

AGENDA

Lynnwood Planning Commission

Thurs., August 26, 2004 — 7:00 pm — City Council Chambers, 19100 – 44th Ave. W., Lynnwood

- A. Call to Order** Chair JOHNSON
Commissioner BIGLER
Commissioner DECKER
Commissioner PEYCHEFF
Commissioner POWERS
Commissioner WALTHER
Commissioner ELLIOTT
- B. APPROVAL OF MINUTES:** Minutes of August 12, 2004 Planning Commission meeting
- C. CITIZEN COMMENTS** – on matters **not** on tonight's agenda:
- D. COMMISSION MEMBER DISCLOSURES:**
- E. PUBLIC HEARINGS:**
- 1. Comprehensive Plan Amendments** – This hearing was continued from July 22 to allow time for additional staff research. Additional public testimony may be accepted on any of this year's Plan amendment proposals, including the City Center Plan.
 - 2. Application of new RS-4 Zone** – Earlier this year, the City adopted and applied a new High-density Single-family (SF-3) Comprehensive Plan designation. The implementing RS-4 zone was not available at that time. However, it was recently adopted and is now being applied to all areas with the SF-3 Plan designation to establish Plan/Zone consistency.
 - 3. Code Amendments to LMC 21.40 and 21.42** – Changes were recently made to the residential chapters of the Lynnwood Municipal Code. This proposal will correct some omissions pertaining to off-street parking, landscaping and inclusion of new zones in the Order of Restrictiveness table.
- F. NEW BUSINESS:**
- 1. Urban Transition Resolution** – Discuss and recommend Council action on a resolution of intent to enter into a future agreement to transfer planning and permitting responsibilities to the City for areas within our urban growth area.
- G. WORK SESSIONS:**
- 1. City Center Plan** – Continued discussion of plan proposals.
 - 2. Shoreline Master Program** – Staff briefing and discussion of early draft.
- H. UNFINISHED BUSINESS:**
- 1. Comprehensive Plan Amendments** – Finalize recommendations.
- I. DIRECTOR'S REPORT & INFORMATION:**
- J. ADJOURNMENT**

The public is invited to attend and participate. To request special accommodations for persons with disabilities, contact the City at 425-670-6613 with 24 hours advance notice.

**Lynnwood Planning Commission
Meeting of August 26, 2004**

Staff Report

Agenda Item: **E-1**
Comprehensive Plan Amendments
Public Hearing – Continued

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

Lynnwood Dept. of Community Development — Staff Contact: Ron Hough (425) 670-6655

Introduction:

The Planning Commission has conducted six work sessions and a public hearing on this year's Plan amendment proposals. The July 22 hearing was continued to August 26 for additional comments and to add the City Center Plan to the list of proposals to be heard. The Shoreline Master Program is in progress and a public hearing will follow.

This public hearing will cover the proposals listed below. Each has been described in detail in earlier staff reports and references are provided. With the exception of the City Center Plan and Implementation Program Update, each proposal includes an administrative recommendation. Following all testimony, the Commission may close the hearing and finalize its recommendations. It may also be asked to continue the hearing on the City Center Plan to Sept. 9 if staff needs to provide additional information.

- a. **Residential Balance** – Consider replacing a land use ratio goal.
Ref: June 10 and August 12 staff reports.
- b. **Raskin** – Plan Map Amendment.
Ref: May 13 and August 12 staff reports.
- c. **Kingsbury West Mobile Home Park** – Plan Map Amendment.
Ref: May 13 and August 12 staff reports.
- d. **College District Plan** – Amendments to District Boundaries.
Ref: May 27 and August 12 staff reports.
- e. **Growth Policies Review** – Urban Growth Areas and Annexation.
Ref: May 27 and August 12 staff reports.
- f. **Parks & Recreation Element** – Annual data updates and revisions.
Ref: June 24 and August 12 staff reports.
- g. **Implementation Program Update** – Annual update of project scheduling.
Ref: June 24 staff report. (No recommendation at this time)
- h. **Data Updates** – Non-policy updates of data and statistics.
Ref: June 24 and August 12 staff reports
- i. **Policy Adjustments** – Moving policies from codes to Comprehensive Plan.
Ref: June 10 and August 12 staff reports.
- j. **City Center Plan** – Subarea plan and development regulations.
Ref: March 25 staff report – Land Use Regulations and Design Guidelines.
April 22 staff report – Supplemental Environmental Impact Statement
May 27 staff report – Implementation Strategy
June 24 staff report – CFP and Financing Strategy

Residential Balance – Land Use Element Subgoal:

Proposal:

Remove the following “Residential Balance” subgoal of the Land Use Element on the basis that it lacks merit, is unrealistic and will be impossible to achieve:

Subgoal: Residential Balance

Assure that there is a balance of housing types in a ratio of 60% single-family units and 40% multi-family units in the area of the City outside of the City Center (study area).

If the Commission recommends approval of this request, it may also recommend the following replacement goal:

Subgoal: Single-Family Housing Retention

Assure retention of existing single-family housing, and areas of such housing, through protection from conflict with or encroachment of incompatible land uses or activities.

Issues Considered:

- The City’s present ratio is about 54% single-family to 46% multi-family. To achieve a 60/40 ratio, the City would need 2,041 additional single-family units with no increase in the number of multi-family units. At a density of six units per acre, we will need 340 acres of vacant RS-7 zoned land to accommodate the new homes. A 1999 land use inventory found only 255 acres of vacant land in all zones. New development has absorbed much of that vacant land.
- The proposed replacement goal does not prevent the approval of more apartments or other multi-family housing. The City Council will continue to have the authority to approve or deny requests for Plan and Zoning amendments.
- The proposed goal would help save single-family homes by preventing conflicts and encroachment of incompatible uses. For example, it will provide support for decisions to deny industrial, commercial or multi-family Plan amendments or rezones in locations that might adversely affect single-family homes.
- It was pointed out at the Planning Commission’s July 22 public hearing that apartments are much less valuable than single-family homes and produce lower tax revenues. As the proportion of apartments increases, the City must either raise taxes or lower its levels of service to maintain services to local residents. Thus, the need to maintain an acceptable housing balance.
- The City Council makes the final decisions on Plan and zoning changes. A request for a commercial, industrial or multi-family residential designation will be evaluated to determine its potential adverse effects on existing single-family in the area. If the City Council feels the conflicts are unacceptable, or that the change would be detrimental to the community in other ways, it can deny the request. The approval process doesn’t change.

- Removal of the Residential Balance goal will make it easier for the City Council to approve a designation change that is in a good location, has good access, meets housing needs, doesn't impact or encroach upon single-family neighborhoods and generally makes good sense.

Approval Criteria:

A. The proposal is consistent with the provisions of the Growth Mgmt. Act (GMA) and will not result in Plan or regulation conflicts.

- This proposal will remove a goal that is not consistent with the provisions of the GMA. The State, Snohomish County and others objected to the City's adoption of this goal because of its potential conflicts with goals and policies related to the provision of adequate housing.

B. The proposal will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, or residents.

- The proposal will not directly affect any particular site, but will make it easier for the City Council to approve Plan amendments or rezones that involve multi-family housing.

C. The proposed amendment can be accommodated by all applicable public services and facilities, including transportation.

- This is a non-project housing-related goal. The adequacy of services, facilities and transportation will be assessed at the time of a Plan amendment or rezone.

D. The proposal will help implement the goals and policies of the Lynnwood Comprehensive Plan.

- If this goal is removed, it will be replaced with another goal intended to prevent adverse impacts on single-family dwellings throughout the City, without overly restricting the potential for new multi-family housing, and may make it easier to approve certain projects that are needed in the community.

E. If the proposal could have significant impacts beyond the Lynnwood City limits, it has been sent to the appropriate Snohomish County officials for review and comment.

- There is considerable interest in this goal at the state and county levels. The proposal will be circulated for comment.

Administration Recommendation:

- The administration recommends City Council **approval** of the proposal to remove the "Residential Balance" goal from the Land Use Element of the Comprehensive Plan and replace it with the "Single-family Housing Retention" goal as proposed by the applicant.

Raskin Plan Map Amendment:

Applicant: MJR Development, Inc. (Michael Raskin, President) & Polygon Northwest

Location: Between Interurban Trail and Scriber Creek, east of Scriber Lake Alternative H.S.

The Site: This site consists of five tax parcels with a total area of 18.72 acres.



Proposal:

Change the Comprehensive Plan designation from **BTP** (Business/Technical Park) to **MF-3** (High-density Multi-family).

Zoning: Approval of the requested amendment will be accompanied by a change in Zoning from **PUD** to **RMH** (High-density Multi-family) to maintain Plan/Zone consistency. The **RMH** zone allows one dwelling per 1,000 sq. ft. of developable land area, or a density of 43 units per net acre.

Issues Considered:

- The "Residential Balance" (60/40) goal was a critical factor in the denial of Mr. Raskin's 2003 proposal. This goal is now being formally considered for removal. The Commission must be consistent in its recommendations. If the Commission recommends keeping the 60/40 goal in place, it would be inconsistent to

recommend approval of the Raskin amendment. Recommending removal of the goal and approval of the Raskin amendment would be consistent. Recommending removal of the goal would not necessarily ensure a favorable recommendation on the Raskin proposal if other factors weigh against it.

- A consideration during the 2003 Raskin discussion was the City's need for industrial land and jobs. Testimony at the July 22 public hearing pointed out that the Raskin property contains a large percentage of Lynnwood's small inventory of undeveloped industrial land. The Comprehensive Plan cited a deficiency in our industrial sector and a need to promote more higher-paying industrial jobs. How important is this factor?
 - Preserving industrial zoning won't guarantee higher-paying jobs.
 - Some industrial developments, such as storage, warehousing, etc., occupy land without creating many jobs.
 - Industrial zoning may be in short supply, but is industrial development the best use of this particular site, after such factors as services, access, truck movements, noise generation, surrounding neighborhoods, etc. are considered?
 - Does the City have any other areas with industrial potential? Since most land in the City is already developed, redevelopment will be necessary.
- The site itself is near the I-5 freeway. Will a multi-family project put hundreds of people into an environment of automotive pollutants and noise?
 - Building codes, Design Review, and site planning will address and help mitigate design and environmental impact concerns.
 - Adverse impacts can be reduced through good design, construction materials, buffering, etc. This is an amendment to the Comp. Plan and there is no development proposal to review (different process).
- Economics was a discussion factor. During the 2003 amendment process, Mr. Raskin provided data to help estimate the level of economic benefit from a new multi-family residential development. He provided the results of a study that showed that a multi-family project would provide significant economic benefit, more benefit, if fact, than other uses such as industrial warehouses. He was confident that a multi-family project at this location would bring more benefits to Lynnwood than a warehouse or flex-space industrial project.
- The MF-3 designation does not mean "apartments only." In addition to apartments and condos, the MF-3 designation (and RMH zone) allows single-family and duplex dwellings, child day care centers, churches, convalescent and nursing homes, elderly housing, hospitals, offices, libraries, museums, schools and other uses. A mixed use development might also be approved through the PUD process.
- Although the application title says "Creekside", we are not processing a development proposal of any kind. This is a Plan amendment. Mr. Raskin has indicated that he will not proceed with a development proposal until the Plan designation and zoning are approved.

Approval Criteria:

A. The proposal is consistent with the provisions of the Growth Management Act and will not result in Plan or regulation conflicts.

- No apparent conflicts with GMA.
- The proposal is consistent with GMA in its location of a high-density development in an urban environment where adequate roads, utilities and other municipal infrastructure exist.
- The proposal is consistent with urban density and housing objectives of GMA.
- The proposal conflicts with the "Residential Balance" goal of the Land Use Element. However, removal of that goal, as proposed in this report, would eliminate the conflict.

B. The proposal will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, or residents.

- The proposal will be a significant change in the type of development on this site (office to residential) but not a significant change in the intensity of development.
- The previously approved office park was designed to minimize adverse impacts to Scriber Creek and other adjacent areas. A residential development on the same site will also have potential impacts, which will be avoided or minimized through its design.
- A future project will be subject to environmental and design review to ensure that environmental impacts are avoided or minimized and that the development is both functional and attractive.

