

# AGENDA

## Lynnwood Planning Commission

Thursday, September 13, 2007 — 7:00 pm

Note Location: Fire Station 15, 18800 – 44<sup>th</sup> Ave. W., Lynnwood WA

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### A. Call to Order

Chair DECKER  
Commissioner AMBALADA  
Commissioner DAVIES  
Commissioner ELLIOTT, First Vice-chair  
Commissioner PEYCHEFF  
Commissioner WRIGHT  
Commissioner WOJACK, Second Vice-chair

### B. APPROVAL OF MINUTES:

None at this meeting

### C. COUNCIL LIAISON REPORT

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

### E. PUBLIC HEARINGS:

#### 1. Work Release Facilities Code Amendment (07-CAM-0002)

The proposed amendments, if approved, would adopt zoning regulations regarding the location of, operation of and permitting processes for work release facilities.

### F. WORK SESSION:

#### 1. Update: VISION 2040

Briefing on the update by the Puget Sound Regional Council on the regional plan for the Puget Sound region.

#### 2. Update: Buildable Lands Report

Briefing on the update by Snohomish County on the Buildable Lands Report.

### G. BUSINESS:

None

### H. DIRECTOR'S REPORT & INFORMATION:

1. American Planning Association Membership for Commissioners.

2. Upcoming Commission Meetings

### I. ADJOURNMENT

The public is invited to attend and participate in this public meeting. To request special accommodations for persons with disabilities, contact the City at (425) 670-6613 at least 24 hours prior to the meeting.

***Lynnwood Planning Commission***  
**Meeting of September 13, 2007**

## **Staff Report**

**Agenda Item: E-1**  
**Work Release Facilities Code Amendment**  
(2007CAM0002)

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

Lynnwood Dept. of Community Development — Staff Contact: Kevin Garrett, Planning Manager

### **Action:**

Following public hearing, discuss and forward recommendation to City Council.

### **Background:**

At present the Zoning Code has no regulations for work release facilities. Recent news reports have stated that the State of Washington may attempt to locate work release facilities in counties where such facilities do not meet the projected need for such facilities (see Attachment A).

### **Noticing**

None required. Notice of a future public hearing on draft regulations would be provided as required by the Municipal Code.

### **Relevant Legal Citations**

State law designates work release facilities as “essential public facilities.” GMA states that cities may not prohibit essential facilities, but they may impose reasonable conditions on their location and operation.

### **Analysis and Comment**

Recent analysis by the state Department of Corrections shows that Snohomish County has a “high” need for work release facilities (see Attachment B). While we have no information at this time that one of these facilities will be proposed in Lynnwood, staff recommends having regulations “on the books” to address such a proposal.

Zoning regulations for this land use need to both recognize that state law does designate the use as an “essential public facility” while providing a reasonable process to address specific concerns related to any future proposal. Staff is recommending a set of regulations that would require:

- Approval of a conditional use permit by the City's Hearing Examiner, following a public hearing; and
- Minimum separation distances from land uses that could be significantly impacted by the location of a work release facility; and
- Minimum separation distances between these facilities, to avoid concentrating multiple facilities in a small area.

The draft regulations (Attachment A) do not state recommended separation distances; staff is preparing maps of alternative distances for consideration by the Planning Commission at the public hearing.

This approach is similar to regulations for these facilities adopted by the City of Auburn and by Lynnwood for opiate substitution treatment programs in 2002 (LMC 21.24.420).

## **Conclusions and Recommendation**

Following the public hearing, recommend that the City Council approve this code amendment.

