #14, stated that he could not understand why the Commission had consistently voted against sending this issue to the City Council even though it could be sent there without the Commission's approval. He stated that Kingsbury West is owned by Palmer's Trust and is managed by the nephew of the couple, Jeff Palmer. When asked if there are any plans to sell the park, he

has repeatedly answered, "Not at this time." Mr. Wallace stated that there is something that can be done about protecting the park and that is rezoning. He recommended following Commissioner Ambalada's lead by supporting this proposal.

Sandra Anderson, Royalwood Mobile Estates, presented a letter from one of the tenants who was unable to attend tonight. She asked the Commission to look at all the faces of the people who would be affected if they did not support the proposal for a mobile home park zone.

Sheila Mogwen, Royalwood Mobile Estates, stated that the residents at mobile home parks are home owners, not just renters or tenants. They have a substantial investment in their park. She spoke in support of the mobile home park zone. She stated that there are four areas that already have a zone in place and they have not had lawsuits. She encouraged the Council to support the zone.

Linda Smith, Kingsbury West, #20, discussed her fear of her park being sold and how this is affecting her family. She asked the Planning Commission to be their voice to help them keep their home.

Don Soderbury, Kingsbury West, #68, commented that there are other alternatives to rezoning such as extending the notice home owners are allowed. He stated that many manufactured home owners experienced a sharp drop in their real estate tax statements for 2009 as possible new buyers became aware that the home they might buy could become worthless in a short time. He also discussed the possibility that home owners could be billed for their home's destruction or removal for approximately \$12,000. He spoke in support of extending the minimum notice of park closures from 12 months to two years. He discussed issues related to taxation without representation and urged all home owners to contest their real estate taxes to the Board of Equalization as the law allows. He believes this will bring pressure for fair legislation on this long overdue responsibility of elected officials.

Leonora Carrol, Royalwood, #87, discussed her reasons for living in a manufactured home. She expressed her frustration and fear resulting from finding out her new home was not secure. She asked support for the rezoning of mobile home parks.

Marcie Brumble, Kingsbury West, #2, also discussed her reasons for living in a mobile home park and her fear of having her park sold. She noted that if her park was sold she would have to walk away from her home and would probably become a homeless person.

Sunny Thompson, Royalwood, expressed her concerns about the park being sold and the impacts she has witnessed on others who have had their parks sold.

Dick Inks, stated that he used to reside in Manor Heights until the park was sold and then he moved to Largo de Plata. He discussed his experience with being kicked out of his home.

Nelly Romero, Lynnwood, WA, stated that she has been speaking with a lot of Hispanic citizens who reside in mobile homes and the reason they have not been coming to meetings is they have not been aware of what was going on or they fear that there would not be an interpreter. She commented on the great value these people place on their homes and unfairness of them not being secure.

Jo Parkening, Alpine Ridge South, 4515 176<sup>th</sup> Street SW, #22, Lynnwood, President of the Association of Manufactured Home Owners in the State of Washington, spoke in support of the proposed zoning. She commented that if Lynnwood wants young families to move here they better make space for their older family members. She asked if the City can afford to let go of the affordable housing that it already has. She commented on the Good Shepherd senior residence with 40 units and over 200 applicants. She asked where the low income residents are going to live if they leave open the possibility of easily destroying what they already have.

Ishbel Dickens, 101 Yesler Way #300, Seattle, Attorney for Columbia Legal Services, stated that she has been working with manufactured home owners for about 23 years. She stated that she provided a two-page memo to the Commission earlier tonight. She discussed how the Growth Management Act (GMA) encourages the provision of affordable housing with a variety of residential densities and housing types and the preservation of existing housing stock. Additionally, the legislature has also found that preserving manufactured housing communities is a strategy by which local governments may meet the housing element of the Comprehensive Plan. The proposed amendment to the Comprehensive Plan would allow manufactured home park owners to continue to operate their businesses profitably. She stated that there is no property right to develop land for maximum personal financial gain. Speculative uses are not protected property rights and the GMA does not protect speculative uses. She asserted that there are no *takings* under the proposed Comprehensive Plan amendment; it simply regulates the existing use of the land. She discussed requirements of the GMA Housing Element and stated that the proposed Comprehensive Plan amendment meets all of the regulations and is consistent with the GMA. She stated that in Marysville, Tumwater and Snohomish County they had stakeholder meetings with the home owners and the community owners and then they moved forward to adopt the zoning ordinances and the Comprehensive Plan amendments. She urged the Commission to ask staff to move forward with a Comprehensive Plan amendment that would provide an ongoing business opportunity for the existing owners of the land and stability and security of tenure for more than 300 seniors, low-income and young families in Lynnwood who might otherwise become homeless.

