

AGENDA

Lynnwood Planning Commission

Thursday, March 27, 2014 — 7:00 pm

City Hall, Council Chambers, 19100 44th Ave. W., Lynnwood WA

A. CALL TO ORDER – ROLL CALL

B. APPROVAL OF MINUTES

1. Approval of the minutes of the February 27, 2014 meeting.

C. CITIZEN COMMENTS – on matters not on tonight's agenda.

D. PUBLIC HEARINGS

None.

E. WORK SESSION TOPICS

1. Photograph of the Commission (no staff report).
2. Amendments to LMC 21.42.400 Accessory Structures and Uses – Ordinance to allow Pygmy, Dwarf and Miniature Goats.
3. Amendments to LMC – Chapter 21.17 Exterior Lighting Standards (new chapter).

F. OTHER BUSINESS

1. Review and Discussion of Planning Commission Scope and Rules.

G. COUNCIL LIAISON REPORT

H. DIRECTOR'S REPORT

I. COMMISSIONERS' COMMENTS

J. ADJOURNMENT

The public is invited to attend and participate in this public meeting. Parking and meeting rooms are accessible to persons with disabilities. Upon reasonable notice to the City Clerk's office (425) 670-5161, the City will make reasonable effort to accommodate those who need special assistance to attend this meeting.

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**CITY OF LYNNWOOD
PLANNING COMMISSION MINUTES
February 27, 2014 Meeting**

Commissioners Present:	Staff Present:
Richard Wright, Chair	Corbitt Loch, Dep. Director Comm. Dev.
Robert Larsen, First Vice Chair	Jared Bond, Environ. & S/W Serv. Sup.
Chad Braithwaite, Second Vice Chair	Todd Hall, Associate Planner
Maria Ambalada	
Doug Jones	
Michael Wojack	
George Hurst	Other:
Commissioners Absent: None	Councilmember Van AuBuchon

Call to Order

The meeting was called to order by Chair Wright at 7:04 p.m.

Approval of Minutes

1. Approval of minutes of the January 23, 2014 Meeting

Motion made by Commissioner Wojack, seconded by Commissioner Braithwaite, to approve the minutes of the January 23, 2014 Meeting. **Motion** passed unanimously (7-0).

Citizen Comments

Ted Hikel, 3829 - 191st Place SW, Lynnwood, WA - asked why the Planning Commission solicits citizen comments that are not on the agenda versus the City Council which asks for comments that are and are not on the agenda. His concern was that if they do not allow citizen comments regarding an item at a work session and then again at a regular business meeting, when would the public be able to speak about an item at the Planning Commission. Otherwise, comments would only be permitted at public hearings. He requests that the Commission changes its rule to allow citizens to comment on matters on the meeting's agenda.

Public Hearing

None.

Work Session

1. 2015 Comprehensive Plan Update – Draft Environmental Resources Element (First Review).

Associate Planner Todd Hall gave a brief introduction regarding the draft Environmental Resources Element and introduced Jared Bond, Environmental & Stormwater Services Supervisor, who along with his team drafted the majority of the proposed Environmental Resources Element.

Jared Bond reviewed the submitted errata sheet with the Commission regarding the proposed changes, as well as explained the Aquifer Recharge Area map.

Deputy Director Loch asked Mr. Bond to clarify if there were changes to the Element that result in changes in property rights, or development requirements, or future programs that the City will be undertaking that will result in additional resources. Mr. Bond stated that his staff looked at the requirements of NPDES (National Pollution Discharge Elimination System) permit (August 2013 – 2018), which includes regulations the City must adopt in order to be in compliance with the NPDES permit. Changes include low impact development techniques and a new hydraulics manual and Department of Ecology (DOE) stormwater manual. He explained that staff drafted the Element so that it wouldn't be in conflict with the NPDES. Also, language regarding aquifer recharge areas and critical areas information was updated which may impact properties and property rights. Air quality section was updated so that it too wasn't in conflict with NPDES permit.

Deputy Director Loch reminded the Commission that this Element is the first one in a series of elements that will be brought to the Commission and staff is asking for their guidance on how they would like future Elements presented.

Commissioner Braithwaite asked if there was a guiding principle on updating the element. Was it an effort of staff to make it more concise? Example on pg. 44, all bullet points under 'Wetland Retention' were removed. Deputy Director Loch stated that one goal was to make the Element more precise and easier to read. Another objective is to update factual information as necessary. Mr. Bond stated that the effort was to make the Element more grounded with actual regulations and programs, and less theoretical. He added that many of the provisions of the existing Environmental Element are unachievable and at times inconsistent with other goals and programs.

Deputy Director Loch explained further that when the Element was first drafted in 1994, the Growth Management Act (GMA) was relatively new and jurisdictions attempting to adopt a compliant Comprehensive Plan often provided more detail than is practical. He stated that many of the objectives of the 1994 Element have been achieved and at this time it is necessary only to maintain the policy basis for the City's environmental programs and regulations.

Commissioner Braithwaite also asked about wording changes such as Policy ER-2.1 (pg. 56) regarding, 'Strive to design' versus 'Design.' He inquired whether the City being constrained into doing specific things that may be difficult to achieve. Mr. Bond stated that policies were drafted to be more directive rather than aspirational.

Commissioner Braithwaite also asked about the strikeout of Policy ER-1.7 (pg. 56) and if there was a reason for removing this objective about housing preservation. Deputy Director Loch stated that this policy should be moved in the Housing Element. Commissioner Braithwaite clarified that he prefers to have the "Track Changes" version submitted along with the clean version.

Commissioner Ambalada asked what steps the staff is taking regarding retaining the City's existing environmental programs and resources. She also asked what are the methods regarding the operations and practices the City takes in maintain existing infrastructure and resources, such as the ponds at Cedar Valley and 52nd Ave SW. Mr. Bond stated that in the beginning narrative of the Element, it's clearly stated what rules and regulations are required, and agreed that more detail could be included about maintenance and operational practices. Regarding the ponds, he stated they are privately owned and the City does not have maintenance easements or right of entry. The otters are of local concern but not on endangered species list.

Commissioner Ambalada asked about enforcement of regulations. Mr. Bond stated that the City regulates environmental rules through enforcement actions, stop work orders, notices of violations, or on rare occasions, citations with fines.

Commissioner Larsen expressed that the revisions were very thorough. He made the suggestion that the goals, policies and strategies should be grouped by topic. He also asked about PUD (Snohomish County Public Utility District) vegetation maintenance such as tree limbing/cutting. Mr. Bond stated the City has a close relationship with the arborist at PUD. State law requires six foot clearance of trees from power lines. If a privately-owned tree needs to be removed, tree vouchers are given to owners to purchase replacement trees.

Commissioner Larsen stated that there are several dormant Alderwood Water District wellheads in the area, and that the City should establish and implement policies to protect those wellhead areas. He went on to state that we need policies kept regarding light pollution and need to address dark skies. He also stated that the City has geologic hazard areas and asked about City programs to protect public health and welfare in the event of a natural disaster such as an earthquake. He asked which agency is ultimately responsible during these events, and whether the City need a policy to address this. He also noted that the Commission should carefully consider Element sections to be deleted because many of these still may be relevant and important. Finally, he

mentioned that Lynnwood should be a regional model in how it handles issues of regional importance.

Commissioner Braithwaite inquired about the goals contained in Policy ER-8.2 (pg. 63) regarding City fleet fuel use, and whether these targets are mandated by the State or whether the City chose these goals.

Mr. Bond stated that he would have to follow-up on this question with his staff who drafted this section. Commissioner Braithwaite suggested that if there were specific goals mandated by law, it would be beneficial to know where they are coming from.

Commissioner Braithwaite asked why the View Protection and Light Pollution, as well as the Reduction of Noise Pollution were removed. Associate Planner Hall stated that staff originally was going to remove these sections and relocate the goals and policies in other elements. However, Director Paul Krauss recommended keeping these sections in because they are both of relevant concern to the City with respect to the effects on local property owners. With regards to light pollution, Mr. Hall stated that he is drafting a new Exterior Lighting Standards code that will address outdoor lighting as well as address the impacts to dark skies. Commissioner Braithwaite suggested a policy which encourages reduction of light pollution. Specific regulations should be located in development regulations. Deputy Director Loch said that staff recognizes these as important issues.

Commissioner Braithwaite stated that neither in this version or old version is there policy or goal with coordinating with Snohomish County or other neighboring jurisdictions, such as development impacting immediately adjacent neighborhoods. Maybe a policy statement that preserves wetlands and other environmental resources adjacent to Lynnwood. Mr. Bond referred to Policy ER-9.2 (pg. 63), and asked whether we want to emphasize tree preservation versus view preservation. He asked whether the City wishes to maintain view corridors at the expense of trees.

Commissioner Ambalada suggested that existing policies be left as is but that any changes to the Element be documented and added as an addendum. Deputy Director Loch stated this approach was different from the approach used by staff, and that staff will implement the direction provided by a majority of the Commission.

Commissioner Wojack inquired about the statement on regarding Chinook salmon (pg. 33), do we keep this statement and amend it if rules change. Mr. Bond stated that protecting the natural environment and wildlife habitat is a primary objective, regardless of whether a particular species is listed as endangered.

Commissioner Wojack, under 'Regional Planning Policies' section, inquired about the statement regarding 'transit', and whether the City was being self-limiting by being served only by transit and not other modes of transportation. Deputy Director Loch stated that this provision was intended to describe Vision 2040 rather than the City's own objective.

Commissioner Wojack inquired about section regarding 'Seismic Hazard Areas' (pg. 34), what's document is driving us to have higher building standards. Staff suggested it might be based on International Building Code, but staff would confirm.

Commissioner Wojack also asked what portion of the City's fleet utilizes alternative fuel. Mr. Bond confirmed there are none at this time. Commissioner Wojack also agrees with need to provide an explanation of proposed edits. Deputy Director Loch confirmed that a one to two sentence explanation would be provided in the next draft Element review.

