



STATE OF WASHINGTON

RECREATION AND CONSERVATION OFFICE

June 2008

Item #16: Conversion Request: Lynnwood Community Athletic Fields, RCO #80-014D

Prepared By: Dan Haws, Outdoor Grants Manager

Presented By: Dan Haws, Outdoor Grants Manager

Approved by the Director:

Proposed Action: Decision

Summary

The Edmonds School District is asking the Recreation and Conservation Funding Board (Board) to approve the conversion of the Lynnwood Community Athletic Fields located on the campus of the existing Lynnwood High School. The school district plans to convert a 12.4-acre Land and Water Conservation Fund (LWCF) assisted site. The district has identified replacement property to remedy the conversion. The proposed conversion and replacement sites each are valued at \$7.5 million.

Staff presented information about this conversion at the March 2008 Board meeting. At that time, the Edmonds School District and city of Lynnwood both asked that action be delayed until the June 2008 Board meeting. Both parties expressed a desire to continue negotiations so that they could resolve the city's concerns about the conversion.

On May 23, 2008, the City asked RCO staff to again defer the Board's consideration of the matter until September 2008 so that the City could conduct an independent appraisal of the property. The District opposed that request on May 30, 2008. The RCO Director requested more information, including a review of the dispute resolution process in the interlocal agreement between the City and District. After reviewing responses from both the City and the District, the RCO Director decided to keep this



item on the June agenda, allowing both sides to present its position on whether this matter is ready for a decision.

Staff Recommendation

Recreation and Conservation Office (RCO) staff finds that the conversion meets the criteria set forth for the federal Land and Water Conservation Fund Program. Resolution 2008-012 is provided for Board consideration.

Background

In 1980, the Edmonds School District (District) and the City of Lynnwood (City) received a federal LWCF grant (as co-applicants) to develop approximately 12.4 acres into athletic fields at the existing Lynnwood High School. The District owns the property. The City entered into a long-term lease agreement with the district to maintain the fields. In exchange for maintenance, the city would have public access and use of the fields for community and regional athletics.

Lynnwood High School was built in 1969 to serve the area's growing suburban community. Since its construction, the area around the existing school site has changed, fueled by the opening of Alderwood Mall in 1979 and subsequent commercial and non-residential development in the surrounding area. The District believes that these non-residential uses, including large-scale retail businesses and offices, cause additional traffic and noise that diminish the quality of the educational environment. Existing school structures have deteriorated over time, while program standards for new school facilities have evolved.

To assess its facilities options, the school district commissioned a building assessment and feasibility study of the school, completed in June 2000. The facility assessment identified significant deficiencies, including a failing sewer and storm drainage system and flooding problems exacerbated by a high ground water table and artesian aquifers that require the school district to rely on a system of pumps to keep water out of classrooms. Additionally, the study uncovered inadequate mechanical and electrical systems, poorly functioning traffic circulation and parking facilities, energy inefficiencies, outdated seismic infrastructure, and existing asbestos materials onsite. Finally, the study found that the existing building is not well organized to support curriculum models or encourage community use.

The facility assessment concluded that, in order to meet educational program needs, the entire school required major rehabilitation or replacement. Rehabilitation raised significant logistical and education issues because the school district would need to either educate students at the site during rehabilitation or temporarily relocate the high school campus. The school district has a new school site that offers the school district the opportunity to build a new facility rather than rehabilitate the existing structure. The

new school site is more centrally located within the school district boundaries than the existing school.

In anticipation of the school's closure, the District has worked for several years with its local recreational agreement counterparts and representatives of local recreational interest groups. Together, they sought a solution that would meet the school district's interest in redeveloping the existing school site and the community's interest in strong regional community athletic programs consistent with the school district's educational obligations. The result of these efforts is a plan to construct athletic fields at the new school site that would both replace the 12.4 acres of LWCF development and provide facilities to serve regional community athletics.

Staff presented information about this conversion at the March 2008 Board meeting. At that time, the District and City both asked that action be delayed until the June 2008 Board meeting. Both parties expressed a desire to continue negotiations so that they could work to resolve the city's concerns about the conversion.

On May 23, 2008, the City asked RCO staff to defer the Board's consideration of the matter until September 2008 so that the City could conduct an independent appraisal of the property. The City has asked for the opportunity to "be heard as to the quality and accuracy of the appraisal being put forth by the school district." On May 30, 2008, the District opposed the request to delay the decision until September. The basis for their objection is the likelihood for it "to delay the School District's larger schedule of activities for completion of New Lynnwood High School and redevelopment of the existing high school site." Copies of the correspondence from and to the City and the District are included in Attachment C. The RCO Director requested more information, including encouraging the City and the District to use the dispute resolution process contained in the agreement between the City and District. After reviewing responses from both the City and the District, the RCO Director decided to keep this item on the June agenda, allowing both sides to present its position on whether this matter is ready for a decision.

Analysis

The Land and Water Conservation Fund Act, administrative rule, statutory language, and Board policy restricts the use of grant assisted land and facilities to the purposes for which funding was granted.

RCO staff applies the appropriate federal laws, policies, and rules governing the Land and Water Conservation Fund when administering grants funded through this program. This particular grant includes language that limits the evaluation of conversion to the policies outlined in the federal Land and Water Conservation Fund Grants-in-Aid Manual, which states:

“Property acquired or developed with L&WCF assistance shall be retained and used for public outdoor recreation. Any property so acquired or developed shall not be wholly or partly converted to other than public outdoor recreation uses without the approval of the National Park Service (NPS) Regional Director pursuant to Section 6(f)(3) of the L&WCF Act and 36 CFR Part 59. The Director has authority to disapprove conversion requests and/or to reject proposed property substitutions.

Responsibility for compliance and enforcement of these provisions rests with the State for both State and locally sponsored projects. The responsibilities cited herein are applicable to the area depicted or otherwise described on the 6(f)(3) boundary map and/or as described in the other project documentation approved by the Department of the Interior.”

RCO is the state agency that formally requests approval of a LWCF conversion. The National Park Service (NPS) has been involved in this conversion request from the beginning and attended the first meetings held by the Edmonds School District regarding the course of action for the proposed conversion. If the Board recommends federal approval of the conversion and proposed replacement property, RCO will submit the formal request along with other required documents for a final decision by NPS.

Assessment of the Lynnwood Community Athletic Fields

The RCO and NPS consider conversion requests if the following prerequisites have been met:

- A. All practical alternatives to the conversion have been evaluated and rejected on a sound basis.
- B. The fair market value of the converted property has been established and the proposed replacement land is of at least equal fair market value. The values must be documented in an appraisal report and an appraisal review that meet federal standards.
- C. Justification exists to show that the replacement site has reasonably equivalent recreation utility and location.
- D. The public has opportunities for participation in the process.

The goal is to assess whether the site to be converted and the proposed replacement site meet the eligibility criteria and other conditions required for substitution.

A. Alternatives to the conversion

- No conversion action (maintain recreational restriction on two multi-purpose fields at the existing school site and develop only high school athletic facilities at the new school site)
 - Under this alternative, the school district would build the new high school at the new site and use or redevelop a portion of the existing site for some other public use. Although surrounding school and additional athletic

facilities would be redeveloped, the two multi-purpose fields subject to the Section 6(f) restriction under the 1980 agreement would remain recreational property. These facilities would have no value as high school athletic facilities, so the school district would not fund their maintenance or use. The downsized athletic complex might be purchased, maintained, and operated by other parties to the existing recreational interlocal agreements or others, but there would be fewer fields, and the types of events that could be staged at the remaining recreational facilities would be significantly smaller in scale. Also, the existing traffic, pedestrian, ADA, drainage and other problems would still exist, and the fields would either require rehabilitation or would likely deteriorate.

- Modernize or remodel the existing school
 - This alternative would result in the school district remodeling the current facility and leaving the fields under the existing federal protection open to the students and the public. Due to the current drainage problems and cost of demolition and reconstruction this alternative was rejected by the school district.

- Convert the fields under protected section 6(f) boundary and build replacement fields at the new high school site
 - This alternative would result in a new athletic complex at the new Lynnwood High School with replacement of the restricted 6(f) property with property of equal or greater fair market value and recreational utility. The fields would be removed at the existing site and new athletic fields and facilities built at the new school site. The new fields would have functional vehicular and pedestrian access, and sufficient parking. The site is more centrally located, and is in a residential area.

B. Market Value

Comparisons of acres and market value for the proposed conversion and replacement properties are summarized as follows:

Properties	Acres	Market Value
Conversion Property – existing high school	12.4	\$7,500,000
Replacement Property – new high school	20*	\$7,500,000

* The March 2008 memo listed the replacement property as 16.8 acres. The number of acres presented at the March 2008 Board meeting was 20 acres, and staff explained the reasons as follows: The federal government would not allow the wetlands to be assigned a value as replacement property for this conversion, so the District added 3.2 acres to the replacement property to maintain the \$7.5 million equivalent value. The district left the wetlands in the replacement property so that they would be protected by the federal 6(f) boundary.

The value of the replacement site must equal the value of the conversion site, per federal policy. Edmonds School District will encumber enough property to meet program requirements.

Due to the high value of this proposal, the NPS submitted the appraisal reports of both the proposed conversion and replacement properties for review through the Department of Interior's National Business Center. The Center found them compliant with federal standards.

C. Recreation Utility and Location

The fields and other recreational facilities planned at the new Lynnwood High School are intended to equal those at the existing Lynnwood High School, both in quality and usability. The new site is 1.5 miles east of the existing site. The school district reports that it is in a more desirable location. It is, however, outside the city limits of Lynnwood.

At the existing site, there is one baseball field with lighting, two softball fields with lighting, one artificial turf/all weather football/soccer and track facility with lighting, five all weather tennis courts with lighting, and one dirt soccer field with no field lighting.

The new site will provide one baseball field, two large artificial turf softball/soccer combination fields, one artificial turf/all weather football/soccer and track facility and five all weather tennis courts. All facilities at the new site will have field lighting, and the two multipurpose fields are considered an upgrade from the natural turf softball fields at the current site.

D. Opportunity for Public Participation

Edmonds School District engaged in an extensive public outreach and comment process regarding this conversion as part of its long-range capital facilities planning process. The school district has a long list of capital improvements that it intends to fund through bond revenues, other public funding sources, and revenues from the sale or lease of existing school district properties. The school district held a series of public meetings to develop its plans, and another series to take comments on those plans as part of its bond financing. The school district's plans to build a new high school that would replace the athletic facilities at the existing Lynnwood High School with new facilities, featured prominently in those public outreach and comment efforts.

In addition, in advance of construction of the new Lynnwood High School, the school district also prepared an extensive set of documents assessing the environmental impacts of the proposed project, circulated those for public comment, and issued a mitigated determination of non-significance for construction of the new school and field complex, as mitigated. Snohomish County then held a two-day hearing regarding the conditional use permit required for that proposal. Notice of the hearing was published as required by Snohomish County ordinance and a number of people testified at the hearing.

Opposition to Conversion

Despite the outreach by the Edmonds school district, opposition to this conversion remains. A group of opponents called "Save Our Fields – Citizens Action Committee" submitted an information packet to each Board member before the March 2008 meeting. Their materials provide detailed information about the reasons for their opposition to the proposed conversion.

Additionally, the city of Lynnwood asked the Board to delay action on this conversion request until June 2008 to allow ongoing discussions between the city and the school district about the use of the new site. The city also wants additional time so they can secure an independent review of the appraisals. The appraiser they initially asked to review the documents expressed concern because "...the two appraisals presented to the city in support of the conversion values differ in so many ways, yet were undertaken by the same party, just nine months apart. Those differences tend to lesson one's confidence in the conclusions." The city estimates that the review would be available later this year.

Next Steps

If the Board adopts Resolution 2008-012, staff will pursue National Park Service approval of the conversion. Subject to that approval, staff will execute the appropriate amendments to the existing project agreement. The RCO grant agreement includes both the District and City as co-sponsors. Section 21 of that agreement requires the signature of the contracting party(ies) and RCO's administrator for any amendments. The Edmonds School District will secure the replacement site and develop the athletic fields.

Attachments

Resolution #2008-012 (revised)

- A. Location Maps
- B. Property Boundary Maps
- C. Communication between the Recreation and Conservation Office and the City of Lynnwood and/or Edmonds School District from April 1, 2008 through June 3, 2008.
- D. Correspondence and Public Comment

RESOLUTION #2008-012 (revised)
Edmonds School District and the City of Lynnwood
Lynnwood Community Athletic Fields, RCO #80-014D & NPS #53-00009
Conversion Request

WHEREAS, the Edmonds School District and the City of Lynnwood with federal Land and Water Conservation Fund assistance through the Recreation and Conservation Funding Board (Board) developed athletic facilities at the Lynnwood High School; and

WHEREAS, the Edmonds School District (District) requests Board approval to convert the property to non-recreational use; and

WHEREAS, the District proposes to replace the converted land with eligible replacement property and development of athletic fields; and

WHEREAS, the District is required to replace the converted land pursuant to federal Land and Water Conservation Fund conversion requirements; and

WHEREAS, the District has identified replacement property that meet the criteria set forth in RCFB Manual #7, *Funded Projects: Policies and the Project Agreement* and federal rules outlined in the *Federal LWCF Manual*; and

WHEREAS, the District committed to following state and federal acquisition policies including those outlined in Manual #3, *Acquiring Land: Policies*; and

WHEREAS, adoption of this amendment implements strategy 4.2 of the *Recreation and Conservation Office 2007-2011 Strategic Plan* objective to achieve a high level of accountability by ensuring that facilities are not converted without approval of appropriate remedies;

NOW, THEREFORE, BE IT RESOLVED, that the Recreation and Conservation Funding Board approves the submittal of this conversion request and the proposed replacement site for the Lynnwood Community Athletic Fields project to the National Park Service for final approval, and

BE IT FURTHER RESOLVED, that the Director is authorized to execute the necessary amendments pending satisfaction of the state and federal conversion requirements.

Resolution moved by: _____

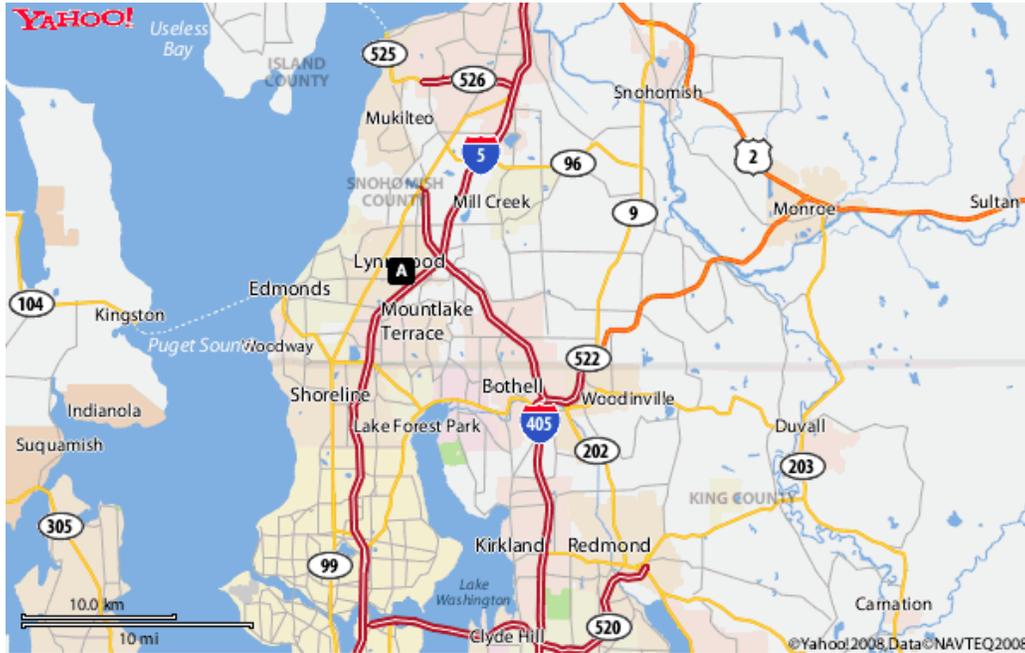
Resolution seconded by: _____

Adopted/Defeated/Deferred (underline one)

Date: _____

Attachment A, Location Maps

City of Lynnwood in Snohomish County



Site Location Map

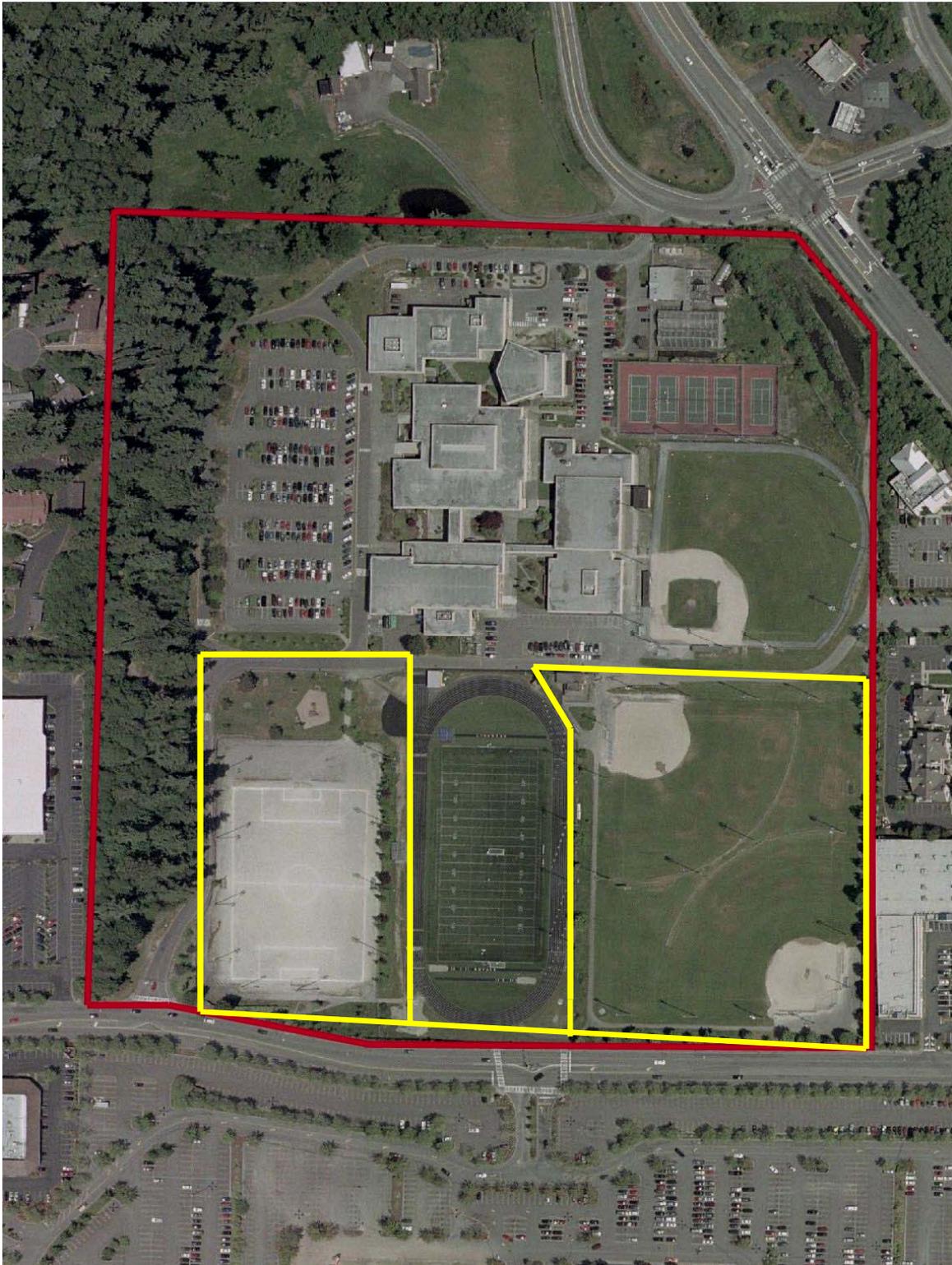
- (A) Existing Lynnwood High School
- (B) New Lynnwood High School



