

**City of Lynnwood
PLANNING COMMISSION MINUTES
June 28, 2012 Meeting**

Commissioners Present:	Staff Present:
Richard Wright, Chair	Corbitt Loch, Com. Dev. Deputy Director
Bob Larsen, Vice Chair	David Mach, Project Engineer, PW
Maria Ambalada	Shay Davidson, Administrative Asst.
Chad Braithwaite	
Michael Wojack	Other:
	Councilmember Van AuBuchon
Commissioners Absent:	
Doug Jones	

Call to Order

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

Approval of Minutes

1. Meeting of May 24, 2012

Motion made by Commissioner Ambalada to approve the 5/24/12 minutes. The motion was seconded and passed unanimously (4-0).

Citizen Comments

None.

Work Session

1. Briefing – Six-Year Transportation Improvement Plan (TIP) Discussion of planned improvements to the City’s transportation infrastructure.

Project Engineer David Mach introduced the Six-Year TIP. He explained that approval of a TIP is a state requirement. The goals and policies of the City’s Comprehensive Plan and available funding are the framework to establish the Six-Year TIP. This year, the TIP covers the years 2013-2018. Mr. Mach stated this iteration of the TIP is very similar to the previous TIP. This year there are four new safety projects that the City received grant funding for:

- 176th Street SW Road – 52nd Avenue W to 44th Avenue W –restriping roadway from four lanes to three lanes with bike lanes.
- SR-99/SR-524 Safety Improvements – striping improvements for improved visibility.

- SR-99/SR-524 Adaptive Traffic Signal Control – allows signals to react more dynamically based on traffic volumes.
- Citywide Safety Improvements – sign replacements, flashing yellow arrows, pedestrian countdown pads.

Mr. Mach solicited comments or questions from the Planning Commission and asked that the Planning Commission forward this with a recommendation for approval to the City Council. The Council will be holding a public hearing and possibly taking action on July 30, 2012.

Commissioner Ambalada asked if the potential traffic signal at Highway 99 and 180th is on the list. Mr. Mach stated that the potential pedestrian signal at that location is listed on the first page under *Non-Motorized*, project #48. He clarified that the project is somewhat controversial and has mixed support. It is likely that there will be discussions with the City Council in the future to see if that project should continue forward. Commissioner Ambalada commented that the neighborhood is amendable to a pedestrian bridge, but the bridge should be further south of 180th, closer to 52nd Avenue W.

Commissioner Ambalada stated that among the people she has spoken to, there is interest in creating a public transit loop system within the City to provide transportation to families. She explained that with the current economy there are many families living with just one car. Mr. Mach noted that this has been discussed by staff and is listed as project #8 under *Miscellaneous – Lynnwood Link Trolley Feasibility Study*. This was added a few years ago, but has not gotten a lot of traction. The infrastructure required to construct a hard rail-type system is very expensive. Commissioner Ambalada commented that this should be a priority. Mr. Mach noted that the Planning Commission could recommend as a whole to make this a higher priority project. He noted that until there are higher densities, transit on tires can be a better use of taxpayer dollars. Once the City Center starts to develop and light rail gets to Lynnwood, a trolley system of some kind might make more sense. Commissioner Ambalada noted that there are a lot of low income people in apartments here in Lynnwood. She recommended that the City do something for the residents to show them that the leadership is concerned about them and not just business.

Commissioner Larsen referred to different styles of traffic calming devices that have been implemented around the City. He asked for an update on how those devices are working out. Mr. Mach indicated that the City's traffic engineer, Paul Coffelt, would be the one to answer that question. He offered to have Mr. Coffelt provide a response to the Commission about that.

Commissioner Braithwaite pointed out that the dollar amount of the projects ramps up significantly beginning in 2016 and most of it is unfunded. He asked if the TIP is intended to be realistic or if it is more conceptual. Mr. Mach clarified that the TIP is more of a wish list and is not fiscally constrained. There are a lot of

projects that are unfunded. He noted that unfunded projects get pushed out each year. Grant dollars are an important funding source, but they fluctuate from year to year. The projects are in the TIP in order to make the City eligible to submit grant applications. It also provides flexibility for projects. Mr. Mach commented that the City has a Strategic Investment Plan which is a more realistic project list.