## **Attachments**

- A. Draft Zoning Regulations for Work Release Facilities.
- B. Map, 2007 Work Release Capacity Needs

## Work Release Facilities Code Amendment

### 21.24.430 Work Release, Prerelease and Similar Facilities.

- A. The siting of a work release, prerelease or similar facility in the city of Lynnwood requires the issuance of a conditional use permit in accordance with the provisions of this chapter and section. The siting process and criteria for essential public facilities eligible for common site review described in the Lynnwood Comprehensive Plan is hereby adopted as an optional process that may be elected by the sponsor of a Work release, prerelease or similar facility in addition to the conditional use permit process required by this section. In considering the concentration of essential public facilities in the site evaluation criteria described in the Lynnwood Comprehensive Plan, the essential public facilities to be considered are those listed in RCW 36.70!A. Any mitigation required under the common siting process will not exceed those provided for by RCW 36.70A.
- B. Conditional Use Permit Application Process. A conditional use permit application for a work release, prerelease or similar facility shall comply with all the permitting and procedural requirements pertaining to a conditional use permit under this chapter. In addition, the following items shall accompany any application for a conditional use permit for a work release, prerelease or similar facility:
1. A narrative description of the siting process used for the facility, including alternative locations considered.
  2. An analysis showing that utmost consideration was given to potential sites such that there will not be a resulting concentration of similar facilities in a particular neighborhood, community, jurisdiction, or region.
  3. Proposed land use mitigation measures including the use of extensive buffering from adjacent uses.
  4. A security plan for the facility and a cooperation plan with the Lynnwood Police Department.
  5. Proposed operating rules for the facility and any adjacent parking area used by the facility.
  6. A schedule and analysis of all public input solicited or to be solicited during the siting process.
  7. An ingress and egress plan for managing clientele visits to the facility.
- C. In addition to the requirements for all conditional uses in this chapter, the following siting and performance standards shall apply to all work release, prerelease and similar facilities offering alternatives to imprisonment:
1. Maximum number of residents: No work release, prerelease or similar facility shall house more than 50 persons, excluding resident staff.
  2. Dispersion criteria:
    - a. The lot line of any new or expanding work release, prerelease or similar facility shall be located:

- i. \_\_\_\_\_ feet or more from any residential zone; and
    - ii. \_\_\_\_\_ feet or more from any group residence facility; and
    - iii. \_\_\_\_\_ feet or more from any accredited public, private or parochial school, excluding commercial schools such as business, vocational or technical schools; and
    - iv. \_\_\_\_\_ feet or more from any religious institution; and
    - v. \_\_\_\_\_ feet or more from any public park; and
    - vi. \_\_\_\_\_ feet or more from any licensed daycare center, nursery school or preschool; and
    - vii. \_\_\_\_\_ mile or more from any other work release, prerelease or similar facility.
  - b. The distances provided in this subsection shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed use is to be located or expanded, to the nearest point of the parcel of property or the land use district boundary line from which the proposed land use is to be separated.
3. Each facility shall provide on-site dining, on-site laundry or laundry service, and on-site recreation facilities to serve the residents.
  4. A conditional use permit application for a work release, prerelease or similar facility shall be accompanied by proposed operating rules for the facility. These proposed rules shall be reviewed by the Community Development Director in consultation with the Chief of Police and the City Attorney. The Community Development Director shall include in any recommendation on the requested conditional use permit an analysis of the proposed rules as they may relate to the decision criteria under LMC 21.24.100.

***Lynnwood Planning Commission***  
**Meeting of September 13, 2007**

## **Staff Report**

**Agenda Item: F-1**  
**Update: VISION 2040**

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

Lynnwood Dept. of Community Development — Staff Contact: Kevin Garrett, Planning Manager

### **Action:**

Discussion only – no action

### **Background:**

In July, 2007, the Puget Sound Regional Council issued for public review the draft of a new plan for the four-county Puget Sound region - VISION 2040 - together with a draft Supplemental EIS for that Plan.

The Puget Sound Regional Council (PSRC) is updating its plan for the four-county Puget Sound region. The regional plan establishes a framework for guiding how and where the region will grow and for setting planning and investment priorities. The plan was last updated in 1995. In July, PSRC released for public review a draft of the new regional plan - VISION 2040, together with a Supplemental EIS for that Plan. More information about the draft Plan is available on the PSRC website ([www.psrc.org](http://www.psrc.org)).

### **Comment and Analysis**

The draft Plan envisions an approach to growth of the region that focuses much of the forecasted growth into urban centers - primarily "metropolitan centers" (Seattle, Bellevue, Tacoma, Everett and Bremerton) and "core cities", including Lynnwood. VISION 2040 recommends a slightly greater emphasis on growth in such centers than does VISION 2020. It also recommends slightly higher priority for infrastructure funding in such centers.