C. The proposed amendment can be accommodated by all applicable public services and facilities, including transportation.

- All needed utilities and services are either at the site or can be provided.
- Vehicle access will be primarily from 52nd Avenue on the west side.
- A stormwater detention facility has been constructed and sized to accommodate the needs of this and other properties.
- Other transportation advantages are the adjacent Interurban Trail (bicycle and pedestrian) and close proximity to the Lynnwood Park-n-Ride, a regional transportation hub.

D. The proposal will help implement the goals and policies of the Lynnwood Comprehensive Plan.

- The applicant's submittal package addressed many of the goals and objectives of the Comprehensive Plan to show how the proposal will be consistent with the Plan and benefit the community.
- The most significant conflict is with the "Residential Balance" subgoal of the Land Use Element, which is to "Assure that there is a balance of housing types in a ratio of 60% single-family units and 40% multi-family units in the area of the City outside of the City Center (study area)." Although this Plan amendment and

its subsequent multi-family development will not remove any single-family dwellings, it will push the residential balance toward multiple-family by adding additional multi-family units to Lynnwood's housing stock. The "Residential Balance" goal is being considered for removal from the Plan. If removed, this potential conflict would be eliminated.

E. If the proposal could have significant impacts beyond the Lynnwood City Limits, it has been sent to the appropriate Snohomish County officials for review and comment.

- No significant impacts beyond the City limits are anticipated.

Administration Recommendation:

- The administration recommends City Council **approval** of the requested change from **Business/Technical Park (BTP)** to **High-density Multi-family (MF-3)**, including a related change in zoning to **High-density Multi-family (RMH)** to maintain Plan/Zone consistency.

Kingsbury West Plan Map Amendment:

Applicant: Palmer Living Trust (Jeffrey Palmer, Park Manager)

Location: 5220 – 176th Street SW in Lynnwood

The Site: This site consists of two adjacent mobile home parks with a combined area of 11.3 acres and 89 units. Both are under the same ownership.

Kingsbury West 9.22 acres and 73 dwelling units.
Currently designated Medium-density Single-family (SF-2) and zoned RS-7.

Kingsbury West Annex 2.08 acres and 16 units.
Currently designated Low-density Multi-family (MF-1) and zoned RSL.



Proposal:

View both mobile home parks as one and designate them High-density Single-family (SF-3). The owner has stated that he has no plans to redevelop the park but wants to have the most appropriate Plan and zoning designations on the property. The park is getting older and, at some time in the future, it may be ready for redevelopment. He wants to be prepared for that possibility.

Criteria for SF-3 designation:

- Existing mobile home park.
- Within one-quarter mile of Highway 99.

Current Zoning:

- Kingsbury West MHP: **Medium-density Single-family (RS-7)**
Allows a maximum of six dwellings per acre.
- Kingsbury West Annex: **Low-density Multiple-family (RML).**
Allows a maximum of 12 dwellings per acre.

Issues Considered:

- The applicant feels that this amendment will help preserve this manufactured home park for a longer period. The park is doing well financially and he has no plans to change it, other than minor internal adjustments. He feels that, if the property has a Plan designation and zoning that will allow its eventual redevelopment at a density similar to the current density, then it would be ready for redevelopment when that time comes and there would be no urgency to redevelop sooner.
- The SF-3 designation (and its RS-4 zone) are designed to accommodate conventional site-built housing – not to preserve mobile home parks. The property could be subdivided for a neighborhood of new homes (or manufactured homes) at a slightly higher density than currently exists.
- The park is currently “locked in” (by City code) at its current density of 8 units per acre. A subdivision created under RS-4 zoning might yield a maximum of 100 units, which is 11 more than currently exist. Actual yield will depend on a number of property characteristics and design factors.
- The SF-3 designation can only be applied to existing mobile home parks within one-quarter mile of Highway 99. Two mobile home parks that meet that criteria were designated SF-3 in 2003. Kingsbury West is similar to those parks in location, size, age, value and other characteristics. No evidence has been presented to indicate that this park is different in any significant way to the other two parks, nor that a development of “conventional” homes would be any less appropriate or desirable at this location than the existing mobile home park – at a similar density.

Approval Criteria:

- A. The proposal is consistent with the provisions of the Growth Management Act and will not result in Plan or regulation conflicts.**
- This proposal has no apparent conflicts with the Growth Management Act, nor with any other state goals, policies or legal requirements.
 - Kingsbury West and its Annex are currently planned and zoned differently as two separate mobile home parks. The proposal would bring them together under the same designations, which will expedite future remodeling or redevelopment.
- B. The proposal will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, or residents.**

- The proposed change in Plan designation increases the development options for the property but would not significantly increase the intensity of development.
- The change will allow the property to continue as a mobile home park or to transition into a single-family "conventional" development at a similar density.
- No significant adverse impacts on sensitive areas, businesses, or residents in the surrounding area are likely.

C. The proposed amendment can be accommodated by all applicable public services and facilities, including transportation.

- All needed utilities and services are either at the site or can be provided.
- Vehicular access to the site comes from 176th Street and, depending on the style of future redevelopment, this Plan designation change is not expected to have a significant effect on future traffic volumes.

D. The proposal will help implement the goals and policies of the Lynnwood Comprehensive Plan.

- The proposal will be generally consistent with most goals and objectives of the Comprehensive Plan. The applicant feels the long-term result will also benefit the community by providing higher quality single-family housing.
- The request is consistent with the locational criteria established for the City Council's application of the newly established SF-3 Plan designation. It is an existing mobile home park within one-quarter mile of Highway 99.

E. If the proposal could have significant impacts beyond the Lynnwood City Limits, it has been sent to the appropriate Snohomish County officials for review and comment.

- No significant impacts beyond the City limits are anticipated.

Administration Recommendation:

- The administration recommends City Council **approval** of this request to apply the **High-density Single-family (SF-3)** Comprehensive Plan designation to Kingsbury West Mobile Home Park and its Annex, along with the implementing **High-density Single-family (RS-4)** zoning.

College District Adjustments:

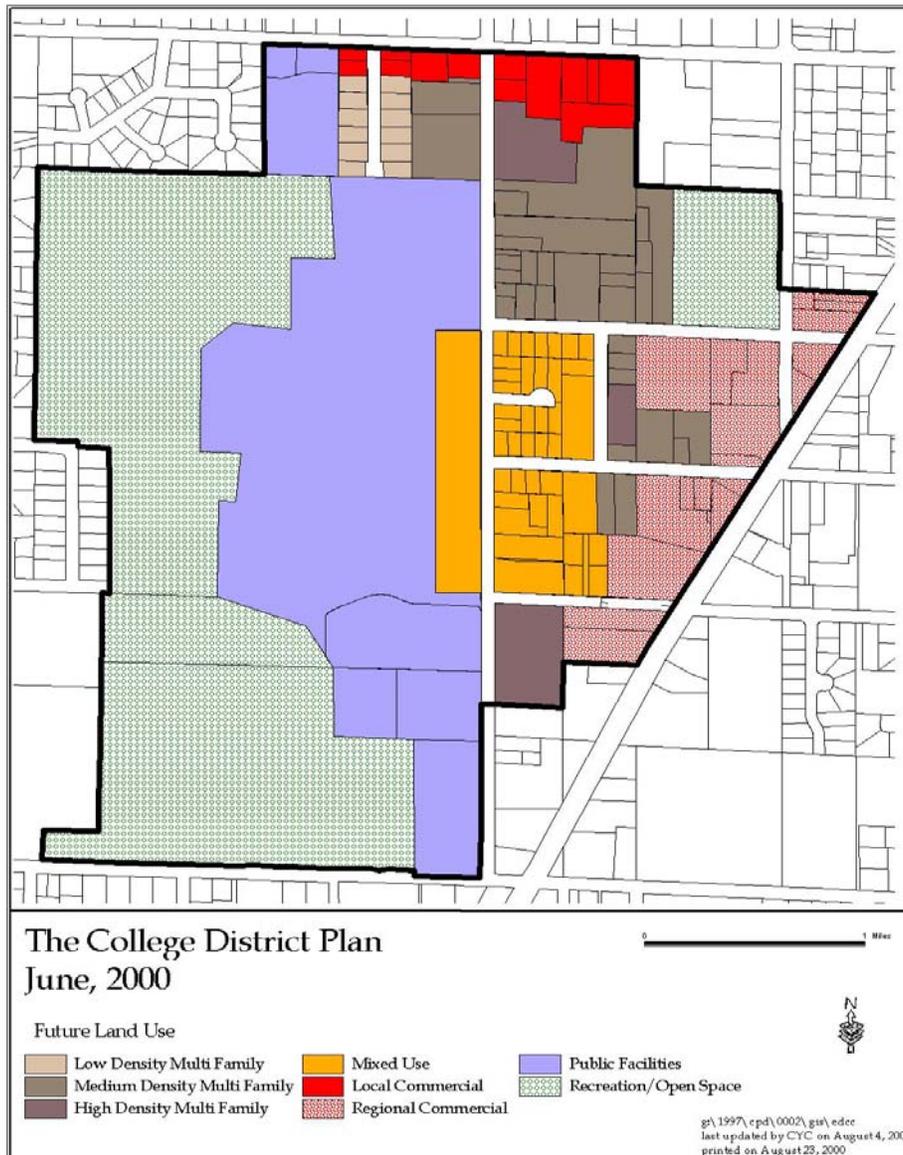
Applicant: City of Lynnwood – Initiated by City Council

Overview:

A code amendment was recently approved to exempt commercial sites fronting on Highway 99 from the College District Overlay (CDO) zone. Businesses along Highway 99 were found to have unique characteristics that are not similar to those of the College District neighborhood and, therefore, the CDO zone was inappropriately applied.

A review of the College District boundaries was initiated by the City Council to consider the possible removal of business properties from the District or from the CDO zone. The review included commercially-zoned properties along Hwy. 99 and along 196th Street.

The College District

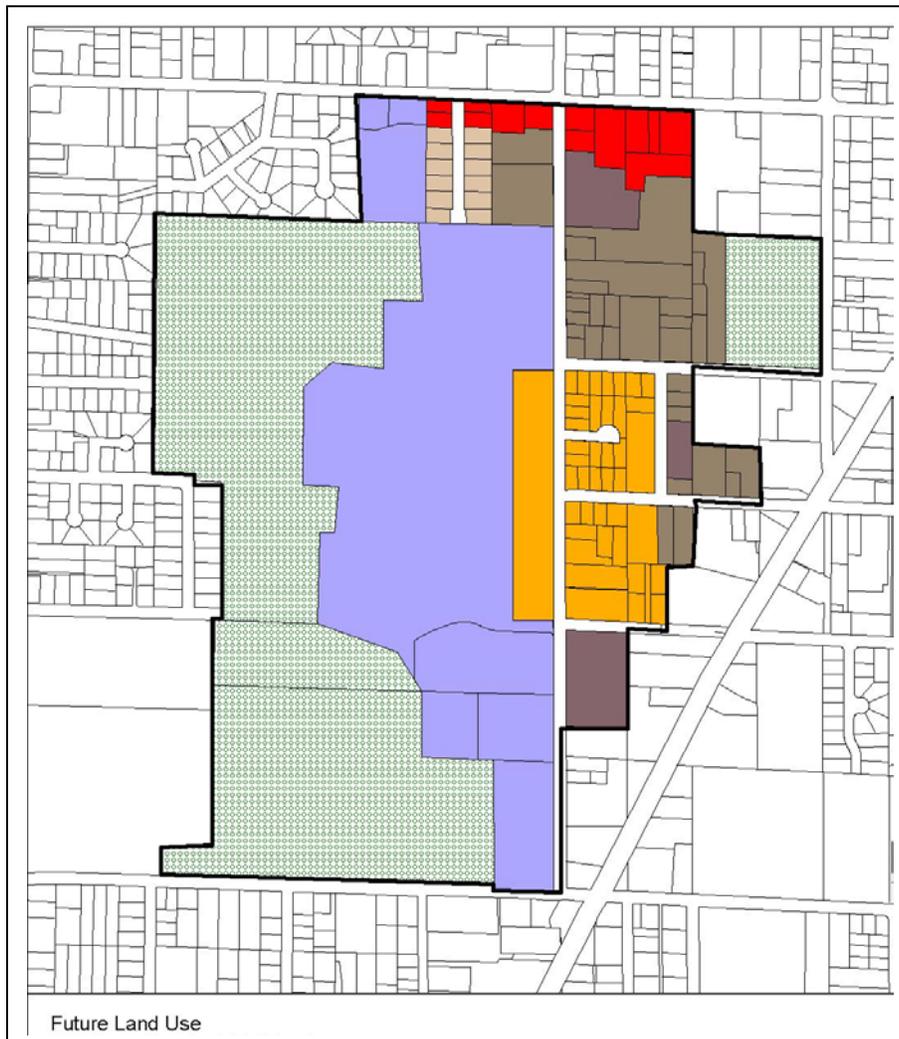


The College District Issues Considered:

- The District's boundaries enclose an area that shares a number of different characteristics. The boundaries extended to 196th Street on the north and Highway 99 on the east for several reasons including transportation, land use and people movement, and to recognize that the neighborhood is linked to and part of a larger community.
- The commercial edges, particularly along 196th Street, are part of the College District "neighborhood" and provide pedestrian-accessible goods and services for the college and for local residents. The college has a strong presence in this area and occupies several of the properties.
- Only two commercially-zoned properties on 196th St. are in commercial use – an auto lube service and a small retail structure with three businesses. Both are nonconforming in various ways and good redevelopment candidates.
- The Highway 99 corridor consists mostly of intense commercial businesses that serve a regional market. The environment is designed for auto access and discourages pedestrian movement. Removing those business properties from the District would not adversely affect the neighborhood.
- The CDO zone's development standards were designed to improve the quality of development throughout the College District. If there are areas in which the City doesn't want buildings near the street or if we prefer to have parking lots in the front yards rather than landscaping and pedestrian amenities, then we can:
 - a. Remove those areas from the College District entirely, or
 - b. Exclude those areas or properties from the CDO zone.
- The CDO zone preceded the Citywide Design Guidelines but shares many of the same objectives. For example, Citywide Design Guideline #1 for the location of parking lots is "*New development and redevelopment should locate parking lots behind buildings when possible.*" Removal of the CDO zone won't remove the City-adopted guidelines.
- Existing buildings that were "grandfathered" under the codes in effect when they were built can continue indefinitely. But, when they wear out or become severely damaged, they must be rebuilt to conform with current requirements in all zones. So far, the CDO zone has not affected any properties in that way.
- The 196th Street environment is considerably different than the Highway 99 corridor. They function differently, their scales are different and the zoning and land uses are different. One area serves the neighborhoods and community, while the other serves the region. Given these differences, and the presence of EdCC on 196th Street, it may be appropriate to remove the Highway 99 commercial properties from the District while keeping the 196th Street properties.
- The following map shows how the College District would appear if the Highway 99 commercial properties are removed.

The College District – Revised

[Highway 99 commercial properties removed]



- Two of the 13 commercially-zoned parcels along 196th Street are in commercial use. If the CDO zone's standards are too rigid, all 13 properties can be removed without affecting their underlying zoning, nor removing them from the College District. [**Note:** The CDO zone was adopted in 2002 following a public process. It was designed to implement the design intentions of the College District Plan.]
- The design requirements of the CDO zone were intended primarily for the interior of the neighborhood and do not apply well to master planned development on the Edmonds Community College campus nor to the municipal golf course, school district administration offices, courts, Post Office or Gold Park. Those facilities can be removed from the CDO zone without affecting its ability to guide the design of neighborhood redevelopment.
- EdCC began an update of its campus master plan in July 2004. This project may result in recommendations for Plan amendments in 2005.

Approval Criteria:

A. The proposal is consistent with the provisions of the Growth Management Act (GMA) and will not result in Plan or regulation conflicts.

- Adjustments to the boundaries of the College District or to its zoning overlay will not conflict with provisions of the GMA.

B. The proposal will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, or residents.

- Proposals to reduce or remove the College District Overlay zone will allow greater flexibility in the development of commercial sites, but will not result in any significant adverse impacts.

C. The proposed amendment can be accommodated by all applicable public services and facilities, including transportation.

- All properties potentially affected by these recommendations are already served by City services and facilities, including transportation.

D. The proposal will help implement the goals and policies of the Lynnwood Comprehensive Plan.

- Proposed changes to the CDO zone along Highway 99 and 196th Street will not implement some of the design objectives of the College District Plan, but are necessary to maintain established development patterns.
- The proposal to remove the overlay zone from the golf course and college will give those facilities greater flexibility in the development of their own master plans.

E. If the proposal could have significant impacts beyond the Lynnwood City limits, it has been sent to the appropriate Snohomish County officials for review and comment.

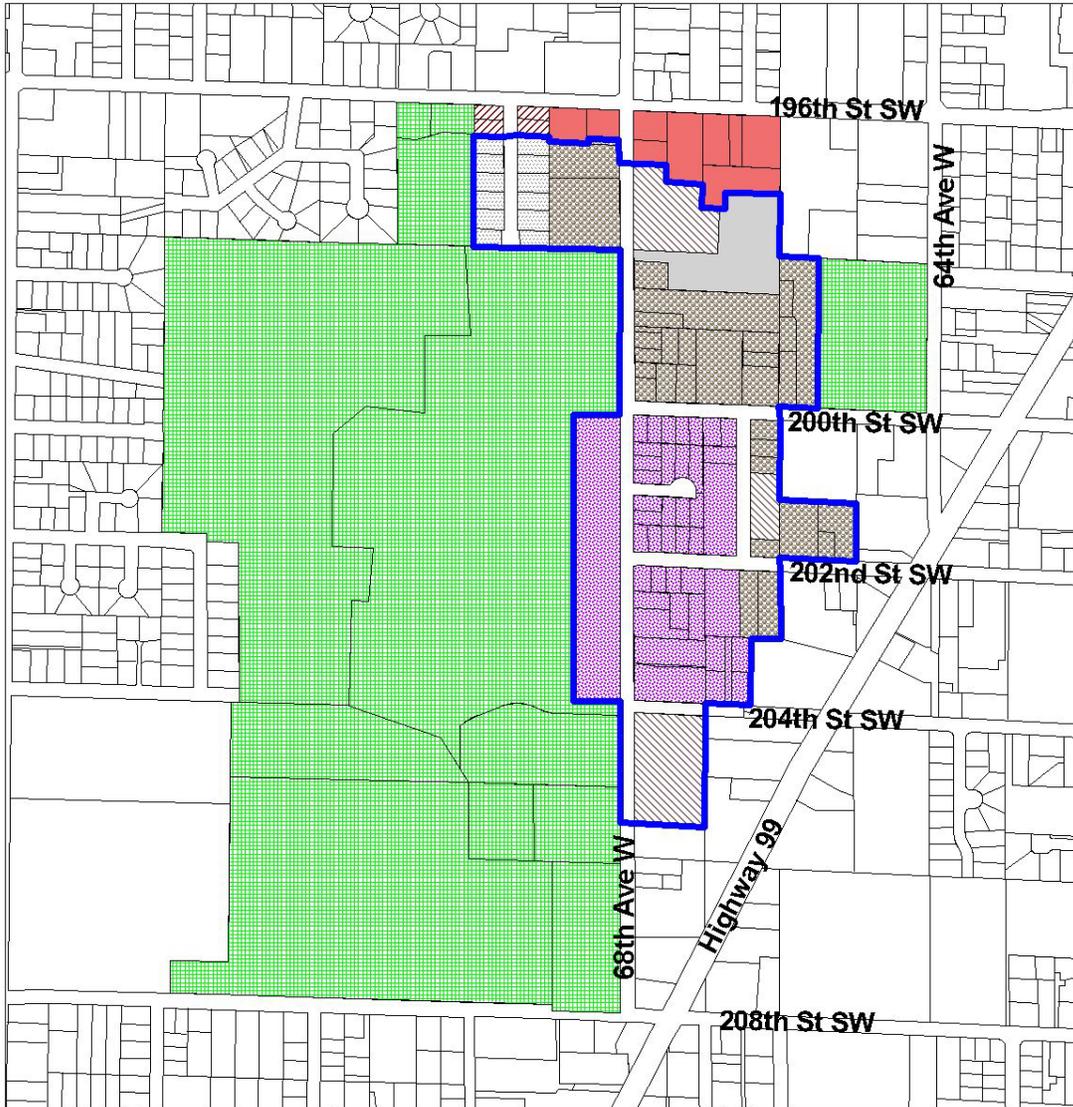
- No impacts are likely beyond the City limits.

Administration Recommendations:

The administration recommends City Council **approval** of the following changes:

1. Remove all properties that are currently zoned **General Commercial (CG)** from the College District and the **College District Overlay (CDO)** zone.
2. Remove the following properties from the **College District Overlay (CDO)** zone:
 - a. All properties that are currently zoned Neighborhood Business (B-3).
 - b. All properties that are currently zoned Community Business (B-1).
 - c. All properties that are currently zoned Public (P-1), including the municipal golf course, Edmonds Community College campus, Post Office, South District Courts, Edmonds School District Admin., and Gold Park.

The following map shows the resulting configuration of the CDO zone, if the recommended changes are approved.



- Zoning**
- Low Density Multi Family
 - Medium Density Multi Family
 - High Density Multi Family
 - Neighborhood Business
 - Community Business
 - College District Mixed Use
 - Public Use
 - Planned Unit Development
 - College District Overlay

Proposed Adjustment to CDO Zone



Created by the City of Lynnwood
 Community Development Department (GC)
 August 5th, 2004
 G:\2004\CPL\CollegeDistrictAdjustments\EDCC.apr

Growth Policies Review:

Applicant: City of Lynnwood – Dept. of Community Development

Overview

Lynnwood adopted a Municipal Urban Growth Area (MUGA) in November 2002 (page 32 of Land Use Element). Snohomish County later adopted the MUGA map, which still includes gaps and an overlap with the City of Mill Creek's MUGA. In most cases, our boundaries follow existing streets. But, in some locations they divide neighborhoods, cut through individual properties and include a portion of Martha Lake. Staff initiated this review to take a closer look at boundary issues and propose some changes.

This year's review also included a review of the City's Urban Growth Policies, as contained on page 9 of the Implementation Element. A related growth tool is the adopted document, Guidelines for Evaluating Proposed Annexations, which was adopted in 1996 by Resolution No. 96-21. The objective of these reviews was to arrive at a clear growth policy for Lynnwood to help guide MUGA boundary adjustments and future annexation decisions.

Urban Growth Policies:

This section of the Implementation Element describes the two-tier urban growth strategy that was adopted in the mid-1990s, following a consultant's study of the City's "Sphere of Influence." The Municipal Urban Growth Area (MUGA) program expanded the concept and resulted in the City's adoption of MUGA boundaries in 2002. The MUGA process helped our neighboring cities clarify their own growth policies and also uncovered some overlapping growth interests that need to be resolved.

Our adopted MUGA map was the first step toward a more comprehensive growth policy that will indicate how far we intend to grow, in what direction, when and how. The County encourages each city to reach into its growth area and do some long-range planning for land uses, streets, public facilities and services and determine how and when those areas might be annexed.

This is a complex issue to handle through the annual amendment process. Insufficient time was available for discussion and much more study and negotiation is needed before the City Council can provide clear direction on how it wants to proceed. If the Council wants to pursue this matter, work can be done during the winter months and a formal proposal can be brought back for consideration in 2005. That proposal might include growth-related goals, objectives, policies and perhaps an overall growth strategy.

Annexation Evaluation Guidelines:

Lynnwood adopted these guidelines on December 23, 1996 by Resolution No. 96-21. They cover a wide range of interests and were intended to be used to guide discussion and not as a formal checklist. A review of these guidelines was initiated to make sure they are still relevant and to find any weaknesses that might be bolstered.

