

Lynnwood Planning Commission
Meeting of January 23, 2003

Staff Report

Agenda Item: H

Development Regulations Update – Phase 2

- Public Hearing
- Informal Public Meeting
- Work Session
- New Business
- Old Business
- Information
- Miscellaneous

Lynnwood Dept. of Community Development — Staff Contact: Dennis Lewis, Senior Planner

BACKGROUND:

The City Council has directed staff to prepare an adopting ordinance covering all of the Phase 1 development regulations amendments recommended by the Planning Commission. Adoption of the amendments is anticipated in late January or early February. With the completion of the first phase of the update project, staff has time to devote to a full start up of the second phase. Some preliminary project planning and early amendment work of Phase 2 has been underway in the final stage of completing Phase 1. Some of you will remember a staff presentation on Phase 2 as long ago as last summer. Finally, we are ready to officially start this next phase.

Those of you who remember, or were here for, the presentation on Phase 2 last summer may remember that the centerpiece of the presentation was a multi-color chart showing major work steps and work sequencing. With the passage of time and further reflection, there will be some revisions proposed to both content and sequencing. One of the significant lessons we have learned from Phase 1 is not to make the review package too large. It is better to take smaller discrete packages through the review process one at a time. Of course, these packages must be clearly understood within a context. That is where an overall project design becomes essential. Within the proposed project design for Phase 2 you will see the learned lesson of Phase 1 reflected in the work scheduling of discrete components. This scheduling will show these components being on separate review tracks.

A reality of Phase 2 is the reduced staff time available to work on the project. We have one less staff position available. The Associate Planner position, formerly occupied by Marc Amrine, has been eliminated from our departmental budget. This loss of staffing will have an effect on how quickly we can produce and process some of the products in this phase of the project. Accordingly, we may look to reduce or eliminate some of the project components as we put the final project design together, and even as work is underway on individual components. The other impact from the staff reduction is that the same amount of project work will simply take longer to accomplish.

PROJECT COMPONENTS, SEQUENCING, AND SCHEDULING:

It may be helpful to start with a restatement of the need for Phase 2 of this project. If Phase 1 has created "letter of the law" consistency between the Comprehensive Plan and the development regulations, why is there a need to do more? Because, the current zoning code is a patchwork of multiple zones with little distinction among many, and the code is poorly organized with a lack of clear writing. And, most importantly, because most of the regulations pre-date the preparation of the Comprehensive Plan there is a need to do more to assure that all the regulations are consistent with the spirit and intent of the vision and goals of the Plan. So, the objectives of Phase 2 of this project are:

- To regenerate a set of development regulations using the Comprehensive Plan as the guide.
- To assure that the regulations are effective in accomplishing the Vision, Goals, Objectives, and Policies of the Comprehensive Plan, and any Sub-area Plans.
- To assure that the regulations are as effective and efficient as possible in accomplishing the desired outcome.
- To make the regulations as understandable and user friendly as possible.

The early project work flow diagram is being updated and will be available at the Planning Commission meeting. A work-scheduling chart will also be available. This report will present in narrative form much of the information to be presented in those graphic documents.

One of the key concepts presented in earlier discussions on the work design for this second phase of the project is that there is a core group of components that must be done in sequence, and thus establish a critical path for work scheduling. We have identified the components on this critical path as these:

- Deciding what zoning districts are needed to implement the Comprehensive Plan.
- Listing the uses permitted, and conditionally permitted, for each zoning district.
- Deciding on the appropriate density or intensity of development in each zoning district.
- Deciding on the appropriate development standards to be followed in all districts.

Coordination of work between comprehensive planning and this regulations updating project will dictate when some of this critical path work must be done. While the regulations are dependent upon the Plan and should follow the Plan as an implementation tool, the Plan-zoning relationship at times requires reconsideration of the Plan. If our deciding on an amended line-up of zoning districts indicates that amendments are needed to the current future land use categories on the Comprehensive Plan map, we need to have those ideas described in enough detail by April 1, 2003 in order to include them on the list of Comprehensive Plan amendments to be considered this year.

During Phase 1 of this project, an advisory group was formed and used to review proposed regulatory amendments. Staff views the work of this group as helpful and proposes to re-activate such an advisory group for the second phase of the project. Planning Commission input is sought on this re-activation. Should we do this? If so, what interests should be represented? The intent is to use this group as a sounding board for proposals and not as an oversight committee. Therefore, not all project components may be taken to the committee.