Commissioner Hurst asked why hybrid was not mentioned as an alternative fuel. Mr. Bond stated this was just an oversight and would be added.

Commissioner Hurst also commented on Policy ER-9.3, he stated that glare is not considered light pollution and instead addresses dark sky. Also changing 'spill' to 'excessive spill', as you won't get a complete cutoff of light on adjoining properties.

Chair Wright asked whether there are any policy changes related to the Goal statement. Is there still the same intent even with the change of wording of the Goal statement? Mr. Bond stated that he made changes to the goal because the Element addresses items beyond water quality and quantity, habitat and wetlands. He stated he didn't want to make the goal too narrow.

Commissioner Ambalada expressed that if we're changing the words regarding process and procedures, that the spirit of the goal is still intact. Deputy Director Loch followed up on that statement and affirmed that staff will better explain the edits and the basis for the changes.

Commissioner Larsen stated that next time documents are presented, he will read the clean version first before the legislative document. Deputy Director Loch stated that staff will facilitate the Commission's review of each Element as directed by the Commission.

Commissioner Wojack asked a question regarding the statement 'protecting the remaining natural environment.' Would an EPA document provide enough protection and thus not needing to address it specifically? Mr. Bond stated that any impact to potential habitat has to go through same protections.

Commissioner Wojack also commented that lighting and view protection sections should remain.

Commissioner Braithwaite stated he supports a more concise and edited version. He also asked about the approach for moving each element forward. Deputy Director Loch stated that a public hearing will be conducted after all elements have been reviewed and discussed. He also mentioned that issue-based open houses could be held to gather input from the community. It was agreed that staff would make revisions to the draft Environmental Element and return to the Commission for continued review.

Council Liaison Report

Councilmember Van AuBuchon commended the staff for a good presentation on the information.

Councilmember AuBuchon suggested that the Commission focus more on policy issues than exact phraseology, and expressed his view that joint meetings with the City Council would facilitate swift review of the draft Elements.

Director's Report

Deputy Director Loch made the following comments:

- The Land Use Element will be the next element to be presented.
- The Planning Short Course will be conducted in the Council Chambers in lieu of an upcoming Planning Commission meeting.
- The Volunteer Appreciation Night will be held on April 2, 2014, at the Lynnwood Convention Center.

Commissioners' Comments

Commissioner Jones asked Councilmember AuBuchon what is blocking the Planning Commission and City Council from holding a joint meeting. Councilmember AuBuchon stated that they were held in the past, but in more-recent years the practice had been discontinued. He stated that he would make a recommendation to the Mayor and City Council President that periodic joint meetings be re-instituted.

Chair Wright commented on Mr. Hikel's comments regarding citizen's comments. He stated that in the past agenda's used to read 'Citizens comments on matters not on tonight's agenda not for public hearing.' Then eventually the agenda wording was changed. His suggestion would be to either amend the language

for public hearing or that the language is stricken altogether and self-monitor each comment period.

Commissioner Wojack gave an example of a situation years ago when written comments were submitted at the time of public hearing and the Commission had not opportunity to review. Wording was eventually changed to not include public hearings.

Commissioner Ambalada stated that she will defer her comments on homelessness to a future meeting.

Commissioner Braithwaite stated that only reason to hold comments on agenda items would be to delay public comment after the topic is presented for discussion. He suggested that changing it back to the way it was is fine.

Chair Wright stated that his only concern is that sometimes the public comment period can be a back and forth between the public and staff. He stated that an important role of Chair is to limit extended dialogue on matters not on the published agenda.

Commissioner Braithwaite noted that major community initiatives such as City Center include careful analysis of underlying physical constraints including as geologic hazards.

To address the citizen comment issue, Deputy Director Loch suggested the Planning Commission Rules be revisited at a future meeting. Chair Wright requested that review of the Commission's Rules occur at a future meeting.

Adjournment

The meeting was adjourned at 9:00 p.m.

Richard Wright, Chair

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**Lynnwood Planning Commission
Meeting of March 27, 2012**

Staff Report

Agenda Item: E.2
Keeping of Miniature Goats Code
Amendment (CAM-001459-2014)

- Public Hearing
- Informal Public Meeting
- Work Session
- Other Business
- Information
- Miscellaneous

Lynnwood Dept. of Community Development — Gloria Rivera, Senior Planner

ACTION

Discussion only, at this work session.

BACKGROUND

At one of the City Council meetings, a member of the public spoke under Citizen Comments requesting that they be allowed to keep/raise miniature goats within the city limits. The City Council also raised the topic for discussion at their Council retreat.

In the past few years a growing number of communities throughout the nation and our region have adopted code amendments allowing the raising of miniature goats. The reasons behind this movement are varied but include desire to promote environmental sustainability, expand the range of home-grown food, and as an option for coping with the cost of food.

COMMENT

This work session is to introduce a draft amendment to the single family residential code relating to the keeping of small animals as pets to allow the raising of miniature goats. Staff will give a brief explanation of the proposed amendments.

Staff has researched additional materials regarding the raising of miniature goats from other jurisdictions. A matrix is attached.

The new amendments for sections 4 and 5 are summarized as follows:

- Introduction: goats are kept for personal use.
- 4(a) – Defines goats by breed (not exclusive but based on height and weight. Establishes limit on height at withers and by weight.
- 4(b) –Establishes the minimum number of goats allowed with allowance made for nannies with kids). Also establishes minimum lot size for the keeping of such animals.

- 4(c) – Male goats are to be neutered.
- 4(d) – All goats must be dehorned
- 4(e) – Details for shelters and pens. Setbacks established from adjacent property lines. Electricity will require an electrical permit. Pens and shelters to be located outside of critical areas.
- 4(f) – No slaughtering on-site.
- 5(e) – Exemptions from prohibition the raising of miniature goats.

A public hearing on this code amendment would be scheduled at a later date. Following the hearing, the Commission will be asked to make a recommendation to the City Council.

RECOMMENDATION

Discuss proposal and provide comment for future ordinance.

ATTACHMENTS

- A. Proposed ordinance with code amendments to allow the raising of miniature goats in single-family residential zones.
- B. Matrix of summary of City codes that allow the keeping of miniature goats.

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CITY OF LYNNWOOD

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LYNNWOOD,
WASHINGTON, ESTABLISHING REGULATIONS
FOR THE KEEPING OF MINATURE GOATS IN
SINGLE FAMILY RESIDENTIAL ZONES,
AMENDING LMC 21.42.400(C) AND PROVIDING
FOR SEVERABILITY, AN EFFECTIVE DATE AND
SUMMARY PUBLICATION.

WHEREAS, the existing Lynnwood Municipal Code prohibits the keeping of goats in single-family zones; and

WHEREAS, historically, the keeping of livestock had been considered to be inconsistent with residential zoning; and

WHEREAS, it is desirable to promote sustainability and environmentally friendly practices where practical but in a manner that takes into account the urbanized nature of the city; and

WHEREAS, miniature goats are similar in size and have characteristics similar to many breeds of dogs allowed as household pets in single family residential areas; and

WHEREAS, allowing miniature goats to be harbored in the city to take advantage of their food production is a step toward making Lynnwood a more-sustainable community and is desirable as long as the potential negative impacts of doing so are mitigated; and

WHEREAS, trends in local food production and sustainable practices have led to renewed popularity of the keeping of miniature goats; and

WHEREAS, the City wishes to allow the keeping of pygmy, dwarf and miniature goats while balancing this flexibility with protection of the residential environment; and

WHEREAS, the proposal was transmitted to State agencies for State agency review and received by the Washington State Department of Commerce on _____, 2014 in accordance with RCW 36.70A.106; and

WHEREAS, on _____, 2014, the City of Lynnwood Environmental Official issued a DNS] on the proposal with ____ public comments

1 having been received during the public comment period and no appeal having
2 been filed; and

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4 WHEREAS, on _____, 2014, the City of Lynnwood Planning
5 Commission held a duly noticed public hearing to take testimony on the
6 proposed ordinance and, following the public hearing, made a recommendation
7 to the Lynnwood City Council to adopt this ordinance; and

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9 WHEREAS, on _____, 2014 the City of Lynnwood City Council
10 held a duly noticed public hearing to take testimony on the proposed ordinance;
11 and

12
13 WHEREAS, it is in the public interest for the City Council to adopt new
14 animal regulations for residential areas which establishes development
15 regulations for keeping miniature goats within the City of Lynnwood; now
16 therefore,

17
18 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON,
19 DO ORDAIN AS FOLLOWS:

20
21 Section 1. Lynnwood Municipal Code section 21.42.400 is hereby amended as
22 follows:

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24 **“21.42.400 Accessory structures and uses.**

25 A. Solar Energy Systems. The use of solar energy systems (for example,
26 attached solar greenhouses, attached solar sunspaces, and solar
27 collectors) can be an effective and efficient method for producing energy
28 and reducing energy consumption. The majority of residential structures
29 within Lynnwood were constructed before solar energy systems became a
30 viable means for producing energy, thus lot yard setbacks and height
31 restrictions do not take such systems into account. The city of Lynnwood
32 finds that it is in the best public interest to encourage solar energy
33 systems. If it is found that a solar energy system would have a positive
34 impact on energy production and conservation while not having an
35 adverse environmental impact on the community, but the placement of
36 such system requires violation of city setback or maximum height
37 limitations, allowance of such systems may be permitted through the
38 variance process and shall be encouraged. In viewing such variance
39 request, the following shall be considered in making a determination:

- 40
41 1. That the solar energy system has a net energy gain;
42 2. That the solar energy system is designed to minimize glare
43 towards vehicular traffic and adjacent properties;
44 3. That the solar energy system not adversely affect solar access to
45 adjacent properties;

- 1 4. That the solar energy system comply with all other city zoning,
2 engineering, building, and fire regulations; and
- 3 5. That the solar energy system is found to not have any adverse
4 impacts on the area, which impacts shall include, but not be limited
5 to, the effects of such system upon the views from neighboring
6 properties and public ways.