From the draft of VISION 2040:

"VISION 2040 Vision Statement: Our vision is for a future that advances the ideals of our people, our prosperity, and our planet. As we work toward achieving the region's vision we must protect the environment, support and create vibrant and livable

communities, offer economic opportunities for all, provide safe and efficient mobility, and use our resources wisely and efficiently. Land use, economic, and transportation decisions will be integrated in a manner that supports the environment, achieves social equity, and is attentive to the needs of future generations."

"VISION 2040 was developed to address the key question:

"How can the region accommodate another 1.7 million people and 1.2 million new jobs by 2040 while enhancing the environment and our overall quality of life?"

"VISION 2040 has been crafted to serve as the long range growth management, economic and transportation strategy for the central Puget Sound region. VISION 2040 combines a public commitment to environmental sustainability and growth management with the economic strength and efficient transportation facilities necessary to support that vision. It looks ahead at what we want the region to be in the year 2040 and identifies key issues that we need to tackle to get there. It is a vision of how to accommodate the growth that we know is coming, as well as a strategy for creating the resources and infrastructure needed to help our communities manage that growth."

Review of the draft Plan by Snohomish County Tomorrow has identified a significant disagreement regarding policies in the Plan for "fully contained communities." See attached memo by Shane Hope, Planning Director of Mountlake Terrace, for a discussion of this issue. Staff will comment on this issue at the work session.

**Recommendation:**

For information only.

**Attachment(s):**

1. Memo regarding fully-contained communities from Shane Hope, Planning and Development Director, City of Mountlake Terrace.

# Memorandum

August 6, 2007

To: City Council

From: Shane Hope, Planning and Development Director

Via: John J. Caulfield, City Manager

Subject: Fully Contained Communities as Vision 2040 Policy Issue  
For Snohomish County Tomorrow Steering Committee

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“Fully contained communities” (FCCs) is on the City Council’s August 30 agenda to discuss and obtain policy direction for the City’s position on an upcoming Snohomish County Tomorrow (SCT) decision.

## What is the policy issue at hand?

The SCT Steering Committee will decide at its September 4 meeting the nature of any comments on FCCs in a joint letter to the Puget Sound Regional Council. The purpose of the letter is to provide collective input from the city and county governments of Snohomish County on the proposed Vision 2040 document, including multi-county planning policies. Council member Angela Amundson, as the City’s elected representative to the Snohomish County Tomorrow Steering Committee, has requested input and direction from the rest of the Council on FCCs and indicated that she will follow Council’s direction when voting at the September 4 meeting.

## What are FCCs?

“Fully contained communities” (FCCs) is a term from the Growth Management Act (GMA). It means city-like developments that, when designated, are: (a) unincorporated; (b) outside initial urban growth areas; and (c) meeting certain conditions described below. While the GMA theoretically allows them, many people think the concept runs counter to GMA goals of reducing sprawl, protecting natural resource lands, and encouraging growth in urban areas where public facilities are available.

Conditions required for counties to designate FCCs under RCW 36.70A.350 are that:

- New infrastructure is provided for and impact fees are established;
- Transit-oriented site planning and traffic demand management programs are implemented;
- Buffers are provided between the new fully contained communities and adjacent urban development;
- A mix of uses is provided to offer jobs, housing, and services to the residents of the new community;
- Affordable housing is provided within the new community for a broad range of income

- levels;
- Development regulations are established to ensure urban growth will not occur in adjacent non-urban areas;
  - Provision is made to mitigate impacts on designated agricultural lands, forest lands, and mineral resource lands; and
  - The plan for the new community is consistent with the county's critical area regulations.