Attachment B: Property Boundary Maps

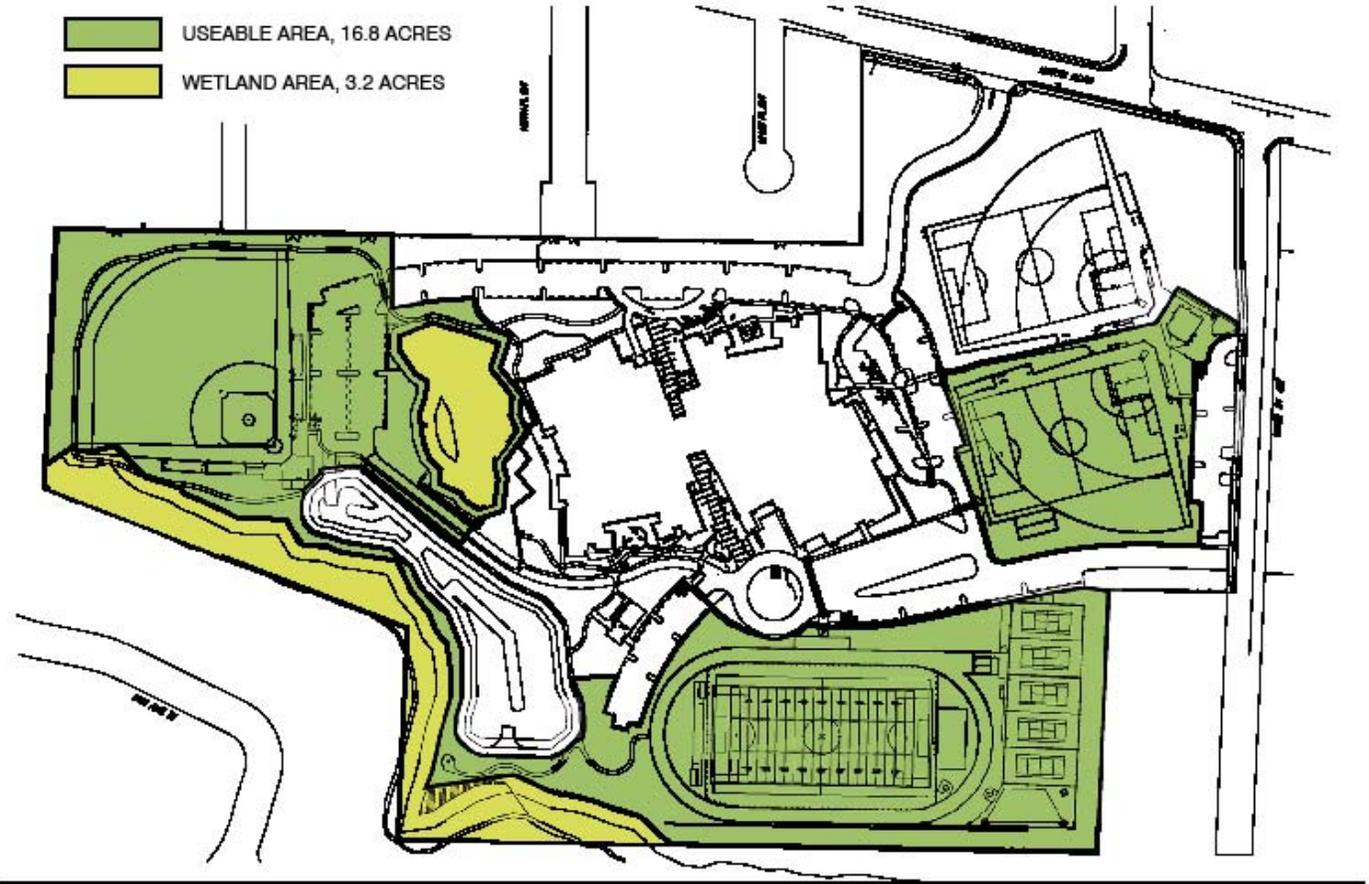
Site Proposed for Conversion

Existing Lynnwood High School – 12.4 acres LWCF 6(f) boundary.



Site Proposed for Replacement

New Lynnwood High School – 20 acres (shaded area) proposed for new LWCF 6(f) boundary.



PROPOSED CONVERSION AREA AT NEW LYNNWOOD HIGH SCHOOL
March 14, 2008

Attachment C: Communication from April 1, 2008 through June 3, 2008.

Communications between the Recreation and Conservation Office (RCO) and

- City of Lynnwood (City)
- Edmonds School District (District) and/or
- Interested members of the public

presented in chronological order:

1. Letter from City to RCO staff requesting continuance to September 2008 Recreation and Conservation Funding Board (Board) meeting – May 23, 2008
 - 1.a. Attachment: letter (dated 5/21/08) from Hoefer Associates to City regarding appraisal request
2. Email response from District counsel, Jerry Lutz, to RCO staff disputing City's request for continuance – May 30, 2008
3. Email from RCO Director to City and District regarding additional information, dispute resolution, and request for response – May 30, 2008
4. Information packet provided by interested citizen, Mark Laurence, opposing the conversion – June 1, 2008
5. Letter from RCO Director to interested citizen, Mark Laurence, regarding his April 15 questions about the Board's role and process – June 2, 2008
6. Letter from City to RCO Director responding to Director's email (item 3) – June 3, 2008
7. Email from RCO Director to City and District regarding June Board agenda – June 3, 2008

Item #16, Lynnwood Community Athletic Fields, Conversion Request
June 2008
Attachment D

Attachment D: Public Comment and Information from City of Lynnwood and Edmonds School District Provided in March 2008 Board Notebook

May 23, 2008

Recreation Conservation Funding Board
c/o Dan Haws
Natural Resources Building
1111 Washington Street Southeast
P.O. Box 40917
Olympia, Washington 98504-0917

RECEIVED

MAY 27 2008

RECREATION AND CONSERVATION OFFICE

Dear Mr. Haws:

The Edmonds School District has applied to the committee for a recommendation to the National Park Service to approve the District's proposed conversion of a Land and Water Conservation Fund 6(f) restriction from property located at Lynnwood High School to property located within the District on North Road (outside the City of Lynnwood's boundaries). The City has not signed the District's application. As one of the original applicants and contracting parties, the City must be a co-applicant for the process to proceed.

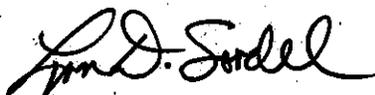
This item was scheduled on the Board's March 27, 2008 agenda. At this meeting, the City and School District requested a continuance until the Board's next meeting scheduled for June 19 in Bellingham. The City of Lynnwood has received copies of the revised appraisals, but has not been successful in receiving an independent appraiser's review of these important documents. The City's appraiser has informed us he cannot meet the deadline for the June 19 meeting (see attached letter). As a result of this circumstance, the City contacted two other approved appraisers who also stated they could not complete the independent review within the Board's required timeframe.

The City and School District have been meeting regularly to resolve operational issues related to the new site, but I do not anticipate completing the negotiations until after the Board meeting. Until those issues are resolved, the conversion is not possible because no suitable replacement exists.

Accordingly, the City of Lynnwood respectfully requests a continuance of this matter until the next Recreation Conservation Funding Board meeting. We would appreciate your approval of this request and, if approved, please provide information concerning the details for the next meeting date and location.

Sincerely,

CITY OF LYNNWOOD



Lynn D. Sordel
Parks, Recreation & Cultural Arts Director

cc. Gerald Lutz, Perkins Coie
Marla Miller, Edmonds School District

RECEIVED

MAY 27 2008

RECREATION AND CONSERVATION OFFICE

May 21, 2008

**Lynn Sordel, Director
City of Lynnwood
Parks, Recreation & Cultural Arts
19000 44th Avenue West
P.O. Box 5008
Lynnwood, WA 98046-5008**

**Re: Lynnwood High School
Conversion Issue**

Dear Mr. Sordel:

Pursuant to your request, I write this letter to memorialize our telephone conversation of May 5, 2008 regarding my inability to complete an independent review of the two "new" appraisals for you by your stated deadline.

I am prohibited from starting right away because I am involved in several large assignments, which are taking me all over the State of Washington, for the next several months. One assignment alone involves some forty-eight (48) properties located from Olympia to Vancouver and east to Richland.

As I indicated to you, I am very interested in undertaking the work for you and the city in hopes of bringing this conversion valuation issue to a successful conclusion for all the parties involved. I believe that is an important facet of this assignment because the two appraisals presented to the city in support of the conversion values differ in so many ways, yet were undertaken by the same party, just nine months apart. Those differences tend to lessen one's confidence in the conclusions.

I would suggest that my review of the "new" appraisals be similar to the review I already did for the city relative to what I will call the "old" appraisals. I would also suggest that a contact be made with Mr. Herzog, who seems to have provided his input in the "new" appraisal outcome. At the very least, I assume that he performed a review of the "new" appraisals on behalf of the School District appraisers, before they were submitted to you.

If you wish for me to perform the appraisal review, I could probably initiate the assignment by mid September and it could be completed in approximately 45 days, but I would need to know your intentions as soon as possible because I have several other assignments waiting for my availability in September, as well.

Please let me know as soon as possible so I can send you an Engagement Agreement spelling out the scope of work, timing and costs involved.

Should you have any further questions, feel free to call me.

Very truly yours,

THE HOEFER ASSOCIATES, INC.

Roland James Hoefler, MAI

State Certified General Real Estate Appraiser
#1100970 - Washington / #C000697 - Oregon

From: Lutz, Jerry (Perkins Coie) [JLutz@perkinscoie.com]
Sent: Friday, May 30, 2008 4:12 PM
To: Haws, Dan (RCO)
Cc: Cottingham, Kaleen (RCO); Michael P. Ruark; Miller, Marla (ESC)
Subject: School District Response to City's Request for Second Continuance Request

Dear Dan:

The School District's representatives were surprised by the City's second continuance request. On behalf of Edmonds School District No. 15, we respectfully request that the Recreation and Conservation Board deny the request. The City's request for a second continuance is problematic in several respects. First, a second continuance is likely to delay the School District's larger schedule of activities for completion of New Lynnwood High School and redevelopment of the existing high school site. Second, from the letter attached to the City's second continuance request, it appears that a continuance to the Recreation and Conservation Board's September meeting will not provide the City time to secure the appraisal it desires anyway. Third, the City does not need an appraisal for the conversion process; rather, it is extraneous to the Recreation and Conservation Board's and National Park Service's decision processes (as the School District's appraisals have been thoroughly vetted and accepted by the federal review appraiser appointed by the National Park Service for that task).

If the Recreation and Conservation Board were to grant the City a second continuance at this point, it likely will cause real financial losses for the School District, by delaying federal consideration of the conversion, and ultimately delaying redevelopment of the existing Lynnwood High School site. In light of these considerations, the School District regrets it must respectfully request that the Recreation and Conservation Board deny the City's request for a second continuance and proceed with the June 20, 2008 hearing on the proposed conversion as scheduled.

In addition, the School District provides two additional points of clarification with respect to the assertions in the City's second continuance request:

First, the City errs in asserting that "conversion is not [yet] possible because no suitable replacement exists" because the City has not been able to secure its own review appraisal or complete its negotiation of a new Interlocal Agreement with the Edmonds School District. As you know, that assertion contradicts what the School District's and City's representatives have been advised repeatedly by RCO and National Park Service staff. On the contrary, the position of RCO and NPS staff has consistently been that there is no need for the City to join in the conversion request as long as the School District (the property owner of the existing and proposed conversion sites) is willing (which it is) to fully fund the conversion. For example, a draft City briefing memorandum on the conversion process (shared with the School District staff in 2005) reflects that advice:

Development of the Lynnwood Athletic Complex was funded in part through the State of Washington IAC (Interagency Committee for Outdoor Recreation) with Federal (National Park Service) funding (Land and Water Conservation Fund) included development only. The City and the Edmonds School District were co-sponsors of the project. Federal funding contracts generally require that the funded facilities be kept in perpetuity for parks and recreation purposes. IAC has confirmed that if the School District sells or leases the property, they will be responsible for replacing the recreation opportunity.

In that regard, it is important to reiterate that the original contract does not include a 6(f) boundary. Moreover, no deed was ever recorded to formally establish an official 6(f) boundary map of record; the 6(f) boundary is established by the site plan filed with the IAC. Therefore, the original contract, which was scoped for development only (long since completed) need not be amended to effectuate a change (or "amendment") to the federally restricted 6(f) boundary.

Moreover, the School District's existing interlocal agreement with the City lasts through June 2019. Therefore, there will be opportunities for the School District and City to continue their negotiations with respect to a new interlocal agreement for the North Road site following RCO's and the NPS's decision with respect to conversion. The approval of the conversion does not render the ongoing interlocal agreement negotiations a fait accompli. The School District remains optimistic that these separate negotiations will proceed to a mutually satisfactory

conclusion for the School District and the City.

Thank you for considering this response. If you or others at RCO have questions, please feel free to email or call.

Cc: Kaleen Cottingham
Mike Ruark
Marla Miller

Jerry Lutz

(425) 635-1403
(425) 635-2403 (fax)
(425) 765-1816 (cell)

jlutz@perkinscoie.com
www.perkinscoie.com

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NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

School District Response to City's Request for Second Continuance Request

From: Cottingham, Kaleen (RCO)

Sent: Friday, May 30, 2008 6:04 PM

To: 'Lutz, Jerry (Perkins Coie)'; Haws, Dan (RCO)

Cc: Michael P. Ruark; Miller, Marla (ESC); Haws, Dan (RCO); Bunes, Kammie (RCO); Fox, Jim (RCO)

Subject: RE: School District Response to City's Request for Second Continuance Request

This is a response sent to both the City of Lynnwood and the Edmonds School District:

In reviewing both the original letter from the City and the response below from the School District, I am left with inadequate information to make a decision on whether to take this issue off the agenda for the upcoming RCFB meeting. You both make compelling cases for your side of this argument. However, I am unable to ascertain whether a delay of 3 months will indeed cause a delay of construction on this new school. Have permits been applied for? Is the District planning a fall funding decision for the voters? What is the schedule for making critical decisions? On the city's side, it is unclear why a review of the appraisal or a new appraisal couldn't be completed in the time since the last RCFB meeting at which you asked for the first delay of a decision.

Given that uncertainty, I looked to the various contractual agreements between us and between you. This conflict between the City and the School District is governed by your interlocal agreement. I strongly encourage you to look at the dispute resolution provisions of that agreement and act accordingly.

Here is what your interlocal agreement requires of you: "In the administration of this agreement and/or any dispute involving this agreement if the City's Park and Recreation Department and the District's Maintenance Department are unable to come to agreement, the matter shall be referred to the City's Mayor and District's Superintendent for resolution. Should agreement not be reached between the Mayor and the Superintendent, the City and the District will each appoint an attorney at their respective expense. The two attorneys will select a mutually agreeable third attorney, the expense of that person to be shared equally by the City and the District. The three attorneys will be given a designated time to arrive at a decision which shall be binding on both parties."

I suggest that either you resolve this issue by consensus or rely on the contractual method of dispute resolution. This dispute is not one for the RCFB to mediate.

I intend to decide on Tuesday, following a discussion with the chair of the Board, whether to pull or retain this conversion request on the June agenda. I await your response to my suggestions and request for more information.

Kaleen Cottingham
Director
Recreation and Conservation Office

Ms. Cottingham, Director RCBO
1111 Washington Street SE
Olympia, Washington 98501 P.O. Box 40917

RECEIVED

JUN - 3 2008

RECREATION AND CONSERVATION OFFICE

Mark Laurence
17326 7th Ave West
Bothell, WA 98012

June 1, 2008

Ms. Kaleen Cottingham, Director RCO

Board Members of the Recreation and Conservation Funding Board

RECEIVED

JUN - 3 2008

Re: # 80-014D, Conversion of Lynnwood Community Athletic Fields

RECREATION AND CONSERVATION OFFICE

Respondent: Mark Laurence, Chair of citizen's group "SAVE OUR FIELDS"

We again will appear and testify at your next scheduled meeting on Friday, June 20, 2008 in Bellingham, Washington. Our recommendation is that the Board deny the Edmonds School District's (ESD) application for conversion of the Lynnwood Community fields.

We still stand behind our submittals for the March 27, 2008 hearing that has been continued to June 20, 2008. Our documents submitted at that time (with exhibits) are still relevant. The School District has still not provided any documentation to validate their statements within their application.

The purpose of this letter is described in three parts:

1. To demonstrate that many of the assertions in the application and staff report are wrong.
2. To respond to the Staff Report of March 2008 by Mr. Dan Haws, Grants Manager.
3. To add additional relevant facts.

Part I: Application errors, repeated as fact within the staff report:

- The new school and consequently the proposed fields will be more centrally located in the District boundaries. Our exhibit #40; "Map of Edmonds School District Boundaries" clearly refutes this claim. (note, we have previously submitted all listed "exhibits" to the RCOB office in Olympia prior to the first hearing. We will have all 97 exhibits at the Hearing in June if the Board needs to review them.)
- The Community has changed since the fields were constructed. Our exhibit #37, "Lynnwood Comprehensive Plan", shows no substantive changes for the last 25 years. It would not take much study to determine that there are far more residents and users

within walking distance of the Fields than there were when the Fields were originally constructed. We estimate that there are over 5,000 people within walking distance of the Fields. While we have not done a definitive study to support this number however, the District and Staff have done nothing to establish the size of the local user base.

- The School District has worked for several years with its local recreational agreement counterparts and representatives of recreational interest groups. In our "original Rebuttal to Conversion" we address this "myth" because there is no evidence of record that any collaborative effort has ever been made.
- The new proposed location is more "desirable". This the Staff's term in their report. See our response under Part II.

Part II: Response to Staff Report:

Under "Staff Recommendation", within the March 2008 staff report, it is stated that "the Edmonds School District has submitted all documents needed to satisfy the conversion." The only document that our group is aware of is the actual application for conversion. All of our responses have been directed at the assertions of fact within that document. We feel it is incumbent upon the applicant (and subsequently the staff) to identify all applicable documentation. If the staff is working with additional and relevant information, they have not shared this with our group. Staff is well aware of our group and should have felt compelled to share relevant documentation.

We believe that it is the responsibility of the applicant to support their requests through clear documentation. We have submitted 41 separate exhibits to our document "rebuttal to conversion" (we have an additional 56 relevant exhibits). We believe strongly that an application in it self is not adequate to decide a public issue as important as this is.

The tone of the Staff is to treat this issue as an application process when it should have been viewed as a public hearing process.

The staff report relies heavily upon the the report of Bassetti Architects as to the functionality of the present Lynnwood high school buildings. This report is exclusively used to illustrate the high school deficiencies. The lack of attention to the athletic fields and **their** functionality is "stark" and suspect. The District's application would have been much better supported if they had a specific report on the the usability of the existing fields. The facts are, the existing fields in question were constructed ten years or more after the school was build and they have seen continuous improvements since. The Alderwood Mall was in place at the time of construction

and is more of a “driver” for the fields than a “distracter”. In talking to the City of Lynnwood, there are no ground water, sewer or electrical problems on the current site.

It is disappointing that the Staff did not ask the City of Lynnwood (who they represent as a “co-sponsor”) what, if any, problems of functionality existed. The City currently has the responsibility for the maintenance and operation of the fields.

The staff clearly identifies the requirements for conversion. The rules that require that the conversion property be of “nearly equivalent usefulness and location” is the clear point of contention here. We have presented our argument that locating the new fields on a windy two-lane residential road surrounded by single family homes, without support services, and public transportation is not “near” what the community has now. The District has provided no supportive facts to argue this issue of “utility”.

