

<p>City of Lynnwood PLANNING COMMISSION MINUTES April 14, 2011 Meeting</p>

Commissioners Present:	Staff Present:
Richard Wright, Chair	Community Devt. Director Paul Krauss
Van AuBuchon	Kevin Garrett, Planning Manager
Chad Braithwaite	Shay Davidson, Administrative Asst.
Doug Jones	Dave Osaki, Dep. Director, Comm. Devt.
Commissioners Absent:	
Maria Ambalada	Other:
Bob Larsen, Vice Chair	Councilmember Loren Simmonds
Michael Wojack, Second Vice-chair	Councilmember Ted Hikel

Call to Order

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

Approval of Minutes

1. Meeting of March 2, 2011

Motion made by Commissioner Braithwaite, seconded by Commissioner AuBuchon, to approve the March 2, 2011 Minutes as presented. Motion passed unanimously.

2. Meeting of March 10, 2011

Motion made by Commissioner Braithwaite, seconded by Commissioner AuBuchon, to approve the March 10, 2011 Minutes as presented. Motion passed unanimously.

Public Comments

None.

Public Hearings

None.

Work Session

1. Electric Vehicles Infrastructure Code Amendment (2011CAM0001).

Deputy Director Osaki explained that this item is a continuation of a discussion they had about a month ago regarding Electrical Vehicle Infrastructure and the state law requirement that cities make provisions to allow for Electric Vehicle Infrastructure within non-residential zones. He reviewed the requirements of the state legislation and a matrix of different zoning designations and different types of Electric Vehicle Infrastructure. He referred to sample codes from other jurisdictions that were included in the meeting packet. He emphasized that this is new technology and they are very open to suggestions the Planning Commission may have.

Commissioner AuBuchon referred to the matrix and asked about the difference between principal use and accessory use as it refers to battery exchange stations. Deputy Director Osaki explained that if it is the only use on the property it is a principal use. If it is attached to something else which is a primary use, the battery exchange station would be an accessory use.

Commissioner AuBuchon asked if service stations or gas stations will be allowed in the City Center. Deputy Director Osaki replied that right now they are allowed in certain parts of the City Center. Staff is moving toward making some pretty significant amendments to the City Center code. Under the current proposal (which has not come to the Planning Commission yet) the service stations would not be allowed within the City Center. Commissioner AuBuchon expressed concern that if they allow filling stations they need to allow battery exchange stations.

Commissioner Braithwaite asked if there is a quantifiable number or objective definition of the difference between principal use and accessory use. Deputy Director Osaki read the definition of *principal use* from the zoning code as: *the primary or predominant use to which the property is or may be devoted and to which all other uses on the premises are accessory. Accessory means a use of a building or structure, part of a building or other structure which is subordinate to and the use of which is incidental to that of the main building in structure or use on the same lot.* Commissioner Braithwaite commented that what they want to avoid is a case where the accessory use becomes the driver of traffic to a site and the primary use is less relevant over time. Director Krauss added that occasionally they do define what percentage of a building or a site can be an accessory use. Commissioner Braithwaite stated that he would be more comfortable with a definition of accessory use that defined a specific area or percentage of the property. He also commented that as they draft the code they should aim to be flexible but conservative. They want to

avoid the situation where a few years from now they have to explain some eyesore in the city.

Deputy Director Osaki explained that this would come back for a public hearing after the SEPA process.

2. Role of the City Council Liaison.

Planning Manager Garrett explained that this item followed up on a question from the Planning Commission about the role of the Council Liaison. Staff was not able to find anything in state code that addresses this, but the city code establishes that there may be liaisons from Council to various boards and commissions.