*No specific standards are established by the GMA to determine how the above conditions are met.*

#### What are examples of FCCs?

No current city in Washington ever began as a designated FCC. While the City of Mill Creek has been cited as an example of an FCC, Mill Creek never had that designation and did not actually meet the GMA criteria for an FCC. However, two major King County developments (namely, (1) Redmond Ridge—a huge phased development at three locations in the Novelty Hill area; and (2) Snoqualmie Ridge) are examples of FCCs; all were vested as planned communities prior to the adoption of the GMA. Since adoption of the GMA, no areas in King County have vested as an FCC.

A few other developments, such as Northwest Landing and Issaquah Highlands, have also been pointed out as examples of FCCs. However, they have not had the FCC designation and, in fact, were developed as areas annexed to existing cities—Northwest Landing to the City of Dupont and Issaquah Highlands to the City of Issaquah.

In recent years Snohomish County has allowed various large developments outside cities, though these developments were within the Urban Growth Boundaries established by the County and were not considered FCCs.

#### Have any FCCs been proposed for Snohomish County?

Two areas in north Snohomish County have been discussed as possible FCCs, but have not yet been officially designated as such. (See attached newspaper articles.) Based on the current Snohomish County Countywide Planning Policies, the County could designate these—or other areas in the future.

#### What does the draft Vision 2040, say about FCCs?

Two multi-county policies are proposed for FCCs in Vision 2040. They read as follows:

- *Avoid additional fully contained communities outside of the designated urban growth area because of their potential to create sprawl and undermine state and regional growth management goals.*
- *In the event that a proposal is made for creating a fully contained community, the county shall make the proposal available to other counties and to the Regional Council for advance review and comment on regional impacts.*

#### Why does Vision 2040 matter?

Vision 2040 is the document that includes multi-county planning policies for a four-county area:

King, Snohomish, Pierce, and Kitsap. It will replace the current document, Vision 2020. Under the GMA, multi-county planning policies are at the front-end of guiding county-specific policies, which in turn guide local comprehensive plans and development regulations. Since the FCC policy is proposed as a multi-county planning policy, if adopted, each county would have to be consistent with it. Below is a “flow chart” that shows the order of this framework.

Multi-county planning policies →  
Countywide planning policies →  
County & city comprehensive plans →  
County & city development regulations & budget →  
Development projects & miscellaneous governmental activities.

How would any future FCCs be decided in Snohomish County?

While the GMA requires certain criteria to be met, the County currently has wide latitude to make FCC decisions. This is largely because the existing Vision 2020 (multi-county) policies do not address the topic. Therefore, each county may adopt its own countywide planning policies and designate FCCs without a vote of the cities—though cities may provide input. The County’s FCC decisions can be overturned only if they are successfully appealed through the Growth Management Hearings Board or court.

If the proposed Vision 2040 FCC policy is **not adopted**, Snohomish County would be able to continue using its existing FCC policies—or adopt new FCC policies it chooses in the future. The County’s existing FCC policies require:

- Consultation with—but not approval of—the cities nearest to the FCC;
- Absorption of 5% of the expected Urban Growth Area population growth (which currently translates to 15,000 people being located in an FCC);
- A minimum size of 2,000 acres;
- 50% of the FCC area to be in open space; and
- FCC boundary to be not closer than one mile to an existing city.

If the proposed Vision 2040 FCC policy is **adopted**, Snohomish County would need to:

- Probably revise its FCC policies to: (a) more strictly limit or avoid new FCCs; and/or (b) if not designating any FCCs, use the SCT process to reallocate the expected population growth of 15,000 people so it can be absorbed within urban growth areas by 2025; and
- Allow other counties and the Puget Sound Regional Council (PSRC) to comment on any FCC proposals before finalizing them.

Why is the Puget Sound Regional Council board seeking to discourage FCCs?

The FCC issue has been intensely discussed by the city and county representatives on the PSRC Growth Management Policy Board before proposing the multi-county policy. Most elected representatives felt that allowing new FCCs in rural or natural resource areas was contrary to GMA goals and should be avoided. They also thought that designation of an FCC should be subject to more than just a single county’s decision since the decision affects various cities and urban growth

patterns; in addition, FCCs could theoretically affect other local governments and people outside the county (e.g., by adding congestion to a road that passes through an adjacent county).