Following is a listing and brief review of each of the major work components to be included in Phase 2 of the Development Regulations Update Project. We have intentionally excluded listing the new development regulations that will be generated for the City Center. The Planning Commission will be actively involved in the review and approval of both the Sub-area Plan and the development regulations for this area. The review process will be on a separate track from the Phase 2 project. Additional component exclusions relate to work outside the control of the Community Development Department. Several of the early components of Phase 2 have already been through Planning Commission review and are awaiting presentation to the City Council.

1. Buffering – Regulatory amendments which deal with the buffering of land uses in adjacent zones has already been reviewed by the Planning Commission and recommended for City Council adoption.
2. Historic Preservation – Creation of new regulations providing for preservation of historic properties has been reviewed by the PC and recommended to the CC for adoption.
3. Subdivision regulations – Staff work on this component has been underway (periodically) for many months. It is anticipated that the first review draft will be available for Planning Commission review in late February.
4. Sign Code – Further fine-tuning of the sign code is necessary. A review draft of the amendments may be available for review in early April.
5. SEPA Code – An update of the SEPA (State Environmental Protection Act) is needed. A review draft may be available in the period of early March to late April.
6. Revised List of Zoning Districts – A revised list of zoning districts, with purpose statements for each, will be available for Planning Commission review at the second meeting in February. It is expected that the review may take several meetings. If the listing of zoning districts will trigger a Comprehensive Plan amendment, a preliminary decision on the revised list will be needed before April 1st so that the Annual Comprehensive Plan Amendments Study List can be finalized. Further detailed work on the zoning districts list can continue beyond this date.
7. Essential Public Facilities – The adoption of the Lynnwood 2020 Comprehensive Plan included a section on Essential Public Facilities and commits the City to following a Common Siting Process utilized by all Snohomish County jurisdictions. This Common Siting Process needs to be included within the development regulations. Current development project and/or use activities are generating a need for early attention to this work

program component. Staff anticipates that a review draft of these regulations may be available for the Planning Commission by late February or early March.

8. Planned Unit Development – The current regulations are complex and ineffective. Staff is currently working on a development proposal which will entail use of the current regulations. Through preparation and review of this project proposal, staff will gain further insight into the problems with the regulations and ideas for improvement. It is expected that a review draft can be made available to the Planning Commission in late April or early May.
9. Revised Land Use Tables for Zoning Districts – Whether the list of zoning districts is revised or not, the land use tables for each of the zoning districts need to be reviewed and updated. These tables list the uses that are permitted or conditionally permitted in each district. It is expected that a review draft of these tables can be made available to the Planning Commission in May.
10. Revised Development Standards for Districts – The development standards will establish the desired and appropriate general standards for each zoning district using such measures as density or intensity, building height, lot coverage, and setbacks from property lines. A review draft of this component should be available for Commission review by June.
11. Parking Standards – Work is already underway to examine the City's current parking standards and determine if we require too much or too little off-street parking for each use. One of the known problems with our standards is that they do not provide standards for all uses now occurring in the city. Completion of a draft on parking standards cannot occur until after decisions are made on the listing of uses for zoning districts. A review draft should be ready in June.
12. Nonconformities – The current regulations on dealing with nonconformities are complex and in need of updating. This component will amend how existing land uses, buildings, and lots that do not meet current standards are to be treated regarding maintenance, expansion, replacement, and compliance. A review draft should be ready by July or August.
13. Administration and Enforcement – The current regulations will be reviewed and appropriate amendments proposed. A review draft should be available by September or October.
14. Definitions – During the preparation of each component the need for expanded or revised definitions of particular terms used will be noted and proposed. After all major components are in the draft review stage, a compilation draft of a definitions section will be prepared. This review draft should be available by October.
15. Editing – Other sections of the development regulations not covered as a major component may be in need of editing and rewriting. Some of this work may take place throughout the entire process. Delivery of review drafts to the Planning Commission could occur at several times in 2003.

16. Reorganization of Title 21 – Title 21 is the zoning code. The current organization of the code is confusing. After all work has been done on the major components, a reorganization of the Title will be proposed. This work may not occur until 2004.

FEEDBACK:

The overall project design is scheduled to be presented to the City Council in early February. Under that schedule, the Planning Commission's opportunity for input on the project design is limited to this meeting. So, we encourage each member to ask questions and offer any advice on all parts of this project. Staff recognizes that much is being asked of the Planning Commission over the coming year. We will incorporate the Commission's advice into the project design going to the City Council.