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8 In order to show that the proposed energy system will conform to the
9 above, the applicant shall be required to submit a site plan and elevations
10 showing the location, size, and dimensions of the solar energy system and
11 its relation to all adjacent properties. Care shall be taken to ensure that
12 the design, materials used and colors architecturally blend in with the
13 existing structure. The city may require that the site plan and elevations
14 and/or energy-saving calculations be prepared by an engineer, architect or
15 builder specializing in solar energy construction.

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17 B. Family Child Care Homes. Family child care homes are permitted as an
18 accessory use to a dwelling.

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20 C. Keeping Small Animals as Pets.

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22 1. The keeping of small animals as pets shall be permitted as an
23 accessory use.
- 24 2. Livestock, except chickens and goats. The keeping of
25 livestock (except chickens and miniature goats; See LMC
26 21.42.400(C)(3) and LMC.42.400(C)(4) shall not be permitted
27 except that an occupant shall be able to keep one animal, i.e.,
28 horse, cow or sheep, on a lot having a minimum of 20,000
29 square feet and an additional animal for each 20,000 square
30 feet additional lot area. The entire square footage of roaming
31 area shall be fenced. Fences must be of such a type and size
32 as to prevent encroachment on adjacent property.
33 Encroachment shall be defined as reaching over, under or
34 through, as well as trespassing or intruding upon, the property
35 of another. Accessory buildings used for housing animals
36 shall be provided, and shall be a minimum of 200 square feet
37 and a maximum of 250 square feet in area per animal, except
38 as allowed by variance, and shall not be closer than 25 feet to
39 a property line, except for those provisions provided for
40 chickens and goats, below. An accessory building for the
41 housing of small animals or fowl (except chickens, see below)
42 shall not exceed 36 square feet in floor area when located on
43 a residential lot and neither the building nor the fenced area
44 for their roaming shall be closer 25 feet to a property.

1 3. Chickens. The keeping of chickens for personal use of the
2 household (eggs shall not be sold) shall be permitted subject to the
3 following:
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- 5 a. A maximum of three (3) chickens may be kept per lot
6 associated with a single-family residential dwelling unit.
- 7 b. A suitable structure to provide shelter from the elements
8 and an outdoor pen shall be provided. The shelter and pen
9 shall be built and maintained to prevent the chickens from
10 breaking through, out, over, or under the same. The shelter
11 and pen shall be kept in good working condition, shall not
12 cause odor or noise nuisances, and must be kept in a clean
13 and well maintained condition at all times.
 - 14 i. The enclosed shelter shall provide a floor,
15 walls, and roof and shall be a minimum of four
16 (4) square feet per chicken.
 - 17 ii. The outdoor pen (a ground level roaming area)
18 shall be a minimum of eight (8) square feet. per
19 chicken.
 - 20 iii. Pens and shelters shall be constructed so as to
21 discourage predators.
 - 22 iv. The outer edge of the shelter or pen shall be
23 set back a minimum of 15 feet from side and
24 rear property lines. Pens and shelters are not
25 permitted in the area between the primary
26 dwelling unit and the front property line. The
27 side of the pen facing an adjacent residence
28 shall be sight obscuring through the use of a
29 solid fence.
 - 30 v. Electricity provided to the shelter will require an
31 electrical building permit.
- 32 c. Bedding/manure shall be composted or bagged and tied
33 and placed within garbage dumpsters.
- 34 d. Roosters shall be prohibited.
- 35 e. Chickens shall not be processed on premise. Infected
36 chickens with diseases harmful to humans shall be removed.

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38 4. Goats. The keeping of miniature goats for personal use of the
39 household shall be permitted subject to the following:

- 40 a. Miniature breeds of goats include the following: pygmy,
41 Nigerian dwarf and pygora or similar breeds (based on
42 height and weight). Adult goats shall not exceed 25 inches
43 measured from the withers or weigh more than 100 pounds.
44 The wither is the ridge between the shoulder blades of the
45 goat.

1 b. A maximum of two (2) goats may be kept per lot
2 associated with a minimum of 7,200 square foot lot area of a
3 single-family residential dwelling unit. Nursing off-spring
4 may be kept until weaned, no longer than 12 weeks after
5 birth.

6 c. Male goats must be neutered.

7 d. All goats must be dehorned.

8 e. A suitable structure to provide shelter from the elements
9 and an outdoor pen shall be provided. The shelter and pen
10 shall be built and maintained to prevent the goats from
11 breaking through, out, over, or under the same. The shelter
12 and pen shall be kept in good working condition, shall not
13 cause odor nuisances, and must be kept in a clean and well
14 maintained condition at all times.

15 i. The shelter shall provide a floor, walls, and
16 roof.

17 ii. The outer edge of the shelter or pen shall be
18 set back a minimum of 15 feet from side and
19 rear property lines. Pens and shelters are not
20 permitted in the area between the primary
21 dwelling unit and the front property line. The
22 side of the pen facing an adjacent residence
23 shall be sight obscuring through the use of a
24 solid fence.

25 iii Electricity provided to the shelter will require an
26 electrical building permit.

27 vi. No confinement area shall be located within a
28 critical (sensitive) area or their buffers.

29 f. Goats shall not be processed on premise.

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31 5(4). The keeping of mink, goats (with the exception of pygmy,
32 dwarf and miniature breeds), foxes, or hogs is prohibited."

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34 D. Carnivals, Circuses, and Other Temporary Special Events. These uses
35 are permitted if accessory to a school, church, park, or other facility of a
36 similar nature. Such activities shall not be subject to regulation by
37 Chapter [5.30](#) LMC.

38
39 Section 2. If any section, sentence, clause or phrase of this ordinance should be
40 held to be invalid or unconstitutional by a court of competent jurisdiction, such
41 invalidity or unconstitutionality shall not affect the validity or constitutionality of
42 any other section, sentence, clause or phrase of this ordinance.

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44 Section 3. This ordinance or a summary thereof consisting of the title shall be
45 published in the official newspaper of the City, and shall take effect and be in full
46 force five (5) days after publication.

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PASSED BY THE CITY COUNCIL, the _____ day of _____,
2014.

APPROVED:

Nicola Smith, Mayor

ATTEST/AUTHENTICATED:

Lorenzo Hines
Finance Director

APPROVED AS TO FORM:

Rosemary Larson

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On the _____ day of _____, 2014, the City Council of the City of Lynnwood, Washington, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING REGULATIONS FOR THE KEEPING OF PYGMY, DWARF AND MINATURE GOATS IN SINGLE FAMILY RESIDENTIAL ZONES, AMENDING LMC 21.42.400(C) AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

The full text of this Ordinance will be mailed upon request.

DATED this _____ day of _____, 2014.

Lorenzo Hines, Finance Director

Considerations for Goats

	Auburn	East Wenatchee	Lacey	SeaTac	Seattle	Other
Maximum Number of Goats	4 on lots that are a minimum 12,500 sq. ft.; on lots over 12,500, one additional medium size animal for each 7,500 sq. ft.	4 on lots larger than one half acre are allowed; no more than 12 per acre	Ratio of 4 goats per acre; minimum 7,500 sq. ft. lot	2 on lots 7,200 to 15,000 sq. ft.; 3 on lots 15,001 to 30,000 sq. ft.; 4 on lots over 30,000 sq. ft.	4 small animals for each lot with 20,000 sq. ft. (minimum of two). One additional small animal for each additional 5,000 sq. ft.	Edmonds – Minimum 12,000 sq. ft. for one animal with specified pasture size. Additional 8,000 sq. ft. for each additional. Everett – location is at discretion of city. Marysville- minimum one acre. Mountlake Terrace – minimum of 25,000 sq. ft., (10,000 for each additional.

<p>Minimum Setback for Enclosure from Property Line (and/ or Residential Structure on Adjacent Lot)</p>	<p>Five feet from rear and side yards and no closer than 20 feet from the front property line</p>	<p>All shelters and pens must be located a minimum of 10 feet from property line and minimum of 25 feet from any residential structure on an adjacent lot.</p> <p>Shelter setback, 7 feet from side, 15 feet from rear.</p> <p>A fence or other structures to contain the goats must be maintained at all times.</p>	<p>5 feet from side and 3 feet from rear property lines. 15 feet from front.</p>	<p>5 feet from rear and side property lines</p>	<p>Accessory structures for four or more animals must be 10 feet from property lines.</p>	<p>Edmonds – 30 ft setbacks.</p> <p>Mountlake Terrace – 30 foot setbacks. Live plants for grazing and no exposed soil.</p> <p>Fenced area requirement of 10,000 sq. ft.</p>
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Other Items	<p>Male goats neutered; all goats dehorned</p> <p>Regulation of noise, nuisances and slaughtering from other city codes.</p>	<p>Male goats neutered; all goats dehorned</p> <p>Accumulations of animal waste can be no closer than 100 feet from any property line.</p> <p>Comply with nuisance codes.</p> <p>No slaughtering on site.</p>		<p>All animals kept in a confined area and maintained.</p> <p>No confinement area within critical areas or their buffer.</p>	<p>Male goats neutered; all goats dehorned</p>	
Registration	Yes				Yes	

MEMORANDUM

AGENDA ITEM E.3

DATE: March 27, 2014

TO: Lynnwood Planning Commission

FROM: Paul Krauss, Community Development Director
Todd Hall, Associate Planner

RE: Draft Exterior Lighting Standards (Chapter 21.17 LMC)

At the December 10, 2009 Planning Commission meeting, staff brought forward a proposal on how to respond to the City Council's request that the Commission develop an ordinance to protect views of the night sky and regulate light pollution. At that time, Staff indicated that there appears to be few ordinances entirely focused upon dark skies issues.