Commissioner AuBuchon asked Councilmember Simmonds if the recent Council committee activities would have any impact on the Council's dealings with the Planning Commission. Councilmember Simmonds replied that he was not sure what all the implications of that would be. He did not think it would have a great deal of an impact on Council's relations with the Planning Commission. Councilmember Hikel stated that the idea of going to a committee system, which most councils use, is a way of trying to speed up the less important items. This will allow three people do the basic work and pass on a recommendation to the full Council. He hopes the committee system will also foster moving more things to the Hearing Examiner after they've gone through the Planning Commission so those things are taken off the Council's agenda. He did not think anything significant would change with the way the Council relates to the Planning Commission.

Chair Wright noted that the staff report highlights four primary functions of the Council Liaison:

- Report City Council actions to the Planning Commission.
- Report activities of the Planning Commission to the City Council.
- Provide background and insight on projects referred to the Planning Commission by the City Council (such as focusing on particular policy issues/questions).
- Help to communicate Planning Commission recommendations to the City Council (in addition to Minutes of Commission meetings and backup materials provided by staff).

Chair Wright asked the Commission if there were any concerns with any of these functions. There were none. He then asked Councilmember Simmonds if he had any concerns about any of these functions. He did not, but asked what had precipitated this discussion. Councilmember AuBuchon explained that everyone is aware of the issues the Council has had to deal with lately. Because of their preoccupation with those large

issues, it seemed that the Council wasn't aware of what was going on at the Planning Commission. He referred to a recent comment made by a councilmember expressing concern that the Planning Commission was not getting things done in a timely nature. He commented that at the last Council meeting Councilmember Simmonds stood up for the Planning Commission and pointed out that it wasn't up to the Planning Commission members or the staff, but rather all of the hoops that the staff had to jump through to get things done for third-party individuals that had nothing to do with the Planning Commission or staff dragging their feet. Commissioner AuBuchon expressed appreciation for Councilmember Simmonds' comments and suggested that if the Council had concerns they were welcome to visit their meetings to gain a better understanding of what they go through.

Councilmember Simmonds wondered if there were some other people who had indicated an interest in serving on the Planning Commission. He suggested that there might be some benefit to having alternates to the Planning Commission during times of commissioners' absence. Chair Wright thought that this was an interesting idea. Director Krauss did not think there was anything that would preclude this although they would have to change ordinances that establish who the planning commissioners are. He commented that continuity is an important factor for the Planning Commission and the loss of continuity might be a concern. Also, they have been fortunate over the last five years or so with a reliable set of commissioners. Commissioner AuBuchon thought this was an excellent idea. He did not agree that this would interrupt continuity; he thought that this would increase the continuity of the Planning Commission if there were alternates or interns "in the wings" who had been following along and were ready to go if there was a need. Commissioner AuBuchon asked that Councilmember Simmonds follow up with this the Council.

3. SEPA Responsible Official Code Amendment (2011CAM0005).

Deputy Director Osaki stated that staff has a series of permit process improvements that we want to bring forward to the Planning Commission and eventually to the City Council. He explained that the SEPA is the State Environmental Policy Act which was passed by the state in the early 70's. It is the primary legislation at the state level required to be enforced at the local level for environmental protection. There are certain types of activities that are required to go through an environmental review process. He reviewed this process. Under state law, to administer the SEPA process, every agency has to designate a responsible official. By code in the City of Lynnwood, the responsible official is the Mayor, but he can designate a committee to serve that purpose. Currently, a Environmental Review Committee serves as the responsible official for the City of Lynnwood. The committee is comprised of representatives of the Public

Works Department, Parks Department, Community Development, and a community representative. Most other jurisdictions designate one single individual to serve this purpose. Staff is proposing changing the SEPA responsible official from the Environmental Review Committee to the Community Development Director. This would make a quicker and more efficient process. Director Krauss and Planning Manager Garrett further discussed the benefits to this amendment.