Page three (3) of the staff report lists the “substitution” requirements:

1. Alternatives to the conversion: The District nor the Staff mention the possibility of offering this public property to the City of Lynnwood to continue its current use. As a co-sponsor of the original project, it's odd that the district has not suggested this as an alternative. There is no documentation to demonstrate a good faith offer to the City.
2. Justification that supports the replacement site as reasonably equivalent recreation utility and location: Other than “educational needs”, none provided. The staff agrees that the new site that is 3.5 miles (not 1.5 miles as incorrectly provided by ESD) away is a more “desirable location”. “Desirable” is an adjective that provides no measureable criteria. We argue that things like; traffic count past a facility, number of transit stops near a facility, closeness to support services and number of single and multi-family residences within walking distance are all measureable. If these were measured, it would be clear that the existing athletic fields were clearly in the best location.
3. Acres and market value: The size and market value are not issues we are addressing. We do note that the proposed fields are behind the school and will not be nearly as visible from the main road (North Road) as they currently are.
4. Opportunities for public participation in the process: The burden on the District is to document the “numerous” meetings they describe. We could not find one instance of a public meeting specific to relocation of the fields. We are submitting a news article relating to the City of Lynnwood’s effort to gather public input on a new indoor athletic

complex. We submit this to demonstrate how an "outreach" effort should be conducted.

The staff apparently believes that the conditional use hearing (CUP) on May 9, 2006 was held to consider and allow testimony about the relocation of the athletic fields. The issue was specific to the relocation of the high school **only**. We have again submitted the "Notice" as an exhibit. It clearly shows the "scope" of the hearing. It is unfortunate that the staff did not review our submittals before using this hearing as an example of "public participation".

Part III: New Relevant Facts:

As of this date, June 1, 2008, the District has not responded to the demands of Snohomish County relating to the "Uses" of the new fields under construction. The position of Snohomish County is that the Community Use of the new fields may not be allowed. The community use of the new fields on summer and school breaks, weekends, holidays and nights was never revealed at the conditional use hearing held on May 9, 2007. The Conditional use allowed by Snohomish County was for the "relocation of Lynnwood High School" (see NOTICE, all the planning staff reports and studies related only to an "inter-scholastic use". Our group called the Planning Departments attention to the additional uses that the Edmonds School District was anticipating (see our letter to Erik Olson, Principal Planner dated February 4, 2008). Snohomish County has formally asked for a response from ESD regarding the additional uses. We believe that no conversion should be approved as long as there are "environmental questions" that need to be resolved.

In our discussions with the City of Lynnwood, it is clear that the school district is continuing to be non-collaborative and is not recognizing the difficult position the City is in. The City is tasked with providing a Park System that includes outdoor recreation as one of its main components. The District is (on its own) subverting the Mission of the Lynnwood Parks Program without offering a reasonable alternative. Supporting and operating a new outdoor recreation project **well** outside the City cannot be politically **nor** fiscally supported. The City has in good faith honored its maintenance and operations agreement (valid until 2016). As a the original "co-sponsor" they were not allowed into the decision making process as a proactive step. They are having to "react" to the negative effects of the District's "Application to Convert".

Concluding Remarks:

We feel compelled to ask the question – When and under what conditions should Public Lands be allowed to be "privatized" and removed from Public Use? Public lands should stay in the

Public domain until there is no clear "greater public need". The Edmonds School District has decided that the 40.1 acres it currently is located on is no longer needed for their educational function. Clearly, another public user like the City of Lynnwood Parks Community, should have some consideration before the land is unilaterally removed from the Public. Once Publicly owned property is gone it requires the "Public" to re-buy it to meet the Mission of the Public User.

Why, as an alternative, the District is not required to offer the City this property as needed for community use is a serious concern. In a sense, the Recreation and Conservation Board has an opportunity of assuring that Public Property stays in Public hands to assure the Mission of the City's Park Program as well as the "Mission" of the State Recreation and Conservation Office.

It would be much more positive to be having the discussion of how to maintain and operate the new fields under construction rather than how to eliminate a "Parks Jewel" in Lynnwood.

Sincerely, *Mark Laurence*

Mark Laurence

17326 7th Ave West

Bothell, WA 98012

(425) 478-3163

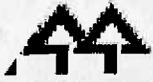
Enclosures:

1. "NOTICE" of Hearing, May 9, 2006
2. City of Lynnwood's list of community meetings relating to their new indoor recreation center.
3. Letter (February 4, 2008) to Erik Olson, principal Snohomish County Planner, regarding the need for a hearing regarding the additional uses anticipated for the new Lynnwood High School site.
4. Letter from Snohomish County to the Edmonds School District regarding the uses planned.
5. Exhibit # 40, map of ESD service area.

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MAR 12 2006

RECREATION AND CONSERVATION OFFICE



NOTICE

NOTICE OF OPEN RECORD HEARING AND TRAFFIC IMPACT FEE DETERMINATION

File Name: Lynnwood High School

File Number: 06-101732-LU

Project: Conditional Use Permit and Landscape Modification for the relocation of Lynnwood High School.

Location: Property is located north of 184th Street SW and west of North Road; to the north of Floral Hills Cemetery.

Hearing specifics: Before the Snohomish County Hearing Examiner, May 9, 2006, 9:00 a.m., First Floor Hearing Room, Administration Building East, 3000 Rockefeller Ave, Everett, WA. NOTE: if a valid SEPA appeal is filed, the hearing on the appeal will be combined with the hearing on the underlying project application.

Applicant: Edmonds School District No. 15

Date of application/Completeness date: January 31, 2006

Approvals required: Conditional Use Permit, Landscape Modification and associated construction permits

Forest Practices: For projects requiring a Forest Practice permit from the Washington State Department of Natural Resources (DNR) and where no valid SEPA appeal is filed, the applicant may request early release of county comments to DNR. Early release of county comments may enable DNR to issue a forest practice permit for tree removal prior to the project hearing or county approvals.

Traffic Mitigation: This development will be subject to payment of a Transportation Impact Fee to Snohomish County in an amount as listed in the project file. Any aggrieved person may appeal the decision applying an impact fee under Chapter 30.66B (Title 26B) SCC to the Snohomish County Hearing Examiner by submitting a written appeal to Planning and Development Services, in the manner and form prescribed by SCC 30.71.050, within 14 days of the date of this notice.

Project Manager: Erik Olson, 425-388-3311, ext. 2646

Project Manager e-mail: Erik.Olson@co.snohomish.wa.us

Date of Notice: March 12, 2006

HOW TO USE THIS BULLETIN

To learn more about a project:

- Call the planner assigned to the project.
- Review project file at Snohomish County Planning and Development Services (PDS) 2nd Floor Customer Service Center, Administration Building East.
- Permit Counter Hours: 8 - 5 p.m. M, T, W, F and 10 - 5 p.m. on Thursdays. Please call ahead to be certain the project file is available.

To comment on a project:

- Submit written comments to PDS at the address below. All comments received prior to issuance of a department decision or recommendation will be reviewed. To ensure that comments are addressed in the decision or recommendation, they should be received by PDS before the end of the published comment period.
- Comments on a project scheduled for a hearing before the hearing examiner, may be made by submitting them to PDS prior to the open record hearing.
- PDS only publishes the decisions that are required by Snohomish County Code. Persons will receive notice of all decisions that they have submitted written comment on, regardless of whether or not they are published.
- You may become a party of record for a project by: 1. submitting original written comments to the county prior to the hearing, 2. testifying at the hearing or 3. entering your name on a sign-up register at the hearing. NOTE: only parties of record may subsequently appeal the hearing examiner's decision or provide written or oral arguments to the county council if such an appeal is filed.

To appeal a decision:

- Department decisions (including SEPA threshold determinations): submit a written appeal and the \$500 filing fee to PDS prior to the close of the appeal period. Refer to SCC 30.71.050(5) for details on what must be included in a written appeal.
- A SEPA appeal also requires that an affidavit or declaration be filed with the hearing examiner within seven days of filing the appeal, pursuant to SCC 30.61.305(1).
- Hearing examiner decisions issued after a public hearing are appealable as described in the examiner's decision. Notice of those decisions is not published. You must have submitted written comments to PDS or written or oral comments at the public hearing in order to appeal a hearing examiner's decision.

HOW TO REACH US:

The Customer Service Center for the Snohomish County Planning and Development Services is located on the 2nd floor of the County Administration Building East, 3000 Rockefeller Avenue, M/S 604, Everett WA 98201 425-388-3311 TTY

www.co.snohomish.wa.us/pds

ADA NOTICE: Snohomish County facilities are accessible. Accommodations for persons with disabilities will be provided upon advance request.

The Enterprise

LYNNWOOD | MOUNTLAKE TERRACE

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JUN - 5 2008

RECREATION AND CONSERVATION OFFICE

Rec center remodel big on aquatics

• Councilman urges disclosure on how to pay for renovation

BY OSCAR HALPERT
Enterprise editor

LYNNWOOD

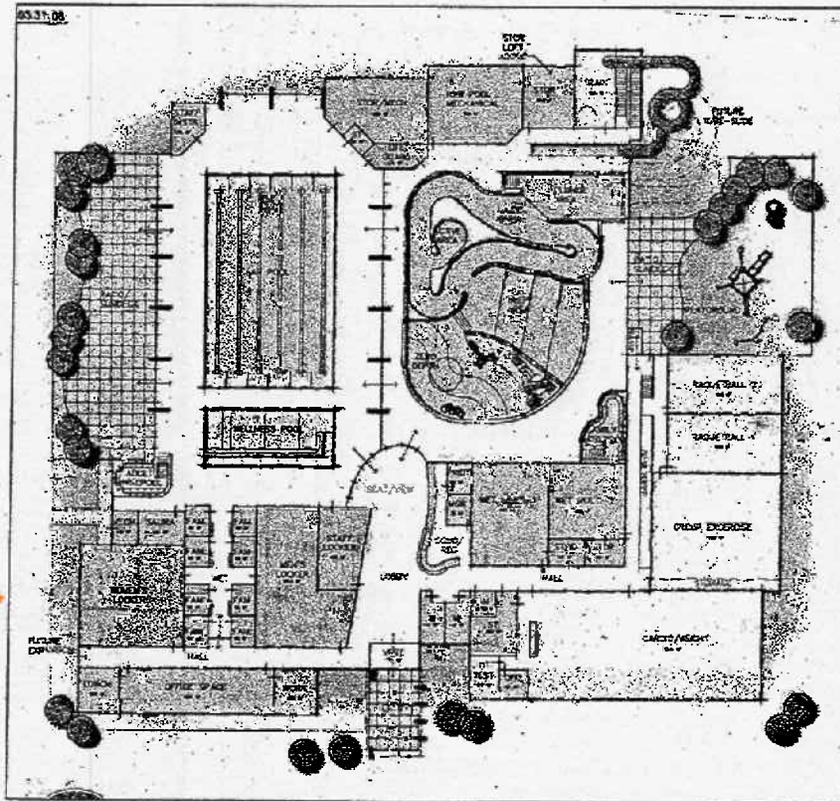
The recommended plan for a refurbished recreation center won't be the most expensive option but it won't be the cheapest, either.

If all goes according to plan, the renovation should be completed sometime in 2010 or 2011 with expansion to follow by two or three years.

"This is a quality of life issue," said Lynn Sordel, the city of Lynnwood's parks, recreation and cultural affairs director. "It makes a statement that you take pride and care about the community."

He displayed renderings of the proposed face lift during the City Council's Monday, April 14 meeting.

Reiterating that the city's 30-year-old recreation center has become inadequate, Sordel outlined an architect's concept for the first of two phases in that face lift: ren-



The Lynnwood City Council has reviewed this recommendation for a \$22-\$25 million refurbished recreation center to replace the 30-year old structure along 44th Avenue West. Residents will have an opportunity to weigh-in on the rec center redesign in a series of public meetings in May and June. The council makes its final decision on which design and how to pay for it in July.

Rendering courtesy city of Lynnwood

Neighborhood Meetings – Draft Schedule

Date	Location	Time	Date	Location	Time
May 6	Council Chambers	4:30-6 p.m.	May 21	Fire Station 15 Training Room	7-8:30 p.m.
May 8	Meadowdale High School Great Hall	7-8:30 p.m.	May 27	Spruce Elementary Library	7-8:30 p.m.
May 13	Council Chambers	7-8:30 p.m.	May 28	Lynnwood Senior Center	6:30-8 p.m.
May 14	Edmonds School District Service Center	7-8:30 p.m.	June 5	Fire Station 14	7-8:30 p.m.
May 20	Open Door Baptist Church	7-8:30 p.m.	May or June	Council Chambers	12-1:30 p.m.
			June 9	Fire Station 15 Training Room	6:30-8 p.m.
			June 12	Lynnwood Utility Maintenance Center	7-8:30 p.m.

The Enterprise

Newspapers

Lynnwood, WA.

Published: Friday, May 16, 2008

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JUN - 5 2008
RECREATION AND CONSERVATION OFFICE

Public gets closer look at rec center remodel

By Oscar Halpert
Enterprise editor

After months of discussion within City Council chambers, city leaders took their proposal for a revamped recreation center -- and healthier public -- to the people Thursday, May 8, for the first of eight neighborhood meetings.

Of the dozen residents who gathered at Meadowdale High School's Great Hall, most were supportive and some had questions about the details of the proposal.

Mayor Don Gough told those gathered that the 30-year-old facility, funded through the sale of municipal bonds that have since been retired, is no longer able to compete with other recreation centers and health clubs.

"People are going other places," he said. "We need major renovations to this facility or it's simply going to be incapable of operating. It's time for us to step up."

The city has proposed a two-phase process for modernizing its aging recreation center at 18900 44th Ave. W. The first phase, renovation and aquatics expansion, would cost an estimated \$21.7 to \$25.4 million (in 2010 dollars) to be funded through bonds authorized by the council without a public vote. That phase should be completed in 2010.

The second phase, expansion, would cost another \$35 million and be completed by 2012 or 2013. To pay for it, the city would likely seek a public vote for additional bonds.

During renovation, the city will close the recreation center and move some of its programs to other places.

"We anticipate we are going to have a disruption in some of our activities and a cessation of many or all of our aquatic activities," said Lynn Sordel, recreation, parks and cultural affairs director.

The outreach event also provided the city an opportunity to tie its Healthy Communities program into the push for a revamped recreation center.

"One of the strategies from the Healthy Communities is increasing access to physical activity opportunities," Sordel said.

So it makes sense, he said, to talk about the recreation center in the context of Healthy Communities, a statewide program that the Snohomish County Public Health District is overseeing locally to improve public health starting with the cities of Marysville, Lynnwood and, soon, Everett.

More than 50 people have been part of a Healthy Communities task force that's met since late last year to come up with an action plan.

"We want to give a framework to policy makers," said Keri Moore, healthy communities specialist with the health district. "We're trying to make the healthy choice the easier choice."

Implementation of the plan comes next and will likely begin in the fall, Sordel said.

© 2008 The Enterprise Newspapers, Lynnwood, WA

Mr. Erik Olson

February 4, 2008

Senior Planner

Snohomish County Planning Dept.

Re: CUP, Lynnwood High School, 06-101732-LU

Mr. Olson,

RECEIVED

JUN - 3 2008

RECREATION AND CONSERVATION OFFICE

We are asking you to review this particular approved Conditional Use Permit (CUP) for a new high school on North Road in the unincorporated area of Snohomish County.

We believe that much new information has recently been discovered that requires a review of a secondary project that is being built in conjunction with the new school. We are not suggesting that the school construction (portion) of the CUP be reviewed.

The Edmonds School District (ESD), also known as the "District", has submitted an application (June 7, 2007) to the State Recreation and Conservation Board (RCOB) asking to move the Lynnwood Athletic Complex currently (across from the Alderwood Mall) to the new high school site. While the school district did mention athletic fields associated with a new high school in their May 2006 CUP hearing, they did not "quantify" the community athletic complex and its impacts. We feel that there is much more information now in this State Application that should have been reviewed and the District should submit an "amended" CUP application.

We believe that the additional light, traffic, and noise impacts of a regional community athletic complex were clearly not addressed in the CUP hearing. During the entire hearing, there was no mention, oral or written, concerning the impacts of a community athletic complex. The project of moving the Lynnwood Athletic Complex was never mentioned and data from their State Application to the RCO Board was not provided.

In their State Application the RCO Board, they mention the current use of 2,000 non school related games each year at the current site. We believe that this fact and other new information should cause the District to provide more mitigation measures to their high school project.

We believe that the CUP approval for a new high school is acceptable and your recommendations were appropriate for a new high school with associated athletic fields. However, we believe that you should ask for and receive an updated application that may be subject to the SEPA review process as required by state and local regulations.

Note: All staff recommendations seemed to be interpreting this project as a school only project. The fields are referred to as inter-scholastic in nature and use. The Environmental Checklist describes community use on page 40 but it provided no "community activity" data. This data is now available and should be reviewed in an amended application.

We do believe that after your "review", you will recommend the District submit an "amended CUP Application" that details their secondary project – The Relocation of the Lynnwood Athletic Complex.

Please review the attached information and advise us as to your professional opinion. If you find that there is no need to review the approved CUP, we may want to appeal your decision. Would you also advise us on the appeal process?

Please respond as soon as possible and

Thank you for your attention to this issue,

Sincerely,

Mark Laurence, Chair for the **SAVE OUR FIELDS** citizens group

17326 7th Ave West

Bothell, WA 98012

Attached:

- 1 Conditional Use Permit – Staff Recommendations (Sno. County)
- 2 Decision of Hearing Examiner, Ed Good, 6-27-2006
- 3 EDSD Application for Field Conversion, 10-18-2007
- 4 **NOTICE of Open Record Hearing and Traffic Impact Fee Determination for May 9, 2006.**



**Snohomish County
Planning and Development Services**

4 29

**Aaron Reardon
County Executive**

(425) 388-3311
FAX (425) 388-3872

M/S #604
3000 Rockefeller Avenue
Everett, WA 98201-4046

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JUN - 5 2008

RECREATION AND CONSERVATION OFFICE

February 21, 2008

**Mark Laurence
17326 7th Ave. West
Bothell WA 98012**

RE: Lynnwood High School CUP 06-101732 LU

Dear Mr. Laurence:

I am writing to confirm receipt of your letter dated February 4, 2008 were you express your concerns about the future use of the athletic fields at the new Lynnwood High School located at 18128 North Road.

PDS has forwarded your concerns and documents to the ^{Edmonds} Everett School District and is waiting for a reply before we make a decision of how this may affect the current conditional use permit.

If you have any questions please contact me by email at erik_olson@co.snohomish.wa.us or by phone at 425-388-3311 ext. 2646.