Beth Wayland, Kingsbury West, Lynnwood, stated that she really likes her home and is pleased to live where she does. She discussed the positive lifestyle that she and others have in manufactured home parks. She encouraged the Planning Commission to protect their parks.

Jesus Santiago (speaking with an interpreter), 202<sup>nd</sup>, stated that several months ago he lost his trailer. He tried to see if they could help him find an apartment, but he couldn't afford what they were charging. The manager where he lived before said there was a trailer for sale, so he had to buy it. Now he is making payments and has his belongings in storage. He is afraid that he won't be able to take them out because he fears losing his home again. Everyone that lives there is really upset. He discussed the hardship this has caused his family.

Walt Olsen, 205 S. Meridian, Puyallup, WA, Attorney representing Royalwood Mobile Home Park, Kingsbury West Mobile Home Park, and the Manufactured Housing Communities of Washington, commented that he was told that one of the reasons there were so many people at the meeting tonight was because some of the people were advised that their community was closing. He stated that he did not believe that the threat of a mobile home park community is as imminent as what people think. He pointed to the current economic recession and stated that developers are not looking at mobile home parks right now. He noted that security is a two-way street and the city lacks the power to mandate that owners of mobile home parks continue owning and managing mobile home parks indefinitely. He believes the City can support a dialogue between the owners and the tenants and he is ready and willing to participate in that. He stated that the owner of Royalwood is willing to sign a 5-year developer agreement if one can be worked out with the City that is agreeable to him. He thinks the most productive action that could occur by the Planning Commission is to take further action in support of getting these groups together.

Dee Sanwick, 4515 176<sup>th</sup> Street #21, stated that she has been coming to meetings on this subject for the past four years. Their park is safe now thanks to HASCO, but she expressed compassion for every person who has spoken here tonight. She urged the Commission to recommend to the City Council that they continue this study.

Donna Ross, 18501 52<sup>nd</sup> Avenue W, #71, Lynnwood, WA 98037, Royalwood Mobile Estates, presented a letter from a resident who had to work tonight.

Seeing no further public testimony, the public testimony portion of the hearing was closed at 8:36 p.m.

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Commissioner Comments and Questions:

Commissioner Ambalada thanked everyone for coming. She discussed her personal experience with this issue and expressed her desire for a solution.

Commissioner Larsen noted that there is a public interest in and need for providing affordable housing. He commented on the need to do this in a settled legal environment and noted that it might be necessary to not make a change right now. He commented that the real solution to this issue lies in ownership and that avenue needs to be explored. He stated that he was uncomfortable passing this on to City Council at this point and felt that the Planning Commission was the appropriate place to hammer out the issues.

*Motion made by Commissioner Ambalada to take the route that Marysville took with their mobile home parks. The motion died for lack of a second.*

Chair Wright commented that he was not absolutely clear on the language that Marysville passed and that is why he did not second the motion. He commented that at the last public hearing he attempted twice to pass this on to the City Council with some sort of recommendation for action. He agrees with Commissioner Larsen's comments that the Planning Commission is like a forge for hammering out policies, but this is not where policies are settled. He was encouraged to hear discussion about a stakeholders' meeting. He discussed the complications of the issue from all sides. He hoped that at some point in the near future all of the interested parties can sit down and hammer out some sort of a middle ground to bring back to the Commission to consider passing on to the Council. He stated that while he was in a hurry to help, he was in no rush to pass a poor policy for the City of Lynnwood. The only motion he would be comfortable making tonight would be to pass it on as recommended and allow Council to settle the policy.

Commissioner Wojack thanked everyone for coming tonight and expressed sympathy for their situation. He agreed with Chair Wright that the stakeholders need to work out an agreement together.

*Motion made by Commissioner Wojack to forward this to the City Council with staff's recommendation. The motion was seconded by Commissioner Larsen.*

Commissioner Larsen asked if it would be possible for the City to provide a facilitator for a stakeholder meeting sometime before this goes to City Council.