While the hope and expectation is that the City Council will give the go ahead to all aspects of this project in early February, it may take more than one meeting to obtain such consent. Staff will keep the Planning Commission advised on progress obtaining Council consent, and alert you to any further opportunities to advise on content and scheduling of this project. In any case, staff is intending to continue work on individual project components awaiting City Council go ahead on the full project.



Lynnwood Planning Commission
Meeting of January 23, 2003

Staff Report

Agenda Item: I-1

2003 Plan Amendment Process

- Public Hearing
- Informal Public Meeting
- Work Session
- New Business
- Old Business
- Information
- Miscellaneous

Lynnwood Dept. of Community Development — Staff Contact: Ron W. Hough, Planning Manager

Background:

State law allows us to make changes to the City's Comprehensive Plan only once each year. Any number of changes may be processed, provided they follow the adopted schedule and process and are acted upon at one time so that the cumulative effects are considered.

The annual Plan amendment process is outlined in Lynnwood Municipal Code Chapter 18.04. The process actually begins just before the end of the previous year with the City Council establishing a public participation process for the upcoming cycle. The 2003 process has been approved and is ready to go.

Last year's process ended with adoption of the 2002 Plan amendments on November 12. Affected property owners, other jurisdictions, state agencies and others affected by those changes were properly notified. Appeals to the Growth Management Hearings Board may be filed within 60-days but, to date, no appeals have been filed.

Our Comprehensive Plan was designed for a 20 year period but is not cast in stone. There will always be a need for minor adjustments and fine-tuning. On the immediate horizon is the County's population allocation process, which will affect all jurisdictions. If the County's allocations trigger changes to our Comprehensive Plan, those changes will be done through our annual amendment process. The Commission will review all proposals and recommend City Council action.

Features of the Process:

- Process to Solicit 2003 Plan Amendments: This public awareness/assistance process includes media advertising, informational public meetings, general and targeted notification, pre-application conferences and other assistance to those who wish to request (or suggest) a change to the City's adopted Plan. The first step will be an informal public meeting with the Planning Commission in February where the public can get information and/or offer ideas for changes.

- **Study List:** All Plan Amendment applications received by the deadline of April 1 will be processed in 2003. In addition to the formal applications, we also encourage suggested amendments which go onto a Study List for review and recommendation by the Planning Commission and approval by the City Council. These suggestions are relatively inexpensive and there is no obligation on the City's part to process any of them. Those that have merit will be approved for the Study List and all others will be rejected.
- **Processing:** Staff will begin processing formal applications in April, along with any suggested proposals on the approved Study List. The processing involves preparation of the SEPA documentation and Environmental Review Committee determination, 60-day state agency review, Planning Commission hearing(s) and recommendations and City Council hearing(s) and adoption next fall.

The Docket:

Applications and suggestions may be submitted at any time. All are placed on a docket for processing in the spring and summer. Most of the proposals identified to date are coming from City staff, but others may be forthcoming from other directions.

The following are a few of the early possibilities. They will be considered in April.

- **City Center Plan –**
Adopt the subarea plan as an amendment to the Comprehensive Plan.
- **Mobile Home Park Study – Phase 2 –**
The Squire and Kingsbury East mobile home parks were recommended for Plan and/or zoning changes in 2002, but were continued by the City Council for further study.
- **Shoreline Master Program –**
The State Shoreline Management Act requires jurisdictions with shorelines to have a Shoreline Master Program to manage these sensitive areas. Lynnwood doesn't have one to cover our waste water treatment plant site.
- **Residential policy adjustments –**
Plan amendments may be needed to allow a greater variety of housing types, mixed uses, cottage style developments, etc.
- **Quality of Life Index –**
This was a component of the City Council's 2002 neighborhood planning priority statement. This project may be eliminated due to staff and budget cuts and elimination of the neighborhood planning program.
- **Long-range Econ. Dev. Plan –**
This "measurable" Objective E-4 was adopted to add this plan to the Economic Development Element of the Comprehensive Plan.
- **Parks & Recreation Element –** Annual update, as needed.
- **Map Changes to Specific Properties –** No requests submitted to date.

Attachment:

- **2003 Comprehensive Plan Amendment Process**

2003 Comprehensive Plan Amendment Process

A. Report on 2002 Plan Amendments: [within 30 days of decision/adoption]

1. Letter to property owners and parties of record regarding the outcome of all 2002 Comprehensive Plan amendment proposals.
2. Post notices of final Plan Amendments and related zoning decisions.