Sincerely,

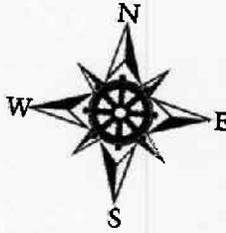
**Erik M. Olson
Principal Planner**

cc: 06-101732-000-00-LU

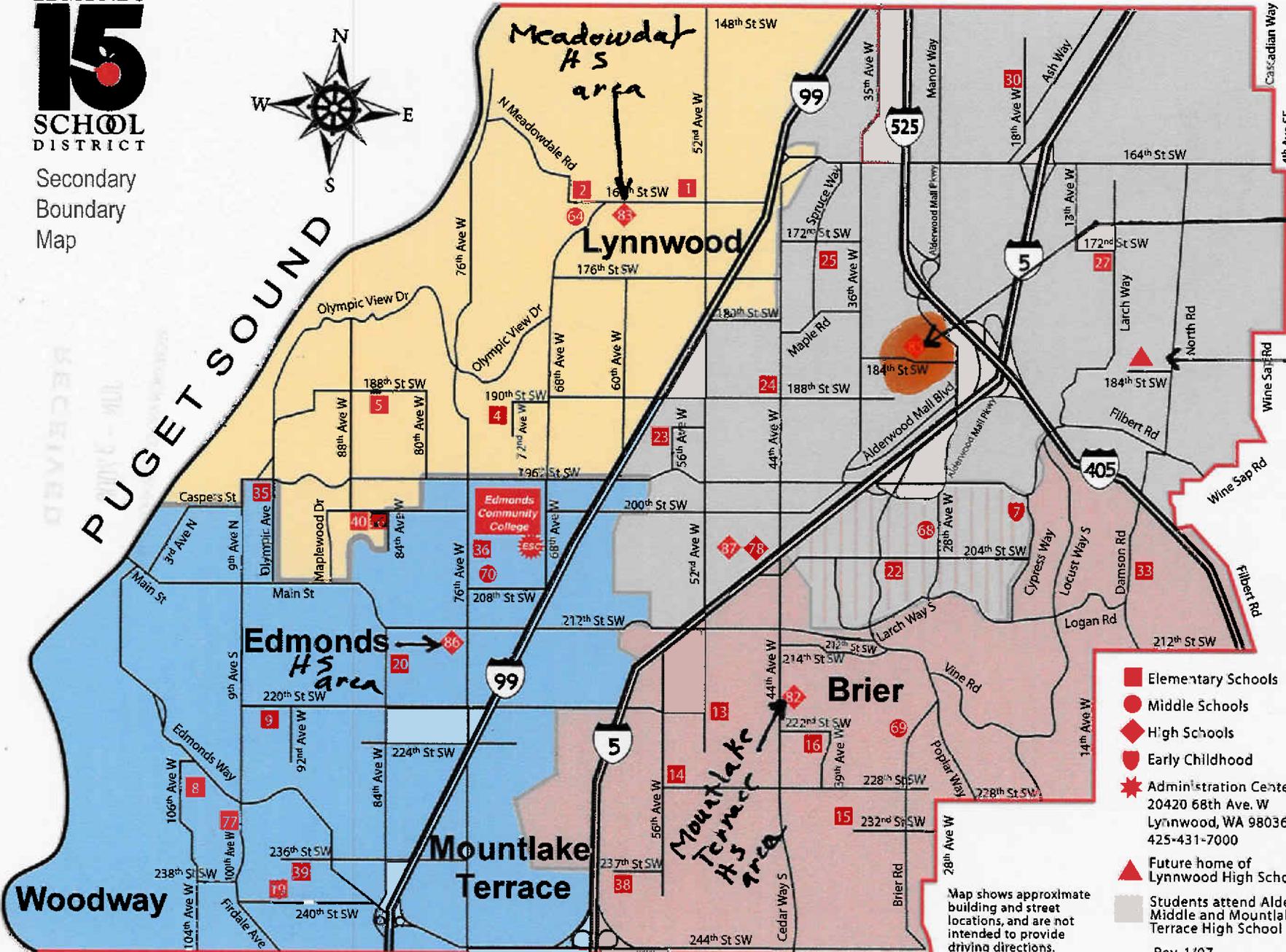
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EDMONDS 15 SCHOOL DISTRICT

Secondary
Boundary
Map



PUGET SOUND



Current
site

New
site

- Elementary Schools
- Middle Schools
- ◆ High Schools
- ◑ Early Childhood
- ★ Administration Center
20420 68th Ave. W
Lynnwood, WA 98036-7400
425-431-7000
- ▲ Future home of Lynnwood High School *
- Students attend Alderwood Middle and Mountlake Terrace High School

Map shows approximate building and street locations, and are not intended to provide driving directions.

Rev. 1/07

Natural Resources Building
1111 Washington St SE
Olympia WA 98501

PO Box 40917
Olympia WA 98504-0917



STATE OF WASHINGTON

RECREATION AND CONSERVATION OFFICE

(360) 902-3000
TTY (360) 902-1996
Fax: (360) 902-3026

E-mail: info@rco.wa.gov
Web site: www.rco.wa.gov

June 2, 2008

Mark Laurence
17326 7th Avenue West
Bothell, WA 98012

Dear Mr. Laurence:

I received your April 15 letter following up on your testimony at the Recreation and Conservation Funding Board (RCFB) on March 27, 2008. In your letter you clarify your concerns relating to the process the board uses to consider conversions and your belief that the grant manager influenced the "hearing" process. You also say that the RCFB is "quasi-judicial".

The purpose of this letter is to clarify the role of the RCFB and staff of the Recreation and Conservation Office.

First of all, the RCFB is *not* quasi-judicial. Quasi-judicial means the body makes decisions typically reserved for courts with judges. The RCFB makes decisions on how to use federal and state funds for recreation and conservational opportunities. The public is invited to make comments at these meetings, but the comments are not considered testimony. Quasi-judicial bodies in the State of Washington are the Board of Tax Appeals, Environmental and Land Use Hearings Board, and the Growth Management Hearings Board.

Second, when a staff recommends approval of a conversion it is a statement that staff believe the project sponsor has met the required criteria. These criteria are found in RCO Manual 7. I have enclosed the relevant information for you from this manual. #20 explains the policies/criteria that apply to development and restoration projects while #23 explains the conversion process. Please be aware that "IAC" is the former name of the Recreation and Conservation Funding Board.

I hope this clarifies for you the role of the RCFB and staff.

Sincerely,

Kaleen Cottingham, Director
Recreation and Conservation Staff

Enclosure



Hasler

Smart Track Delivery Manifest

Report Num:

DM000024639



Employee	Tracking Number	Carrier	Sender	Date Rec	Smart Track ID
40917					
40917	EB809367085US	USPS	✓	6/3/2008	060317054609
40917	ED354790733US	USPS		6/3/2008	060317055107
Total Items: 2					

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JUN -3 2008

RECREATION AND CONSERVATION OFFICE

June 3, 2008

Kaleen Cottingham, Director
The Recreation and Conservation Office
P.O. Box 40917
Olympia, Washington 98504-0917

Dear Ms. Cottingham:

The City understands that the role of the RCO is to recommend approval or denial of the conversion based upon certain known criteria, including a judgment about the replacement value of the property which is proposed to substitute for the current recreational property. It is our understanding that we are a party to the conversion decision and have a right to be heard as to the quality and accuracy of the appraisal being put forth by the school district. Our ability to respond promptly to the issue of valuation of the property was interfered with by the fact that although we made many, many requests to the school district for it's "new" appraisal over the several months leading up to the March RCFB meeting, they refused to provide the appraisal to us for our review until less than 10 days before the meeting. That is not acceptable. Immediately upon the receipt of the "new" appraisal, we contacted our forensic appraiser, who has already reviewed the old appraisal, to have an expert analysis done on the "new" appraisal. It must be noted for your attention, that the "new" appraisal states an even lower value for the property. It is not possible for an appraisal rejected by the National Park Service, for which has already been done to take into account the massive commercial development of the property for which specific plans have already put forth to the City, and then have the appraisal come out with a lesser value. As our forensic appraiser stated in writing on March 26, 2008:

"For what it is worth, I have a hard time accepting the fact that 12.4 acres of level land across the street from Alderwood Mall is equal in value to 16.8 acres of somewhat undulating land off North Road." Bold font added.

Our forensic appraiser also stated to us immediately following the RCFB meeting, that since the school appraisal had just arrived, his work commitments did not allow him to start immediate work on the forensic analysis of the "new" appraisal. As we stated to you in our May 23, 2008, letter:

"As a result of this circumstance, the City contacted two other approved appraisers who state they could not complete the independent review with they board's required time frame." [i.e. the June 19 RCFB meeting.]

We have received a commitment by our forensic appraiser as follows:

"I could initiate the assignment and be completed within 45 days."

Kaleen Cottingham
June 3, 2008
Page 2

Please see the attached letter from our appraiser dated May 21, 2008. We ensured that we can get the appraisal work done by the September RCFB meeting, and we did so before we asked you for a continuance.

In summary, we understand that we have a right to be heard on the quality, accuracy and methodology of the school district's "new" appraisal. We have made all reasonable efforts to meet the board's deadlines, but it is impossible when the school district refuses to cooperate. Your suggestion that the alternative dispute resolution procedures in the underlying contract is very helpful and the City will seek to have a similar process initiated ASAP. However, it is a fair observation that the alternative process will not be able to be done in the next 15 days and then to have the solution distributed for review by all concerned, including your office.

The following comments pertain to the email submitted by Jerry Lutz on Friday, May 30, 2008, at 4:12 p.m.

Observations About the School District's Allegations. According to the District, the appraisal process to establish that the property value is "extraneous" to the RCO review. If that is so, then the RCO's role must also be "extraneous" to the conversion process. The District seems to believe the RCO is merely a "rubber stamp" in this process. We do not. We believe we have a right to gather appropriate, relevant information and present it to the RCFB.

This position is at odds with the City's view that the RCO, as a party to the agreement and disburser of recreational funds, has a significant interest in the recreational continuity of the programs at issue. In this instance, where a "new" school facility located in a residential area is to be exchanged for other property located in a commercial/retail area, the value of that property relates directly to the amount of property necessary to dedicate to recreation to achieve functional equivalence. The direct comments of one of your board members at the March meeting appeared to reflect this reality.

Whether the City has any legal right to participate in the conversion process is beyond your board's purview. The City notes, however, that it – not the school district – was the applicant for the grant. The City signed the contract, and the City contributed in excess of \$500,000.00 to this project. If necessary, the City will seek to determine its legal rights in federal court proceedings. But that is not the City's goal or desire. We wish to be heard and to be given an adequate time to develop a professional and data based presentation of our sincere concerns. The City's interest lies in ensuring that a functionally equivalent program, that is consistent with City levels of service, established in lawfully mandated growth management plans, is maintained.

No Delays Will Occur. The City does not understand how a delay until September can result in delays to the District's school project. That project lies in Snohomish County and is being permitted by Snohomish County – not the City. The City agreed over a year ago to a formal federal waiver to allow construction to proceed before the conversion issue was decided. The county's permitting process is not concerned with, nor is it in any way affected by the request for conversion. The facility is fully planned and nearly half-way constructed. Approval or denial of

Kaleen Cottingham
June 3, 2008
Page 3

conversion will not change construction completion or the land area involved. The project will go forward whether or not conversion is approved.

Negotiations Have Already Begun. The City and the District agreed in a face-to-face meeting (which included the private developer representatives also) in early December 2007 to engage in direct discussions concerning operational issues posed for recreational activities by the new school site. In fact, good progress has been made toward resolving these issues since the March 27 RCFB meeting.

Meaningful Discussion Demands Timely & Quality Appraisal Information. Once the City has its forensic appraisal information in hand, we will directly discuss value issues, but until then, the City lacks information to engage in meaningful discussions.

Dispute Resolution Process. As mentioned earlier, we believe your alternative dispute resolution process idea has merit and we will in good faith pursue it. However, we must note that your suggestion that we resort to the dispute resolution provisions of agreements governing the existing site, and which relate to the operations of the existing site, does not appear to be feasible because the arbitrator cannot make a decision concerning valuation that would be binding upon either the RCO's recommendation or the agency deciding this issue for the federal government, i.e. the National Park Service.

Sincerely,

CITY OF LYNNWOOD

Lynn D. Sordel
Parks, Recreation & Cultural Arts Director

Enclosure

cc. Mayor Don Gough
City Attorney Mike Ruark
Economic Development Director David Kleitsch
Gerald Lutz, Perkins Coie

School District Response to City's Request for Second Continuance Request

From: Cottingham, Kaleen (RCO)

Sent: Tuesday, June 03, 2008 11:02 AM

To: 'Lutz, Jerry (Perkins Coie)'; Lynn Sordel

Cc: 'Michael P. Ruark'; 'Miller, Marla (ESC)'; Haws, Dan (RCO); Fox, Jim (RCO); Langen, Rachael (RCO); Connolly, Rebecca (RCO); Jennings, Darrell (RCO); Austin, Marguerite (RCO)

Subject: RCFB meeting agenda for the upcoming meeting in June (Bellingham)

Attachments: Agenda_June2008_V11 FINAL .doc

This email is to the City of Lynnwood and the Edmonds School District:

After reviewing both of your responses to my earlier email (below) and after discussions with the RCFB chair, we have decided to keep the conversion request on the June Board agenda. This agenda item is item # 16. This topic is on the agenda for Friday June 20th at approximately 10:30 am. The Board will be holding its meeting in Bellingham. I have included a copy of the final agenda.

By including this item on the agenda does not mean that a final decision will be made at this meeting. You both will have the opportunity to make your argument for delay or decision at this meeting. Staff will include all correspondence on this topic (including email) in the packets being delivered to the Board.

Item #16, Lynnwood Community Athletic Fields, Conversion Request
June 2008
Attachment D

Attachment D: Public Comment and Information from City of Lynnwood and Edmonds School District Provided in March 2008 Board Notebook

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March 1, 2008

RECREATION AND CONSERVATION OFFICE

Staff Copy , RCFB

State of Washington, Recreation and Conservation Funding Board (RCFB)

Respondent: Citizens Committee to "Save Our Fields", Mark Laurence, Chair

Mark Laurence

17326 7th Ave West

Bothell, WA 98012

Re: Conversion Request, Edmonds School District #15, relating to the Lynnwood Athletic Fields

Attached is our response to the requested conversion. This group has worked hard to present another "view" of this process. We have provided evidence of why the proposed "conversion" is not in the best interest for the community it serves.

Our rebuttal follows the same line of questions used within the conversion application. For clarification, we have attached the conversion application submitted by the Edmonds School District.

The application should be denied or at least delayed until the applicant has fully complied with all the conversion requirements.

We thank you, in advance, for your careful consideration of this issue.

Note: All referenced exhibits have been sent to the Olympia Office.

**SAVE OUR FIELDS - CITIZENS ACTION
COMMITTEE**

To: Ms. Kaleen Cottingham, Director RCO

Board Members of the Recreation and Conservation Funding Board

Ms. Val Ogden, Chair

Mr. Bill Chapman

Ms. Karen Daubert

Mr. Steven Drew

Mr. Jeff Parsons

Loren Simmonds, President Lynnwood City Council

Terry Ryan, Mayor, City of Mill Creek

Don Gough, Mayor, City of Lynnwood

Aaron Reardon, Snohomish County Executive

Lynn Sordel, Lynnwood Parks Director

Lisa Utter, Lynnwood City Council liaison to Parks Board

Duane Karna, Chairman of the Lynnwood Parks Board

Oscar Halpert, Lynnwood Editor, The Enterprise

Date: March 27 & 28, tentative dates of hearing in Olympia

Respondent: Citizens Committee to "Save Our Fields", (Mark Laurence, Chair)

**Mark Laurence
17326 7th Ave West
Bothell, WA 98012**

Critical Considerations:

- The Edmonds School District #15 (District) has binding Development and Operations Agreements for the existing Lynnwood Athletic Complex site with the City of Lynnwood and Snohomish County until the year 2019. (exhibits 71, 72, 73, 74, and 75)
- The District does not have an operation or funding plan in place for its proposed Lynnwood Athletic Complex.
- The District has not applied for the required SEPA Review to Snohomish County for the new Lynnwood Athletic Complex. (exhibit 77)
- The District has not made any effort to look for a reasonable alternative solution. (exhibit 22)
- What happens to the Lynnwood Athletic Complex if the District cannot legally fund its operations? (exhibits 50 & 42)
- Snohomish County has made a request to ESD to answer questions relating to its conversion project that were not explained in their Conditional Use Permit (CUP) for a new high school. (exhibit 79)

Rebuttal Evidence Points:

- The District's relocation initiative has been a closed process without collaboration.
- The District is not legislatively empowered to be a sole Community Recreation Provider.
- The District has failed to clearly identify the Lynnwood Athletic Complex as a separate and independent Project.
- The District has expended funds inappropriately from the February 2006 Capital Bond Levy for a new Lynnwood high school by using monies for a community athletic complex.
- The District has selected a low density and isolated residential area to locate a large community athletic complex.

- The District has failed to provide an environmental impact statement related to the relocation of the Lynnwood Athletic Complex as required by "Manual 7 Policy".
- The District has not submitted any agreements with the local parks community, (City of Lynnwood, Mill Creek, or Snohomish County) for operations and cost sharing of the new athletic fields.
- The District has failed to notify the surrounding residents of the impacts relating to the current heavy use of the athletic complex (estimated to be greater than 2000 non-school games per year).
- The District has failed to show how the current location, operation and use of the Lynnwood Athletic Complex would have equal or better provision in the new location.
- The District has failed to look at viable alternatives for the Regional Athletic Complex such as to continue to allow the use of the existing complex by the City of Lynnwood.
- The District has failed to provide adequate documentation in their application for conversion that meets the minimum requirements of the Recreation and Conservation Office (RCO). (Policies required for conversion)
- The new site will no longer allow the connection to the Interurban Trail System that extends from South Everett to the Snohomish-King County line.
- There is no demonstrated reconciliation of the contractual rights of the City of Lynnwood (nor Snohomish County) under the 1980, 1994, and the 1996 agreements. (exhibits 23, 71, 72, 73, and 74) The City contributed the \$344,000 of matching funds in 1980, and an additional \$150,000 in 1996. Snohomish County Contributed \$211,000 in 1996. These agreements are in effect until 2019. They require the City of Lynnwood and Snohomish County's approvals to vacate their rights and responsibilities.
- Relocation of Athletic complex is in conflict with Lynnwood's "Healthy Community Initiative" as well as the "Vision, Mission and Core Values" for Parks. (exhibit 29).
- The "Conversion" is in conflict with the intent of the Land and Water Conservation Fund Act of 1965. Funds were intended to encourage the healthy activities of the citizens. The citizens of Lynnwood would "lose" in the conversion process. (See exhibit 23).
- City of Lynnwood Council is concerned over the proposal, see Seattle Times article by Lynn Thompson. (exhibit 36)
- The Snohomish County Planning staff was confused over the scope of the Project. They understood that the athletic fields were only for "interscholastic" uses. (exhibit 11).
- Relocation of the Lynnwood Athletic Complex was not discussed at the Conditional Use Plan (CUP) hearing on June 27, 2006. (exhibit 16).

Rebuttal Summary Text:

Edmonds School District (ESD), also referred to as the District, has not conducted an open and collaborative process regarding their efforts to move the Lynnwood Athletic Complex. Our submittal is intended to clearly describe another "view" of their proposal with the intent to demonstrate why the existing location is the best for our community. We do support the Edmonds School District in adding athletic fields to their new high school. The community needs more fields but not the removal of existing fields to a remote location. The School District has mishandled the process and their application should be withdrawn and redrafted with accurate data. They also need to address their funding dilemma as relates to their 2006 Bond Levy (copy attached). It is our position that they have no legal authority to use monies from this ballot approval for an athletic complex that goes beyond a normal high school. The only way to address this is for Snohomish County to call for an election addressing the funding issue. Moving and funding a large Community Athletic Complex is no small concern to the community. Transparency and open process demands clarity and truthfulness within the ballot process. We are confident the voters will approve funding for more recreational properties but may have trouble with eliminating a "premier complex" that has so much accessibility, visibility and support facilities (eating, family entertainment and shopping). Families are drawn to the Lynnwood Athletic Complex by having a place to exercise and compete athletically which is within walking distance of other entertainment and support activities. The existing Lynnwood Athletic Complex is clearly an amenity for the region and it complements the Lynnwood Parks System.

The ESD's application for conversion is poorly presented with many errors, either in logical and coherent conclusions and/or in the lack of supporting documentation that would factually support their statements. The application seems to have been drafted soon after the District realized the requirement to seek approval from the State Conservation and Recreation Board. This application came late in their planning and commitment for the relocation of their new high school. The school district began their efforts to relocate the school in early 2004 with their ballot issue going out in February of 2006. The fact that they did not make application for "conversion" until June of 2007 suggests they remained uninformed of their requirements under the 1980 Agreement. While we may somewhat understand the "catch-up effort" it still does not forgive the poor and misleading representation.

Pertaining to the ESD Application Documented in:

Edmonds School District's Application for LWCF Section 6 (f) Conversion of Property Subject to Recreational Restrictions Pursuant to Project Contract No. 80-014D

The following is the Citizens Committee to "Save Our Fields" Response to aforementioned 6 (f) conversion proposal, sections 3B, and 5 through 6. Sections of the proposal document are outlined and addressed below.