Council President Hikel stated that he would be very happy to bring a suggestion to the Council and to ask if the administration could be the facilitator of such a meeting.

*The motion to forward staff's recommendation regarding the 2010 Amendment to the Comprehensive Plan Policies and Zoning Regulations for Preserving Mobile Home Parks to Council carried on a 5-1 vote.*

There was a recess from 8:50 to 9:00 p.m.

## OTHER BUSINESS

### 1. **2010 Amendments to the Comprehensive Plan (2010CPL0001).** - Land Use Element – Review 60:40 Sub-goal.

Planning Manager Garrett commented that this is the last remaining item on the 2010 Docket for which the Planning Commission's recommendation is needed. He stated that the public hearing on this item is closed.

Senior Planner Keith Maw responded to questions/requests from the Planning Commission at the prior meeting:

- Incentives for conversions of existing multi-family zones for single family – Mr. Maw stated that trying to do incentives economically is very difficult because of land value issues. It would be unlikely that any kind of package of incentives could be put together that would reach the size needed to make that kind of conversion at low densities economically feasible. There might be some possibility of a density incentive whereby you could convert an existing multi-family development into a single-family development of comparable density.
- Research the adequacy of the proposed 80:20 Land Area Alternative to the existing 60:40 Single Family: Multi-family ratio – He referred to the list of existing policies in the staff report and stated that the 80:20 proposal is simply a metric to keep track of how well the other policies are working. The 80:20 target combined with the policies that are in place now that protect single-family homes would be not only an adequate replacement, but would also eliminate some potential internal inconsistencies in the plan in terms of how they go forward with approving multi-family in other parts of the city particularly in City Center and the Highway 99 corridor.

Commissioner Wojack thanked Senior Planner Maw for the information. He asked if there was proposed language for the Commission to review. Senior Planner Maw replied that there is proposed language in the packet for the prior meeting, but it was not in the packet for tonight's meeting. He stated that there were two elements: one was the new 80:20 language and the other related to sustainability planning for neighborhoods, which is on page 5 of the staff report. The text of the amendments was shown on the projector. Commissioner Wojack referred to page 5, the Proposed Policy LU 7.8 and asked if this was detailed enough for enforcement. Planning Manager Garrett stated that there is additional language regarding the 80:20. The language proposed for LU 7.8 specifically

addresses sustainability planning related to single family neighborhoods. Senior Planner Maw reviewed the proposed amendments.

Commissioner AuBuchon commented that it is all a bit of a shell game. He felt that it is just a goal and does not matter how you label it.

*Motion made by Commissioner AuBuchon to recommend approval of staff's recommendation to adopt the proposed 80:20 Land Area Goal for Single Family. The motion was seconded by Commissioner Wojack.*

Commissioner Larsen stated that he would support this measure although he has a lot of trepidation about it. He commented that they are all concerned about the preservation of single-family neighborhoods and have a good idea of how to work toward doing that. He thinks the wording on the objectives and goals is very well done. Over time they need to be conscious of re-evaluating this.

Commissioner Ambalada reiterated her support for the 60:40 split.

*The motion carried on a 5-1 vote.*

## WORK SESSION

- 1. Home Occupations Code Amendment (2010CCAM0003)** - Proposed Amendment to LMC 21.42.300 and 21.43.300 regarding businesses permitted in residential zones as a home occupation. Referral from City Council.

Senior Planner Gloria Rivera discussed the Planning Commission's request to have staff prepare a draft ordinance incorporating language that would extend the ability to have additional home occupations. She reviewed amendments staff had made in response to the Commission's comments.

Commissioner AuBuchon referred to the parking limitations on home occupations that generate traffic which is from 7 a.m. to 9 p.m. He asked about the limitations for residential construction and other business activities. He thought it was from 7 a.m. to 7 p.m. Senior Planner Rivera was not familiar with those regulations. Commissioner AuBuchon stated that he thought this should follow those regulations. Senior Planner Maw discussed the justification for having the evening hour be later than noise-generating activity. Senior Planner Rivera added that the 7 a.m. to 9 p.m. is in the existing code.

Commissioner Larsen suggested limiting the number of clients allowed at one time in order to limit the number of cars. He commented that if someone comes into the City to have a home occupation and the City wants to see a site plan, most people don't have that capability. Senior Planner Rivera commented that they could come to the Planning Department for assistance with that. Senior

Planner Maw stated that they could also provide people with aerial photos of their property with parcel boundaries upon request. He noted, however, that the photos are getting a little old and the property boundaries are not legally binding.