Commissioner Braithwaite asked if this amendment might make it less likely that they will have appeals of SEPA determinations. Director Krauss did not think that would change, but he thought it would help to resolve things more quickly. Chair Wright asked why the committee structure was ever established. Planning Manager Garrett commented that the committee structure in Lynnwood goes back to the 70's; there is no record of why they decided to do it this way. Director Krauss commented that when he began with the City five years ago, one of his primary tasks was to create the permit center. He reviewed how this process happened.

A Commissioner asked who has the final say right now. Director Krauss explained that right now it is the committee and there are multiple signatures. With the proposal all the same people will be involved in the process, but there will just be one official responsible party.

Councilmember Hikel commented on the justification for the committee structure. He pointed out that there is a fourth member of the committee, a community representative, who is supposed to be appointed, but hasn't been for the last few years. The four people of the committee would have four different views of what would be involved in the SEPA process. Rather than having one person appointed to be the responsible party, this would be spread out among the committee so that different viewpoints would be represented.

4. Two-Year Docket Cycle Code Amendment (2011CAM0007).

Planning Manager Garrett explained the proposed amendment to schedule processing of the Docket only in odd-numbered years - the off-year from the budget. He noted that they would bring this item forward to a public hearing as the Commission's calendar permits.

Other Business

1. Ordinance No. 2885 – Interim City Center Development Regulations (2011CAM0004).

Deputy Director Osaki reviewed Ordinance 2885 passed by the City Council on March 14, 2011. He explained that some new information from

studies combined with development application that came in led to the need for the Council to take more immediate action than would normally be the course. As an interim ordinance it is intended to be in place until such time that permanent regulations are adopted. The permanent regulations need to go through the full process of the Planning Commission, public hearing, and a recommendation to City Council. This will be on the agenda for the next meeting.

Commissioner AuBuchon recalled a Washington DC consulting group who had been involved in the City Center project many years ago. He asked if they were still involved with the process. Planning Manager Garrett said that the lead consultant for the City Center planning project was LMN Architects out of Seattle. They are no longer under contract with the City. The proposals that are coming forward are generated by staff.

2. Hearing Examiner 2010 Annual Report

Deputy Director Osaki presented the annual report prepared by the Hearing Examiner.

Council Liaison Report

Councilmember Simmonds reported the following:

- The Council confirmed the appointment of the Commissioner Jones at the last meeting.
- The Council extended the Highway 99 interim regulations.
- The Council approved the vacation of 63rd Avenue West across from Trinity Lutheran Church.
- One of the articles in the latest *Kiplinger Newsletter* was that the State of Florida had made a decision to turn back \$4.6 billion that related to light rail transportation. He asked if staff had any information about that as he thought Washington was on the short list to receive some of that money. Director Krauss replied that it is high speed rail money. Florida, New Jersey, Wisconsin, and Ohio turned it back. The State of Washington has already gotten a first small installment. Where it's being used so far is on the Cascades service between Eugene and Vancouver. He commented that he will be going to Council with a contract for the money that was approved to do a joint-venture with Sound Transit and take a look at the alignment, potential location, costs, and ridership of extending the light rail line from its current terminus at the Transit Center into the heart of City Center. This would enable the City to lobby for a share of funds once the economy comes back and funds start to exist again. Commissioner AuBuchon recalled that in 1968 they could have built light rail from Seattle to Everett for what they spent in the 90's to study it.

Director's Report

- Director Krauss reported that there are some significant development projects going on at the moment. Anthony's will be taking over the McGrath's space. The Billy McHale's building will be coming down and Buffalo Wild Wings will be building a new building on that site. The Legacy Hotel project over by Target was approved by the City sometime back and was the subject of a very lengthy appeal by the owner of the Marriott across the street. The project made it through the appeal successfully, but with the economy the developer was unable to lock in construction financing. Staff has just heard that the developer has locked in construction financing and will be coming in to get the ball rolling to submit his building permits.
- The Commission should have their amended invitation to the volunteer event at the newly remodeled recreation center on April 26. He spoke very highly of the new recreation center and stated that it is the kind of project that repositions the way people feel about their community.
- Snohomish County Tomorrow is starting to work on new growth targets. Information will be coming to the Commission as soon as possible.