1. A letter of transmittal from the State Liaison Officer (SLO), Laura Eckert Johnson, recommending the proposal.

We have not seen the "Letter of Transmittal" referenced here. This only references the First Grant (80-014D). There is no mention of the other contributions to the athletic fields by the City of Lynnwood and Snohomish County.

2. Describe in detail the sponsor's need to convert the Section 6 (f) parkland including all efforts to consider other practical alternatives to this conversion, how they were evaluated, and the reasons they were not pursued.

It must be first stated that the District's answers in this section are describing the justifications for moving the high school to a new site. This is a curious approach since this application is not related to the educational needs, problems or plans for a new school. The focus should be on the need to relocate the Lynnwood Athletic Complex. Even so, we feel a need to respond to some of the statements as an attempt to clarify the District's motivation for their decisions related to the application for conversion.

In their proposal, the ESD suggests that the character of the surrounding area has changed since the fields were constructed in 1980. However, at that time, the 1980 Athletic Field construction was completed when most of the commercial construction had already taken place. A case could be made that the 1979 opening of the Alderwood Mall was a significant "driver" for the Lynnwood Athletic Complex. The 1978 agreement (exhibit 74) supports the location and the joint operation model for the athletic fields.

The new school location is not "Bothell" as described but is in the unincorporated area that is not within the Lynnwood "Municipal Urban Growth Area" (MUGA – exhibit 39). This is an important distinction since the City of Lynnwood has no jurisdictional role even though the

project continues to use the name "Lynnwood Athletic Complex". The Mill Creek Post Office services this area (98012).

The existing Lynnwood High School is currently in the center of its service area (see attached map, exhibit 39). The new location is on the eastern border, clearly not in the center of the service area. Edmonds School District has acknowledged (hearing date May 7, 2006) that all of their students will be eligible for busing at the new location. They also have testified that currently 30% of the students are within walking distance. This is an important distinction since it raises the question of why relocate to a more remote site? We contend that the decision was based upon economics versus service. The current site of the school and athletic fields are "potentially" much more valuable than the new site. The Edmonds School Board is accountable for any decision relating to where to locate their schools. However, there is no compelling reason that the "Recreational Community" needs to accept the relocation of the Regional Athletic Complex facility to an inferior location. (exhibit 16 & 18)

The School District's statement, "the new school site is more centrally located within the district boundaries than the existing school to better serve the School District's constituents currently served by the existing School", is clearly a misrepresentation of the facts. Why the school district would make this kind of statement provides reason for a cautious review of any and all information presented in their application. (exhibit 18)

The 20.4 acres of athletic fields is on publicly owned property with the current zoning of "Public Use". The Edmonds School District, as of this date, has yet to apply for a change in the zoning. They could anticipate that "up zoning" would be detrimental to the issue of equal appraisals required by the conversion criteria. (exhibit 78)

The Lynnwood Athletic Complex is in the most visible, accessible and convenient location of any athletic complex in Snohomish County. An argument could be made that it is the most visible, and accessible athletic complex in the entire State of Washington.

It is interesting to note that while the School District makes a strong case for how deficient the existing site is, yet they have contracted with a large developer (Cypress Equities) for ground lease of the existing forty acres. Clearly, the existing high school has ground water problems but there is no indication or proof given that the Athletic Fields are deficient.

The school district makes the statement that the new site will not accommodate a regional athletic complex if the existing old site is not "redeveloped". The school district at this date has already completed ground and underground improvements on the new site to allow for the additional athletic fields. They have done this with the money provided through the 140 million

dollar capital bond levy as approved in February of 2006. This application was dated June 5, 2007. Why would the district state that they will not accommodate the fields when they are currently progressing on their construction?

The Edmonds School District is in violation of their approved Levy of February 2006. There was no approval for an athletic complex given in this ballot issue (see attached copy of ballot language and exhibits 32, 41, 42).

It would be hard to explain why the District did not specifically address this issue in their ballot language nor their Resolution 05-29. It is also questionable why the District would choose an expensive "Special Election" that provided no voter's pamphlet to explain the scope of their high school project. (exhibits 32 & 47)

We believe that the "conversion" and relocation of the Lynnwood Athletic Complex is without merit and voter approval.

The District suggests that if they abandon the high school where the existing fields reside, then the remaining recreational facilities will be of little use. The assumption here is that there is no other Public User; City, County, Federal agency that would be willing to maintain the existing complex.

The City of Lynnwood is currently looking for a site for their outdated Recreation Center. The City of Lynnwood has also identified the need "to purchase the old Lynnwood High School site." in their 2007-2008 Parks Strategic Plan. (exhibit 38)

Since the District has not demonstrated any effort to solicit such a user we do not have the answer to that question. As a Public entity, the District has the obligation to try and keep Public Use property in the Public Domain. If a bona-fide effort fails, only then should they be free to pursue other ways of disposing of the property.

The statement that "The School District has worked closely for several years with its local recreational agreement counterparties and other representatives of local recreational interest groups to find a solution..." seems to a statement without support. We have checked with the following groups and they have had no contacts from or taken no action to support the District.

- Lynnwood Parks and Recreation Board
- Mill Creek Parks and Recreation Board
- Snohomish County Parks Board
- Alderwood Little League
- South Snohomish County Youth Soccer Association
- Northwest Christian Sports League
- Edmonds Soccer Club
- Sno-King Youth Club
- Terrace-Brier Soccer Club
- NWN (Northwest Nationals) Premier Soccer Club
- Lynnwood Soccer Team
- City of Lynnwood Adult Softball League

The District seems to have been working in a communication vacuum in regards to collaboration with the recreational community.

Section 6(f) (3) of the LWCF and IAC policy allows for a conversion when there is a change in land use or development that may make some assisted areas obsolete over time, particularly in rapidly changing urban areas.

Fact: There is no change in land use surrounding the Lynnwood Athletic Complex. The zoning and use has been consistent since 1980. (exhibit 37)

Fact: The area is already built-out and there are no signs that the character of the area will change. There are no studies or reports by the City of Lynnwood suggesting changes of use.

The burden is on the School District to factually support their statements regarding the "rapidly changing nature of the area". The need for the removal of the high school may be supported because of "educational" concerns. However, the very nature of the area makes it ideal for a major community athletic complex (visibility, support facilities, and access).

- 1. Provide a statement on how the conversion is in accord with the State Comprehensive Outdoor Recreation Plan (SCORP).**

We have not been able to obtain this document.

- 2. Complete the State Appraisal Review certification in Step 7 for both the converted and replacement parcels certifying that the appraisals meet the "Uniform Appraisal Standards for Federal Land Acquisitions".**

The question of "appraised value being equivalent" should be viewed with strong skepticism. Logic says that 12.4 acres located on 184th Street SW (main Alderwood Mall arterial) has to have an immensely higher value than property on a rural two lane road in the unincorporated area of Snohomish County. Because we have not received a certified copy of an appraisal, we have contacted a large and highly respected developer, Mike Echelbarger (dba Echelbarger Properties) and his conclusion is that the total 40.1 acres would have a commercial value of 87 million dollars. The properties located along 184th Street (the 12.4 acres within the 40.1 acres) would command a much higher price per acre. The residential property value of the site under development would have a significantly lower value in comparison. We recognize the requirements of the conversion is to only compare the value of current zoning. However, the Board should consider this information in relation to "motivation" for the conversion. **The decision of the school District has nothing to do with "quality" of the new site for recreational use.**

Alternatives to Conversion:

No Conversion Action: There are potentially other Public Users that may be interested in maintaining the existing Lynnwood Athletic Complex. The District has made no effort in soliciting a new Public User. It is true as, as the District has stated, that providing community recreational facilities is not within their "educational mission". The same cannot be said for the Lynnwood Park System with partnerships with Athletic Associations. To date, the District has not solicited the City of Lynnwood and offered this as an alternative. We believe that the City of Lynnwood would be reluctant to lose the "amenity" of a "premier" regional athletic complex. (exhibit 51)

Convert the existing fields and abandon the Lynnwood site: The District suggests that such an action would create "better functionality" as a regional recreation center. This is a "stretch reality" view. A regional community athletic complex located on a narrow and windy two-lane road surrounded with single-family residential properties, no public transportation available, no nearby facilities for eating or shopping, no recreational partners identified, and no longer connected to the newly expanding inter-urban trail would limit its utility as compared to the existing site.

The vast majority of Snohomish county residents have no idea where North Road is or how to access it. No multiple family housing exists and will ever likely be allowed in this area. All access would have to be gained via automobiles. The lighting and noise will surely be a point of contention with surrounding neighbors. Even though this new site is 1-1/2 miles as the "crow flies", there are only three ways to reach it on North Road - from the West, South, and North. (exhibit 46)

From the West starting out on Larch Way, one route is through the 93 single family home community called Wood Trails. This is the shortest of the routes from the current site (3.5 miles).

- From the South, another route is via Filbert Road (Hwy 524) which is very possibly the most dangerous road in South Snohomish County.
- Lastly, the North route uses 164th Street SW (just recently gained the dubious recognition for reaching "Ultimate Capacity").

The point to emphasize here is that none of these routes provide better alternatives than the existing site's ability to support regional athletic events. (exhibit 8)

3. For the Parkland proposal for conversion:

- a. Identify the specific location, 9-digit zip code, and name of park or recreation area proposed for conversion.

Zip: 98037 (Lynnwood Athletic Complex)

Lynnwood Athletic Complex

- b. Describe the area proposed for the conversion including acreage to be converted and any acreage remaining. For determining the size of the conversion, consider not only the physical footprint of the non-recreation development/activities but how the development/activities will impact the entire 6(f) park area. Describe the recreation resources, facilities, and recreation opportunities that will be impacted, displaced or lost by the proposed conversion. For proposals to partially convert a Section 6(f) park area, the remaining 6(f)

parkland must remain recreationally viable and not be impacted by the non-recreation activities that are triggering the conversion.

- Lighted Multi-purpose Soccer Field
- Two lighted multi-purpose softball fields
- Lights for the football field, track, baseball fields, and tennis courts
- Restrooms
- Maintenance and storage building
- Physical fitness trail
- Playground equipment
- Picnic area
- 20.4 acres of recreational property

Note: The School District states that the non-converted remaining recreational areas (Baseball, tennis, and football fields) would not remain "viable" upon conversion.

Since the grant monies were distributed over all of the 20.4 acres of athletic fields, an argument could be made that the District has "conversion" responsibilities over the expanded area (not just 12.4 acres). (exhibits 71 and 72).

- c. Describe the Community and population served by the park, including who uses the park and why?**

The Lynnwood Athletic Complex is a regional facility serving all recreational users in South Snohomish County as well as North King County. It has easy access to both I-405 and I-5 freeways. Public transportation makes it attractive to a community of more than 400,000 people. Its location on the north side of the Alderwood Mall enhances its visibility and enables new users to easily find it. An obscure facility on North Road would require a map and still may be very confusing to find.

- d. For partial conversions...**

Only the portion financed with Federal funds is being converted. The City of Lynnwood's 50% contribution is not addressed. The City of Lynnwood, Edmonds School District and the Department of Interior were the signatures' on the 1980 Agreement. (exhibits 30). The City contributions are not recognized. Based on their level of funding

contributions, it is very unlikely that they are willing to walk away from their investment. When we say "investment", it implies an expectation that the "value" of the transaction will go up over time. Certainly, for the citizens of Lynnwood, their recreational dollar investment has created value, much greater than the original cost. This is due to the "special" location as well as the "quality" of the 20.4 acres.

4. For the proposed replacement site:

- a. Produce a location map indicating specific location of site and associated 9-digit zip code, clearly indicating major roadways and waterways. If site will be added to an existing public park/outdoor recreation area, indicate on map. Show geographical relationship between replacement site and Section 6(f) converted parkland.**

Zip: 98012 (Mill Creek)

See the District's submittals. Please note the residential character of the area proposed. Also, note the limited access for traveling traffic. The District's application is correct, the closest route is 3.5 miles in length. What it doesn't clearly describe is the many "stops & turns" that must be negotiated in reaching the site. The proposed site will be "invisible" to the vast majority of the community. There are no sidewalks serving the proposed site. No Public transportation is provided and Community Transit is offering no expanded service to this "low density" residential area. (exhibit 8)

- b. Describe the site's physical characteristics and resource attributes by describing and quantifying the types of resources and features on the site (for example, 15 acres wetland, 2,000 feet beachfront, 50 acres forest, scenic views, 75 acres riparian, vacant lot, special habitat, any unique or special features, structures, recreational amenities, historical/cultural resources, hazardous materials/contamination history, restrictions, institutional controls, easements, rights-of-way, overhead/underground utilities including overhead wires, towers, etc..**

Snohomish County Public Utility District (PUD) has an adjacent easement to the west side of the proposed property. This easement is for the Primary Transmission Lines from Bonneville Power. Currently there are two lines with the anticipation of a third line being installed in the near future. These are the power lines that serve all of Southwest Snohomish County. (exhibit 10, letter from the PUD)

c. Identify the replacement site owner and its recent history of use/function up to the present.

It is known that the replacement site owner has been ESD. For the period of at least 30 years, they have kept this area as forested property.

d. Explain in detail how the proposed replacement site is of reasonably equivalent usefulness and location as the property being converted. Describe the recreation needs that will be met by the new replacement parks, populations to be served, and new outdoor recreation resources, facilities, and opportunities to be provided.

We contend that embedding a regional athletic complex in a residential area is problematic. The noise, traffic and lighting will be contentious. The District has made no effort to specifically mitigate these concerns. The District has yet to conduct a State Environmental Policy Review (SEPA) for the athletic complex portion of their project. As of this writing, they have only completed a SEPA review for a "normal and average high school". (exhibit 57)

There are none of the current support amenities available at the proposed site. Recreational users will have to travel miles to get food, refreshments, and entertainment that they currently have. The only non-residential property within walking distance is Floral Hills Cemetery. The current site is within walking distance of many multi-family and single-family houses. By moving the site 3.5 miles to the East, current users who are less "mobile" will be isolated from recreational opportunities they currently enjoy.

The District projects the cost of upgrading the high school site to include a regional athletic complex at \$4,238,582. While this is likely an accurate figure, it is our contention that it is not legally funded by their 2006 bond Levy. The District needs to explain their funding source for this project.

e. Who will own and manage the new replacement park?

The District anticipates (there language) that the City of Lynnwood would want to continue their operational support for the athletic complex. The new proposed site is well outside of the Lynnwood City Limits and within the Urban Growth Area of Mill

Creek. We believe that Lynnwood will find no compelling reason to provide free services outside of their City. Mill Creek and Snohomish County Parks both have nothing in their Comprehensive Parks Plans that identify a need for an Athletic Complex on North Road. At this time, there has been no "partnerships" identified. The District will have a difficult time expending operational money on a community athletic complex that is not within their "educational mission". (exhibits 39 & 33)

The District must be asked to submit a "cost of operations" report as an attachment to their application. They must be made accountable to identify the funding mechanism for the operational costs.

f. What will be the name of the new replacement park?

Lynnwood Athletic Complex? Or Lynnwood High School Athletic Fields? The District is not very responsive to this question.

g. Provide a timeframe for completing the new park area and making it available for public outdoor recreation use.

Currently under construction. The District does state that the Athletic Fields Project (those relating to the Lynnwood Athletic Fields, 12.4 acres) will not be completed if there is no "conversion" approval. The District again recognizes that there are two different distinct projects; Lynnwood High School and Lynnwood Athletic Complex. The important distinction is that one project is not dependent upon the other. The high school is viable in its new location without the requirement to be connected to the Lynnwood Athletic Complex. The Lynnwood Athletic Complex is viable in its current location without the High School.

h. Produce new Section 6(f) map for the new replacement park.

See the District's submittal.

Step 5. Summary of Previous Environmental Review

a) Date of Review.

a. January-April 14, 2006. (MDNS)

b) Purpose for the review and for whom

The Mitigated Determination of Non-Significance (MDNS) review dealt only with the impacts of an "average high school" and its operational functions. The second project, The Lynnwood Athletic Complex, and the environmental impacts were not addressed.

c) Project scope and proposed actions and alternatives.

The District's answer to this question clearly shows their review only dealt with the one project, "construction of a new school". They failed to identify the re-location of the Lynnwood Athletic Complex as a separate and distinctly different project. We have multiple exhibits that clearly show how the total focus of this project was the relocation of Lynnwood High School not the Lynnwood Athletic Complex.

d) Who was involved in identifying resource impact issues and developing the proposal, including the interested and affected public, governmental agencies, and Indian tribes?

The school district identifies themselves as the lead agency and thus responsible for quantity and quality of communications regarding their project(s). This process has now expanded from an MDNS review to a SEPA review. This new environmental review process gave the District another opportunity to clarify to the public that they were proposing two distinct projects; a new Lynnwood High School and a new Lynnwood Athletic Complex. We believe the record shows that they still have avoided any "lead" responsibility for the Lynnwood Athletic Complex and its impacts on the residential site. Only in the application for conversion do they quantify and discuss the non-school use of the athletic complex. It should be noted that the expected "load" for the Lynnwood Athletic Complex is approximately 2,000 games per year, these are non-school related activities. This only quantifies the organized sport usage and not the running, walking and practicing activities. (exhibit 22)

e) Environmental resources analyzed and determination of impacts.

The MDNS review was submitted but the SEPA review for the Lynnwood Athletic Complex has not. A SEPA review was submitted for the Lynnwood High School. Within this review, there was an opportunity for the District to identify the Lynnwood Athletic Complex as an additional and exceptional use to a normal high school. They made no effort to do so. Attached is a copy of the text of the Project Scope as described by the District (from their environmental Checklist).

(exhibits 8, 20, 56, and 60)

f) Any mitigation measures stipulated in the plan to be part of the proposed action.

All identified mitigations were related and applied to the "normal and average high school".

g) Public comment periods (how long, when in the process, who was invited to comment) and agency response to public comments.

The "Notice" (attached as exhibit 57) and community meetings were held. The District uses the term "numerous" in describing their "outreach" to the community. We affirm that the District held a few meetings that dealt specifically with the design and need for a new high school. However, they have yet to advertise and seek input on the relocation of the Lynnwood Athletic Complex. By declaring that they held numerous meetings (without specifics), they have not complied with the need to clearly demonstrate a reasonable effort to solicit input, and provide specifics relating to the Lynnwood Athletic Complex. The most glaring fact is their total failure to elicit support, input and agreements with the affected Parks and Recreation users, both Private and Public. In addition, the District has no policy or resolution supporting the role of community leader for community recreation. (exhibit 51)

The legislative "function" of a school district is to provide for the educational needs of the community. This suggests that the District has no role in funding and operating a community athletic complex. The City of Lynnwood funded 50 % of the 1980 improvements (and more in 1996) and the Federal government the other 50% (exhibit 17). The District allowed the use of 20.4 acres for the complex. The District in turn received a very attractive addition to the front of their high school that faced Alderwood Mall. They also received operational support that required no expenditure of District funds.

Point: There are no Agency responses since none were solicited.

H. Any formal decision regarding degree of potential impacts to the human environment.

When the District is required to obtain a Conditional Use Permit (CUP) for the athletic complex they will have to address and mitigate these concerns.

A formal SEPA review request is now being processed by Snohomish County Planning Department. (exhibit 77)

- I. Was the LWCF federal action and/or any other federal actions analyzed/reviewed in previous environmental reviews? If so, how and what impacts were identified? Provide specific references.

We are not aware of any active or pending Federal Action on this project.

List of Exhibits:

The "bolded" exhibits are attached, all others are available upon request.