Commissioner Ambalada thought that medical marijuana clinics and massage parlors ought to be prohibited as home occupations. Senior Planner Rivera replied that they could do that, but they already have the distinction between licensed and unlicensed masseuses. Chair Wright commented that medical marijuana clinics would most likely be licensed.

Commissioner Braithwaite stated that he is generally opposed to expanding the use of home businesses to retail. His concerns relate primarily to traffic and safety. He noted that while the language in the proposed ordinance is great, there is not a budget for enforcing it. He also thinks there should be delineation between commercial activities and neighborhoods.

Regarding the draft, Commissioner Braithwaite had the following comments:

- Under Section G – *Certain Uses Specifically Prohibited*, he recommended that number 4, *Outdoor Storage of Equipment*, should be a separate bullet point.
- He pointed out a typo on page J5B1 – *lack if compliance*, should be *lack of compliance*.
- He suggested that they should discourage any signs at all for home-based businesses.
- He asked if this would allow a doctor to operate out of his home. Senior Planner Rivera stated that it would if they were licensed. Commissioner Braithwaite recommended a prohibition against radiological services, such as x-ray machines or other diagnostic tools, and also biological hazards.
- He also expressed concern about the dangerous situation that could result from professionals dealing with mental health issues in a residential area.

Commissioner Wojack concurred with Commissioner Larsen about limiting the number of clients/cars.

Commissioner AuBuchon asked if medical clinics would also be regulated by state laws as to how they handle biological or radiological hazards. Senior Planner Rivera stated that she would have to look into that. Commissioner AuBuchon thought that there were some other protections besides just a city ordinance when it comes to providing medical services for profit. Planning Manager Garrett stated that there are situations where people living in a single-family home have to self-administer medications or drugs through injections and there is a way that the needles are properly disposed of. Senior Planner Maw added that there are also provisions in the Fire Code about storage of radiological hazards and other things. He noted that it might be desirable to just reference the fire code.

Senior Planner Rivera commented that they could also keep the trip limitation to help with the traffic issue.

Commissioner Ambalada suggested that they consult with the police department for their recommendations.

Commissioner Larsen had the following comments:

- He liked having the trips per day listed as is consistent with the ITE manual and is what mitigation is based on when new homes are built.
- He supported Commissioner Braithwaite's idea of eliminating retail altogether.
- He also liked the idea of separating out the storage.
- He thought that some type of limit on group size would be a good idea.

Chair Wright disagreed with eliminating retail. He felt there were a number of homemade crafts that could be sold at retail without the noise generation that might come from a carpentry shop or a machine shop. With the good existing guidelines regarding noise and traffic he did not think it would be a problem.

Commissioner AuBuchon reiterated Commissioner Braithwaite's comments about retail. He stated that they should not allow garage sales to become retail establishments. Senior Rivera pointed to the proposed limitation in the code for having a garage sale no more than five times a year.

Planning Manager Garrett commented that they would review the minutes and come back with proposed amendments. He asked if the Planning Commission felt they were ready for a public hearing. There were no objections to allowing staff to setting up a public hearing.

Senior Planner Rivera asked the Planning Commission how they felt about signage. The present code allows one sign per dwelling with some restrictions.

- Commissioner AuBuchon recommended that the signage be limited to display during the hours of operation. Senior Rivera stated that she would look for some language related to retail that allows some handicrafts, but adding more restriction on retail.
- Commissioner Braithwaite expressed concern about retail related to personal services where it starts out as incidental, but becomes a bigger component of the business than the personal service. He spoke in support of it being an incidental part of the personal service.
- Concern was expressed by several members about certain types of businesses that they did not want to see advertised in their neighborhood, such as massage parlors or marijuana clinics
- Commissioner Ambalada recommended that the signage not be offensive to the neighbors.

## DIRECTOR'S REPORT

Planning Manager Garrett commented that the 2011-2012 budget is the major issue going on right now. There is a report from the Finance Director on the City website about revenue projections for the next few years. The senior staff in all departments is working out projections of expenditures. The Council has a number of work sessions coming up regarding this.

## ADJOURNMENT

The meeting was adjourned at 9:52 p.m.



Richard Wright, Chair