The proposed FCC policy would apply to all four central Puget Sound counties (King, Snohomish, Pierce, and Kitsap).

What is Snohomish County saying about the proposed FCC policies?

Snohomish County opposes the proposed Vision 2040 policies for FCCs and seeks to retain its authority to establish FCCs. Key points made by Executive Aaron Reardon at the last SCT meeting were:

- Each county is the proper authority to decide on FCCs;
- Snohomish County already has an adopted process to decide FCCs;
- Snohomish County will “work with” existing cities nearest to any FCCs it designates; and
- Without future FCCs in Snohomish County, the population growth associated with them (about 15,000 people) would have to be reallocated to existing urban growth areas.

What are other cities saying about the proposed FCC policy?

Some cities in Snohomish County have expressed concern that FCCs would negatively impact cities and would increase regional traffic problems. (See attached advisory letter from Mill Creek’s Community Development Director.) Those cities are leery of trusting the County’s approach to development. However, one or two cities are sympathetic to the County, especially if an FCC would absorb some of the future urban growth.

What are the “pros and cons” of FCCs?

Below is a list of potential “**pros**” related to FCCs:

- Five percent (5%)—currently 15,000 people—of the future urban population expected in Snohomish County would be located outside of existing urban growth areas;
- FCCs provide the chance to create a new community from scratch; and
- FCCs could provide a new source of business revenue to the County (since, otherwise, most commercial development must occur in urban growth areas—i.e., in cities or their future annexation areas).

Below is a list of potential “**cons**” related to FCCs:

- Taxpayers would have to pay an unknown share of the infrastructure—roads, sewer, water, etc.—required to create a new community outside an existing urban growth area;
- Traffic created by a new community could impact existing cities;
- Any new FCC would compete with existing cities for locating commercial businesses and for obtaining scarce infrastructure funds; and
- A new FCC is likely to impact rural and resource lands and the preservation of open space.

What has happened so far at SCT?

Snohomish County staff drafted a comment letter to PSRC regarding proposed Vision 2040 policies. Much of the letter reflected earlier input from the Planning Advisory Committee (PAC), a group comprised of county and city planning and community development directors. However, the final

wording that comprised the letter—at least regarding FCCs—was a surprise to various PAC members representing cities. The letter urged that the policy to avoid the use of FCCs be eliminated from Vision 2040.

At its July 25 meeting, the Steering Committee members discussed the draft letter and could not reach consensus. (See attached materials presented at the meeting.) The City of Mill Creek argued that not reaching consensus meant the FCC comment should be withdrawn from the joint SCT letter and each jurisdiction could choose whether to comment on its own about the FCC issue. Snohomish County brought out a rule that has never been used in the 20-year history of SCT. The rule says that if consensus cannot be reached, a weighed vote may be used. The weighed vote is based on population and consequently, the County would have over 47% of the vote.

Several city representatives expressed concern about using such a vote. County Executive Reardon moved to table the vote until September 4.

#### What are the options for SCT's comment letter?

The basic options are:

- A. Remove any FCC comment from the SCT letter.  
*[This option would recognize that: (a) the FCC issue does not have broad agreement among the SCT members; and (b) each city and county could still make its own individual comments to the Puget Sound Regional Council.]*
- B. Keep the FCC comment, as proposed by the County, that argues FCCs are allowed by the GMA and that the draft multi-county policy to avoid FCCs should be eliminated.  
*[This option would: (a) support the use of FCCs by counties; and (b) allow cities that disagree to make their own individual comments to the Puget Sound Regional Council.]*
- C. Add another FCC comment, also as proposed by the County, that says not only to eliminate the draft multi-county policy about avoiding FCCs, but to eliminate the draft policy that says PSRC and others should be able to review and comment on regional impacts of the FCC proposal.  
*[This option would: (a) most strongly support the County's position on FCCs; and (b) still allow each city to make its own individual comments to the Puget Sound Regional Council.]*

#### Does staff have a recommendation?

Staff's recommendation is Option A. This option best protects the natural environment, saves taxpayer money on infrastructure; reduces sprawl, and ensures that future commercial development will occur in cities and their designated annexation areas.