- 1 SEPA Rules, Chapter 197-11 WAC
- 2 New High School Site Plan
- 3 Seattle Times Article "Agreement Reached..."
- 4 Enterprise Article, "Lease-Brings Revenue..."
- 5 State Environmental Policy, Chapter 43.21c RCW
- 6 State Environmental Review (SEPA), Chapter 30.61
- 7 List of Witnesses, Hearing 06-101732 LU
- 8 **Environmental Checklist, New HS, Shockley-Brent Inc.**
- 9 Letter ESD, Jakala to Mark Laurence 9-28-2007
- 10 Access Road Cost Estimates, Exhibit 2 and Letter from PUD to District
- 11 **Conditional Use Permit – Staff Recommendations (Sno. County)**
- 12 **Memorandum, 4-21-2006, from Mark Brown, Public Works**
- 13 Letter 8-28-2005, Traffic Evaluation, from David Ostergaard
- 14 Fire District One Review, 3-10-2006, Exhibit 25, Steve Sherman
- 15 Open
- 16 **Decision of Hearing Examiner, Ed Good, 6-27-2006, (appeal Process)**
- 17 **1980 Athletic Fields Contract. L & W Conservation Grant 80-014D**
- 18 **Map of Edmonds School District Boundaries 1-1-2007**
- 19 Internet Page Describing the Company "Cypress Equities"
- 20 **"Conversion Process" for Federally Funded Recreational Properties**
- 21 "Conversion Policies" – Proposed Changes, 1-23-2007
- 22 **ESD Application for Field Conversion, 10-18-2007, Marla Miller**
- 23 **Land and Water Conservation Fund Act of 1965**
- 24 Surplus Property Code – RCW 28A.335.040
- 25 Development Agreement, ESD and Cypress Lynnwood
- 26 Ground Lease Agreement, ESD and Cypress Lynnwood
- 27 Open
- 28 Government Property Acquisitions, Q & A
- 29 **Minutes, Lynnwood Parks, 6-5-2007**
- 30 News Release, Cypress Equities & ESD, 11-28-2006
- 31 Letter, Nick Brossoit to Public, 1-18-2006
- 32 **Ballot Language for February 7, 2006 Special Election**
- 33 Minutes, ESD, 9-25-2007
- 34 Open
- 35 Letter, Perkins – Coie to Edward Good, Hearing Examiner, 5-30-2006
- 36 **E-Mails, Q & A, ESD, Lynn Thompson, Lynn. Council, ESD, 12-2007**
- 37 **Lynnwood Zoning Code – Title 21 "Zoning" – "Public Use Zone"**
- 38 **City of Lynnwood, Parks 2007-2008 Strategic Plan**
- 39 **Lynnwood Municipal Urban Growth Area (MUGA)**
- 40 Open
- 41 **RCW 28A Relating to Capital Bond Levies**
- 42 **Attorney General's Opinion (AGO) on Wording Requirements for Capital Levies**

- 43 Seattle Times Article, March 8, 2006, "City worries it may lose sports."
 44 Lynnwood Athletic Complex 3003 184th Street SW – Web pages
 45 Seattle Times Newspaper articles by Lynn Thompson
 46 Aerial Views of Construction site
 47 Edmonds School District – Resolution 05-29 – 2006 Capital Levy
 48 Legislative "Function" of a Washington State School District
 49 Declaration of Election "Emergency" for February 2006 special election.
 50 RCW 39.36.050 "description of the purpose or purposes of the bond issue"
 51 Edmonds School District Policy regarding Community Recreation
 52 The Recreation and Conservation Office (RCO) Policy Manual 7, Section 3 regarding
 Funded Projects: Policies and Project Agreement.
-
- 53 Snohomish County Comprehensive Park & Recreation Plan (Draft)
 54 Open
 55 Gibson Traffic Consultants Letter, 5-11-2006
 56 Mitigated Determination of Non-Significance, 4-12-2006
 57 NOTICE of Open Record Hearing and Traffic Impact Fee Determination for May 9, 2006.
 58 Environmental Noise Analysis, 1-16-2005
 59 Open
 60 Conditional Use Permit Project Description 1-31-2006
 61 Land & Water Conservation Fund: Policies & Project Selection 2/2006
 62 Seattle Times Article, "September 20, 2006, Board, city at odds..."
 63 City of Lynnwood, Official Comprehensive Plan Map, 9-1-2006.
 64 Seattle Times Article, "September 19, 2006, Edmonds schools, Lynnwood still at odds over
 sports fields".
 65 City of Lynnwood Planning Commission Minutes, February 23, 2006.
 66 Definition of "Emergency" relating to Ballot language.
 67 Certificate of the Auditor in September of 2005 for an election on February 7, 2006.
 68 Background information concerning the Lynnwood Athletic Complex.
 69 Grant Application, 80-014, 6-12-1979
 70 Open
 71 Development/Maintenance Agreement Lynnwood Senior High School site, June 4, 1979.
 72 Snohomish County Recreation Task Force Interlocal Agreement with the City of Lynnwood
 and Edmonds School District #15 for the Lynnwood High Schools Ball field Renovation
 Project- June 26, 1996.
 73 Interlocal Agreement Edmonds School District and City of Lynnwood, November 26, 1996.
 74 Statement of Policy Regarding the Joint Use, Development and Maintenance of City and
 District Properties, October 17, 1978.
 75 Interlocal Agreement between Edmonds School District and the City of Lynnwood, July 11,
 1994. We have no copy of this Agreement.
 76 Interlocal Agreement Among the Edmonds School District No. 15, The City of Lynnwood,
 and The Edmonds Community College, April 13, 2001.
 77 Letter to Erik Olson, February 4, 2008, re: CUP review for fields
 78 E-mail, Status of re-zone, 2-19-2008, from John Bowler
 79 Letter from Erik Olson, confirming request made to ESD for additional information
 regarding their CUP for a new high school.



Exhibit 22

EDMONDS SCHOOL DISTRICT

20420 68th Ave. W., Lynnwood, WA 98036-7400
425-431-7036 FAX 425-431-7198
<http://www.edmonds.wednet.edu>

Marla S. Miller
Assistant Superintendent

Includes Brier, Edmonds, Lynnwood, Mountlake Terrace, and Woodway

June 4, 2007

VIA CERTIFIED MAIL

Dan Haws
State of Washington, Interagency Committee for Outdoor
Recreation Salmon Recovery Funding Board
1111 Washington Street SE
P.O. Box 40917
Olympia, WA 98504-0917

**Re: Edmonds School District's Application for LWCF Section 6(f) Conversion of
Property Subject to Recreational Restrictions Pursuant to Project Contract--Project
No. 80-014D.**

Dear Mr. Haws:

Enclosed on behalf of Edmonds School District is our LWCF Proposal Description and Environmental Screening Form in support of the School District's proposal for LWCF Section 6(f) conversion of the recreational restrictions imposed pursuant to Project Contract--Project No. 80-014D from property at our existing Lynnwood High School site to property at our new Lynnwood High School site.

The supporting appraisals and review appraisals have already been submitted under separate cover.

As explained further in the attached forms, there are no practical alternatives to the conversion that will provide the same recreational benefits. The proposed replacement property at the School District's new Lynnwood High School site will be of at least equal market value and of reasonably equivalent (or greater) recreational usefulness and location. Also, following conversion, the property subject to the recreational restriction will continue to be administered by the School District.

We look forward to expeditious processing and approval of the proposed conversion. If you have any questions or need further information regarding the application, please call or email either me or the School District's attorney, Jerry Lutz. My direct telephone line is 425-431-7036,

• OUR MISSION •

To ADVOCATE for all students by PROVIDING a learning environment which EMPOWERS students, staff and the community to MAXIMIZE their personal, creative and academic potential in order to BECOME lifelong learners and responsible world citizens.



LWCF Proposal Description and Environmental Screening Form

The purpose of this Proposal Description and Environmental Screening Form (PD/ESF) is to provide descriptive information about Land and Water Conservation Fund (LWCF) proposals for NPS review and decision. This form also serves as the administrative record that supports the pathway used to document the National Environmental Policy Act (NEPA) analysis for LWCF proposals. States and/or project sponsors should use this PD/ESF early in the planning process for any proposal that will be submitted for NPS review and decision. The ESF portion is a tool for use during project planning that will help to identify potential environmental impacts and issues that will ultimately inform the decision to use a categorical exclusion (CE), or to conduct an Environmental Assessment (EA) or Environmental Impact Statement (EIS) process. The ESF can also be used to document potential impacts and planned mitigation from previously conducted and still viable environmental reviews.

Except for the proposals listed below, the completed PD/ESF must be completed and signed by the State and accompany each new federal application for LWCF assistance (Standard Form 424), and amendments for scope changes that alter or add facilities and/or acres, including proposals for conversions, public facility exceptions, sheltering outdoor facilities, and changing the original intended use of an area from that which was approved in an earlier LWCF agreement. Consult the LWCF Grants Manual (www.nps.gov/lwcf) for detailed guidance on additional information required for your type of proposal and for further guidance on how to comply with NEPA.

For the following types of proposals, only this cover page is required because these proposals are categorically excluded from further NEPA environmental analysis. NPS will complete the NEPA Categorical Exclusion Form for you. Simply check the applicable box below, and complete and submit this Cover Page to NPS along with the other items required for your type of proposal as explained in the LWCF Grants Manual.

- SCORP planning proposal
- Time extension with no change in project scope or with a reduction in project scope
- To delete work and no other work is added back into the project scope
- To change project cost with no change in project scope or with a reduction in project scope

Date: June 5, 2007

Name of LWCF Project: Conversion of the Lynnwood High School Property Subject to Interagency Committee for Outdoor Recreation Project Contract, Project No. 80-014D (the "1979 Agreement")

Prior LWCF Project Number(s) *List all prior LWCF project numbers and other park names associated with site(s):*
Project #53-00461 (There is no designated park associated with the site. The site is shown as a recreation area on the City of Lynnwood maps)

Local or State Sponsoring Agency: Interagency Committee for Outdoor Recreation (the "IAC")

Local or State Sponsor Contact:

Name/Title: Dan Haws, Outdoor Grants Manager
Office/Address: The Office of the Interagency Committee
1111 Washington Street SE
P.O. Box 40917
Olympia, Washington 98504-0917
Phone/Fax: (360) 902-3000/(360) 902-3026
Email: danh@iac.wa.gov

Cover Page

Use a separate sheet for narrative descriptions and explanations. Address each item and question in the order it is presented, keying it to the associated item, such as Step 1-A1, A2; Step 3-B1; Step 6-A1, A29; etc.

Step 1. Type of LWCF Proposal

New Project Application

- Acquisition
Go to Step 2A
- Development
Go to Step 2B
- Combination (Acquisition & Development)
Go to Step 2C



Project Amendment

- Increase in scope or change in scope from original agreement.
Complete Steps 3A, and 5 through 7.



6(f) conversion proposal. *Complete Steps 3B, and 5 through 7.*



Request for public facility in a Section 6(f) area. *Complete Steps 3C, and 5 through 7.*

Request for temporary non-conforming use in a Section 6(f) area.

Complete Steps 4A, and 5 through 7.

Request for significant change in use/intent of original LWCF application.

Complete Steps 4B, and 5 through 7.

Request to shelter existing/new facility within a Section 6(f) area regardless of who funds the work. *Complete Steps 4C, and 5 through 7.*

Step 2. New Project Application (See LWCF Manual for guidance.)

A. For an Acquisition Project

1. Provide a brief narrative about the proposal that provides the reasons for the acquisition, number of acres to be acquired with LWCF assistance, and describes the property. Describe and quantify the types of existing resources and features on the site (for example, 50 acres wetland, 2,000 feet beachfront, 200 acres forest, scenic views, 100 acres riparian, vacant lot, special habitat, any unique or special features, recreation amenities, historic/cultural resources, hazardous materials/contamination history, restrictions, institutional controls, easements, rights-of-way, above ground/underground utilities, including wires, towers, etc.)
2. Will this acquisition create a new public park/recreation area where none previously existed and is not an addition to an existing public park/recreation area? Yes ___ (go to #4) No ___ (go to #3)
3. a. What is the name of the pre-existing public area that this newly acquired site will be added to?
b. Is the pre-existing public park/recreation area already protected under Section 6(f)? Yes ___ No ___
If no, will it now be included in the 6(f) boundary? Yes ___ No ___
4. What will be the name of this new public park/recreation area?
5. How will the site be made immediately open and accessible for public outdoor recreation use (signage, entries, parking, site improvements, allowable activities, etc.)?
6. Describe future development plans, if any, proposed for the site(s) within the next three (3) years.
7. SLO must complete the State Appraisal Review certification in Step 7 certifying that the appraisals meet the "Uniform Appraisal Standards for Federal Land Acquisitions." State should retain copies of the appraisals and make them available if needed.
8. Address each item in "D" below.

B. For a Development Project

1. Describe the physical improvements and/or facilities that will be developed with federal LWCF assistance, including where and how the public will access the site, including parking, if any. Indicate access points on 6(f) map. Indicate to what extent the project involves new development, rehabilitation, and/or replacement of existing facilities.

2. **For Development Projects:** To change the project scope for a development project that alters work from the original project scope by adding elements or enlarging facilities, follow Step 2B-Development Project and 2D.
3. **For Combination Projects:** Follow Step 2C as appropriate.

B. Section 6(f) Conversion Proposal

Prior to developing your Section 6(f) conversion proposal, you must consult the LWCF Manual and 36 CFR 59 for complete guidance on conversions. Local sponsors are encouraged to consult early with the State LWCF manager when a conversion is under consideration or has been discovered. States are also encouraged to consult with their NPS-LWCF manager as early as possible in the conversion process for guidance and to sort out and discuss details of the conversion proposal to avoid mid-course corrections and unnecessary delays. An important first step is for the State and NPS to agree on the size of the Section 6(f) parkland impacted by any non-recreation, non-public use, especially prior to any appraisal activity.

For NPS review and decision, the following elements are required to be included in the State's completed conversion proposal to be submitted to NPS:

1. A letter of transmittal from the SLO recommending the proposal.

Edmonds School District No. 15 (the "School District") has been in contact with Laura Eckert Johnson, State Liaison Officer ("SLO") regarding the application for LWCF Section 6(f) conversion of those portions of Lynnwood High School subject to the 1979 Agreement (defined below). In anticipation of this application for conversion, the School District filed an application for Waiver of Retroactivity, which has been approved by both the Interagency Committee for Outdoor Recreation (the "IAC") and the National Parks Service, US Department of Interior ("NPS").

2. Describe in detail the sponsor's need to convert the Section 6(f) parkland including all efforts to consider other practical alternatives to this conversion, how they were evaluated, and the reasons they were not pursued.

The Section 6(f) restricted property proposed for conversion (the "Restricted Property") is not "parkland." The Restricted Property is a 12.4 acre portion of the forty year old Lynnwood High School, located at 3003 184th Street SW in Lynnwood, Washington (the "Existing School"). The Existing School has reached the end of its useful life and is, therefore, scheduled to be closed and replaced with a new school, located approximately one and a half miles to the east at 18217 North Road in Bothell, WA, (the "New School Site").

The Existing School was built in 1969 to serve the area's growing residential community, in close proximity to surrounding neighborhoods. However, since the Existing School's construction, the area around the Existing School site has changed, fueled by the opening of Alderwood Mall in 1979 and the surrounding commercial and other non-residential development that the mall triggered. These myriad non-residential uses surrounding the Existing School, including large-scale retail and office uses, cause traffic and noise that diminish the quality of the educational environment.

The Existing School has also deteriorated over time, while program standards for new school facilities have evolved. To assess its facilities options, the School District commissioned a building assessment and feasibility study of the Existing School, completed by Bassett Architects in June 2000 (the "Facility Assessment"). The Facility Assessment identified significant deficiencies in the Existing School including a failing sewer and storm drainage system and flooding problems exacerbated by a high ground water table and artesian aquifers, requiring that the School District rely on a system of pumps to keep water out of classrooms. Additionally, the study uncovered inadequate mechanical and electrical systems, poorly functioning traffic circulation and parking facilities, energy inefficiencies, outdated seismic infrastructure, and existing asbestos materials onsite. Further, the existing building is not well organized to support current or future curriculum models or encourage community use. The Facility Assessment concluded that, in order to meet the School District's educational program needs, the entire Existing School required major rehabilitation or replacement. Rehabilitation would have raised significant logistical and education issues as the School District would either be forced to educate students at the site during rehabilitation or temporarily relocate the high school campus. Fortunately, the New School Site offered the School District the opportunity to build a new facility as an alternative to the problematic Existing School rehabilitation option. Moreover, the New School Site is more centrally located within district boundaries than the Existing School to better serve the School District's constituents currently served by the Existing School.

*support
documentation
?*

*support?
for this?*

old site

After study of its options at the Existing School and the New School Site, the School District concluded that it will be more cost-effective and less disruptive to students, staff, and the public to build a new school at the New School Site than it would have been to rehabilitate the facility at the Existing Site. The School District held an election on a bond measure to fund the construction of a new school. The bond measure was approved by the voters and the School District has authorized design and construction of a new state-of-the-art educational facility at the New School Site (the "New School"). During the next three summers (2007-2009), the School District will construct the New School. Following closure of the Existing School, the School District plans to redevelop the Existing School property. However, because the Restricted Property (a portion of the Existing Site) is subject to Section 6(f) restrictions, that property must be converted before it may be redeveloped.

Must show

Applicable regulations regarding conversions, as interpreted by IAC and NPS (the "Regulations"), require that the property proposed to replace the Restricted Property (the "Replacement Property") have fair market value that is at least equivalent to that of the Restricted Property. Accordingly, the School District proposes to replace the 12.4 acre Restricted Property with the 16.32 acre Replacement Property located at the New School as shown in *Figure 4*, below. An appraisal performed in accordance with federal guidelines and instructions confirms that the extra 3.92 acres included in the Replacement Property will account for the difference in property value between the respective sites. Thus, the Replacement Property and the Restricted Property have equivalent fair market value. Also pursuant to the Regulations, the School District must provide facilities on the Replacement Property of equal or greater recreational utility than those on the Restricted Property. The School District plans facilities that will provide at least equivalent recreational opportunity, and will be, in many respects, better than the fields on the Restricted Property.

Why Conversion:

There are a number of athletic facilities on the Existing School campus. One multipurpose field and two softball fields were developed with community and LWCF assistance pursuant to IAC Project Contract, project no. 80-014D (the "1979 Agreement"). As part of that 1979 Agreement, the School District dedicated that 12.4 acre portion of the Existing School site to permanent recreational use. The remaining athletic facilities at the Existing School site (e.g., a football field, baseball field, tennis courts and parking), are not subject to the Section 6(f) restrictions ("Additional Athletic Facilities"). Although the Additional Athletic Facilities are not permanently dedicated to recreational use, they allow the School District and others to provide a broader range of recreational opportunities to the local community ("Regional Community Athletics"). To foster Regional Community Athletics, the School District has entered into a number of interlocal agreements with other nearby governmental entities, including the City of Lynnwood (the "City"), Snohomish County, and Edmonds Community College. Pursuant to those interlocal agreements, when the athletic facilities (both 6(f) restricted and unrestricted) are not being used for high school activities, they are often managed and used for Regional Community Athletics sponsored by the various interlocal agreement counterparties.

While being a strong supporter of Regional Community Athletics, the School District also must be a responsible steward of its resources. Thus, regardless of the IAC's or NPS's action on this application, the School District is committed to seeing that the unrestricted portion of the Existing School site, including the Additional Athletic Facilities used for Regional Community Athletics, is redeveloped to its highest and best non-school use. Once that portion of the Existing School site is redeveloped, the 12.4 acre Restricted Property will have significantly less recreational utility to the surrounding community than it does as part of a larger complex. Moreover, with no need to maintain the Restricted Property for school athletic programs, the School District may be forced to have the Restricted Property managed for merely passive recreational use or possibly have it sold. As a result, not only will the Additional Athletic Facilities be eliminated, but the extent to which the Restricted Property serves community athletics will diminish following closure of the Existing School. Thus far, the School District has acquired the necessary permits for school construction and awarded a bid for construction of New Lynnwood High School. Construction began last month and will continue over the next two summers.