Back in 2009, Staff noted that some cities have ordinances that generally deal with the issue, but only as Purpose or Finding statements in support the adoption of lighting control regulations. Lynnwood's existing regulations were adopted in 1984, and are not so much development regulations as they are general policy statements intended to support the imposition of mitigation measures on a case-by-case basis through the environmental review (SEPA) process. This approach has not always produced satisfactory results as there have been instances where exterior lighting upon one property has adversely impacted an adjoining property.

Based on this experience, Staff is now proposing a comprehensive lighting code to address dark skies issues along with a number of others, such as energy conservation, public safety, and off-site light intrusion, particularly that which impacts residential uses.

The following proposal is offered as the starting point for discussion. When faced with drafting a new code, planners typically search for suitable examples adopted by similar communities. A review of codes of other cities revealed a number that were little better than what is currently in the LMC. The most comprehensive code we found has been adopted by the City of Redmond. The City of Bainbridge Island's, while less complex than Redmond's, and appeared to focus more strongly the dark skies issue. The proposed draft is an amalgam of these codes.

If the City was to consider a more rigorous code based on the International Dark Skies Association's recommendations, the City of Flagstaff, Arizona lighting code is highly regarded as one of the most innovative in addressing sky glow light pollution.

Lynnwood’s existing lighting regulations are found in Title 17 – Environment. Staff believes that the proposed code is more accurately classed as a Development Standard rather than an Environmental one. Therefore, we are proposing that regulations for exterior lighting be relocated to Title 21 – Zoning. We also find that lighting regulations established for parking lots are found independently in LMC 21.18.600 that deals with aspects of parking. We are recommending that this section also be deleted and that parking lot lighting standards be grouped comprehensively in the new lighting ordinance.

The Citywide Design Guidelines – Lighting and the City Center Design Guidelines – Site Lighting sections have guidelines related to parking lots, pedestrian and accent lighting. Staff recommends the Commission consider whether these guidelines are worth keeping or if the new lighting ordinance would be adequate since the regulations will be enforceable versus guidelines which use “encouraged” and “should” and allow for flexibility.

In addition to the Design Guidelines, the Comprehensive Plan provides the narrative and policy direction for the proposed lighting regulations, of which goals and policies are currently located in the Environmental Element.

Lynnwood’s existing code (which again are primarily statements intended to support mitigation through the SEPA process) is as follows:

**EXISTING REGULATIONS
(to be repealed and replaced)**

17.05.110 Light and glare.

It is the policy of the city that any activity shall not produce light or glare so as to create a nuisance beyond the parcel within which the use is located. In particular:

A. Building materials with high light reflective qualities should not be used in construction of buildings where reflected sunlight or artificial light would throw intense glare on adjacent areas or streets.

B. Sources of artificial illumination, including signs, shall be hooded or shaded in those instances where direct light from high-intensity lamps would result in glare upon surrounding areas or cast excessive light upon any residential use or street. Where necessary, the height or location of light sources shall be modified in order to reduce the impact of light or glare, or to enhance the capability of shielding or screening light sources, and the intensity and/or orientation of light sources shall be modified where necessary to reduce light and glare to tolerable levels.

C. Landscaping shall be the preferred means of screening emission of light and glare to nearby properties, but should be supplemented where necessary by solid or other sight and glare barriers. (Ord. 1416 § 2, 1984)

21.18.600 Parking lot illumination.

Lighting for Off-street parking areas shall be arranged so as to not constitute a nuisance or hazard to passing traffic. Where lots share a common boundary with any “R” classified property, and where any RM zone lot shares a boundary with an RS zone, the illumination shall be directed away from the more restrictively classified property. (Ord. 2730 § 1, 2008; Ord. 2020 § 9, 1994; Ord. 478 § 1, 1969; Ord. 190 Art. XI § 11.4, 1964)

DRAFT – PROPOSED REGULATIONS
21.17 Exterior Lighting Standards

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- 21.17.010 Purpose.**
- 21.17.020 Exemptions.**
- 21.17.030 Applicability.**
- 21.17.040 General Requirements.**
- 21.17.050 Lighting Standards for Uses within 50 feet of Residential Zones.**
- 21.17.060 Open-Air Parking Lot Lighting.**
- 21.17.070 Canopy Lighting and Lighting of Service Stations.**
- 21.17.080 Lighting of Outdoor Performance, Sport and Recreation Facilities and Playfields.**
- 21.17.90 Security Lighting.**
- 21.17.100 Architectural Accent Lighting.**
- 21.17.110 Lighting of Landscaping.**
- 21.17.120 Temporary Lighting.**

21.17.010 Purpose.

- A. This code is established for the following purposes:
 - 1. To regulate exterior lighting in order to avoid unsafe and unpleasant conditions as the result of poorly designed or installed exterior lighting.
 - 2. To restore and preserve views of the night sky.
 - 3. To implement the energy conservation policies of the Comprehensive Plan.
 - 4. To minimize glare, obtrusive light and artificial sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary.
 - 5. To regulate the type of light fixtures, lamps and standards.
 - 6. To protect low- and medium-density residential zones from the ill effects associated with nonresidential and multi-family exterior lighting.
 - 7. To create a safe environment during hours of darkness.

21.17.020 Exemptions.

- A. The following are exempt from the provisions of this chapter:
 - 1. Traffic control signals and devices.
 - 2. Street lights on public streets which are covered by other design standards adopted by the City.
 - 3. Temporary emergency lighting (i.e., fire, police, repair workers) or warning lights.

- 1 4. Moving vehicle lights.
- 2
- 3 5. Navigation lights (i.e., radio/television towers, docks, piers, buoys) or any other lights
- 4 where state or federal statute requires lighting that cannot comply with this chapter.
- 5
- 6 6. Seasonal decorations.
- 7
- 8 7. Outdoor lighting approved by the Director for temporary or periodic events (e.g.,
- 9 fairs, nighttime construction).
- 10
- 11 8. Internally and externally illuminated signs regulated by Chapter 21.16 LMC.
- 12
- 13

14 **21.17.030 Applicability.**

15

16 A. The provisions of this chapter shall apply to:

- 17
- 18 1. Exterior lighting undertaken in conjunction with development requiring Project Design
- 19 Review.
- 20
- 21 2. Redevelopment or expansion when the redevelopment increases the gross floor
- 22 area or valuation by the criteria established in Chapter 21.12.200.C LMC.
- 23

24 B. The provisions of this chapter shall not apply to:

- 25
- 26 1. Exterior lighting for individual dwellings, such as porch lights and accent lighting, with
- 27 the exception of common areas which are regulated. Examples of common areas
- 28 include, but are not limited to pathways, clubhouses, shared driveways, parking lots
- 29 and play areas.
- 30
- 31 2. Lights within the public right-of-way not conflicting with City streetlight standards and
- 32 design criteria.
- 33
- 34 3. Lighting necessary for emergency equipment and work conducted in the interests of
- 35 law enforcement or for the safety, health, or welfare of the community.
- 36

37

38 **21.17.040 General Requirements.**

39

40 A. The following general requirements shall apply to all proposed exterior lighting:

- 41
- 42 1. Site lighting trespass onto adjacent residential properties shall be minimized.
- 43
- 44 2. Site lighting shall minimize light spillage into the night sky.
- 45
- 46 3. Where practical, exterior lighting installations shall include timers, dimmers, sensors,
- 47 or photocell controllers that turn the lights off during daylight hours or hours when
- 48 lighting is not needed, to reduce overall energy consumption and eliminate
- 49 unneeded lighting.

- 1 4. Fixtures and lighting systems used for safety and security shall be maintained in
2 good working order and in a manner that serves the original design intent of the
3 system.
4
- 5 5. The applicant shall submit to the City a site lighting plan to enable a determination
6 that the applicable provisions will be satisfied.
7

8 The exterior lighting plan shall include the following:
9

- 10 a. Manufacturer specification sheets, cut-sheets or other manufacturer provided
11 information for all proposed lighting fixtures.
12
- 13 b. The proposed location, mounting height, and aiming point of all exterior
14 lighting fixtures.
15
- 16 c. If building elevations are proposed for illumination, drawings shall be provided
17 for all building elevations showing fixtures, portions of the elevations to be
18 illuminated, illumination levels of the elevations, and the aiming point for any
19 remote light fixture.
20
- 21 d. If needed to review proposed exterior lighting installations, the City may
22 request additional information following the initial lighting plan submittal, such
23 as:
24
- 25 i. A brief written narrative, with accompanying plan or sketch, which
26 demonstrates the objectives of the lighting.
27
- 28 ii. Photometric data, Color Rendering Index (CRI) of all lamps, and other
29 descriptive information on the fixtures, and if applicable or required,
30 designation as Illuminating Engineering Society of North America
31 (IESNA) "cutoff" fixtures.
32
- 33 ii. Computer generated photometric grid showing footcandle readings
34 every 10 feet within the property or site, and 10 feet beyond the
35 property lines. Iso-footcandle contour line style plans are also
36 acceptable.
37
- 38 iv. Landscaping information that indicates mature vegetation in order to
39 evaluate the long-term and seasonal effectiveness of lighting or
40 screening of lighting.
41
42

43 **21.17.050 Lighting Standard Requirements within 50 feet of Residential Zones.**
44

- 45 A. Exterior lighting installations and fixtures within 50 feet residential zones shall comply
46 with the following requirements:
47
- 48 1. Lighting fixtures shall be no higher than 15 feet above grade.
49
- 50 2. Lighting fixtures shall be aimed and shielded in a manner that does not directly
51 illuminate on adjacent residential zones. Fixtures should be of a type or adequately