#### Would it make any difference to "discourage" FCCs rather than to "avoid" them?

At least one city representative offered to have the SCT letter recommend revising the multi-county policy about FCCs to use the word "discourage" instead of "avoid." The County representatives were not interested in such a revision; they stated that "discourage" would have the same effect as "avoid."

Where is more information on Vision 2040 available?

PSCRC staff made a presentation to the Mountlake Terrace City Council in June. Copies of the proposed Vision 2040 and multi-county policies were provided to the Council and meeting attendees. The materials also can be downloaded from the Puget Sound Regional Council's webpage at:

<http://psrc.org/projects/vision/index.htm>.

Should the City take additional action on Vision 2040?

Besides taking on a position through the SCT letter, the City could send a separate letter to the Puget Sound Regional Council. A separate letter could either support or oppose Vision 2040 as proposed. It would be especially useful if SCT's position turns out to be contrary to the City's. However, SCT'S position will not be known until the evening of September 4<sup>th</sup>, three days before the deadline for comments. If the City Council wishes to take other action, it should be decided at the August 30 meeting.

The City's basic options for other actions are:

- A. Send a letter to PSRC identifying the City's position on Vision 2040, particularly on FCCs— but only **if** SCT takes a position different than recommended by the City Council.
- B. Send a letter to PSRC identifying the City's position on Vision 2040, particularly on FCCs— **whether or not** SCT takes a different position.
- C. Do not send a separate letter.

If, at its August 30 work/study session, the Council chooses to direct the submittal of a separate letter to PSRC, such a letter could be drafted to reflect the Council's position and signed by the Mayor on behalf of the Council.

What is next?

The deadline for commenting on the proposed Vision 2040 is September 7, 2007. At the August 30 work session, the Council may provide direction regarding:

1. Which FCC option the City's SCT Steering Committee representative should pursue for the SCT comment letter; and
2. Whether to send a separate letter from the City to support (or oppose) Vision 2040 as currently proposed.

On September 4, Council member Amundson will vote and help decide the SCT position on FCCs. By September 7, if Council has so chosen, a separate letter from the City will also be submitted to PSRC.

**ATTACHMENTS:**

- o Snohomish County Bulletin # 16: Fully Contained Communities

- Letter from Mill Creek's Community Development Director
- *Times* editorial on FCCs
- *Herald* article on FCCs
- Materials from SCT Steering Committee meeting

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***Lynnwood Planning Commission***  
**Meeting of September 13, 2007**

**Staff Report**

**Agenda Item: F-2**  
**Update: Buildable Lands Report**

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

Lynnwood Dept. of Community Development — Staff Contact: Kevin Garrett, Planning Manager

**Action:**

Discussion only – no action

**Background:**

Pursuant to State law, every five years the County must update its review and evaluation program to determine whether there is sufficient suitable land to accommodate countywide population and employment projections. Under the Countywide Planning Policies, Snohomish County Tomorrow (SCT) is the lead organization for this update. This report briefs the Planning Commission on this update and its relationship to the City's Comprehensive Plan and plans for future annexations.

RCW 36.70A.215 requires that certain more-rapidly growing counties (“buildable lands” counties) establish a review and evaluation program to determine whether there is sufficient suitable land to accommodate future growth. The Office of Financial Management (OFM) issues county-wide population and employment projection for the county; SCT then allocates that growth to the county, its cities, and urban growth areas. Snohomish County, operating for SCT, has created an implementing technical methodology for conducting the buildable lands program. The final SCT Planning Advisory Committee (PAC) draft was published in August.