In anticipation of the Existing School's closure, the School District has worked closely for several years with its local recreational agreement counterparties and other representatives of local recreational interest groups to find a solution that harmonizes the School District's interest in redeveloping the Existing School site and the broader community's interest in maintaining or enhancing strength of Regional Community Athletics programs consistent with the School District's fiduciary educational obligations. The result of these efforts is a plan to develop athletic facilities at the New School that would both (i) replace the 12.4 acres of Restricted Property, as required by the Regulations; and (ii) provide facilities to serve Regional Community Athletics currently served by the Additional Athletic Facilities. These planned facilities are well beyond the high school standard and the School District proposes to fund construction of these facilities itself.

School financial resources are tight. If the School District is not able to convert the Restricted Property for redevelopment, the School District will not fund facilities beyond the normal high school standard. The state-of-the-art facilities planned to accommodate Regional Community Athletics at the New School will only be built if the Restricted Property is redeveloped. Therefore, the School District is requesting approval for a section 6(f) conversion of the IAC Restricted Fields located on the Restricted Property at the Existing School site. Such conversion and replacement will (i) ensure the best use of the School District's assets by allowing the efficient redevelopment of the entire Existing School site; and (ii) facilitate the School District's efforts to provide a place for Regional Community Athletics programs going forward even after the Existing School is closed.

It is important to note that the IAC's and NPS's decisions regarding the School District's conversion application do not themselves either authorize or preclude redevelopment of the Existing School site. Rather, redevelopment is subject to the regulatory authority of the City of Lynnwood. The School District has submitted requests to the City of Lynnwood for a Comprehensive Plan Amendment and rezone of the Existing School site from Public Facility to Mixed Use and Commercial Residential zoning, and a related request to amend the Parks Facilities Map. Even if the Section 6(f) application is granted, site redevelopment will require these local approvals. The City is currently preparing an environmental impact statement to assess any probable significant adverse environmental impacts that may result from the proposed comprehensive plan and zoning amendments.

If the comprehensive plan and zoning changes are not approved, the School District will still surplus and redevelop the Existing School site after the New Lynnwood High School opens, but in a manner consistent with the current site zoning, which still allows a variety of uses.

Section 6(f) conversion is consistent with the LWCF and IAC policy. The Interagency Committee for Outdoor Recreation Manual 15 states in relevant part:

Section 6(f)(3) of the LWCF Act contains provisions to protect Federal investments and quality of assisted resources. The law is firm but flexible. It recognizes that changes in land use or development may make some assisted areas obsolete over time, particularly in rapidly changing urban areas.

Here, the existing 6(f) Restricted Property is on a soon to be abandoned high school campus in a rapidly changing urban area characterized by large-scale retail and office uses. It is directly across the street from a regional shopping center, Alderwood Mall, and bordered on two sides by an extensive mix of large and small retail stores, restaurants and offices. Section 6(f) conversion approval will allow the athletic fields to be returned to the kind of neighborhood location originally contemplated by the 1979 agreement, providing adequate vehicular access to the site, parking and better pedestrian and disabled persons' access.

This was here in 1979

Alternatives:

- **No Conversion Action (Maintain Recreational Restriction on Two Multi-purpose Fields at the Existing Site and Develop only High School athletic facilities at the New School site):** Under this alternative, the School District will still build the New School at the New School Site and use or redevelop the Existing Site for some other public use. However, although surrounding school and Additional Athletic Facilities will be redeveloped, the two multi-purpose fields subject to the 6(f) restriction under the 1979 agreement would remain recreational property. These facilities would have no value as high school athletic facilities, so the School District would not continue to fund their maintenance or use. The downsized athletic complex might be purchased, maintained and operated by counterparties to the existing recreational interlocal agreements or others, but there would be fewer fields, and the types of events that could be staged at the remaining recreational facilities would be significantly smaller in scale. Also, the existing traffic, pedestrian, ADA, drainage and other problems would still exist, and the fields would either require rehabilitation or would likely deteriorate.
- **Convert the Recreational Restriction to the Area Shown on Figure 4, and Build Replacement Fields at the New High School Site:** This alternative would result in a new athletic complex at the New Lynnwood High School with better functionality as a regional recreation center, and replacement of the restricted 6(f) property with more property of equal or greater fair market value and recreational utility. The IAC Restricted Fields would be removed at the Existing Site; however, new athletic fields and facilities, above and beyond the high school standard, would be built at the New School Site approximately 1.5 miles

to the east. The new fields would have functional vehicular and pedestrian access, and sufficient parking. The New School and fields would be more centrally located, and in a residential area.

- **Restrict Other Parts of the New School Site.** As shown on *Figure 4*, the School District proposes to restrict slightly more than 16.3 acres at the New School site in areas that would have the least future impact when, as is inevitable, the New Lynnwood High School must itself be replaced. However, other areas of the New School site could be restricted instead, provided that they are suitable for recreational restrictions (e.g. not the areas that will be occupied by classrooms, storm water detention facilities, etc.)
- **Rejected Alternative - Modernize or Remodel the Existing School:** As noted above, the School District did carefully consider, but ultimately rejected, this potential alternative. Had it not done so, the existing problems with the site (access, drainage, etc.) would have continued to be issues. In addition, use of the athletic complex by students and the public during school reconstruction would have been severely limited or curtailed for up to two years so that those areas may be used as a location for portable classrooms and construction and material storage during reconstruction of the existing school on site.
- **Rejected Alternative - Restrict Other Property.** The School District owns other properties. However, like restricted areas at Existing Lynnwood High School have been used to date, the areas proposed for restriction at the New School Site can be actively devoted to recreational use for a long time without impact to the School District's programs or facilities financing plans. Accordingly, restricting property at the New School Site results in a lower lost opportunity cost than would restricting other School District property. Thus, the cost to construct a first-class regional athletic facility at the New School Site is actually within the School District's means. Moreover, other properties owned by the School District are either too small to provide a financially equivalent area, planned for sale or redevelopment to help fund other School District capital facilities needs, or both. And, none of the School District's other properties offer the same opportunities for development of a replacement regional athletic complex compatible with other school uses. The School District simply cannot afford to develop anything on the scale of the facilities it is proposing at the New School site elsewhere.

Evaluation:

The School District conducted several studies between 2000 and 2004 and held numerous public meetings to discuss the existing facilities and the proposal to build a new high school with athletic fields.

Reasons:

who - when - documentation

The School Board concluded that it would be irresponsible to do nothing and allow the existing school to continue to deteriorate under the "Maintain Recreational Restriction on Two Multi-purpose Fields" alternative. It also concluded that the "Modernize or Remodel the Existing School" alternative would not be cost-effective and would be extremely disruptive to students, staff and the public. Ultimately, the Board sponsored an election on a bond measure to fund the construction of a new school. The bond measure was approved by the voters and the Board has authorized design and construction of a new school at the New School Site, which has been owned by the School District since 1969. The School District considered the conversion of the athletic fields in the determination and plans to replace the IAC Restricted Fields with comparable, if not better, facilities than exist at the current facility.

3. Provide a statement on how the conversion is in accord with the State Comprehensive Outdoor Recreation Plan (SCORP).

The on-line version of the 2002-2007 State Comprehensive Outdoor Recreation Plan (the "SCORP") provides the most up-to-date assessment of recreation in Washington State. The Demand and Supply chapters of the SCORP conclude that the two most popular activities that Washington citizens participate in are linear activities like walking, and individual and team sports. The Plan notes that "local schools provide athletic facilities on their school grounds", and "public outdoor recreation does occur on public school land and in significant amounts." The Plan's recommendations point out that the local planning emphasis on traditional neighborhood and community ball fields and trails is appropriate. The School District's proposal to replace the IAC Restricted Fields, located in a primarily non-residential zone, with new state-of-the-art facilities more centrally located in a residential neighborhood, would help to meet those needs.

4. Complete the State Appraisal Review certification in Step 7 for both the converted and replacement parcels certifying that the appraisals meet the "Uniform Appraisal Standards for Federal Land Acquisitions." States should retain copies of the appraisals and make them available if needed.
5. For the parkland proposed for conversion:
 - a. Identify the specific location, 9-digit zip code, and name of park or recreation area proposed for conversion.

Lynnwood High School athletic fields located at 3001 - 184th Street SW, Lynnwood, Washington 98037-4701.

- b. Describe the area proposed for the conversion including the acreage to be converted and any acreage remaining. For determining the size of the conversion, consider not only the physical footprint of the non-recreation development/activities but how the development/activities will impact the entire 6(f) park area. Describe the recreation resources, facilities, and recreation opportunities that will be impacted, displaced or lost by the proposed conversion. For proposals to partially convert a Section 6(f) park area, the remaining 6(f) parkland must remain recreationally viable and not be impacted by the non-recreation activities that are triggering the conversion. If it is anticipated that the non-recreation activities overlap and impact the remaining Section 6(f) area, the proposed area for the conversion should be expanded to encompass all impacted parkland.

The area proposed for conversion is the entire area subject to the 1979 Agreement, which area contains approximately 12.4 acres (the "Restricted Area"). The Project Boundary Map, dated December 26, 1979, and printed on page 10 of this application, describes the Restricted Area as approximately "the south 700' of school site excluding football field and track." See *Figure 2 - Site Plan of Existing School*. The area subject to the 1979 Agreement consists of a lighted multi-purpose soccer field and two lighted multi-purpose softball fields. The grant also provided funding for lighting of the existing football field, track, baseball fields, and tennis courts; restroom; maintenance and storage building; physical fitness trail; playground equipment and picnic area. See *Figure 2 - Site Plan of Existing School—Including Restricted Property* and *Figure 3 - Aerial Photo of Existing School—Including Restricted Property*. If this request for conversion is granted, it is anticipated that the entire 40-acre Existing School site would be redeveloped as a mixed-use development. As discussed above, all of the athletic facilities, including those in existence prior to approval of the grant, would be removed and replaced at the New School.

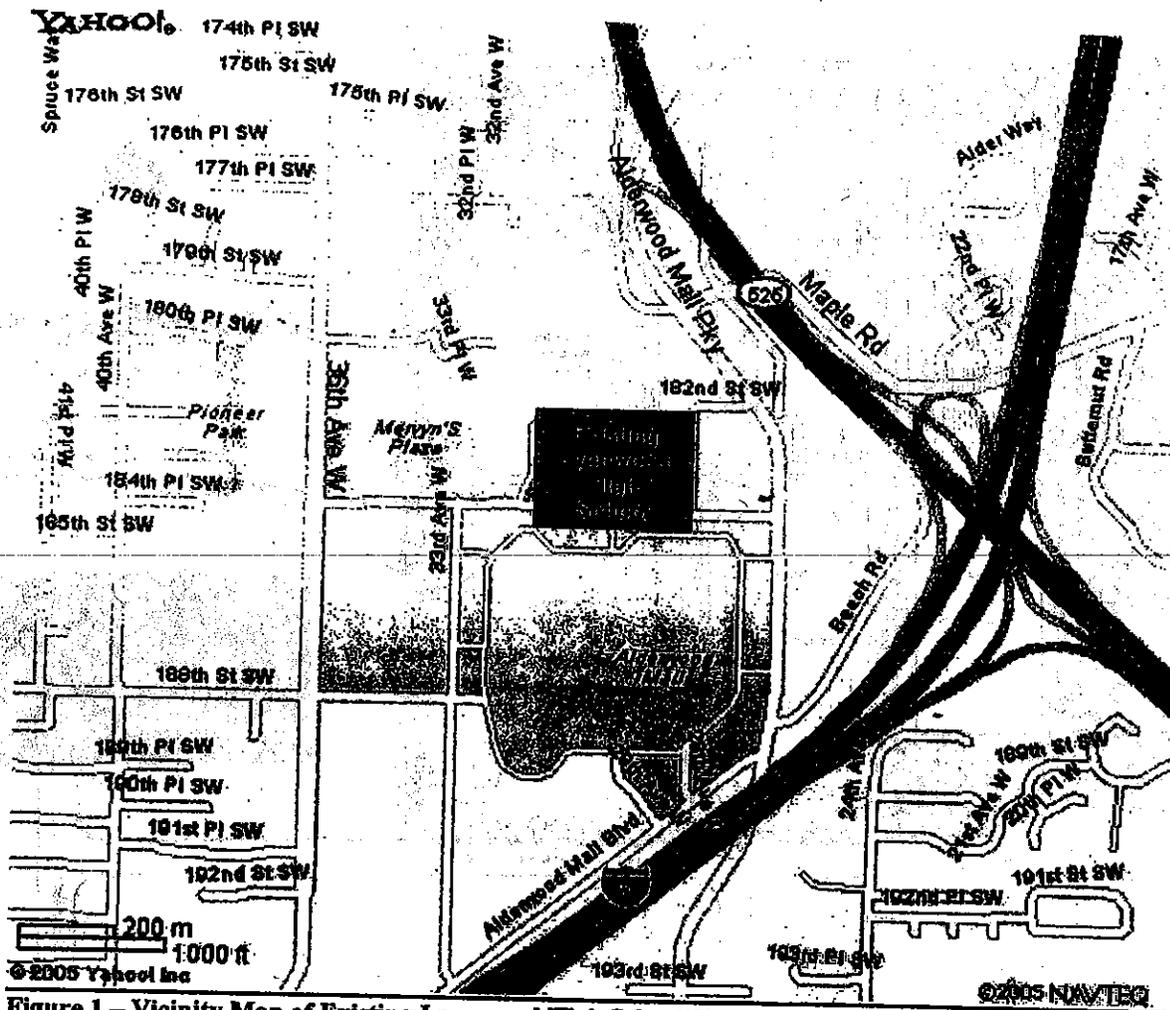


Figure 1 – Vicinity Map of Existing Lynnwood High School Site

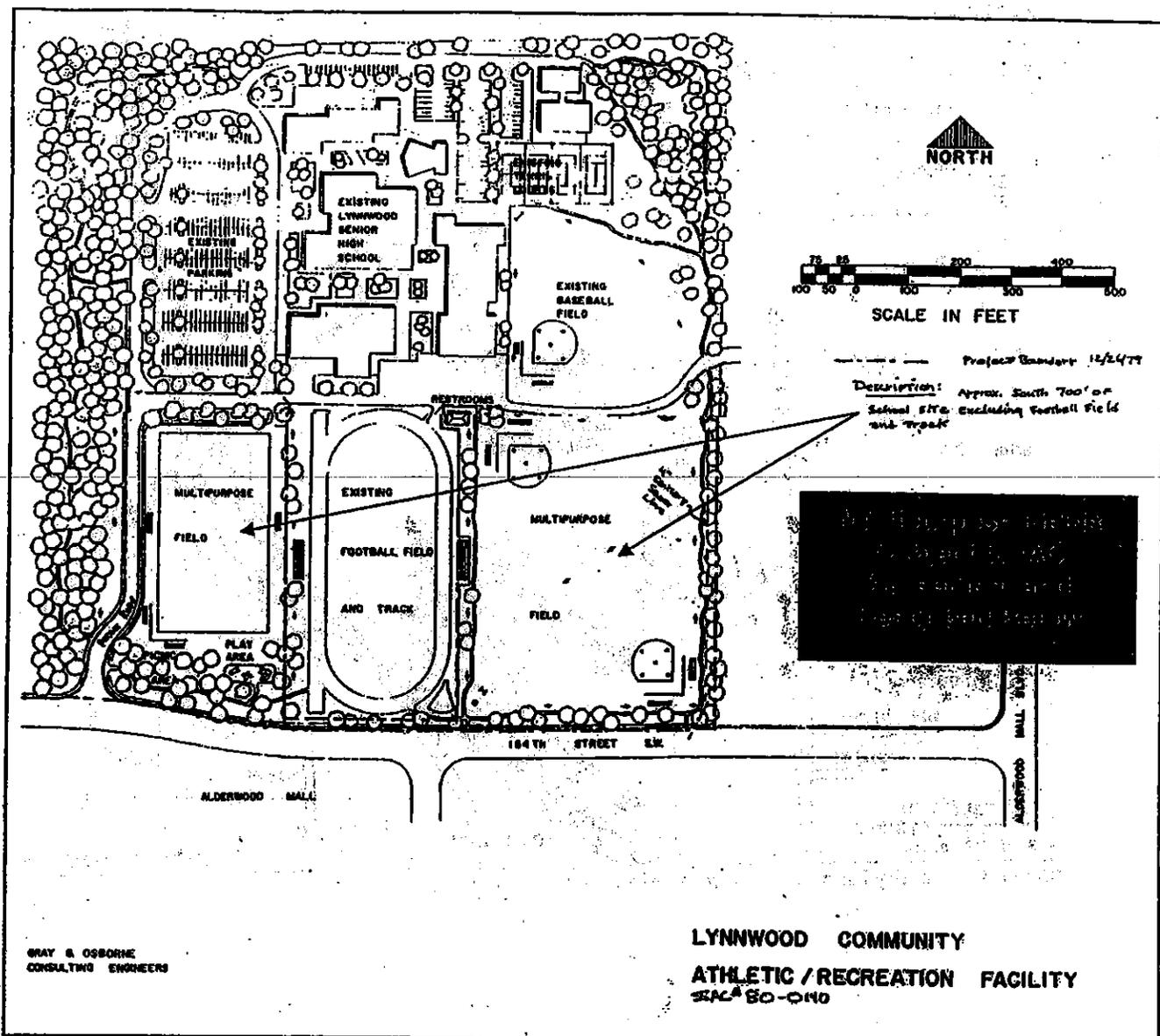


Figure 2 - Site Plan of Existing Lynnwood High School—Including Restricted Property

Description [of Property Subject to IAC Agreement]: Approximately the South 700 feet of the Existing Lynnwood High School Site, EXCLUDING the Existing Football Field and Track. (Bracketed italics added.)

During school hours during the school year, the IAC Restricted Fields are used primarily by students of the School District and Lynnwood High School for school activities. However, the fields are also used after school hours by the citizens of the City, Snohomish County, the students of Edmonds Community College, and others for youth and adult recreational leagues and for individual activities. Lynnwood High School has 1,330 students. According to the 2000 Census, the population of the City of Lynnwood is 33,370. City officials estimate that a total of more than 2,000 games, in addition to school competitions, are played on all of the fields at the Existing School, which fields include the Restricted Area.

- d. For partial conversions, where only a portion of the Section 6(f) area is proposed for conversion, produce a revised 6(f) map clearly indicating both the portion that is being converted and the portion remaining intact under Section 6(f).
6. For the proposed replacement site(s):
 - a. Produce a location map indicating specific location of site(s) and associated 9-digit zip code(s), clearly indicating major roadways and waterways. If site(s) will be added to an existing public park/outdoor recreation area, indicate on map. Show geographical relationship between replacement site(s) and Section 6(f) converted parkland.

The new fields proposed to replace the Restricted Area (the "Replacement Property," see *Figure 4 - Proposed Replacement Property*) are a portion of a 40-acre piece of vacant property located on the north side of 184th Street SW, west of North Road in unincorporated Snohomish County, within the Southwest Urban Growth Area (UGA). The zip code is 98012. The site is also known as Snohomish County Tax Parcels 27041200300800 and 00373000500400 (see *Figure 5 - Vicinity Map of the New Lynnwood High School*). The New School would consist of a two-story building, baseball field, football/soccer field, five tennis courts, soccer/baseball field and two soccer/fast pitch softball fields (see *Figure 6 - Site Plan of the New Lynnwood High School*). The Replacement Fields would be for both school and community use (similar to the use of the existing fields). The football/track field is not a varsity competition site. Seating at all fields is limited to small portable bleachers. All the fields except the baseball field at the north end of the site will be finished with artificial turf. The project includes right-of-way improvements along North Road and 184th Street SW; utility extensions to the site; a main access off North Road for student parking and drop-off; a secondary access off 184th for school buses, delivery and additional parking; an additional drop-off and parking on 184th; and total parking of 450 spaces. The New School and Replacement Fields would be centrally located about a 3.5-mile drive (one mile and a half directly) east of the Existing School (see *Figure 7 - Map of Both Sites*).