MUGA Boundaries:

Lynnwood adopted Municipal Urban Growth Area (MUGA) boundaries in November 2002. The Priority #1 area of a mid-1990s growth map was adopted as our MUGA. The map was not coordinated with adjacent cities and was not one of the three options recommended by the Planning Commission. The result was a major gap south of Mukilteo and a significant overlap with Mill Creek's MUGA east of Interstate 5.

Earlier this spring, Snohomish County adopted Countywide Planning Policy UG-17, which reads as follows:

UG-17: Municipal Urban Growth Areas (MUGAs) shall be established within the Southwest Urban Growth Area (SWUGA) and documented in county and city comprehensive plans for the purposes of allocating population as required by GMA and delineating future annexation areas for each of the nine cities in the SWUGA as portrayed on the map in Appendix B. Inconsistent MUGAs will be reconciled between the affected cities within Snohomish County and the county. For the purposes of UG-17, "affected cities" may also include cities located outside of Snohomish County only at such time that interlocal agreements between the affected cities and Snohomish County have been adopted by all parties pursuant to Countywide Planning Policy OD-12. MUGA boundaries that are congruent with the Southwest UGA boundary may be amended by agreement and action by the County and affected cities following consultation with the cities. MUGA boundaries that are not congruent with the Southwest UGA boundary may be amended by agreement and action by the affected cities following consultation by the County. Legally binding agreements executed by the County and a city will define terms of the transfer of responsibilities for planning and/or development.

An official MUGA map and related Countywide Planning Policies have been adopted by Snohomish County. The boundaries are now official and the cities can no longer place boundaries wherever they want to or move them at will. Countywide Planning Policy UG-17 requires agreement and action by other affected cities. In the case of the Mill Creek overlap area, which the County didn't resolve, we must come to a mutual agreement with Mill Creek, unless one of the two cities conforms to the boundaries of the other. When agreement is reached, each city will amend its MUGA boundaries and the County will follow by amending the County Plan map.

MUGA boundaries are part of the Comprehensive Plan and can be adjusted only once each year through the Plan Amendment process. It's too late to begin negotiations with Mill Creek but staff has been working on a conflict with Mountlake Terrace that can be resolved this year. For more complicated MUGA issues, discussions this year could provide important direction for next year's amendment process.

Issues Considered:

- Some of Lynnwood's MUGA boundaries divide existing neighborhoods, cut through properties and cross Martha Lake. Annexation is not imminent and there is no urgent need to correct these. In the meantime, we can begin working on adjustments for consideration next year.
- There has been no effort to resolve the conflict of MUGA boundaries east of I-5. Again, there's no urgency on the part of Lynnwood or Mill Creek to fix this situation, so no proposal is offered this year.
- Lynnwood isn't growing as proposed in our 1995 Comprehensive Plan. Our present MUGA boundary was our 10-year growth boundary nearly ten years ago.

During the past five years, the North Gateway Annexation failed, the 204th Street Annexation was severely reduced in size and the Hardy Annexation was rejected. The City needs a clear set of goals, objectives and policies to guide the City's growth. With those tools, staff and elected officials can talk confidently with the public and potential annexation petitioners and the annexation process will become more predictable. These ideas may be included in 2005 proposals.

- Our MUGA boundary extends to the City limits of Mountlake Terrace and prevents that city from annexing and extending municipal services. The 204th Street Annexation proposed to bring this area into Lynnwood, but the proposal included Scriber Creek and related wetlands and was rejected by the City Council. Because of its environmental features, this may be a difficult area for us to serve and unattractive to annex. However, we can adjust our MUGA boundary this year to allow the City of Mountlake Terrace to expand. MLT is interested in such an adjustment and has been cooperative in working with Lynnwood staff. A specific adjustment proposal recommendation is offered for consideration (see following map).

Approval Criteria:

B. The proposal is consistent with the provisions of the Growth Mgmt. Act (GMA) and will not result in Plan or regulation conflicts.

- All proposals are intended to resolve growth boundary conflicts and are consistent with GMA requirements for urban growth areas (UGA).
- The proposals are also intended to remove existing conflicts with adjacent jurisdictions to allow a smoother provision of municipal services.

B. The proposal will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, or residents.

- The proposed changes will not increase adverse impacts.

C. The proposed amendment can be accommodated by all applicable public services and facilities, including transportation.

- The Mountlake Terrace MUGA boundary solution will help ensure that municipal services and facilities can be made available for new development.
- No other impacts anticipated on any public services or facilities.

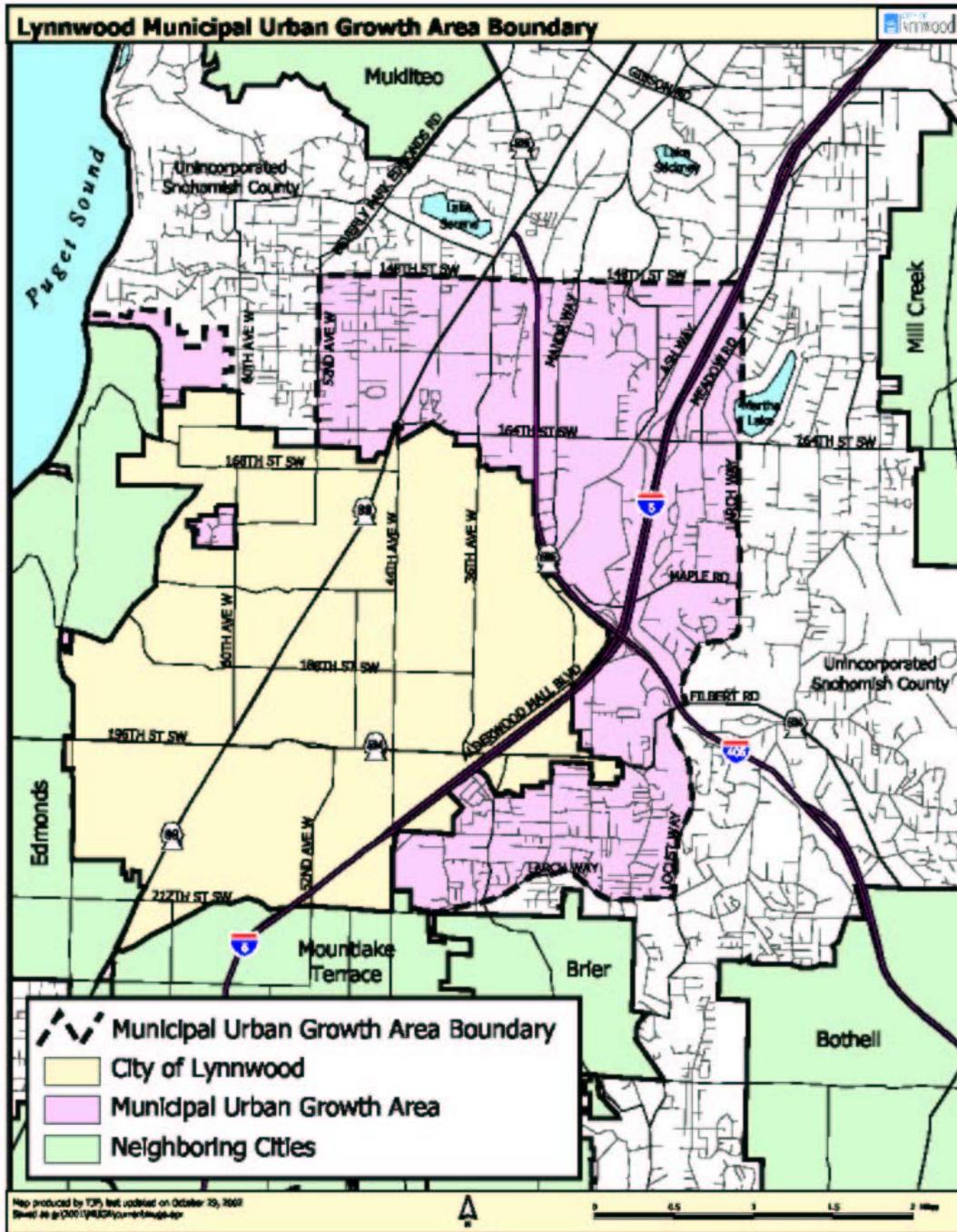
D. The proposal will help implement the goals and policies of the Lynnwood Comprehensive Plan.

- The proposed changes will have little or no effect on the goals and policies of the Comprehensive Plan, but will help clarify the City's growth intentions.

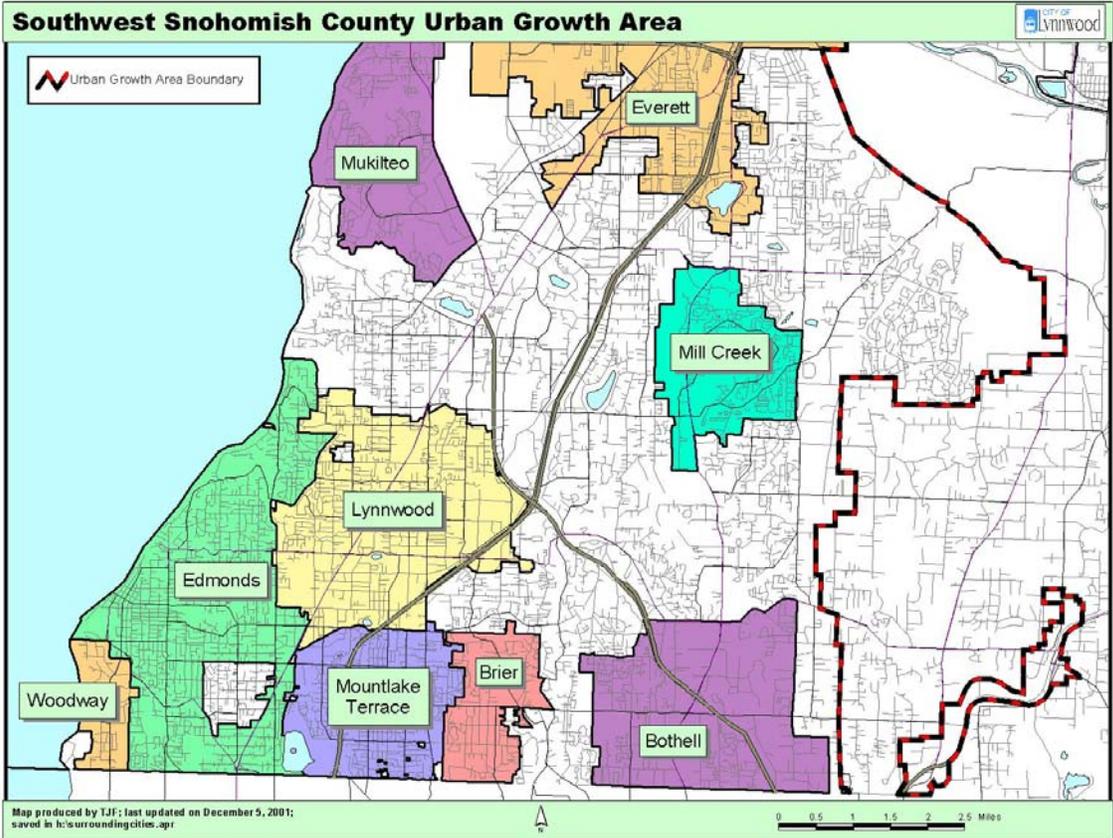
E. If the proposal could have significant impacts beyond the Lynnwood City limits, it has been sent to the appropriate Snohomish County officials for review and comment.

- Some proposals involve urban growth areas outside the City of Lynnwood and both Snohomish County and the City of Mountlake Terrace are affected and will be notified accordingly.