**Comment and Analysis**

The draft report shows that Lynnwood is one of three cities (along with Bothell and Brier) that have an “inconsistency” between the 2025 population growth target and growth capacity. In our case, this inconsistency is a capacity shortfall of 688 persons for projected growth in the incorporated area; when including the MUGA in the analysis, there is no inconsistency. The attached memorandum explains how we came to be in this shortfall situation and the potential consequences of the shortfall. Our initial feeling is that the shortfall arose from stakeholder-driven changes in model assumptions. Note that

the twenty year growth capacity at the municipal urban growth area (MUGA) level exceeds the reconciled MUGA growth target by a comfortable level. This would seem to meet the requirements of GMA, and relegate the 1.6% shortfall to the category of statistical anomaly. However, language in CPP UG-14(b) and Appendix C imply that both RCW 36.70A.215 and Countywide Planning Policy UG-14(b) direct cities to consider “reasonable measures” to resolve any “inconsistency.” As we have adequate capacity at the MUGA level, staff does not believe that a reasonable measures program is warranted. No jurisdictions had inconsistencies as a result of the 2002 Buildable Lands report, so this is new territory for the County and SCT.

Until we are able to more fully analyze the detailed data, it is impossible to know the specific factors that have led to the shortfall. CPP UG-14(c) provides a mechanism for resolution by the SCT Steering Committee of disputes relating to collection and analysis of data. We will continue to investigate all options for eliminating the shortfall, including an appeal to the county to allow downward adjustment of our growth target consistent with City Center development assumptions used in the Buildable Lands analysis.

**Recommendation:**

For information only.

**Attachment(s):**

1. Background Memo

# Memorandum

4/30/08

To: Mayor and Council

From: Paul Krauss, Director  
Keith Maw, Senior Planner

Subject: 2006 Buildable Lands Report Status

**Background.** RCW 36.70A.215 requires that certain “buildable lands” counties establish a review and evaluation program to determine whether there is sufficient suitable land to accommodate the county-wide population projection established for the county by the Office of Financial Management (OFM) and the subsequent population allocations between the county, its cities, and urban growth areas. Snohomish County, operating through Snohomish County Tomorrow (SCT), has created Countywide Planning Policies (CPPs) and an implementing technical methodology for conducting the buildable lands program. The final SCT Planning Advisory Committee (PAC) draft was published in August and is scheduled for PAC Steering Committee review and approval on September 5, 2007.

The draft report shows that Lynnwood is one of three cities (along with Bothell and Brier) that have an “inconsistency” between the 2025 population growth target and growth capacity. In our case, this inconsistency is a capacity shortfall of 688 persons. The remainder of this memorandum will attempt to explain how we came to be in this shortfall situation, the consequences of the shortfall, and what actions (AKA “reasonable measures” in GMA-speak)– if any – are warranted.

**Population Target Process.** In 2003, each city was asked by the county, pursuant to CPP UG-2(a), to establish a 2025 population growth target in response to an initial allocation of county-wide growth targets established by OFM. Community Development staff prepared a response based upon the county’s 2002 Buildable Lands report, our own capacity estimates, and the capacity estimates for the City Center. The Planning Commission made only minor changes to the target before recommending it to the Council for action. After extensive debate, the Council chose to not include the additional capacity and growth associated with the City Center in the 2025 target, and instead chose a number that fell below the “Low” value in the county allocation of OFM targets but was consistent with existing capacity. The table below summarizes these actions.

	Population		2020-2025 growth		Allocated to City Center
	2000	2025	persons	%	
<b>Initial OFM/County range</b>					
<b>Low</b>	33847	40570	6723	20%	
<b>High</b>	33847	44080	10233	30%	
<b>Planning Commission</b>	33847	42500	8653	26%	4200
<b>Council</b>	33847	38510	4663	14%	0

The final Council action was forwarded to SCT and adopted as the initial population target for the City. At the time these targets were established, the county and most cities had not yet completed required updates to their GMA Comprehensive Plans. Under CPP UG-2(b), the County established a target reconciliation process to review these initial targets against the targets actually contained in each jurisdiction’s GMA updates. As the City Center plan had been approved before the effective date of the reconciliation process, capacity estimates for the City Center were factored into the reconciled target as shown below:

	Population		2020-2025 growth		Allocated to City Center
	2000	2025	persons	%	
<b>Reconciliation</b>					
<b>Plan Target</b>	33847	38510	4663	13%	0
<b>City Center</b>			5272	NA	5272
<b>Total</b>	33847	43782	9935	29%	

This final reconciled target, unlike the initial target, falls within the County/OFM range. However, the reconciled target, like the initial target, utilized 100% of identified capacity and left no “headroom.”