1 shielded so as to prevent glare from normal viewing angles

2
3 3. Where feasible, additional landscaping may be required by the City to provide light
4 screening between commercial zones and residential zones to help prevent light
5 trespass. Where landscaping is used for light screening, the City shall take into
6 consideration the applicable landscaping standards and Citywide Design Guidelines.
7

8 B. The height restrictions of this section shall not apply to lighting used to illuminate outdoor
9 performance areas, sport and recreation facilities, and playfields, except where such
10 lighting fixtures are located within 50 feet of the property line of a low- and medium-
11 density residential use or vacant residential lot. Lighting of outdoor performance areas,
12 sport and recreation facilities, and playfields shall also meet the standards in 21.17.080.
13

14
15 **21.17.060 Open-Air Parking Lot Lighting.**
16

17 A. Open-air parking lots shall comply with the standards of this section in addition to the
18 other requirements of this division.
19

20 B. For multilevel parking facilities, the roof level shall be considered an open-air parking
21 lot.
22

23 C. Open-air parking lot lighting shall be designed to provide adequate vision, comfort
24 and safety.
25

26 D. Open-air parking lot lighting shall be designed to provide for uniform lighting
27 throughout the facility with no dark patches or pockets.
28

29 E. Open-air parking lot lighting shall be designed to provide a minimum value of lighting
30 necessary for safety and identification of features.
31

32 F. Open-air parking lot lighting shall not cause direct illumination on adjacent and
33 nearby properties or streets. Fixtures should be of a type or adequately shielded so
34 as to prevent glare from normal viewing angles.
35

36 G. In order to direct light downward and minimize the amount of light spilled into the
37 night sky, all lighting fixtures serving open-air parking lots, except as allowed in
38 subsection H of this section, shall be full cutoff fixtures as defined by the Illuminating
39 Engineering Society of North America (IESNA).
40

41 H. If the design of an area suggests the use of parking lot lighting fixtures of a particular
42 "period" or architectural style, the City may permit alternatives or supplements to the
43 lighting described above. In order to minimize the amount of light spilled into the
44 night sky, the following shall apply:
45

46 a. Mounting heights of such alternative fixtures shall not exceed 15 feet above
47 grade or pavement.
48

49 b. The City shall require reasonable measures to minimize light trespass and
50 light spill into the night sky.
51

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- I. The following mounting height regulations shall apply to open-air parking lot lighting fixtures. Mounting height shall be measured as the vertical distance between the parking surface and the bottom of the lighting fixture.
 - a. The maximum permissible mounting height of open-air parking lot lighting fixtures within 50 feet of residential zones shall be 15 feet.
 - b. The maximum permissible mounting height for open-air parking lot lighting fixtures, on top levels of structures, shall be 15 feet.
 - c. The maximum permissible mounting height of open-air parking lot lighting fixtures in all other locations shall be 30 feet.
- J. The City may allow increases from Basic to Enhanced Security lighting levels (see table below), when personal security is an issue, such as where the parking facility is used during all hours of the day and night, where special security needs exist, or where vandalism or crime are possible. The proponent must submit information on specific site characteristics, level of vehicle and pedestrian conflict, special security needs, and history or likelihood of crimes to support the City in making its determination.
- K. The table below establishes open-air parking lot lighting standards.

	Basic ¹	Enhanced Security ²
Minimum Footcandles on Pavement ³	0.2 fc	0.5 fc
Maximum Footcandles on Pavement	4.0 fc	7.5 fc
Uniformity Ratio Maximum:Minimum ⁴	20:1	15:1
Minimum Footcandles at five (5) feet Above Pavement ⁵	0.1 fc	0.25 fc

Notes:

fc = footcandle

¹ For typical conditions. During periods of nonuse, the illuminance of certain parking facilities should be turned off or reduced to conserve energy. If reduced lighting is to be used only for the purpose of property security, it is desirable that the minimum (low point) value not be less than 0.1 footcandle. Reductions should not be applied to facilities subject to intermittent night use, such as at apartments, hospitals and transportation terminals.

² Increases from Basic to Enhanced Security lighting levels may be allowed when personal security is an issue, such as where the parking facility is used during all hours of the day and night, where special security needs exist, or where vandalism or crime are possible. The City may consider specific site characteristics, level of vehicle and pedestrian conflict, special security needs, and history or likelihood of crimes in making its determination.

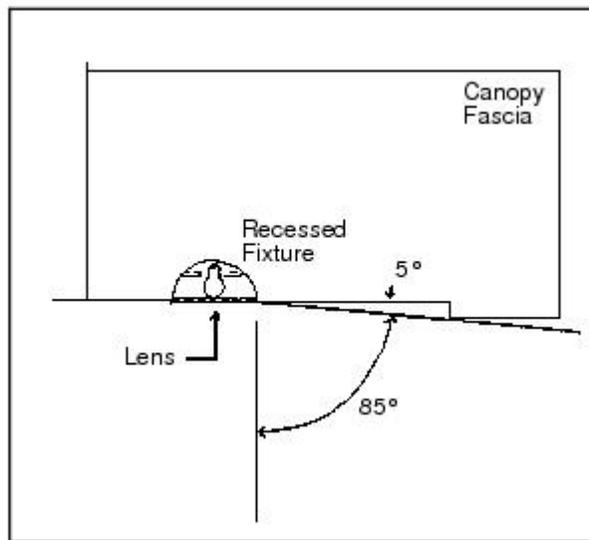
³ Measured on the parking surface, without any shadowing effect from parked vehicles or trees at points of measurement.

⁴ The highest horizontal illuminance point at grade, divided by the lowest horizontal illuminance point or area should not be greater than the values shown.

1
2⁵ Measured at 5.0 feet above parking surface at the point of the lowest horizontal illuminance,
3 excluding facing outward along boundaries.
4
5

6 **21.17.070 Canopy Lighting and Lighting of Service Stations.**
7

- 8 A. Lighting of such areas shall not be used to attract attention to the business. Signs
9 allowed under LMC 21.16 shall be used for that purpose.
10
11 B. Lighting levels shall be adequate to facilitate the activities taking place in such
12 locations.
13
14 C. In order to minimize the extent of direct glare, light fixtures mounted on canopies
15 shall be recessed so that the lens cover is recessed or flush with the bottom surface
16 (ceiling) of the canopy or shielded by the fixture or the edge of the canopy so that
17 light is restrained to 85 degrees or less from vertical. The figure below, entitled
18 Recessed Fixture, illustrates this.
19



39 **Recessed Fixture**

- 40 D. As an alternative (or supplement) to recessed ceiling lights, indirect lighting may be
41 used where light is beamed upward and then reflected down from the underside of
42 the canopy. When this method is used, light fixtures must be shielded so that direct
43 illumination is focused exclusively on the underside of the canopy.
44
45 E. Lights shall not be mounted on the top or sides (fascias) of the canopy. The sides
46 (fascias of the canopy) shall not be illuminated in a manner other than that
47 prescribed under LMC 21.16.
48
49 F. Areas around service station pump islands shall be illuminated so that the minimum
50 horizontal illuminance at grade level is at least 1.0 footcandle and no more than 5.0
51 footcandles. The uniformity ratio (average illumination to minimum illumination) shall

1 be no greater than 4:1. At the discretion of the City, increased lighting levels may be
2 permitted for enhanced security purposes only.
3
4

5 **21.17.080 Lighting of Outdoor Performance, Sport and Recreation Facilities and**
6 **Playfields.**
7

- 8 1. Lighting levels for outdoor performance areas, sport and recreation facilities, and
9 playfields shall not exceed by more than five percent the Illuminating Engineering
10 Society of North America (IESNA) published standards for the proposed activity.
11
12 2. Where playing fields or other special activity areas are to be illuminated, lighting
13 fixtures shall be mounted, aimed and shielded so that their beams fall within the
14 primary playing area and immediate surroundings, and so that no direct illumination
15 is directed off the site.
16
17 3. The main lighting shall be turned off as soon as possible following the end of the
18 event. The main lighting shall not remain on longer than 30 minutes following the end
19 of the event. Where feasible, a low level lighting system shall be used to facilitate
20 patrons leaving the facility, cleanup, nighttime maintenance and other closing
21 activities. The low level lighting system shall provide an average horizontal
22 illumination level at grade of no more than 3.0 footcandles, with a uniformity ratio
23 (average illumination to minimum illumination) not exceeding 4:1.
24

25 **21.17.90 Security Lighting.**
26

- 27 A. Security Lighting should use the lowest possible illumination to effectively allow
28 surveillance.
29
30 B. All security lighting fixtures shall be full cutoff fixtures as defined by the Illuminating
31 Engineering Society of North America (IESNA).
32
33 C. Security lighting shall be shielded and aimed so that illumination is directed to the
34 designated areas.
35
36 D. Where a proposed security lighting application is not identified in the table below, the
37 table shall be used as a guide for establishing the range of permissible light levels.
38

Security Lighting Application	Average Horizontal Illumination Level on Ground
Large Open Areas	0.5 – 2.0 fc ¹
Buildings	0.5 – 2.0 fc ¹
Perimeter Fence	0.5 fc ²
Entrances	10 fc ³
	30 fc ⁴
Pedestrian Pathways and Access Routes	4 – 6 fc

Notes:

fc = footcandle

¹ The greater the brightness of the surrounding area, the higher the illuminance required to balance the brightness.

² Illuminance on the ground.

³ Illuminance on the ground in the inspection area.

⁴ Illuminance on the work-plane in the gatehouse. This lighting must be dimmable to low levels at night so the guard can see outside the gatehouse.

21.17.100 Architectural Accent Lighting.

- A. Fixtures used to accent architectural features, materials, colors, style of buildings, or art shall be located, aimed and shielded so that light is directed only on those features. The City may allow exceptions to this provision if minimal light escapes into the night sky or onto adjacent properties.
- B. The maximum illumination of any vertical surface or angular roof surface in dark surroundings shall not exceed 3.0 footcandles.
- C. The maximum illumination of any vertical surface or angular roof surface in light surroundings shall not exceed 5.0 footcandles.
- D. Flags of the United States or Washington State may be illuminated from below provided such lighting is focused primarily on the individual flag or flags.