Commissioner Braithwaite asked about the status of the Poplar Way extension bridge over I-5. Mr. Mach explained that it is in design right now. The design phase is fully funded, but the City does not have funding yet for right-of-way acquisition or for construction. This is a very complicated project so design will likely take another couple years. A consultant is looking at the type, size, and location of the bridge. Commissioner Braithwaite noted that this project could help alleviate some of the concerns expressed by nearby residents regarding the rezoning of the Transition Area.

Commissioner Braithwaite commented that the *Lynnwood Transit Center Parking Garage* and the *North Link Extension to Northgate* projects are listed as funded, but there are no dollars allocated to them. Mr. Mach explained he tried to get amounts from Sound Transit to insert for those, but was unable to get those due to various alignment options. It was important to just get these projects on the list to show that the City is coordinating with the other agencies.

Commissioner Braithwaite then referred to the *City Center Rail Station Study* and commented that \$400,000 seems like a lot just for the study. Mr. Mach agreed, but noted that all aspects of light rail projects tend to be particularly expensive. He pointed out that this particular study is unfunded, but having it on the list enhances the City's eligibility for grants. Commissioner Braithwaite encouraged everyone to be mindful of the cost of this project. He is optimistic, but noted that sometimes these expensive projects do not come to fruition.

Commissioner Wojack asked how much the City puts into transportation improvements annually. Mr. Mach reported that this year the 40th Avenue sidewalk project was one of the few that was funded at a cost of about \$300,000-400,000. Other years, it has been much more. Olympic View Drive was approximately \$8-10 million. 36th Avenue will be approximately \$7-8 million. A lot of the money comes from grants. In the last four months staff has received about \$5 million in grants. He explained that there are a few other funding sources. The Transportation Benefit District, which is the \$20 vehicle tab, brings in about \$400,000 annually, but this primarily goes toward pavement overlays. Transportation Impact Fees brings in a variable amount depending on the amount of development. REET (Real Estate Excise Tax) and Utilities also help support transportation improvement projects.

Chair Wright solicited comments on Commissioner Ambalada's recommendation to place priority on the trolley/transit issue. He commented on the decreased transit service offered by Community Transit and the importance of restoring

transit service when possible. He'd like to see this on a wish list, but expressed concern about the City's limited resources right now. Commissioner Ambalada reiterated that better public transportation is a necessity for families and should be a priority. Mr. Mach asked Commissioner Ambalada if she has a preference for a certain type or mode of transportation system. Commissioner Ambalada said she was open to any type of additional public transportation. Mr. Mach said he could make a general recommendation from the Planning Commission that increased public transportation be a priority. He clarified that this is really Community Transit's area, but the City has representatives on the Board and may have some influence.

Commissioner Larsen spoke in support of a "rubber tire" system at this point as opposed to a track system due to the cost. However, in the future when light rail comes to Lynnwood it would make sense to have some kind of a circular system, particularly between the light rail terminus and Alderwood Mall.

Chair Wright summarized that the Planning Commission had no objections with the TIP, and there was some consensus that the Commission enthusiastically supports enhanced public transportation. He suggested that the Planning Commission might want to revisit the topic of mass transit again in the future.

Commissioner Braithwaite moved to forward the TIP to the City Council with a recommendation for approval, with a note that the Planning Commission is very interested in public transportation and they encourage the City Council to explore opportunities to expand public transportation in the City of Lynnwood. The motion was seconded by Commissioner Ambalada and passed unanimously (5-0).

Public Hearings

1. Code Amendment – Permit Process Streamlining (2012CAM0005)
Proposed amendment of permit review procedures and processes.
Primary change would transfer decision-making authority for certain permits from City Council to Hearing Examiner. Draft Ordinance.