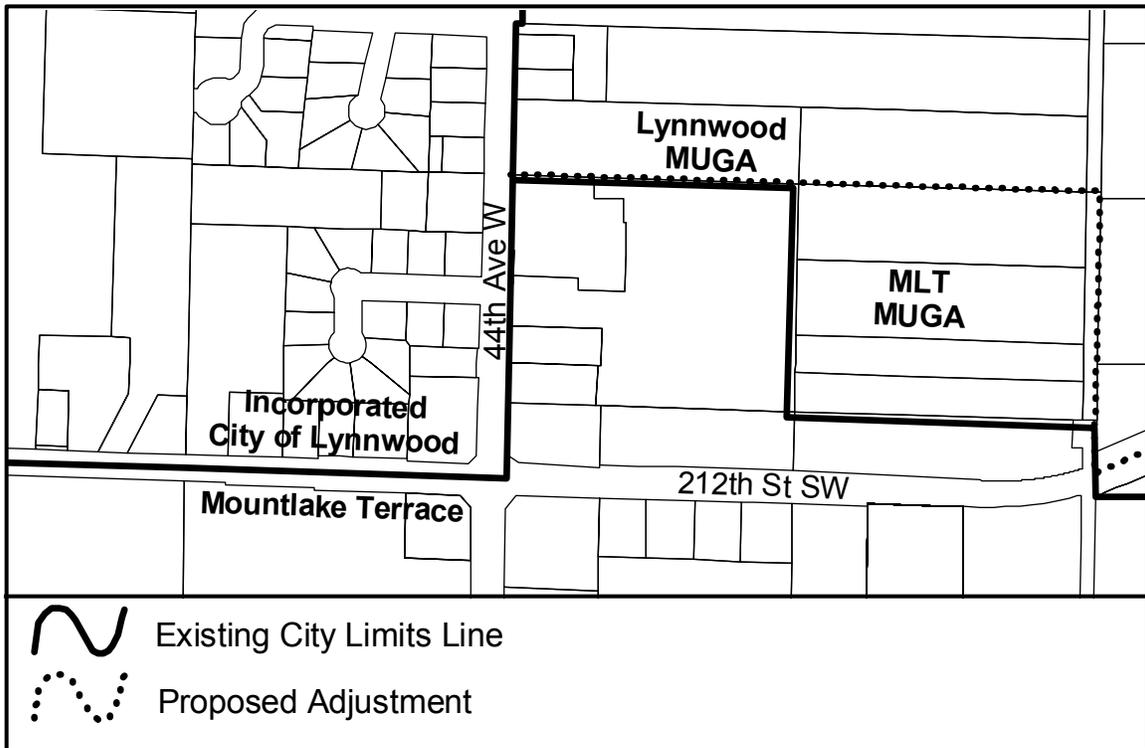
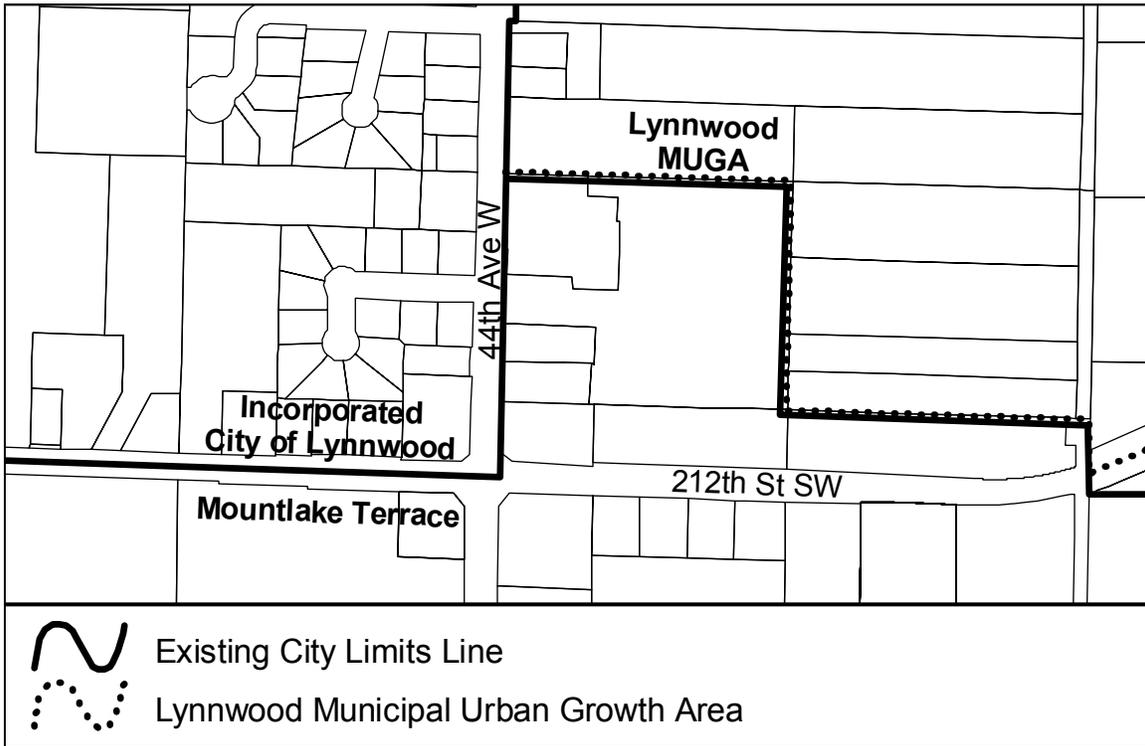
Lynnwood's Adopted MUGA [Municipal Urban Growth Area]



SW Snohomish County Urban Growth Areas



Proposed Mountlake Terrace MUGA Adjustment



Parks & Recreation Element Update:

Applicant: City of Lynnwood – Dept. of Parks and Recreation

Description:

The Parks Dept. makes annual adjustments and updates to this element. The following is a summary of this year's proposals:

- All text that includes level of service calculations will be revised to reflect 2004 population.
- All text referring to acres of park property will be revised to reflect current inventory.
- Table 1 will be updated.
- Summary of Issues will be updated to reflect current issues.
- Completion dates included in Goals, Objectives and Policies will be updated.
- Proposed park projects and level of service for the City Center Project will be included in the Summary of Issues, Goals, Objectives and Policies and Demand and Needs Assessment.
- The Implementation Element will be updated to reflect current status.

Approval Criteria:

A. The proposal is consistent with the provisions of the Growth Mgmt. Act (GMA) and will not result in Plan or regulation conflicts.

- All proposals are improvements and/or updates to an existing element of the Comprehensive Plan and are GMA compliant and consistent.

B. The proposal will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, or residents.

- The proposed changes to this element will not increase adverse impacts.

C. The proposed amendment can be accommodated by all applicable public services and facilities, including transportation.

- Changes to the Parks & Recreation Element of the Plan will help ensure that municipal services, such as parks and open space areas and related facilities can be made available to serve the City's future growth.

D. The proposal will help implement the goals and policies of the Lynnwood Comprehensive Plan.

- The proposed changes will help implement adopted goals and policies and some changes are related to the development of the City Center Plan so that adequate parks and recreational facilities will be available to future residents of that area.

E. If the proposal could have significant impacts beyond the Lynnwood City limits, it has been sent to the appropriate Snohomish County officials for review and comment.

- Some proposals involve parks or open space outside the City of Lynnwood and Snohomish County will be notified of those proposals.

Administration Recommendation:

- The administration recommends City Council **approval** of the package of changes to the Parks & Recreation Element of the Comprehensive Plan.

Implementation Program Update:

Applicant: City of Lynnwood – Departments of Community Development, Parks & Recreation, and Public Works

Description:

The Implementation Element of the Comprehensive Plan includes a Five-year Implementation Program that brings together measurable objectives of these three City departments – Community Development, Parks & Recreation and Public Works. Schedules are often affected by grant availability, City staffing levels, budgets and other factors and, therefore, this program needs to be reviewed and updated annually.

This is usually one of the last items to be finalized since it may be affected by other Plan amendment proposals. A formal recommendation will be presented later in the process.

Approval Criteria:

- The Five-year Implementation Program is merely a coordination task for previously-adopted measurable objectives from all elements of the Comprehensive Plan. The approval criteria is not applicable.

Administration Recommendation:

- This section is not yet complete. A recommendation will follow.

Data Updates:

Applicant: City of Lynnwood – Dept. of Community Development

Description:

Some of our Comprehensive Plan data are outdated. New data from the 2000 Census and other sources are now available and staff proposes to update statistics, tables and other information throughout the Plan. Only changes that will not affect adopted goals, objectives or policies are being proposed. The specific changes are attached.

Approval Criteria:

- This data update exercise was intended to update statistical and factual information. These changes have no effect on goals, objectives or policies and, therefore, the approval criteria is not applicable.

Administration Recommendation:

- The administration recommends City Council **approval** of the proposed non-policy data update changes to the Comprehensive Plan.

Policy Adjustments from City Codes:

Applicant: City of Lynnwood – Dept. of Community Development

Overview:

In 2003, several policies were moved from development regulations to the Environmental Resources Element of the Comprehensive Plan. Not all of the policies were found to be appropriate for that element and are now being proposed for inclusion in other elements, as most appropriate.

With the exceptions of the following two new policies, these changes will not affect other adopted goals, objectives and policies of the Comprehensive Plan.

New Policies:

The following new policies were proposed by the Environmental Review Committee (ERC) to provide Comprehensive Plan policy support when SEPA traffic mitigation measures are proposed for proposals with identified significant adverse traffic impacts.

- **T-17.8:** Street right-of-way adjacent to development sites should be fully improved to current City standards, including the provision of sidewalks, to reduce development traffic impacts.
- **T-21.4:** Traffic generated by new and redevelopment projects should be evaluated to determine the impact on the operation of surrounding intersections and street network. Projects that create adverse traffic impacts should include measures demonstrated to mitigate those impacts.

The two basic types of traffic mitigation measures that the ERC has imposed on proposals are:

1. Those requiring full street right-of-way improvements to City standards adjacent to a proposal site, and;
2. Those requiring off-site street and operational improvements.

These new policies are necessary because:

1. Washington Administrative Code (WAC) Section 197-11-660 (1) (b) states that, "Mitigation measures shall be related to specific, adverse environmental impacts

clearly identified in an environmental document on the proposal and shall be stated in writing by the decision maker. The decision maker shall cite the agency SEPA policy that is the basis of any condition (emphasis added by staff) or denial under this chapter (for proposals of applicants)."

2. LMC Section 17.02.200.B states that, "The City may attach conditions to a permit or approval for a proposal so long as: Such conditions are based on one or more policies in subsection (d) of this section and cited in the license or other decision document. (Subsection (D) states that, "The City designates and adopts by reference the following policies as the basis for the City's exercise of authority pursuant to this section. The list in D (3) includes the Comprehensive Plan.)
3. Currently there are no policies in the Comprehensive Plan that provide a basis for imposing traffic mitigation conditions.

Approval Criteria:

- This transfer of previously-adopted policies from codes to the Comprehensive Plan have no effect on other goals, objectives or policies and, therefore, the approval criteria is not applicable.
- The two new policies proposed by the City's Environmental Review Committee (ERC), will provide Comprehensive Plan policy support when SEPA traffic mitigation measures are proposed for proposals with identified significant adverse traffic impacts. These policies do not conflict with GMA, will help ensure that adequate facilities are provided with new development, and will provide additional support for City and Environmental Review Committee decisions.

Administration Recommendation:

- The administration recommends City Council **approval** of the transfer of the identified policies from City codes to their appropriate places in the Comprehensive Plan.
- The administration further recommends City Council **adoption** of the two new policies related to SEPA traffic impact mitigation.



Lynnwood Planning Commission
Meeting of August 26, 2004

Staff Report

Agenda Item: E-2

Application of new RS-4 Zone

- 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 recently approved a new RS-4 zone which will implement the SF-3 Comprehensive Plan designation. It is now time to apply the new zone to all properties in Lynnwood that have an SF-3 Plan designation. There are currently two properties having the SF-3 Plan designation. They are the Kingsbury East and The Squire mobile home parks.