Planning Manager Garrett added:

- The Highway 99 proposal will be the topic of a Council Work Session on April 20. There will be at least one more work session before the public hearing.
- April 28 is the open house on the City Center Permanent Regulations prior to the next Planning Commission meeting.

Director Krauss noted that an issue with Highway 99 has come up involving the Seaview Chevrolet property. The former building for Pontiac and GMC in the northern portion of their site was inadvertently included in one of the nodes. It was brought to staff's attention; they realized it needed to be fixed. Also, the owner of Seaview Chevrolet bought the next property further to the north and intends to expand in that direction. This goes even further into the designated node and staff is considering options.

Commissioners' Comments

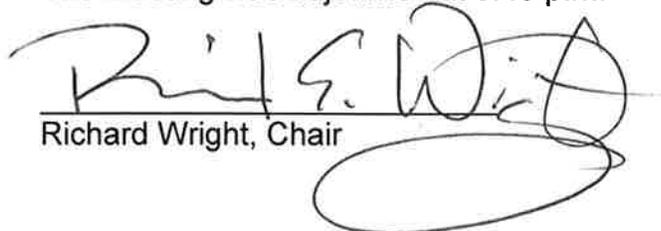
Commissioner AuBuchon had the following comments:

- He commended Code Enforcement for their enforcement of the truck parking issue on 64th Ave. That seemed to have been taken care of, but he noticed tonight there was a 44-foot truck there.
- He referred to the jacked up box van on the corner. Staff noted that it was being used as outdoor storage. They are addressing the issue.
- He asked about the date of the City Center public meeting. Planning Manager Garrett replied that it would be on April 28 and would roll right into the 7 p.m. Planning Commission meeting.

- He asked if staff would be addressing the sign at the Chevrolet dealership. Director Krauss stated that the owner would be re-facing the sign because it will be re-branded, but once the sign is up, if it met the code at the time it was built, it can be re-faced at the same size.
- Concerning signage, at Monday night's Council meeting two of the Council members brought up the fact that they wanted to re-visit the signage ordinance that the Planning Commission just re-did and that the Council just approved. Director Krauss explained that Council Vice President Lonergan-Dreke advocated for a new sign ordinance. He stated that they had not overhauled the entirety of the ordinance in a significant way in a very long time. He acknowledged that there are issues with the sign code. He noted that doing sign codes is extremely complicated and time-intensive. He added that they need to have more discussion with Council about this and get more clarity about what their concerns actually are.
- At the last meeting they discussed the possibility of the City providing a place for parking of "big rigs", possibly for a fee. Councilmember AuBuchon recalled that Councilmember Simmonds had said he had approached this several times before and the thing that held them back was the liability. He asked if the City had ever looked to a third party to manage that for them. Director Krauss noted that a lot of cities grapple with similar issues. He said there is a fundamental question about whether it is something that the City should do even if they can do it. Assuming that the City wanted to provide that option, there are very few places in the city that would allow the outdoor storage of a bunch of semis and trailer boxes. The SRO property is not one of them. Lynnwood actually owns very little property apart from parks. Councilmember Simmonds referred to a property on the outskirts of Hoquiam where they allowed the storage of semis and trailers. He asked Planning Manager Garrett if there was limited space on the back side of the freeway. Planning Manager Garrett thought that this was south of the 44th Street onramp where the school district bought property and is going to eventually build their new admin and bus barn site. It is privately owned storage of RVs and boats. For a while the City had a very narrow piece of property there, but he thought that this had been sold to the PUD. Commissioner AuBuchon noted that since they had been chased away from Gold Park, 40-footers seem to be parking in front of the old Comp USA building.

Adjournment

The meeting was adjourned at 8:46 p.m.


Richard Wright, Chair