**Growth Capacity Process.**

Growth capacity is estimated using a parcel-based modeling process that evaluates capacity for additional growth based upon parcel size, current use, zoning, and environmental factors. The modeling process was largely unchanged from the 2002, but the County made numerous changes to the values of several parameters based upon stakeholder input. Special situations, such as the City Center, were estimated outside of the model.

During the SCT-PAC review process, the city had the opportunity to review initial drafts of the buildable lands analysis. It was not until the process was nearing completion that we called into question capacity assumptions related to City Center and Lynnwood High School site development. The underlying capacity shortfall was not apparent until

capacity associated with the City Center was adjusted downward (-948) and the capacity from the High School site redevelopment removed (-640). County staff had made erroneous assumptions by not understanding that City Center development is actually capped by Comp Plan and Zoning restrictions at 3000 dwellings. The County assumed that growth could continue in the future past this level. Further, County staff made the assumption that Lynnwood High redevelopment had been approved when of course that is not yet the case. The following table shows final capacity and target population at the city and MUGA level.

	2006 Estimated Population	Reconciled CPP 2025 Population Targets	2006-2025 Numeric Change	2025 Total Population Capacity	Additional 2006-2025 Population Capacity	Population Capacity Surplus (shortfall)
<b>Lynnwood</b>						
<b>MUGA</b>	58661	82507	23846	85481	26820	2974
<b>Lynnwood City</b>	35230	43782	8552	43094	7864	(688)
<b>Uninc. MUGA</b>	23431	38725	15294	42387	18956	3662

From this preliminary analysis, it would appear that the capacity shortfall is largely the result of parameter changes in the County’s capacity model. Staff is continuing to analyze the detailed capacity data and will present an updated report at the Council meeting on September 5.

**Consequences and Actions.** The table clearly shows that the twenty year growth capacity at the urban growth area (MUGA) level exceeds the reconciled growth target by a comfortable level. This would seem to meet the requirements of GMA, and relegate the 1.6% shortfall to the category of statistical artifact. However, language in CPP UG-14(b) and Appendix C imply that both RCW 36.70A.215 and Countywide Planning Policy UG-14(b) direct cities to consider “reasonable measures” to resolve any “inconsistency.” No jurisdictions had inconsistencies as a result of the 2002 Buildable Lands report, so this is new territory for the County and SCT.

Until we are able to more fully analyze the detailed data, it is impossible to know the specific factors that have led to the shortfall. CPP UG-14(c) provides a mechanism for resolution by the SCT Steering Committee of disputes relating to collection and analysis of data. We will continue to investigate all options for eliminating the shortfall, including an appeal to the county to allow downward adjustment of our reconciled target consistent with City Center development assumptions used in the Buildable Lands analysis. As our capacity at the MUGA level exceeds the population target at the MUGA level, we do not believe that a reasonable measures program is warranted.

Fundamentally, Lynnwood acted in good faith in a manner supportive of GMA and County Plan goals, in planning for and approving City Center. The City planned for a large increase in density and ability to accommodate population growth. Through an accident of timing more than anything else, in adopting City Center in 2005, Lynnwood

failed to receive “credit” for this increase in density in the current Buildable Lands round. Thus, instead of being able to demonstrate an ability to accommodate a surplus in population growth, the “goalposts” were moved.

The possible repercussions of this situation are more significant than they may initially appear. GMA and County policies could obligate Lynnwood to take reasonable measures to meet current growth targets. Thus, the Council would need to consider increasing densities around the City to cover the shortfall. Further, as annexations move forward, the Council may want to consider down-zoning some neighborhoods such as those threatened with LDMR development. In so doing the City would need to account for this density decrease elsewhere. Instead of having a population surplus in City Center, we would start to process in deficit thus making it that much more difficult to meet growth targets. This could then result in appeals to annexation plans and/or subsequent Comp Plan amendments by the County and outside organizations or individuals. Over the past few years there have been numerous such appeals from Futurewise, Master Builders, Realtors and others.