In order for this change in the City's Official Zoning Map to proceed, it will be necessary for both the Planning Commission and the City Council to hold a public hearing on the zoning map change. The reason for this is when the public hearings were held on the new SF-3 Plan designation there was no RS-4 zone in existence. So, those public hearings were only on the subject of a change to the Comprehensive Plan map.

This hearing is to meet the legal requirements for making the zoning map change. The change from RS-8 to RS-4 is necessary to make the Comprehensive Plan map and the zoning map consistent. The subject properties have Plan map designations of SF-3. The only consistent zoning designation is RS-4. That is the zoning change recommendation that the Planning Commission should recommend to the City Council.

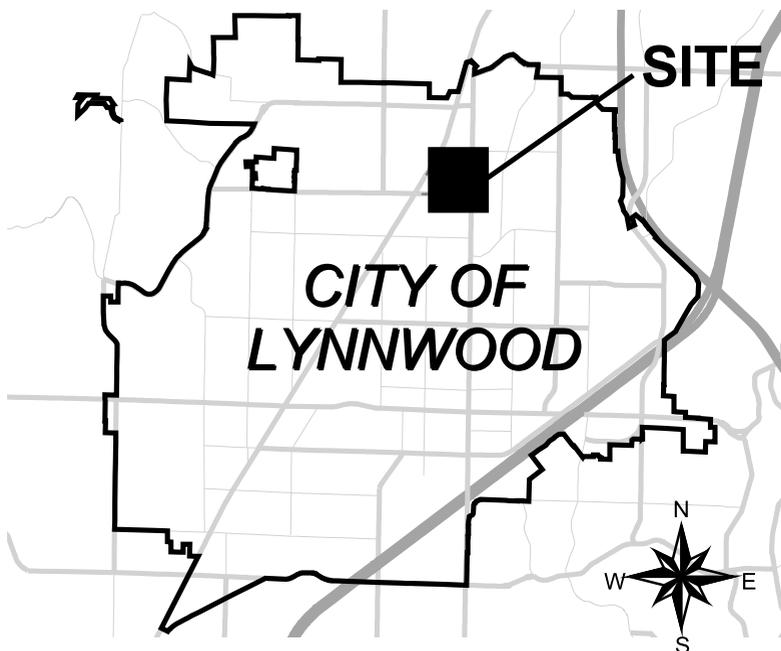
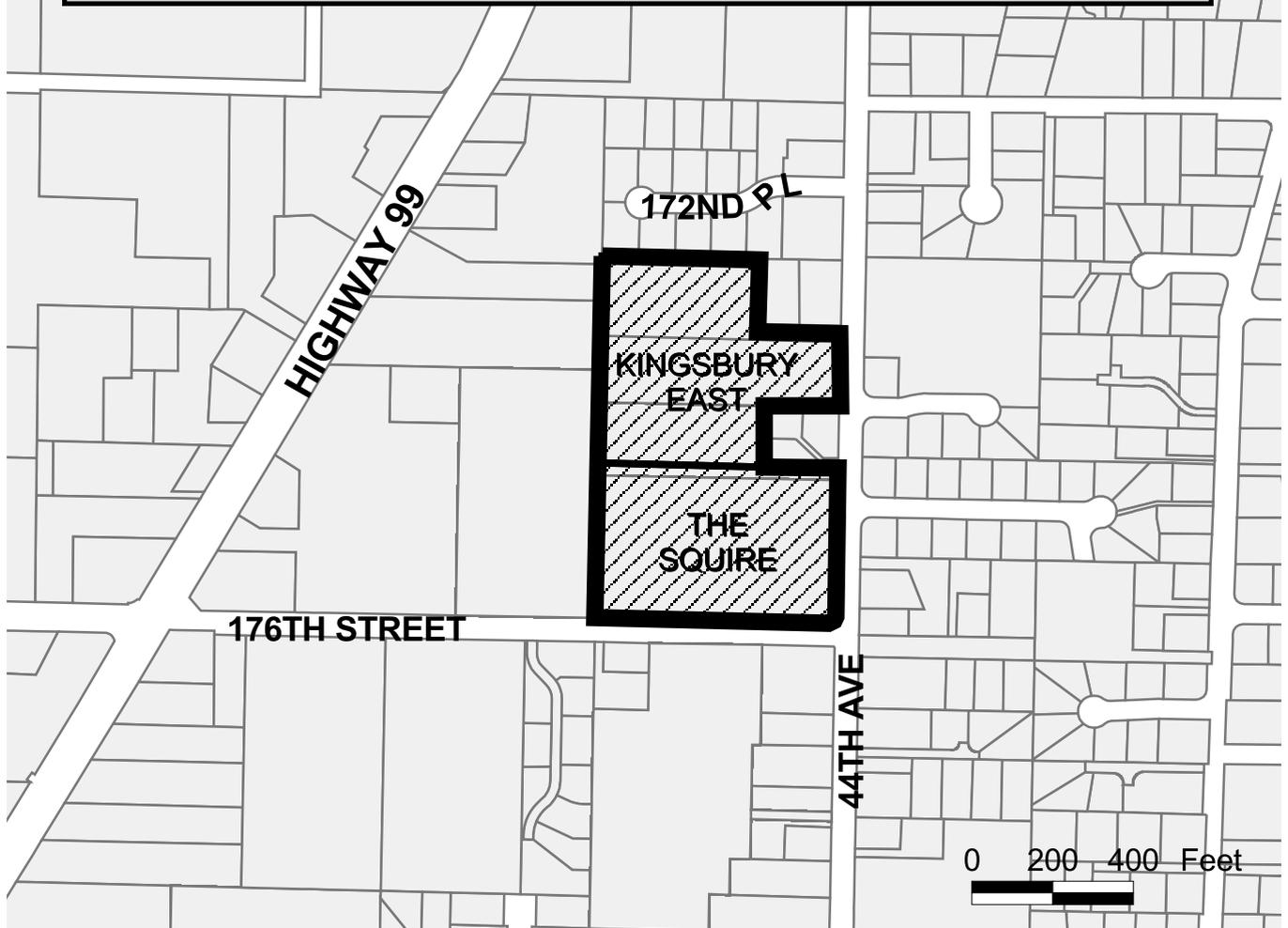
RECOMMENDATIONS:

- Open the Public Hearing, ask for staff report, take public testimony, and ask questions of staff and public.
- Close the Public Hearing, deliberate on any testimony received, and make a decision on a recommendation to the City Council.

Attachment:

- Map – Properties to be changed from RS-8 to RS-4 zoning

PROPERTIES TO BE CHANGED FROM RS-8 TO RS-4 ZONING



City of Lynnwood
Community Development Department
19000 44th Avenue West - PO Box 5008
Lynnwood, WA 98046-5008
Phone 425-775-1971 / Fax 425-771-6585
www.ci.lynnwood.wa.us

Property line locations are approximate and are provided by Snohomish County.

Created July, 2004 (GC)

G:\2003\Development Regulations
Amendments\Residential Zones\
RS-8_to_RS-4_Map.pdf

Lynnwood Planning Commission
Meeting of August 26, 2004

Staff Report

Agenda Item: **F-1**

Urban Transition Resolution

- Public Hearing
- Joint Public Meeting
- Work Session
- New Business**
- Old Business
- Information
- Miscellaneous

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

Introduction:

Over the past several years, the Planning Commission has been involved in long-range planning and growth issues that include unincorporated areas outside the City. The Commission has studied these areas, proposed Municipal Urban Growth Areas (MUGA) and has studied and recommended Comprehensive Plan and zoning designations for proposed annexation areas. Through these discussions, the Commission has become more aware of how different areas are served with municipal services and how some special districts compete with cities over their "territories." We have also noticed that new development just outside our borders is not necessarily consistent with the growth intentions or development standards of our community.

Snohomish County is also aware of these issues and would like to find a better way of managing new growth and development prior to annexation. One idea is to enter into agreements that will allow cities to assume primary responsibility for planning and development permitting within their own growth areas.

This program would allow us to initiate and carry out long-range planning within our growth areas and follow with Comprehensive Plan designations and zoning to carry it out. If we control the planning, zoning and permitting, and if development is required to comply with our standards, then we should be more willing to annex those areas in the future. Annexation of urban areas is an objective of the Growth Management Act (GMA) and also a high priority for the County.

Snohomish County Tomorrow (SCT) is a regional forum consisting of Snohomish County, its cities and the Tulalip Tribe. It meets monthly and the Mayor is Lynnwood's official representative. SCT also has six standing committees, one of which is the Planning Advisory Committee (PAC) which developed a three-pronged approach to address this issue:

1. Resolution of Intent – distributed to each jurisdiction in March, 2004, to provide a measure of interest in this program.
2. Countywide Planning Policy – a new policy would be developed to support the program and allow the transfer of jurisdiction by interlocal agreement.
3. List of Topics – to be included in the interlocal agreement.

Issues Involved:

Since this is a long-range planning matter, the Planning Commission is being asked to discuss this potential program and to make a recommendation to the City Council on the resolution. A "white paper" is also attached to help the jurisdictions sort out the various advantages and disadvantages of the program.

The attached draft "resolution of intent" is based on the following facts and assumptions:

- Snohomish County has planning and permitting jurisdiction in the unincorporated areas.
- GMA designated the cities to be the intended providers of urban services.
- Urban services can be provided through annexation or interlocal agreements.
- Each growth area should develop according to its city's vision.
- Local subarea plans are best developed at the city and neighborhood level.
- Allowing areas to develop under city regulations may increase annexation.
- It's not the County's role to provide urban services over the long term.
- The County's primary role is to deal with regional issues, such as population, arterial streets, urban growth areas and protection of rural and resource lands.

By passing this resolution, the City would express its intent to share jurisdiction of the unincorporated areas within our designated growth area. The next step would be to refine the details of the program and eventually include them in an interlocal agreement which will also require City Council approval.

Action and Scheduling:

A public hearing is not necessary.

A recommendation regarding this resolution is appropriate but not required.

Administration Recommendation:

The administration recommends City Council passage of the Resolution of Intent.

Attachments:

1. Discussion paper on the transfer of planning/permitting jurisdiction to cities.
2. Draft Resolution of Intent



Attachment 1

Snohomish County Tomorrow Discussion Paper on Transferring Planning and/or Permitting Jurisdiction from Snohomish County to Cities in their UGAs

Issue

This is an issue paper developed to help Snohomish County and its cities determine whether or not they want, and, if so, how best, to implement the County's comprehensive plan goal for creating diversified centers and the cities' visions for their UGAs by ceding planning and/or permitting jurisdiction within the UGAs to the cities. The assumption is made in this issue paper that providing cities with more planning and development controls within their designated UGAs will promote a more diversified and differentiated urban pattern, consistent with the County comprehensive plan. This could entail the County's adoption of local infrastructure standards, zoning regulations, subdivision regulations, Shoreline Management Plans, Comprehensive Plans and/or other regulations for the areas within the Urban Growth Areas (UGAs) or even granting the permitting functions to the cities.

It has also been suggested that this could be done in phases, either taking on one city at a time or by starting with one set of rules then moving on to subsequent higher level of rules over time. Some such phasing might work, but some are inexorably linked and could not be (e.g., what good is a land use designation without the zone to implement it?).

Need

Infrastructure Standards

Under the GMA, cities are primarily responsible for providing urban services to properties within their UGAs and it is expected that all properties within a UGA will annex to the local city. When these properties eventually annex, cities inherit both the planning and infrastructure¹ that is developed under the County's jurisdiction. In many cases, this infrastructure has been or is built to different standards than what the cities would require. In some cases the development standards and infrastructure required is less than what the city would require, in other cases they are just different. The concern by cities is that if infrastructure is built to a different standard, cities would be obligated to either retrofit the infrastructure at great cost to their citizens or settle for portions of their cities that are functionally or visually different than existing city neighborhoods.

Comprehensive Plan

There is also an expressed desire by some cities that UGAs be developed not only with local infrastructure standards, but also according to the city's CompPlan. The concern is that land uses be determined by the local city that will inherit the area. One jurisdiction may find residential appropriate while another might desire commercial, or vice-versa. Who better to make that determination than the *local* jurisdiction?