21.17.110 Lighting of Landscaping.

- A. Illumination of landscaping shall utilize diffused or muted lighting, and avoid glare.

21.17.120 Temporary Lighting.

- A. Lighting used to illuminate temporary uses shall be reviewed, and if necessary conditioned, through the Special Event Permitting process.
- B. The City may impose specific conditions for the lighting of temporary uses consistent with the purposes of this title.

1 **The following terms will be added to Chapter 21.02 LMC:**
2

- 3 1. "Accent lighting" means any luminaire that emphasizes a particular object or draws
4 attention to a particular area for aesthetic purposes.
5
6 2. "Cut-off angle" (of a luminaire) means the angle, measured from the lowest point
7 between a vertical line from the center of the lamp extended to the ground and the
8 first line of sight at which the bare source is not visible.
9
10 3. "Fixture" (also called a "luminaire") means a complete lighting unit including the
11 lamps, together with the parts required to distribute the light, to position and protect
12 the lamps, and to connect the lamps to the power supply.
13
14 4. "Foot-candle" means a measure of illuminance or a measure of how bright a light
15 appears to the human eye. One foot-candle is equal to one lumen/sq. ft. As an
16 example, a typical 60-watt incandescent lamp (840 lumens) produces an illuminance
17 of 0.1 foot-candles at a distance of about 25 feet.
18
19 5. "Lamp" means the light-producing mechanism of a luminaire.
20
21 6. "Light pollution" means any adverse effect of artificial light.
22
23 7. "Light trespass" means light falling where it is not wanted or needed; spill light;
24 obtrusive light.
25
26 8. "Lumen" means a unit of luminous flux; the flux emitted within a unit solid angle by a
27 point source with a uniform luminous intensity of one candela. One footcandle is
28 one lumen per square foot. One lux is one lumen per square meter.
29
30 9. "Luminaire" means the complete lighting unit, including the lamp, the fixture and
31 other parts.
32
33 10. "Outdoor lighting fixture" means a luminaire outside of an enclosed building or
34 structure or any luminaire directed such that it primarily illuminates outdoor areas.
35
36 11. "Shielding" means an opaque material that blocks the transmission of light.
37
38 12. "Spotlight" means a fixture designed to light only a small, well-defined area.
39
40
41

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DATE: March 27, 2014

AGENDA ITEM F.1

TO: Planning Commission

FROM: Corbitt Loch, Deputy Director

RE: PLANNING COMMISSION SCOPE AND RULES

Summary

During the February 27, 2014 meeting, the Commission directed staff to bring the Commission's Scope and Rules to a future meeting for potential amendment. This direction stemmed from a citizen request to allow citizen comments on agenda topics not scheduled for a public hearing.

To make this change, no change to the Commission's Scope and Rules is needed. As written, the Scope and Rules allow public comment on matters not scheduled for a public hearing. The Commission's agendas have included the limitation in question for many years. Presumably, prohibiting public comment on non-hearing agenda items was established at the direction of the Commission, but the Commission's Scope and Rules were never changed.

This topic does provide an opportunity for the Commission to review its Rules and potentially identify other provisions deserving further discussion and potential action.

Policy Questions

1. During the *Public Comments* portion of the meeting agenda, should the Planning Commission accept public comment on non-hearing agenda items?
2. Is there a need to amend other provisions of the Commission's Scope and Rules?

Action

Provide direction to staff.

Background

Mr. Ted Hikel has asked that the Planning Commission discontinue the practice of disallowing public comment on meeting agenda topics during the *Public Comments* portion of the meeting.

The Commission's current practice is to allow public comment on agenda topics only during: 1) The Commission's discussion of that agenda item (subject to the discretion of the Chair); and 2) during public hearings. This practice is a deviation from Article 5, Section 5 of the Commission's Scope and Rules (attached).

Apparently, the Commission has utilized the practice of dis-allowing public comment on agenda items (during Public Comment) since at least the year 2001 (see attached agenda). It is unclear exactly when or why this procedural change was instituted.

The current practice is not consistent with the Commission's Scope and Rules, but was probably established at the direction of the Commission. If the Commission wishes to allow citizen comments on non-hearing agenda items, no change to the Commission's Scope and Rules is needed. Whichever way the Commission wishes to proceed, passage of a regular motion is recommended so the Commission's action can be appropriately reflected in the meeting's minutes.

Previous Commission Actions

Unknown.

Adm. Recommendation

Return to the procedures set forth in the Commission's Scope and Rules, and thereby allow public comment on agenda items not scheduled for public hearing.

SAMPLE PLANNING COMMISSION AGENDA

AGENDA

Lynnwood Planning Commission

Thursday, January 11, 2001 — 7:30 PM — City Council Chambers, 19100 – 44th Ave. W., Lynnwood

- A. **Call to Order** Chair JOHNSON
 Commissioner BIGLER
 Commissioner HUDSON
 Commissioner OLSON
 Commissioner POWERS
 Commissioner TEMPLES
 Commissioner TENO

- B. **Election of Officers for 2001**

- C. **Approval of Minutes** — Meeting of December 14, 2000

- D. **Citizen Comments** (matters not on tonight's agenda)

- E. **Planning Commission Member Disclosures**

- F. **Director's Report:**

- G. **Work Sessions**
 - 1. Code Amendment for Administrative Setback Variances
 - 2. Comp. Plan/Zoning Consistency – Process Update

- H. **New Business:**
 - 1. Appointment to Citywide Design Program Advisory Committee
 - 2. Action on 2000 Annual Report of the Planning Commission

- I. **Old Business** – None scheduled

- J. **Information Items**
 - 1. Upcoming Commission Meeting Agenda

- K. **Adjourn**



The public is invited to attend. Parking and meeting rooms are accessible for persons with disabilities. Contact the City at 425-670-6613 with 24 hours advance notice for special accommodations.
Some materials for this meeting are available on the City's website:
<http://ci.lynnwood.wa.us>

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**Lynnwood
Planning Commission
SCOPE AND RULES**

**Including the Planning Commission Statement of Purpose
and Function, Scope of Work, Rules of Procedure,
and Operational Guidelines.**

**Adopted by Planning Commission - June 12, 1997
Amended – Jan. 10, 2002
Amended – Feb. 10, 2011**

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ARTICLE VIII: AMENDMENTS

ARTICLE I: NAME

Section 1. Name

The official name of this organization shall be the Planning Commission of the City of Lynnwood (commonly referred to as the "Lynnwood Planning Commission").

ARTICLE II: OFFICIAL SEAT

Section 1. Official Seat

The official seat of the Lynnwood Planning Commission shall be the Lynnwood Civic Center Council Chambers, 19100 44th Avenue West, P.O. Box 5008, Lynnwood, Washington 98046-5008.

ARTICLE III: AUTHORITY

Section 1: Historical Background

The Planning Commission was established under the authority of the Revised Code of Washington, RCW 35.63, "Planning Commission", Laws of 1935. LMC 18.16 established at the municipal level the Commission's powers, duties and many of its procedures. In 1971, the City changed its type of city classification under state law, becoming an Optional Municipal Code city. This action allowed the City to utilize the state regulations contained in RCW Title 35A. RCW 35A.63 allows a city to be much more flexible with the make-up and duties of a planning commission.

On January 13, 1997, the Lynnwood City Council adopted Ordinance #2121 adding Chapter 2.24 LMC providing general organizational and procedural provisions applying to all City advisory bodies. Ordinance #2121 also amended Title 18, Chapter 18.16 of the Lynnwood Municipal Code pertaining to the Planning Commission and renumbered it to LMC Chapter 2.29.

Section 2: Powers And Duties

The Planning Commission shall have all the powers and perform each and all of the duties specified for a planning agency by RCW 35A.63, together with any other duties of authority which may hereafter be conferred upon them by the laws of the State of Washington. The performance of such duties and the exercise of such authority shall be subject to each and all the limitations expressed in legislative enactment or enactments.

Section 3: Annual Scope of Work

The Planning Commission shall serve as an "advisory body" to the City of Lynnwood and may act as the research and fact finding agency for the municipality. To that end it

may make such surveys, analyses, research and reports as are generally authorized or requested by its Mayor or City Council, or by the State of Washington with the approval of the City Council.

The Planning Commission shall undertake the following:

- A. Annually review the Comprehensive Plan of the City as specified by the Growth Management Act of the State of Washington and suggest plan amendments, as appropriate.
- B. Annually, review all applications and suggestions for plan amendments to the Comprehensive Plan and official zoning map.
- C. Annually, review its portion of the City budget and suggest desired amendments, as relates to comprehensive plan, capital facilities plan, and policy matters.
- D. Review and perform extraterritorial planning for Urban Growth Areas as defined by Snohomish County and for annexation areas under consideration by the City.
- E. Conduct neighborhood and community hearings and meetings, both formal and informal in nature, regarding its studies, recommendations and proposals.
- F. Participate in preparing an annual report showing achievement toward fulfilling goals, policies and objectives of the Planning Commission.
- G. Prepare an annual work plan for the ensuing year.
- H. Present major policy advisories to the Mayor and City Council.
- I. Meet with the Mayor, City Council and the Hearing Examiner, on an annual basis and other advisory boards, as required.
- J. Examine and respond to referrals from the City Council, Mayor or staff, including public meetings or formal hearings.
- K. Perform other advisory duties as may be provided by ordinance or as may be assigned to it by the City Council or Mayor.

ARTICLE IV: MEMBERS AND OFFICERS

Section 1: Members

The Planning Commission for the City of Lynnwood shall consist of seven (7) members who shall be appointed by the Mayor and confirmed by the City Council. Members shall be selected without respect to political affiliations.

