



Snohomish County

PLANNING & DEVELOPMENT SERVICES

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MEMORANDUM

TO: Councilmember Mike Cooper, Chair
Councilmember Dave Gossett
Councilmember Dave Somers
Councilmember Brian Sullivan
Councilmember John Koster

FROM: Larry W. Adamson, AICP, Acting Director

DATE: September 25, 2009

SUBJECT: Response to Council Introduced Amendments on Urban Centers

This memo provides Planning and Development Services (PDS) comments on four council introduced amendments to the proposed Urban Centers development regulations.

Amendment 4A

As PDS understands it, this amendment (initially proposed by the town of Woodway) would cap the total number of dwelling units and limit building height to 65 feet for urban centers that border Puget Sound. This amendment incorporates proposed code language in Executive Recommended Amendment 4. The language contained in this amendment regarding the limit of residential development to 800 units is unclear with respect to whether it applies to an individual project or the entire area zoned Urban Center (UC).

Amendment 7

This amendment, also initially proposed by the town of Woodway, would modify the provisions for city review of urban center projects. This amendment is an alternative to Executive Recommended Amendment 2 which was developed in collaboration with Snohomish County Tomorrow.

As drafted, PDS has concerns with its ability to implement the proposed language. It is unclear if the intent of the proposed amendment to the master plans and city review section (SCC 30.34A.210) is for a city to have 60 days to decide if it wants to help prepare design principles for an entire designated urban center area, or if a city would have 60 days to prepare design principles for an urban center development application. For example, does this mean that if a city does not respond within 60 days in writing, it has lost its chance to do so? This confusion will make it more difficult for PDS to implement this amendment.

The proposed amendment also includes language requiring the county to negotiate an interlocal agreement (ILA) if a city initiates interest within the 60-day period. Significant resources are required to negotiate ILA's. It is also unclear if an ILA needs to be adopted before the end of the 60 days. Lastly, it is not clear what happens when an ILA is adopted after an urban center project is submitted to the county.

Amendment 8

Amendment 8 adds Transfer of Development Rights (TDR) to the list of Floor Area Ratio (FAR) bonuses. While PDS supports the inclusion of TDR as bonus feature, we have some concerns about the appropriate level of incentive.

The proposed bonus of 1.0 FAR for two TDR credits may not adequately promote the protection of resource lands. On a 5-acre parcel in the UC zone "receiving area," an applicant using the TDR bonus would receive approximately an additional 200,000 square feet of building area in exchange for purchasing two TDR credits and preserving approximately 20 acres (assuming they are purchasing the development rights of land zoned 1 du/10 ac). Assuming an average unit size of 750 ft², an applicant would be allowed to construct an additional 266 units in exchange for removing just two building sites from agricultural lands. We believe this ratio may be perceived to undervalue resource lands, with a possible result that in the long run, the county will not see a substantial amount of land preserved. By comparison, the city of Seattle grants 2,000 square feet of additional floor area in exchange for 1 TDR credit.

In addition, should the council move forward with inclusion of TDR as an FAR super bonus, then a code amendment is needed to designate urban centers as TDR receiving areas. Under GPP Policy LU 14.A.6 additional receiving areas may be designated by code amendment.

- 14.A.6 Lands where development rights from TDR sending areas may be used shall be referred to as TDR receiving areas and shall be (a) designated as Transfer of Development Rights Receiving Area Overlay on the Future Land Use Map; and (b) depicted on the official zoning maps with an "RA" suffix applied to the underlying zoning classification: or (c) designated by interlocal agreement, development agreement or code amendment.

Possible language could be added as a new section to chapter 30.34A SCC. The new section could be titled, "Urban Centers as TDR Receiving Areas." It could include the following language:

"Areas zoned UC are designated as Transfer of Development Receiving Areas, consistent with GPP Policy LU 14.A.6 and chapter 30.35A SCC."

In order to create an incentive to use the TDR bonus (or one of the other FAR bonuses), the council may also wish to consider a lower base maximum building height.

Amendment 9

Amendment 9 would change the urban center review process from a Type 1, director approval, to a Type 2, hearing examiner approval, with appeals to be heard by the county council. The amendment also incorporates additional decision criteria.

Under the Urban Center Demonstration Program (UCDP), approval of a project is an administrative decision by the Director of PDS. In an effort to remove barriers and streamline

the review process in support of adopted county policy encouraging development within Urban Centers, the proposed urban center code retains approval by the director using the existing Type 1 process. It is our belief that the extensive rewrite of the urban centers code, including more prescriptive site layout and architectural requirements, negates the need for Hearing Examiner review. The Type 1 administrative review process does not preclude the public from providing input on an urban center project. As a Type 1 process, the public is afforded four opportunities to provide input on a project.

- Initial comments following notice of application
- SEPA Appeal/Comment Period
- On appeal to the Hearing Examiner of either SEPA or the Department's decision
- On appeal to Superior Court of Hearing Examiner decision

PDS supports public participation in the review process. However, we are also cognizant of concerns about processing time for permits and the impacts they have on the county's ability to remain competitive economically and encourage development in urban centers.

PDS encourages the council to explore options to enhance public participation within the context of a streamlined urban centers process. This may include strategies such as requirements for neighborhood project meetings hosted and documented by the applicant. Such models have proven effective in other jurisdictions.

Other Concerns with Amendment 9

PDS also has specific concerns about our ability to implement Amendment 9. These include:

- SCC 30.34A.180(3) would be amended to include language regarding decision criteria for the Hearing Examiner and makes an Urban Center project a Type 2 decision. PDS is concerned that, in the event of denial or appeal of a project, we would not receive any additional fees for the additional work associated with these two actions. Currently, when a project is appealed the fees go to the Hearing Examiner not PDS; this results in many hours of unfunded staff time. If a project is denied, an applicant has up to one year to re-submit; this also results in many hours of free staff time.
- Codifying distribution of application materials can create unintended problems. For example, what if a school district decides it does not want to receive the applications? What does it mean if an agency is not specifically listed? Why is Department of Public Works singled out, but not other county departments? We believe it may be wiser to handle distribution using existing PDS processing procedures already in place, rather than create a separate set of procedures with the Urban Centers code.
- The proposed amendment does not include a corresponding amendment to remove Urban Center from the Type 1 list in chapter 30.71 SCC. Thus, the amendment creates an inconsistency in procedures for processing an Urban Center.

cc: Brian Parry, Snohomish County Executive Director
Peggy Sanders, Council Legislative Analysts
David Killingstad, Principal Planner, PDS