¹ Infrastructure may include sewer systems, drainage systems, water systems, streets, parks, and open space. Within each of these, there are policy questions of design, amount, location, layout, classification, ownership, and types of amenities.

Zoning, Subdivision and Other Regulations

There is also a desire on some cities part that their UGAs develop in compliance with local zoning, subdivision and other development regulations². In part, this is also a question of uses (like that of the CompPlan issue, above), but also one of aesthetics and reduction of impacts through zoning standards. In general, most cities would want their entire city to develop in its own local image, rather than having all parts of the County look the same. Is it in the public interest to have the developing areas of Marysville look like Stanwood or look like Arlington? Not necessarily, especially if a community is trying to use uniqueness as a component of promoting economic development (e.g., through tourism), or has developed a unique aesthetic and built environment vision for itself. On the other hand, all jurisdictions desire to have land use and permitting decisions that are clear, predictable and efficient. Allowing for differentiation in standards, plans, and development regulations may be perceived as adding layers of complexity. There is a trade off between efforts to enhance differences and localize decision making, and the efficiencies of a common set of rules and standards. As described, below, however, applying city rules throughout a UGA may, in fact, simplify when compared to current practices.

Current Practices

Infrastructure Standards

In some instances, especially where the cities control water and sewer, controlling infrastructure is done through requiring the unincorporated properties to annex to the city, or to at least meet their standards. However, where Special Purpose Districts (SPDs) provide utilities this is not the case. In these instances, properties are allowed to develop according to Snohomish County standards only (except that they must adhere to the SPD's standards for that particular service's infrastructure).

Some cities still provide services outside their city without requiring annexation. This is traditionally done because of the need to finance a particular utility. Historically, utility capital costs have been financed with the assumption that new connections will at least partially pay for those capital costs. There may also be an obligation with some utilities, such as water, to serve a particular adopted service area. For instance, under the Critical Water Supply Plan, if a jurisdiction fails to provide water service within a "timely" and "reasonable" period of time other water providers (such as PUD) may petition to take over that service area. Thus, there may be strong desire to make more connections.

However, the opportunity cost for expanding utilities without requiring other infrastructure to be built to urban standards is accepting lesser standards and/or paying for upgrades later or accepting an infrastructure deficit in that neighborhood. If the infrastructure is added later, monies come from other funds (not the utility fund). Thus, a street fund or general fund would be subsidizing the utility fund.

Often a Council may be philosophically split between those who have a strong desire to recoup utility capital costs verses those who want a stronger control on development. It would behoove any jurisdiction to have a full policy discussion about these trade-offs and formulate a specific policy.

Comprehensive Plan

There are some cities that require full compliance with their zoning regulations for projects outside of their city, though in Arlington this has been recently (and successfully) challenged in court. Even so, in some instances, as in parts of Arlington's UGA where the County's and the city's land use designations differ, property owners are essentially in a Catch-22 in that they can't develop pursuant to the County's CompPlan by complying with the city's CompPlan (a requirement for obtaining utility service).

² Uses, setbacks, design, landscaping, signage, design guidelines and all the other land use issues regulated by zoning, subdivision and other codes.

In other cities that don't control their utilities because they're supplied by SPDs, people can develop but the city isn't getting what it wants in terms of land uses, yet it eventually inherits the area.

Zoning, Subdivision and Other Regulations

There are some cities that require full compliance with their zoning, subdivision, and other development regulations for projects outside of their city. But this often leads to confusion or conflict with developers because they feel that there are too many, often conflicting, sets of rules.

In other cities that don't control their utilities because they're supplied by SPDs, people can develop but the city isn't getting what it wants in terms of uses and type of development yet it eventually inherits the area. Some cities have recommended to the County Hearing Examiner that certain aspects of their code be met, such as required park and/or open space, but this gets to be a "horse trading" exercise with the developer, getting him/her to agree to comply with "the most important" issues that the cities think they can get the County to agree to. However, even the County staff is unsure of how far they can go in requesting something without the Hearing Examiner denying the request.

History of Dealings with the County on this Issue (from the time UGAs were drawn)

Infrastructure Standards

Since UGAs were adopted in 1995 some cities have been pushing the issue of implementing urban infrastructure standards in the UGAs. It was approached from different angles by different jurisdictions, from agreeing to certain standards in an ILA (Monroe) to requesting the County to cede planning jurisdiction in the UGA to the city (Lake Stevens)³. During the summer of 1998, a series of "Transition Summits" were held dealing with a number of urban transition issues. At the table were most of the county's City Administrators and Planning Directors, as well as County representatives (Executive, PDS, & DPW). The proposal put on the table then was to have the County adopt each of the local jurisdictions' standards for their UGAs.

Ever since this issue arose, the County PDS has consistently argued that they could not practically administer 19 sets of standards (though their DPW did not think it would be that difficult), and County Executive staff has supported that position. Testimony from various planners who had worked for counties that did work that way failed to persuade them that it could be done. What was finally agreed to at the Transition Summits was that a set of uniform UGA standards would be developed and adopted by the County. In theory, this set of uniform standards would meet on average each city's standards. Originally, this set of proposed standards included streets, parks, utilities, and sensitive area setbacks and mitigation ratios. As a way to gain widespread support, the standards were taken through Snohomish County Tomorrow (SCT). However, as further review occurred by various groups (PAC, ICC, and City Managers/Administrators), the standards were culled down to where they only contained street standards. These street standards went before the SCT Steering Committee in October 1999. Upon a favorable recommendation by SCT, the County DPW agreed to administratively adopt them. Some of these are just now being incorporated into the County's Engineering, Development, and Design Standards.

Zoning Regulations

There is little history of any jurisdiction approaching Snohomish County on this subject, except, as mentioned, Lake Stevens did advance the idea of ceding planning jurisdiction to them through an ILA.

³ Early on in its annexation ILA negotiations, Lake Stevens had suggested this as a way of gaining local control and relieving the County of some of its workload.

More Recent History

In 2003, members of the County Council, at an SCT Executive Meeting, suggested that the PAC reexamine this issue. The County Executive and Planning Director supported this, and a PAC subcommittee was formed, consisting of city Planning Directors, county staff, and representatives of the County Exec.

Through several meetings, it was determined that it would be possible to do something, that it would take a lot of work on the details, and that there probably isn't a "one-size-fits-all" solution. Nor do we know how individual City Councils or the full County Council will react. Thus, it was determined to float a "resolution of intent" to test the idea prior to putting a lot of work into the details.

Benefits and Challenges

Cities Control Land Uses in Their Eventual Jurisdiction

Would benefit cities in that they would have control over the land uses in their eventual city. This would permit them to set densities, designate commercial/industrial where they see fit, figure out the best road network for their jurisdiction, etc.

County Workload & Budget Would be Reduced

By Countywide Planning Policies, the County is currently responsible for doing several subarea plans. Some of these subarea plans are completed, but not all (e.g., the Southwest UGA, where individual city municipal urban growth areas need to be identified first; the Arlington/Marysville UGA around Smokey Point). Ceding planning and/or permitting to cities in their UGAs would relieve the County of the responsibility to complete and update subarea plans, thus freeing up staff for other County regional level priorities, such as population allocation, rural resource protection, and UGA designations.

Increased Planning Costs for Cities

Cities would need more staff and/or more consultants as well as additional monies for any needed studies, public process, publications, etc. Possible solutions include (i) City would need to buck up and pay for this additional responsibility/privilege; OR (ii) County could share tax revenue from the UGA to help pay for the planning; OR (iii) a combination of the two. (What about increased cost to cities to provide infrastructure to the unincorporated UGAs?)

Were Only the Plans and Regulations Adopted, It Would be Hard for the County to Administer and Issue Permits

In the past the County has contended that it would be difficult to administer 19 different plans and codes in different areas of the County. However, there are plenty of examples of counties that do have different plans and regulations in their different parts. Often, their planning departments are organized into geographic groups that concentrate on specific areas, thus limiting the number of regulations they're responsible for. Furthermore, it may be that not all cities would want to participate in such a program. Perhaps the question of which jurisdictions would want to do this ought to be asked; maybe there's only a handful. And finally, were both planning and permitting functions transferred, County staff wouldn't have to be responsible for administering several sets of plans and codes.

UGA Citizens Would No Longer be Represented by Their Elected Officials

A concern was raised that were planning or permitting jurisdiction transferred to the cities, then the people the citizens of those UGAs elected would no longer represent them. However, for adoption of the CompPlans or regulation it is anticipated that the County Council would adopt that city's plan after holding a public hearing, thus providing that representation⁴. Were permitting also transferred, appeals could go to County Council, thus providing representation.

The County Planners' Labor Union Would be Opposed as it Could Lead to a Loss Of Jobs

There was concern that the union representing the County planners would balk since there could be a loss of jobs. However, since cities would need more planners, through an ILA they could either set up a process to weight applications from County planners, or to contract with the County for services, using their planners but under the city's Planning Director's supervision.

Would Need ILA Between the County and the Participating Cities

The County and the cities would have to expend energy and resources to enter into ILA that would allow for this delegation of authority. However, this is a short-term cost that each should be willing to cover.

County Would Need to Adopt Ordinance Adopting City's CompPlan and/or Code

The County would have to pass an ordinance adopting the city's CompPlan and/or code. However, this is a short-term cost that the County should be willing to cover.

Alternatives

Settle for different LOS in certain neighborhoods.

One alternative for dealing with the issue of infrastructure standards would be for cities to settle for different LOS in certain neighborhoods. In fact, many cities already do this for older neighborhoods, as it is almost fiscally impossible to bring them up to current standards. Of course, to do this properly, one should identify which neighborhoods could have a different LOS, which means that the decision would be susceptible to those who consider some standards better or worse than others. Any new developments within this neighborhood would only have to build to the accepted standard.

⁴To avoid last minute major changes in a city's UGA CompPlan or land use regulations by the County Council, there would have to be some sort of reconciliation process whereby the two jurisdictions would have to iron out the issues. If this was not possible and the two jurisdictions varied greatly on what the plan should be, then it may not be possible to transfer this task. This would mean that the city might have gone to a lot of expense and time to develop a plan that isn't adopted. Perhaps there would have to be some assurances that great deference would be given to the city's desires.

Figure out a funding mechanism for retrofitting annexed areas.

Another alternative would be to initially accept newly annexed neighborhoods with a lower LOS but figure out how to pay for bringing the infrastructure up to par. This could include taking all revenue from the annexed area and earmarking it for such improvements.

Service Provision Agreements

Where cities provide utilities, they have no obligation to *immediately* serve properties outside their city. Nor are they obligated to serve a development that does not meet their vision⁵. They can *require* a development to adhere to both their infrastructure standards and their zoning code. This can be accomplished by developing a policy that for any request for services in conjunction with development, the development meets these requirements. An application would be made to the City for service, accompanied by the proposed development and a review fee. The project would be reviewed by city staff per the city's code and standards. A Service Provision Agreement (signed by the city and the applicant) would be entered into only if the code is met, and on condition that the project be built per the city-approved plans.

According to County staff, this is the only way short of an ILA adopting local code that the County Hearing Examiner can require city requirements be met, since a contract has been signed. If the city requirements contradict or are lesser than the County's, and the County approves something other than what the city approved, then the City would not be obligated to provide utilities to that development since the applicant's end of the contract would not be fulfilled.

Have Snohomish Co. Implement Each Cities' Infrastructure Standards

Another alternative would be to re-raise the issue of Snohomish County adopting each of our standards for our UGAs. As explained, in the past their planning department, supported by their Executive, as adamantly opposed this. They believe that it would be difficult to administer numerous sets of standards. However, other counties have done this. A close example is Thurston, which has adopted Olympia's standards. Another example is San Diego County, which has separate CompPlans for different parts of the county, and implements them through matrices in their zoning code that specified different regulations and standards for each sub-area of the county.