B. Process to Solicit Amendments:

1. April 1, 2003, is the deadline for amendment applications and suggestions.
2. Notices will be placed in local newspapers of general circulation to explain the process, timing, and to announce upcoming informational public meetings.
3. Press releases and notices on the City's web site will supplement the newspaper advertising.
4. Persons and/or organizations known or suspected to have an interest in a 2003 Comprehensive Plan amendment will be notified in writing of the process and deadlines. Early applications will be docketed for later processing.
5. The Planning Commission will host a community public meeting in February to explain the process and assist potential applicants.
6. Staff will conduct pre-application conferences to discuss potential amendments, options, and the steps in the process.
7. January - March: City boards, commissions and the City Council will be informed of this year's amendment cycle and staff will be available to discuss the process and possible proposals.
8. Community Development staff make themselves available to meet with schools, civic groups and other organizations throughout the year to assist with their planning, zoning or other development-related issues.

C. Establish the Study List:

1. Following the April 1 deadline for submittal of requests, staff will prepare a summary of proposals – including formal applications and informal suggestions.
2. The Planning Commission will review the proposals, conduct a public hearing on or about April 10, and recommend a "Study List" of proposals to the City Council.
3. The City Council will hold one or more work sessions, conduct a public hearing on the recommended Study List, make adjustments as needed, and approve some or all proposals for further processing.

D. Process the Requests:

1. Staff will process all proposals on the approved study list as follows:
 - Gather and analyze necessary data.
 - Prepare maps, tables, graphs, etc.
 - Work with the appropriate groups, organizations, boards and commissions.
 - Refer the proposals to other jurisdictions and departments for comment.
 - Prepare the SEPA documentation and obtain the ERC determination.
 - Submit all proposals for 60-day state review.
 - Prepare staff reports and recommendations for all amendments.
 - Prepare related zoning amendments to maintain Plan/Zone consistency.
 - Post properties and notify affected property owners up upcoming hearings
 - Notify all affected parties and agencies within ten days of Council adoption.

2. Planning Commission will:
 - Conduct an informational public meeting in February.
 - Review and recommend the Study List to the City Council.
 - Conduct one or more public hearings while reviewing the proposals.
 - Make recommendations to the City Council on each proposed amendment.

3. The City Council will:
 - Conduct one or more public hearing during its review of the proposals.
 - Consider the public testimony received, the SEPA Review documentation, comments from the 60-day review and the Planning Commission's recommendations.
 - Make final decisions on all amendments.
 - Officially amend the Comprehensive Plan by ordinance in September.

E. Tentative Schedule: [subject to adjustment, as needed]

Dec., 2002	Council approves the Plan Amendment process for 2003.
Feb., 2003	Planning Commission public meeting to solicit ideas and input.
Apr. 1	Deadline for new applications and suggested amendments.
Apr. 10	Planning Commission public hearing & recommendations to Council.
Apr. 21	Council work session on Study List.
May 5	Council work session on Study List (if needed).
May 12	Council approves Study List for processing.
June 12	Planning Commission public hearing & recommendations.
July & Aug.	Council work sessions (to be scheduled).
Sept. 8	Council public hearing.
Sept. 22	Adoption of 2003 Plan Amendments and related zoning adjustments.

Lynnwood Planning Commission
Meeting of January 23, 2003

Staff Report

Agenda Item: I-2

Upcoming Commission Meetings

- Public Hearing
- Informal Public Meeting
- Work Session
- New Business
- Old Business
- Information
- Miscellaneous

Lynnwood Dept. of Community Development — Staff Contact: Ron W. Hough, Planning Manager

■ The following schedule is for planning purposes – subject to adjustments.

Feb. 13 **Public Hearings:** None scheduled
Public Meeting: 2003 Plan Amendments – Open House & Discussion
Information: Shoreline Master Program – Introduction (tentative)

Feb. 27 **Informal Meeting:** 2003 Comprehensive Plan Amendment Process
Work Sessions: Development Regulations – Phase 2
 Mobile Home Park Study – Phase 2

March 13 **Public Hearings:** None scheduled
Work Session: City Center Plan – Review & Comment
 Opiate Substitution Treatment Services

March 27 **Public Hearing:** Opiate Substitution Treatment Services
Work Session: Plan Amendment Docket and New Proposals

April 10 **Public Hearing:** Comp. Plan Amendment Study List
Work Session: Plan Amendment Proposals