Staff Presentation:

Community Development Deputy Director Corbitt Loch introduced this item. He explained that the amendment is intended to:

- Improve the function and predictability of the City's Land Use Development regulations.
- Improve the way that the development community and citizens interact with the City.
- Minimize risk to the City, and
- Avoid delay during the permit review process.

Deputy Director Loch summarized that the amendments are all procedural changes and are not changes to development standards. He reviewed some background on this item and the justification for making these changes.

Public Comment:

Chair Wright solicited public comment at 7:57 p.m. Seeing none, the public testimony portion of the hearing was closed at 7:57 p.m.

Questions and Comments:

Commissioner Braithwaite thanked Deputy Director Loch for the summary. He agreed that it is a good idea to remove the City Council from most quasi-judicial permit decisions, due to time and legal constraints. He likes the notion of a clear rules-based system for individuals and businesses, which makes it much easier to navigate the development process. He asked about the Planning Commission's role as a result of these changes. He expressed concern about the Planning Commission not holding a hearing for rezoning issues. It seems that rezoning a property means that the rules would be changed, so this would be more of a policy question. Deputy Director Loch agreed that rezones are less like other permits and there are sometimes policy choices in those decisions. He explained that some jurisdictions retain this as a council action and discussed how this could work for the Council in that instance.

Commissioner Braithwaite asked if staff believes that the 21-day appeal period is sufficient. Director Loch stated that this is the timeframe established by state law. He added that attorneys seem to be accustomed to submitting these appeals within that timeframe. Commissioner Braithwaite observed that they are vesting a lot of authority in the Hearing Examiner. He expressed some concern about concentrating the decision-making authority in one person as it creates a greater possibility for unforeseen circumstances than a larger deliberative body would. Overall, however, he expressed support for the proposal.

Commissioner Wojack said he shared some of the same concerns as Commissioner Braithwaite, especially regarding the rezone applications. He asked what type of public notice would occur for public hearings with the Hearing Examiner regarding rezones. Deputy Director Loch stated that the public notice requirements are the same regardless of the decision-making body.

Commissioner Larsen asked if the current Comprehensive Plan map designations are consistent with the current zones in Lynnwood. He also asked if it was true that in some instances certain designations in the Comprehensive Plan can be implemented by more than one zone. Deputy Director Loch stated that he believed that the two maps are generally consistent. He added that there are instances where a comprehensive plan land use designation could be achieved through one or more zones. Commissioner Larsen commented that the

City Council has already created the policy and the Hearing Examiner would just be affirming the consistency with the policy and regulations. In that instance, he would be fine with the Hearing Examiner having the authority to rezone as long as the Hearing Examiner doesn't change policy.

Commissioner Larsen commented on the importance of being a party of record early in any legal process and expressed concern about that section being deleted on page 3 (starting on line 86). Deputy Director Loch suggested that the City Attorney might be able to respond to that issue better than him.

Commissioner Larsen asked how the Growth Management Hearings Board would be involved in appeals. Deputy Director Loch stated that the Board would be the body of appeals for those actions and decisions derived directly from the Growth Management Act. They would not play a role in permit decisions.

Commissioner Ambalada spoke in support of the proposal because of the consistency it will create. She doesn't think the Planning Commission will lose its standing because the Hearing Examiner will base his analysis on facts, rules, and regulations that are brought forth. She suggested that some of the City Council members need to be educated on the certainty of laws and regulations that the Hearing Examiner will impose.

Commissioner Wojack asked if this would apply to all remaining items on the docket that are currently being rezoned. Deputy Director Loch replied that staff would consult with the City Attorney on an as-needed basis. As a general rule, staff would make these new procedures available to all current applicants.

Commissioner Braithwaite asked how consideration of the Costco site would be handled. Deputy Director Loch stated that right now the only applications under review are for Comprehensive Plan amendment and the rezone. Anything that comes subsequent to the adoption of this ordinance would be under the new standards and procedures. Comprehensive Plan amendments would remain with the Planning Commission and the City Council. Whether the rezones stay with the Council or are deferred to the Hearing Examiner are up for discussion.