Section 2: Residency Requirement

At the time of nomination and continuing uninterrupted thereafter while serving on the Planning Commission, the Planning Commissioner shall be a resident of the City of Lynnwood. A resident means a registered voter of the City of Lynnwood or a registered voter of an area that has successfully petitioned or voted to annex to the city where an annexation ordinance has been adopted by the City Council.

Section 3: Officers

The elected officers of the Planning Commission shall include a Chair, First Vice-Chair and Second Vice-Chair.

Section 4: Nominations And Elections Of Officers

Elections of officers shall take place annually at the first regular meeting of the Planning Commission. Nominations shall be made from the floor. The election shall follow immediately thereafter. Nominee receiving a majority vote of those present shall be declared elected.

Section 5: Term of Office

The elected officers shall immediately assume their positions at the conclusion of the elections and shall serve one (1) year.

Section 6: Vacancies In Offices

Vacancies in elective offices shall be filled immediately by regular election procedure for the unexpired portion of the term.

Section 7: Resignation Or Removal of Planning Commission Member

In the event that a Planning Commissioner can no longer fulfill his or her responsibilities, or is no longer a full-time resident of the City of Lynnwood or misses twenty-five percent (25%) or more of the Commission's regularly scheduled meetings within a twelve (12) month period (unless excused by the Commission), it may be appropriate that the Commissioner resign or be removed from the Commission. The procedures for resignation or removal are outlined as follows:

A. Resignation

Whenever a Planning Commissioner is no longer qualified to serve, or is unable to fulfill the responsibilities of a Commissioner and desires to resign, then a resignation may be tendered in writing to the Mayor and the Chair.

B. Removal

1. The Planning Commission may recommend to the Mayor and City Council the removal of any Planning Commissioner who misses twenty-five percent (25%) or more of the regularly scheduled meetings within any twelve (12) month period without being excused by the Chair, or in the opinion of the Commission, is unable to fulfill the duties of a Commissioner.
2. Recommendations for removal must be recommended by at least four (4) members of the Planning Commission.
3. A Planning Commissioner may be removed, after public hearing, by the Mayor, with the approval of the City Council for inefficiency, neglect of duty or malfeasance in office.

Section 8: Duties of Officers

A. Chair

The Chair shall preside over the Planning Commission and exercise all the powers incidental to the office, retaining however, the full right as a member of the Planning Commission to have a vote recorded in all deliberations of the Planning Commission, to propose motions and to second motions. The Chair may call special meeting of the Planning Commission in accordance with the Scope and Rules, sign documents and see to it that all actions of the Commission are properly taken.

B. First Vice-Chair

During the absence, disability or disqualification of the Chair, the First Vice-Chair shall assume the duties and powers of the Chair during this period. The First Vice-Chair shall retain the full right as a member of the Planning Commission to have a vote recorded in all deliberations of the Planning Commission, to propose motions and to second motions.

C. Second Vice-Chair

During the absence, disability or disqualification of the Chair and the First Vice-Chair, the Second Vice-Chair shall assume the duties and powers of the Chair during this period. The Second Vice-Chair shall retain the full right as a member of the Planning Commission to have a vote recorded in all deliberations of the Planning Commission, to propose motions and to second motions.

D. Chair Pro-Tempore

During the absence, disability or disqualification of the Chair, First Vice-Chair and the Second Vice-Chair, the most senior member of the Planning Commission shall chair the meeting. The Chair Pro-Tempore shall retain the full right as a member of the Planning Commission to have a vote recorded in all deliberations of the Planning Commission, to propose motions and to second motions.

E. Executive Secretary

The Director of Community Development shall serve as Executive Secretary of the Planning Commission. The Director may designate a staff member to perform any of the duties of the Executive Secretary and shall provide other staff services necessary to carry out the work the Planning Commission.

ARTICLE V: MEETINGS

Section 1: Meetings

The regular meetings of the Commission shall be held on the second and fourth Thursday of every calendar month at a time set in advance by the Planning Commission so as to ensure reasonable public participation, PROVIDED:

- A. If the regular meeting falls on a legal holiday, that meeting shall be held on the following Thursday unless the Commission, by formal action, sets a special meeting day.
- B. A quorum of the Commission may, at any regular meeting, substitute another day for the regular meeting of the following month and shall cause notice to be given thereof in the manner provided for notice of a special meeting day.
- C. If, for any reason, the business to be considered at a regular or special meeting day cannot be then completed, the Commission may at such meeting recess and designate the time to reconvene to consider the uncompleted matter, provided that such action shall be publicly announced at the meeting. Notice thereof shall be posted in a conspicuous place in the Lynnwood City Hall. Provided further that if such reconvened meeting is not held on a regular meeting day, notice thereof shall be given in the manner provided for notice of a special meeting day.
- D. Special meetings may be called at any time by the Chair or, in the Chair's absence, by the Vice-Chair(s), or by at least four (4) members of the Commission, by delivering personally, electronically, or by mail, written notice to each member of the Commission; and to each local newspaper of general circulation, and to each local radio or television station which has on file with the Commission a written request to be notified of such special meeting or of all special meetings. Such notice must be delivered personally, electronically or by mail at least seventy-two (72) hours before the time of such meetings as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the Commission. Such written notice may be dispensed with as to any member who at or prior to the time and meeting convenes files with the Executive Secretary of the Planning Commission a written waiver of notice. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.
- E. All regular and special meetings of the Planning Commission shall be open and the public shall be permitted to attend.

Section 2: Agenda and Staff Reports for Regular and Special Meetings

A copy of the agenda for every regular and special meeting of the Lynnwood Planning Commission shall be provided each member not less than six (6) days prior to the date of the meeting at which such agenda is to be considered.

The Executive Secretary of the Lynnwood Planning Commission, in consultation with the Chair, shall set the agenda for any given meeting. No subject matter shall be placed on the agenda for action at any given meeting which was not formally filed with the Lynnwood Department of Community Development, as hereafter provided, or which was not initiated by motion of the Lynnwood Planning Commission or City Council. The Chair may, however, place housekeeping and non-action items on the agenda.

Where any matters filed with the Department of Community Development for consideration and action by the Planning Commission, which matter is deemed by the Director of Community Development to be of concern to other departments of the City and other public agencies, the Department shall notify each such interested department or agency of the impending matter and request a report or recommendation, if any, on the matter. The notification to the other departments or agencies shall include any pertinent information, maps or other material and data as will clearly indicate the type of action under consideration. Information resulting from the departmental or agency reports and recommendations shall be considered by the Planning Commission at the time the matter is before it.

The Lynnwood Community Development staff shall review the items on the agenda and submit the staff's recommendations and findings to the Planning Commission prior to a regular meeting.

Section 3: Minutes And Records

A record of proceedings of all official meetings shall be recorded and the tapes made a part of a permanent public record along with applications made under provisions of law and the complete files of proceedings and actions taken in connection therewith. The agenda, with a record of action taken and attendance, shall constitute the record of proceedings.

A copy of the records of proceedings taken at any meeting shall be provided by the Lynnwood Community Development Dept. staff to anyone on request, at costs as established by the City of Lynnwood.

Formal recommendations considered by the Planning Commission shall constitute a part of the public record of the meeting at which such recommendation was considered, provided that the text of any such recommendation may be considered as being contained in the record of proceedings when properly identified as to the agenda item and/or case file number.

All actions of the Planning Commission, whether by motion or resolution, shall be considered conclusive as to general import as of the date of such action, provided the Chair has authority to modify non-substantive items.

Section 4: Public Hearings And Meetings

Public Hearings and meetings conducted by the Planning Commission shall conform to the provisions of law in the matter of public notice, time, number and reporting.

In all cases where it shall appear any notice of publication or posting or communication may be defective, any member, after hearing the statement of the defect, can rise to a point of order and request that the issue of notice be tabled and that the matter proceed, reserving to any aggrieved person the right to appeal to the Planning Commission and, upon a vote by the majority, the issue of notice shall become moot as to the Planning Commission. The tabling of an issue of notice shall not prejudice the rights of any aggrieved party to full consideration of the apparent defect at a subsequent review phase.

Section 5: Order of Business

The regular order of business at regular meetings of the Lynnwood Planning Commission shall be:

- A. Call to Order / Roll Call
- B. Approval or Corrections of previous Meeting Minutes
- C. Public Comments (on matters not scheduled for a public hearing on tonight's agenda)
- D. Public Hearing(s)
- E. Work Session(s)
- F. Other Business
- G. Council Liaison Report
- H. Director's Report & Informational Item(s)
- I. Adjournment



Section 6: Conduct of Public Hearings

- A. The Chair opens the Public Hearing and orally summarizes the application before the Lynnwood Planning Commission.
- B. The Community Development Director, or designated staff, provides background information, technical analysis, review planning considerations and policy, and summarizes the Department's findings and recommendation to the Planning Commission. Copies of staff testimony and reports should be submitted in writing to made part of the record.
- C. Upon recognition by the Chair, a Planning Commissioner may ask relevant questions on the application to staff.
- D. The Chair opens the public hearing portion of the deliberation.
- E. The applicant or designated representative is invited to speak on behalf of the application. Upon recognition of the Chair, a Planning Commissioner may ask relevant questions to the applicant, applicant's designated representative or to the planning staff.
- F. The public is invited to speak for or against this application. In event that there are large numbers of individuals seeking to speak on the issue, the Chair may limit the time that each individual may speak on the issue. The Chair should alternate between proponents and opponents when possible to provide for a balance discussion of the application. Upon recognition of the Chair, a Planning Commissioner may ask relevant questions of the individual testifying.
- G. After the general public have commented on the application, the applicant is invited to speak in rebuttal or to answer questions that may have arisen.
- H. The general public is given another opportunity to rebut comments by the applicant.
- I. The Chair calls a third time for public testimony, upon hearing none the public testimony portion of the public hearing is officially closed.