Have Snohomish County Cede Planning Jurisdiction to Each Local Jurisdiction

From the cities' point of view, the best solution to controlling development within its UGA would be for the County to cede planning jurisdiction to them in their UGAs. Through an ILA, the County could adopt each city's CompPlans and land use codes and designate each city as their agent for planning and permit processing in their respective UGAs. Choosing this option would ensure that a city's UGA develops pursuant to its vision since the city's planners, Planning Commission, City Council, and/or Hearing Examiner would be interpreting their own code as is done within the city.

Obviously, this would take some political fortitude on the part of the County Council and Administrator. They would really have to buy into the intent and logical outcome of the GMA. To mitigate the problems raised earlier (see section 0, above), the solutions also raised in that section could be used.

⁵ Though the recent challenge to Arlington's utility code questions this assumption.

Co-Plan UGAs Using Local Jurisdictions' Land Use Designations (giving wide deference to cities desires), and Have SnoCo Adopt and Implement Local CompPlans and Zoning Codes within UGAs

This alternative is similar to the previous, except that a transfer of permit processing would not occur. County staff would continue to process permits, only according to the local jurisdictions CompPlan and code. It would alleviate the union's issue of job loss, but would leave interpretation of the local regulations to an outside agency. Nevertheless, it is a better solution than having the UGAs develop under the County's regulations.

Accept SnoCo Planning and Zoning and just Concentrate on Infrastructure Standards (the Expensive Things, Not the Aesthetic/Vision Stuff)

The last alternative is to not pursue having local plans and zoning regulations implemented, and just concentrate on the infrastructure standards, since retrofitting infrastructure will be the most costly aspect in terms of hard cash. There are costs associated with what a place looks like, but these are more social or quality of life costs. There are also long-term revenue impacts associated with Snohomish County doing the planning in a UGA, for instance if they do not think a jurisdiction needs as much commercial or industrial land as the local jurisdiction does. However, local jurisdictions may decide that that cost is not worth the effort or political cost.

PAC Subcommittee Recommendation

A Subcommittee of Snohomish County Tomorrow's Planning Advisory Committee (PAC) has been reviewing this matter and has developed the following three-pronged strategy:

Master Interlocal Agreement

The Subcommittee believes that there are too many variations in the particular circumstances of the various cities to come up with a "one size fits all" solution. For instance, one city might want to take on planning, zoning, land use and subdivision permitting, building permitting, and code enforcement. Another may only want to take on planning and zoning. Another may not want to do any of them. It would all depend on the cost, staffing issues, the particular Council's desires, the issues the County has in that UGA, etc.

Therefore, we recommend that a Master ILA be developed, outlining all the issues that may need to be dealt with between the County and each city, and that each city then negotiate with the County for the solution that works best for them. An outline of the issues that would be included in this ILA is attached.

Countywide Planning Policies

There currently are no Countywide Planning Policies (CPPs) that address this issue or support the notion of sharing jurisdiction within the unincorporated portions of the UGAs (though there are some about creating diverse centers). Therefore the Subcommittee has developed some recommended CPPs to be included in the 2003 "2nd Batch" of proposed amendments. These are attached.

Check in With Councils Prior to Beginning the Detail Work

Because there would be a lot of detail work to implement this strategy, the Subcommittee recommends that a Resolution of Intent (ROI) be forwarded first to the SCT Steering Committee for approval, and then sent to all the city and County councils for consideration. This ROI (attached), if approved by a substantial number of jurisdictions, would provide an indication of support and thus a need for continuing with the detail work: There's no point in going through the detail work if most jurisdictions aren't interested.

Proposed Countywide Planning Policies Supporting Transferring Unincorporated UGA Planning Jurisdiction

JP-X To ensure that city and county comprehensive planning and permitting roles and responsibilities in the unincorporated UGAs are clearly understood, Interlocal Agreements between the county and each city shall be developed to address the following:

1. Tasks of city/county staff
2. Schedule for completion of tasks
3. Roles of the various planning commissions
4. Roles of city/county council in adoption process
5. Appropriate public notification and involvement processes and roles, including hearing and notice processes
6. Funding sources, fees, and revenue sharing
7. Application procedures
8. Applicable regulations and standards to be used
9. SEPA process and lead agency roles
10. Appeal processes
11. Other issues and/or processes as necessary

The purpose of this policy will be to:

1. Facilitate annexations
2. Provide consistent processes for design and development
3. Ensure non-duplicative process for the development community
4. Provide for viable, quality communities
5. Provide for realistic capital facilities planning
6. Provide clear, adequate public participation processes
7. Provide for fiscal equity between the county and the cities
8. Clarify roles
9. Ensure coordination between long term and current planning at both the city and the county level.

Attachment 2

RESOLUTION NO. _____

A RESOLUTION OF INTENT TO SHARE PLANNING JURISDICTION BETWEEN SNOHOMISH COUNTY AND THE CITY OF LYNNWOOD WITHIN THE CITY'S MUNICIPAL URBAN GROWTH AREA

WHEREAS, Snohomish County has planning and permitting jurisdiction in the unincorporated portions of various Urban Growth Areas; and,

WHEREAS, Snohomish County acknowledges that pursuant to the GMA cities are the intended providers of urban services within their respective UGAs; and,

WHEREAS, urban services are best provided by annexation of unincorporated UGA to the city, or absent annexation, by interlocal agreement between the county and city; and,

WHEREAS, Snohomish County and the cities believe that it is in the citizens' best interest that each Urban Growth Area develops according to its city's vision in order to provide for a unique and diversified county; and,

WHEREAS, Snohomish County and the cities believe that local sub-area plans for each UGA can best be developed and implemented at the city and unincorporated neighborhood levels; and,

WHEREAS, allowing the unincorporated portions of a UGA to develop under city regulations may increase the likelihood of the UGA being annexed to the City; and,

WHEREAS, it is not the County's role to provide urban services to developed areas in the long term, nor does it intend to do so; and,

WHEREAS, the County's primary planning role is to ensure that regional issues are addressed, such as population allocation, arterial networks, establishing appropriately sized UGAs to accommodate needed employment and residential land, and protection of natural resource lands; and

WHEREAS, it is urgent that this project move forward as quickly as possible so as to facilitate appropriate planning and coordination.

THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

- Section 1. To enter into an interlocal agreement that may transfer some of the sub-area and neighborhood planning and/or permitting responsibilities and jurisdiction to the cities for their urban growth areas.

Section 2. The Snohomish County Tomorrow Planning Advisory Committee, at which we are represented by a representative of our Community Development Department, shall develop a framework interlocal agreement that will outline what duties may be transferred and when. Possibilities may range from the City only taking on planning responsibilities (wherein the County would adopt the City's Comprehensive Plan and land use code for our MUGA), to the City also processing land use and subdivision permits, to the City also processing building permits, to the City also administering Code Enforcement. Topics to be addressed should include: long range planning; development and building permitting responsibilities; construction inspections; fee revenue reimbursement; capital facility planning, financing, and construction; service transition; park, school, and traffic impact fees; surface water management; code enforcement; police services; fire marshal services; regional infrastructure coordination; and GMA and Countywide Planning Policy compliance.

Section 3. Each City may then negotiate with the County to tailor the framework ILA to best fit the circumstances of that City's UGA.

RESOLVED this _____ day of _____, 2004.

APPROVED:

MAYOR MIKE MCKINNON

ATTEST:

Greg Rubstello, City Attorney

Lynnwood Planning Commission
Meeting of August 26, 2004

Staff Report

Agenda Item: G-2

Shoreline Master Program - Draft

- 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:

An informal public meeting was held on June 26 to review the work program for preparation of the Shoreline Master Program (SMP). Work has been proceeding on the program, but is behind schedule. So far, a working map portfolio has been submitted to the Department of Ecology for review. The early comments on the mapping inventory indicate we still have some work to do to satisfy DOE.

Work is well underway on preparation of an early draft of the Shoreline Master Program document. The draft is not sufficiently complete to include with the agenda packet. More work will be completed by the time of the Planning Commission meeting and it is intended that the early draft will be handed out at the meeting. Staff will make a few remarks on the draft to aid Commission members in their review of the document. A full presentation and discussion of the early draft will be scheduled for the September 9 Commission meeting. In order to keep this project moving along with other Comprehensive Plan elements, it may be necessary to schedule a public hearing on the draft SMP for September 23. Staff will be looking at the scheduling options to see what will be necessary.

SHORELINE MASTER PROGRAM CONTENTS:

In lieu of the actual early draft of the SMP, an outline of the contents of the document is provided. This will give you an idea of the nature and scope of the material included.

- Section 1 – Introduction
- Section 2 – Goals
- Section 3 – Environment Designations
- Section 4 – General Policies and Regulations
- Section 5 – Policies and Regulations for Shoreline Uses
- Section 6 – Policies and Regulations for Shoreline Modification Activities
- Section 7 – Administrative Regulations
- Section 8 - Appendices

Lynnwood Planning Commission
Meeting of August 26, 2004

Staff Report

Agenda Item: H-1

Comprehensive Plan Amendments Finalize Recommendations

- Public Hearing
- Informal Public Meeting
- Work Session
- New Business
- Unfinished Business**
- Information
- Miscellaneous

Dept. of Community Development — Staff Contact: Ron Hough (425) 670-6655

Introduction:

With the exception of the Shoreline Master Program, all of this year's proposed amendments to the Comprehensive Plan have been discussed at Planning Commission work sessions and public hearings. The public hearing has been closed and the Commission is ready to finalize its recommendations on most of the proposals.

Each year, the Commission considers the facts and data that are offered, the approval criteria, testimony at public hearings and the recommendations of City staff before arriving at their own recommendations. This year the Commission will consider "administration recommendations" which represent the entire administration, not just the planning staff. The following administration recommendations are proposed:

Residential Balance – Consider replacing a land use ratio goal

- The administration recommends City Council **approval** of this proposal to remove the "Residential Balance" goal from the Land Use Element of the Comprehensive Plan and replace it with the "Single-family Housing Retention" goal as proposed by the applicant.

Raskin – Plan Map Amendment

- The administration recommends City Council **approval** of the requested change from Business/Technical Park (**BTP**) to High-density Multi-family (**MF-3**), including a related change in zoning to High-density Multi-family (**RMH**) to maintain Plan/Zone consistency.

Kingsbury West Mobile Home Park – Plan Map Amendment

- The administration recommends City Council **approval** of this request to apply the High-density Single-family (**SF-3**) Comprehensive Plan designation to Kingsbury West Mobile Home Park and its Annex, along with the implementing High-density Single-family (**RS-4**) zoning.

College District Plan – Amendments to District Boundaries

- The administration recommends City Council **approval** of the following changes:
 1. Remove all properties that are currently zoned General Commercial (**CG**) from the College District and the College District Overlay zone, as shown in the staff report map.
 2. Remove the following properties from the College District Overlay (**CDO**) zone (See Proposed CDO Zone Adjustments map in staff report):
 - a. All properties that are currently zoned Neighborhood Business (B-3).
 - b. All properties that are currently zoned Community Business (B-1).
 - c. All properties that are currently zoned Public (P-1), including the municipal golf course, Edmonds Community College campus, Post Office, South District Courts, Edmonds School District Administration and Gold Park.

Growth Policies Review – Urban Growth Areas and Annexation

- The administration recommends City Council **approval** of a minor adjustment to the City’s Municipal Urban Growth Area (MUGA) to allow the City of Mountlake Terrace to annex and provide municipal utilities and services to an area north of 212th Street and east of 44th Avenue. (See “Proposed Adjustment” map)

Parks & Recreation Element – Annual data updates and revisions

- The administration recommends City Council **approval** of the package of changes to the Parks & Recreation Element of the Comprehensive Plan.

Implementation Program Update - Annual update of project scheduling

- This section is not yet complete. A recommendation will follow.

Data Updates – Non-policy updates of data and statistics

- The administration recommends City Council **approval** of the proposed non-policy data update changes to the Comprehensive Plan.

Policy Adjustments - Moving policies from codes to Comp. Plan

- The administration recommends City Council **approval** of the transfer of the identified policies from City codes to their appropriate places in the Comprehensive Plan.
- The administration further recommends City Council **adoption** of two new policies related to SEPA traffic impact mitigation.