Commissioner Ambalada asked about provisions for non-English speaking applicants. Deputy Director Loch suggested that the City Attorney would be better able to respond to that question. He stated that the City does everything possible to help all citizens gain access to municipal services and the rights to which they are entitled. Commissioner Ambalada asked if written notice about interpretation services would be included. Deputy Director Loch stated that staff could add that.

Chair Wright emphasized the difference between policy making and decision making. He commented that it is not necessarily the person who makes the rules, but the person who interprets the rules, that may hold the most power. He thinks

that this is a significant change to the procedures, but that there are enough checks and balances to make it work.

Commissioner Larsen requested a report from the Hearing Examiner about decisions that he made, as well as explanations, especially for the first couple years. Deputy Director Loch replied that the Hearing Examiner provides an annual report. Staff could request that the report include not only the quantitative summary, but qualitative information as well. He reminded everyone that the Hearing Examiner serves at the pleasure of the City Council and they can make changes to that position. Commissioner Larsen commented that the current Hearing Examiner, John Galt, is one of the most respected individuals in the state. Deputy Director Loch confirmed this.

Commissioner Braithwaite pointed out that there was a time that the Hearing Examiner's report was presented informationally to the Planning Commission at the beginning of the year, but he has not seen that in the last year or two. Deputy Director Loch stated that he had that information and would forward that to the Planning Commission.

Commissioner Ambalada suggested a review of the roles of Hearing Examiner and the Planning Commission as it relates to community representation.

Motion made by Commissioner Braithwaite to forward this to the City Council with a recommendation for approval and a recommendation that the City Attorney review the question raised by Commissioner Larsen regarding the deletion of the section of 1.35.175 regarding the party of record.

Commissioner Wojack stated that he is still uncomfortable with section 9, which involves decision-making authority for rezones. He feels that they are removing some of the power from the Planning Commission on rezones which will also impact the public involvement. He thinks a body making a decision on some items – especially controversial issues - is better than a single person.

Commissioner Larsen shared Commissioner Wojack's concern, but commented that as long as the Planning Commission or City Council discuss, hear from the public, and form regulations and policies, he is okay with the Hearing Examiner in this situation. He suggested asking a potential hearing examiner about how they would handle a decision that involves a potential change to a regulation. He hopes that person would say they would pass that back to the Planning Commission or City Council.

The motion was seconded and passed unanimously (5-0).

Council Liaison Report

Councilmember AuBuchon reported:

- At the most recent Finance Committee meeting, they were given the first quarter report from the Finance Director and it appears that the City is in good shape financially. He stated that those numbers are posted on the website.
- The Transition Area issue will likely be coming back to the Planning Commission.
- The Mayor has been on vacation for the past couple weeks, and the vacant Planning Commission position remains unfilled. Councilmember AuBuchon will continue to urge action on this.
- He wished the Planning Commission a safe 4th of July and noted that the Council would not be meeting the week of July 2nd.

Director's Report

Deputy Director Loch reported that at the last Council meeting, the Council adopted the new regulations for self-service storage facilities. This led to further discussion on the topic of the B-3 and B-4 commercial zones. It was noted that there would likely be discussion in the future about either assimilating those two very similar zones into one zone or reconfirming their purpose. This will be one of the next big tasks that the Planning Commission will be addressing.

Commissioner Comments

Commissioner Larsen brought up his discomfort with behavior by a member of the public at the last hearing who was making comments about being disappointed and appeared to be directing his comments at Commissioner Larsen personally. He requested information on the appropriate way to deal with this. Chair Wright replied that it is his responsibility as Chair to ensure that all public comments are directed to the Planning Commission as a whole. Furthermore, in the future he can outline in detail exactly what sorts of things are permissible during public testimony. Commissioner Braithwaite shared Commissioner Larsen's discomfort with that sequence of events.

Adjournment

The meeting was adjourned at 8:45 p.m.

Richard Wright, Chair