- J. The Chair now opens the session for Planning Commissioner deliberations and action. Upon recognition by the Chair, a Planning Commissioner may direct specific questions to staff, applicant, applicant's representative, citizen or fellow Planning Commissioner to clarify issues, comments or technical questions that may not have been directly addressed during the public testimony portion of the public hearing.
- K. After reasonable time, the Chair closes further discussions and entertains a motion from the Planning Commission. The Planning Commission may approve, modify, reject or continue the item until another Planning Commission meeting date certain.
- L. After a motion is made and seconded, the Chair entertains additional discussion on the motion. Upon recognition of the Chair, a Planning Commissioner may exercise further parliamentary actions on the original motion.
- M. Upon hearing no further deliberation, the Chair takes a vote on the motion or any subsidiary motions and directs the Executive Secretary to record the formal action as required by these Scope and Rules .

Section 7: Conduct of Public Meetings

Under the Growth Management Act of the State of Washington, a single level of formal legislative review must be adopted by each jurisdiction. The City Council has reserved this legislative review on certain planning issues requiring a quasi-judicial determination. The Planning Commission may conduct public meetings to assist an applicant with the development of his or her application. These public meetings will be conducted on an informal basis to provide guidance to the applicant in advance of formal City Council consideration.

These public meetings shall be generally conducted in the following manner:

- A. Open the meeting and review the meeting procedures (Chair).
- B. Summarize the application (Staff).
- C. Describe the review process and "record-to-date" (Staff).
- D. Present proposal (applicant).
- E. Receive and discuss public comments (Planning Commission & public).
- F. Report and recommendation:
 - 1. Summarize highlights of the meeting (Chair).
 - 2. Make recommendation (Planning Commission).
 - 3. Draft meeting report (Staff).
- G. Report to the City Council (Staff).

Section 8: Special Meetings

Special meetings and work sessions may be called:

- A. By the request of the Chair, or in the Chair's absence by the acting Chair as set forth in the provisions under Article IV, Section 8.
- B. By the written request of four (4) or more members of the Planning Commission.
- C. By sustained motion of the Planning Commission.

Written notice of all study sessions and special meetings shall be provided to all members of the Planning Commission and public in accordance with all applicable rule for public notice.

Section 9: Quorum

Four (4) members of the Lynnwood Planning Commission shall constitute a quorum. All actions of the Lynnwood Planning Commission shall be determined by a minimum of four (4) affirmative votes of the total Commission.

Section 10: Rules of Procedures

All meetings of the Planning Commission shall be conducted in accordance with Robert's Rules of Orders (Latest Edition), unless specifically provided otherwise by these Scope and Rules , applicable City Ordinance or State Statute.

Section 11: Time and Length of Meetings

Planning Commission meetings shall begin at 7:00 p.m. and continue until 11:00 p.m. unless adjourned. After 11:00 p.m., the Planning Commission shall hear no new subjects, unless a majority of the Planning Commissioners present should decide otherwise. Meetings may begin earlier by prior determination of the Planning Commission. Public notifications of such meetings shall place a special emphasis on the earlier start time.

Section 12: Motions and Voting

Unless waived, motions shall be restated by the Chair before a vote is taken. The names of the maker and second shall be recorded in the minutes of the meeting.

Section 13. Conduct of Work Sessions

Work Sessions are intended to provide the opportunity for the Commission to discuss matters with staff that are not ready for action. Items to be discussed in the Work Session shall be listed on the meeting Agenda. At the appropriate time, the Chair shall announce the item and ask staff for a report on the matter. Following the staff report, the Commission will discuss the matter with staff and may provide comments or preliminary direction on the matter, as may be appropriate. However, the Commission may not take final action on any work session item. Public comment shall not be taken during a work session item, except at the initiation of the Chair and with the concurrency of the members of the Commission. Public comments on a work session item may be during the Public Comment portion of the Agenda.

Section 14. Public Comment

All regular meeting of the Planning Commission shall provide a time on the Agenda for the public to make comments to the Commission. At this part of the Agenda, the Chair shall invite members of the public to make comments to the Planning Commission on any matter, whether on that meeting's Agenda or not, except items scheduled on that meeting's Agenda for a Public Hearing. The Chair shall ask a speaker to keep their comments brief; generally, the duration of a speaker's comments should not exceed 3-5 minutes, and the Chair is authorized to ask a speaker to conclude his/her comments if



he/she exceeds this duration. A summary of the comments shall be included in the Minutes of the meeting.

ARTICLE VI: COMMITTEES

Section 1: Establishment of Committees

The Chair may from time to time establish a committee of the Planning Commission to carry out certain specific duties or functions as the Planning Commission deems advisable. The Chair may appoint or recommend Commission members to outside committees.

Section 2: Appointment and Terms of Committee Members

The Chair of the Planning Commission shall appoint the members of each committee, not to exceed three (3) members. The committee shall name the Chair of each committee.

Section 3: Duration of the Committee

The committee shall complete its assigned tasks expeditiously and report its findings, in writing, to the entire Planning Commission.

Section 4: Limited Powers

No standing or special committee shall have the power to commit the Planning Commission to the endorsement of any action, plan or program without its submission to the body of the Planning Commission.

ARTICLE VII: PLANNING COMMISSIONER CONDUCT

Section 1: Public Statements

While any Planning Commissioner has a right to express personal views and opinions pursuant to our Constitutional guarantees of freedom of speech, statements purporting to represent the view or pronouncements of the Lynnwood Planning Commission or committees thereof shall not be made in advance of the Lynnwood Planning Commission's final determination of the matter, except as directed or authorized by a majority of the entire Lynnwood Planning Commission at any special or regular meeting or public hearing. The Lynnwood Planning Commission shall appoint one of its members to issue such statements as the Lynnwood Planning Commission deems necessary. This shall not prejudice the right of any dissenting members to express their minority position.

Lobbying efforts by any Advisory Bodies on legislative, or political, matters should first be checked for consistency with existing City policy by contacting the Mayor's office. In

the event a position is taken that differs from that of the City's policy, an Advisory Body cannot represent that position before another body, e.g., the State Legislature of the County Council. An individual member is free to voice a position, oral or written, on any issue as long as it is made clear that the member is not speaking as a representative of the City, or as a member of an Advisory Body.

Section 2: Ex-Parte Contacts And Sharing Of Information

It is in the public interest that, to the greatest extent possible, all members of the Planning Commission should have an opportunity to be aware of and act upon the information that is available to other members. Therefore, all members are encouraged to place upon the record of the Planning Commission the substance of all ex-parte contacts that have occurred during the time that either a quasi-judicial or legislative matter has been introduced and is still before the Planning Commission for a decision. Examples of legislative issues on which the Planning Commission deliberates and makes recommendations include comprehensive plan amendments, code amendments, and other policy recommendations.

With respect to matters of a quasi-judicial nature, members shall abide by the provisions of the Appearance of Fairness Doctrine of the State of Washington, as codified at RCW 42.36; as adopted or subsequently amended. Examples of quasi-judicial land use matters are those which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceedings. Ex-parte communications during the pendency of any quasi-judicial proceeding are prohibited unless the member engaged in such communications: 1) places on the record the substance of any written or oral ex-parte communications concerning the decision of action; and 2) provides that a public announcement of the content of the communication and of the parties' rights to rebut the substance of the communication shall be made at each hearing where action is considered.

Section 3: Conflict Of Interest Or Appearance Of Fairness

If it shall appear to any member at any time that a conflict of interest or an appearance of fairness problem exists with respect to a matter pending before the Lynnwood Planning Commission, it shall be the member's duty to openly state the nature of such conflict, and shall then refrain from participating in any subsequent deliberation of the Lynnwood Planning Commission and the decision-making process with respect to the matter.

Section 4: Attendance

Regular attendance of Planning Commission at regularly scheduled or special meetings is important and critical to the operation of this advisory body. Each Planning Commissioner is responsible for notifying the Chair and Planning Department when a scheduling conflict arises that prevents a Commissioner from attending of a scheduled meeting.

In the event that a Planning Commissioner cannot actively participate in regularly scheduled or special meetings, the Planning Commissioner should consult with the Chair and the Executive Secretary to determine if his or her absence can be accommodated. If the scheduled absence proves disruptive, the Planning Commissioner should consider resigning his or her Planning Commission position.

Section 5: Conduct Of Business

The Chair shall direct the conduct of meetings. A Planning Commissioner should seek recognition of the Chair before speaking.

Section 6: Decision Of The Commission

The Lynnwood Planning Commission's goal is to provide a consensus recommendation to the Mayor and City Council on matters referred to the Planning Commission for action after full and complete discussion with all members in attendance. Each Planning Commission member should strive to fulfill this goal by attending as many Commission meetings as possible and by expressing his or her views.

When, despite the best efforts of each member, a consensus cannot be reached, minority reports may be prepared and forwarded to the Mayor and City Council. When a decision is reached, a member not voting with the majority may prepare a minority report. When the minority is comprised of more than one individual, and if requested, the minority report may be prepared by Community Development Department staff.

A minority report, or request for preparation of a minority report, shall be made within seven (7) calendar days of the date of majority action, or the right to transmit such report shall be deemed to have been waived. All minority reports shall be signed by the members who prepare, or request preparation, of the report and shall be forwarded to the Mayor and City Council by the Chair. Minority reports will be transmitted by the Chair at the same time as the majority recommendation is transmitted, with copies distributed to all members.

In every case where the action of the Planning Commission is overruled, reversed or not adopted by the City Council, the Executive Secretary will make available to the Lynnwood Planning Commission, at its next regular meeting, the findings, conclusions and decision of the City Council.

ARTICLE VIII: AMENDMENTS

These Scope and Rules may be amended at any regular meeting by the affirmative vote of four (4) members of the Planning Commission; provided that the proposed amendments together with the precise wording of such changes has been presented at the previous meeting.