Pedestrian Access?

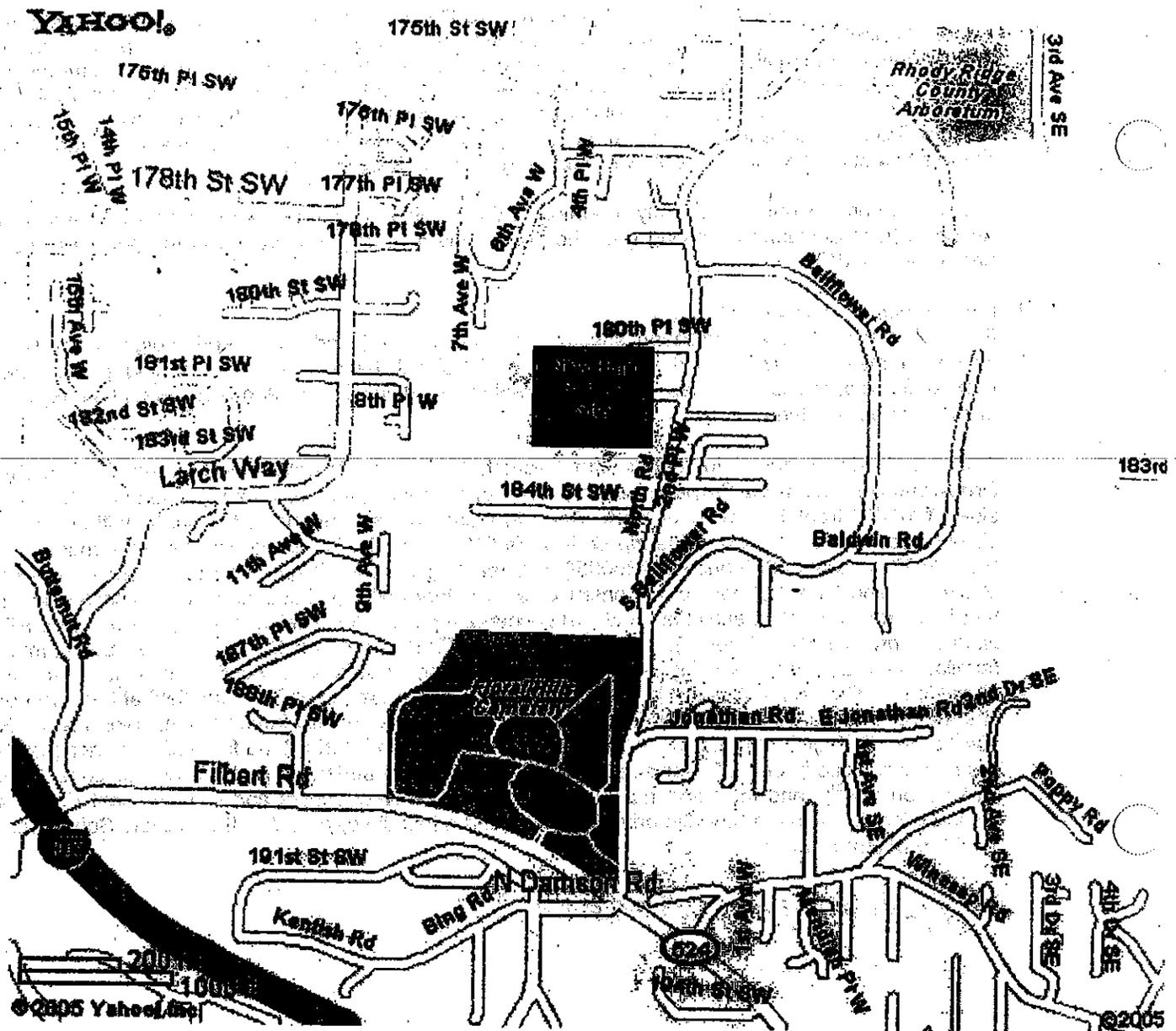


Figure 5 - Vicinity Map of the New Lynnwood High School

- b. Describe the site's physical characteristics and resource attributes by describing and quantifying the types of resources and features on the site (for example, 15 acres wetland, 2,000 feet beachfront, 50 acres forest, scenic views, 75 acres riparian, vacant lot, special habitat, any unique or special features, structures, recreation amenities, historic/cultural resources, hazardous materials/contamination history, restrictions, institutional controls, easements, rights-of-way, overhead/underground utilities including overhead wires, towers, etc.

The New School site is cleared and construction of the new school has commenced. The site has two wetlands that have been delineated by a wetland biologist (the "Biologist"), which delineation has been verified by Snohomish County. The wetland in the northern portion of the site ("Wetland B") is a Category 3 wetland. The other is Category 2 (Wetland A) and is associated with Martha Lake Creek, which has intermittent flow. No resident fish utilize the creek. The Biologist's study concluded that no portion of the New School site qualifies as a fish and wildlife habitat conservation area. The School District plans to preserve the two wetlands in their natural state as a valuable and important education resource for the New School.

As discussed above, Wetland A is associated with Martha Lake Creek. This wetland occupies the floodway area of the stream. The wetland is continuous for approximately 1.1 miles from Filbert Road in the south to 176th Place NW. The total area of this section of wetland is approximately 5.5 acres. Wetland B occupies an internally drained depression on-site. Wetland B is approximately 50 feet wide and 100 feet long and approximately 5,000 square feet. The Wetland B is dominated by a forest and scrub-shrub cover type and qualifies as a Category 3 wetland under SCC 30.62:300.

There are no known unique or special features associated with the site. An environmental audit has been performed, and there were no historical or cultural finds listed for the site. There are no known hazardous materials, utilities, structures or easements on this site. A Snohomish P.U.D. utility easement is adjacent to the west.

- c. Identify the replacement site (s) owner(s) and its recent history of use/function up to the present.

The entire New School site has been owned continuously by the Edmonds School District since 1968. This site once contained a small building, which was constructed in 1950. However, the structure was removed prior to the School District's acquisition of the site. The site is currently undeveloped, but school construction commenced last month. A Waiver of Retroactivity has been applied for and approved for the replacement site.

- d. Explain in detail how the proposed replacement site(s) is of reasonably equivalent usefulness and location as the property being converted. Describe the recreation needs that will be met by the new replacement parks, populations to be served, and new outdoor recreation resources, facilities, and opportunities to be provided.

Support?

The athletic facilities proposed for New Lynnwood High School would be equivalent to or better than the existing athletic facilities at Existing Lynnwood High School both in terms of usefulness and location. The Replacement Fields would include two lighted artificial turf fast pitch softball/soccer fields, which constitute a substantial improvement over the grass softball fields and dirt soccer field at the Existing Site due to the superior artificial playing surface; a lighted artificial turf football/soccer field with track; five lighted tennis courts; a lighted grass baseball field; and a facility with storage, toilet rooms, concessions, and office (a/k/a "Field House"). There would also be a new trail that could be used for walking, jogging and cross-country. Site wetlands would not be impacted with the exception of buffer impacts, which would be mitigated. Outdoor wetland learning opportunities have been incorporated into the design for the new school.

The location of the New School and Replacement Fields is approximately a mile and a half to the east of the existing school, within a rapidly growing residential area. While the new site is currently situated in unincorporated Snohomish County, it is within an Urban Growth Area (UGA) designated in the County's very recent 10-year Comprehensive Plan Update. Accordingly, the New School will ultimately be annexed into either the City of Lynnwood or the City of Mill Creek. Of course, the Replacement Fields will be made available to all residents in the vicinity of both Cities, as well as unincorporated Snohomish County, for youth and adult activities on a daily basis, outside of school hours/activities.

Note, at both the Existing School Site and the New School Site, the restricted property (and the athletic facilities that occupy the restricted property) includes only part of the respective sites. As a matter of

stewardship, the School District is not proposing to subject more property than necessary to the federal 6(f) restriction. As with the current athletic complex at the existing school, the Replacement Fields in their entirety provide at least twice the quantity of recreational opportunities of the existing IAC Restricted Fields considered alone. The proposed Replacement Fields at the New School surpass the standard for high schools in Washington. The cost to construct these "above-standard" improvements is more than double the cost to construct the IAC Restricted Fields, as outlined below.

OPINION OF PROBABLE COST -ATHLETIC FIELD IMPROVEMENTS BEYOND STANDARD HIGH SCHOOL*

2/7/2007 Revised

3/5/2007

NEW LYNNWOOD HIGH SCHOOL

1 CONSTRUCTION-FIELDHOUSE

Field house construction	2530	190	\$481,0
Sanitary sewer extension to field house	107		\$5,1
Paving			\$17,9
SUBTOTAL FIELDHOUSE			\$504,1

2 CONSTRUCTION-LIGHTING

Athletic field lighting			\$916,5
SUBTOTAL LIGHTING			\$916,5

3 CONSTRUCTION-2ND MULTI-USE FIELD

Multi use softball/soccer field with artificial turf			\$606,11
Bleachers	2		\$12,81
Batting Cages	2		\$28,31
Dugouts	2		\$25,71
Fencing			\$151,82
Retaining wall			\$62,00
Waste receptacles	4		\$
SUBTOTAL 2ND MULTI-USE FIELD			\$896,77

4 ARTIFICIAL IN LIEU OF NATURAL TURF

Art. Turf at football field			\$614,71
Art. Turf at (1) Multi-purpose field			\$606,14
Add irrigation			(\$209,69)
Add natural turf			(\$71,89)
Add skinned infield			(\$35,94)
SUBTOTAL ARTIFICIAL TURF			\$903,31

5 SECURITY & COMMUNICATIONS

Security and communications			\$89,87
SUBTOTAL SECURITY & COMMUNICATIONS			\$89,87

6 SUBTOTAL CONSTRUCTION COSTS

\$3,310,35

8 CHANGE ORDER CONTINGENCY

10% **\$331,03**

9 WA STATE SALES TAX

8.90% **\$324,08**

10 DESIGN CONSULTANT FEES

7.50% **\$273,00**

11 SUBTOTAL

\$4,238,46

12 ESD MANAGEMENT

4%

\$169,5.

13 TOTAL PROJECT COST

\$4,408,1:

* This estimate is based on "Permit Set Estimate" dated January 5, 2007 by The Robinson Company as prepared for Bassetti Architects.

** Cost for tennis courts is not reflected in these savings as it is assumed it will be in base project.

e. Who will own and manage the new replacement park(s)?

The Edmonds School District both owns and would maintain the Replacement Fields at the new high school. However, the School District anticipates that it will enter interlocal or other agreements similar to those that currently govern recreational opportunities at existing Lynnwood High School with many if not all of the same counterparties and others.

f. What will be the name(s) of the new replacement park(s)? If replacement park(s) will be added to an existing public park area, will the existing area be included within the 6(f) boundary? What is the name of the existing public park area?

The New School is referred to as Lynnwood High School. There is no existing park at the replacement site (nor is there a park at the Existing Site). On-site wetlands would be preserved and are proposed to be subjected to the recreational restriction. These wetlands can provide outdoor learning opportunities for students and other visitors to the New School Site.

g. Provide a timeframe for completing the new park-area(s) and making it available for public outdoor recreation use.

The School District has issued a notice to its contractor to proceed with construction. It is anticipated that the school (and the athletic facilities) would open in time for the 2009 school year. However, if the conversion request is not approved by IAC and NPS, the School District has reserved the authority to reduce the scope of construction to eliminate the "above standard" athletic facilities.

h. Produce new Section 6(f) map(s) for the new replacement park(s).

Environmental analysis must be conducted for converted and replacement sites.

Proceed to Steps 5 through 7



C. Proposal for a Public Facility in a Section 6(f) Area

Prior to developing this proposal, you must consult the LWCF Manual for complete guidance. In summary, NPS must review and decide on requests to construct a public facility within a Section 6(f) area. In certain cases NPS approval may be given to construct public facilities within a Section 6(f) area where it can be shown that there is a gain or increased benefit to public recreational opportunity. In most cases, development of non-recreation public facilities within a Section 6(f) area constitutes a conversion. Describe in detail the public facility proposed and include the following information, if appropriate:

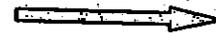
1. A letter of transmittal from the SLO recommending the proposal.
2. Indicate the location of the proposed public facility on a Section 6(f) map.
3. Describe the design of the proposed public facility and explain how it will be compatible with outdoor recreation, how it supports the outdoor recreation resources of the site whether existing or planned, how it will increase outdoor recreation use, and how outdoor recreation use remains the primary function of the site. (The public's outdoor recreation use must continue to be greater than that expected for any indoor use, unless the site is a single facility, such as a swimming pool, which virtually occupies the entire site.)
4. Explain the location alternatives considered for the public facility and why they were not pursued.

C. Proposal for Sheltering Facilities

Prior to developing this proposal, you must consult the LWCF Manual for complete guidance. NPS must review and decide on all proposals to shelter an existing outdoor recreation facility or construct a new sheltered recreation facility within a Section 6(f) area with or without LWCF assistance. The proposal must demonstrate that there is a gain or increased benefit to public recreation opportunity. Describe the sheltering proposal in detail, including the following information:

1. A letter of transmittal from the SLO recommending the proposal.
2. Describe the proposed sheltered facility, how it would operate, how the sheltered facility will include recreation uses that could typically occur outdoors, and how the primary purpose of the sheltered facility is recreation use.
3. Explain how the sheltered facility would not substantially diminish the outdoor recreation values of the site including how the sheltered facility will be compatible and significantly supportive of the outdoor recreation resources present and/or planned.
4. Explain how the sheltered facility will benefit the total park's outdoor recreation use.
5. Describe efforts provided to the public to review the proposal to shelter the facility and has local support.
6. Document that the sheltered facility will be under the control and tenure of the public agency which sponsors and administers the original park area.
7. Consult the LWCF Manual for additional requirements and guidelines before developing the proposal.

Proceed to Steps 5 through 7



Step 5. Summary of Previous Environmental Review

Describe any prior environmental review undertaken at any time for this proposal or related efforts that could be useful to understanding potential environmental impacts. Consider previous local, state, federal (e.g. HUD, EPA, USFWS, FHWA, DOT) and other environmental reviews. At a minimum, address the following:

1. Date of review. January - April 14, 2006
2. Purpose for the review and for whom.

The Edmonds School District No. 15, acting as Lead Agency, issued a Mitigated Determination of Non-Significance (MDNS) for the replacement of Lynnwood High School and the associated athletic facilities in preparation for submittal of a Conditional Use Permit (CUP), landscape modification, EDDS Deviation, and associated permits related to a building permit from Snohomish County. The School District determined that the proposal did not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) was not required under RCW 43.21C.030(2)(c). The MDNS was issued with several conditions designed to mitigate potential impacts related to wetland disturbance, noise, light and glare, and transportation. The determination and checklist were circulated to 38 agencies, and over 400 nearby residents. A copy of the environmental checklist and MDNS has been included with this application.

3. Project scope and proposed actions and alternatives.

The scope of the project included the construction of the New School and to convert the Existing School to another use. As part of the planning process, the School District considered numerous design and layout alternatives for the school. A Conditional Use Permit was required and approved by Snohomish County in 2006.

4. Who was involved in identifying resource impact issues and developing the proposal, including the interested and affected public, government agencies, and Indian tribes.

An expanded environmental checklist was prepared for the New School. The School District, acting as the Lead Agency, issued a Mitigated Determination of Non-Significance on April 14, 2006. The SEPA determination was routed to reviewing agencies, local tribes and to the surrounding community.

5. Environmental resources analyzed and determination of impacts.

The elements of the environment were analyzed and associated impacts of the proposed development were identified. Mitigation was provided and an MDNS was issued.

6. Any mitigation measures stipulated in the plan to be part of the proposed action.

The MDNS included 12 mitigation measures with two related to wetland buffer mitigation and the extension of sanitary sewer impacts into wetland areas. There were two mitigation measures related to the proposed lighting system for the fields. A copy of the MDNS has been included with this submittal.

7. Public comment periods (how long, when in the process, who was invited to comment) and agency response to public comments.

In addition to the numerous public community meetings held by the School District regarding the New School, there was a 14-day comment period on the MDNS. There was one comment received by the Muckleshoot Indian Tribe Fisheries Division. That comment was addressed and permits issued. Snohomish County held a public hearing on the Conditional Use Permit (CUP), which allowed additional public comments on the project. There were numerous comments received by the public and addressed by the School District at the public hearing.

8. Any formal decision regarding degree of potential impacts to the human environment.

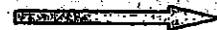
Both the issuance of the CUP and the approval of the CUP addressed impacts. The mitigation measures in the MDNS were accepted by Snohomish County and incorporated into the approval of the CUP.

9. Was the LWCF federal action and/or any other federal actions analyzed/reviewed in previous environmental reviews? If so, how and what impacts were identified? Provide specific references.

None are known.

Use resource impact information generated during previous environmental reviews and from recently conducted site inspections to complete the Environmental Screening Form (ESF) portion of this PD/ESF under Step 6. Your responses should indicate your proposal's potential for impacting each resource as identified in the previous environmental review, including a reference to where the analysis can be found in the document. If the previous environmental review proposed actions to mitigate impacts, summarize the mitigation for each resource as appropriate. The environmental review document(s) must be included with this PD/ESF in the proposal package submitted to NPS for federal review.

Proceed to Steps 6 through 7



Step 6. Environmental Screening Form (ESF)

This ESF portion of this PD/ESF is a working tool for planners and decision-makers to use to identify the degree of potential impacts to resources that may occur as a result of federal approval of the proposal. It also serves as the administrative record documenting the project sponsor's efforts to identify and consider impacts during proposal development. Your ESF responses may change as the planning process refines the proposal that will ultimately be submitted along with the final completed ESF for federal review and decision.

As early as possible in your planning process, consider how your proposal/project may have direct, indirect and cumulative impacts on the human environment. By early identification of possible environmental resource impacts, the information will be useful during proposal development, including ways to lessen impacts. Initiating or completing environmental analysis after a decision has been made is contrary to both the spirit and letter of the law of the National Environmental Policy Act.

The ESF should be completed with input from resource experts and in consultation with relevant local, state, tribal and federal governments, as applicable. The interested and affected public should be notified of the proposal and invited to provide input as well. At a minimum, a site inspection of the affected area must be conducted by individuals who are familiar with the type of affected resources, possess the ability to identify potential resource impacts, and to know when to seek additional data when needed.

1. Have significant impacts on public health or safety?			
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands, wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (E.O. 11990); floodplains (E.O. 11988); and other ecologically significant or critical areas.			
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]?			
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?			
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?			
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?			
7. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places, as determined by either the bureau or office. (Attach SHPO Comments)			
8. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.			
9. Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment?			
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?			
11. Limit access to access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?			
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?			

Environmental Reviewers

The following individual(s) provided input in the completion of the environmental screening form. List all reviewers including name, title, agency, field of expertise. Keep all environmental review records and data on this proposal in state compliance file for any future program review and/or audit.

- 1.
- 2.
- 3.

The following individuals conducted a site inspection to verify field conditions. List name of inspector(s), title, agency, and date(s) of inspection.

- 1.
- 2.
- 3.

Step 7. NEPA Pathway Recommendation and Certifications

First consult the attached list of "Categorical Exclusions (CEs) for Which a Record is Needed." If you find your action in the CE list, and you have determined in Step 6A that impacts will be minor or less for each applicable environmental resource on the ESF, and you answered "no" to all of the "Mandatory Criteria" questions in Step 6B, the proposal qualifies for a CE. Complete the following "State LWCF Environmental Recommendations" box indicating the CE recommendation.

If you find your action in the CE list, and you have determined in Step 6A that impacts will be greater than minor or that more data is needed for any of the resources, and you answered "no" to all of the "Mandatory Criteria" questions, your environmental review team may choose to do additional analysis to determine the context, duration, and intensity of the impacts of your project or may wish to revise the proposal to minimize impacts. If impacts remain at the greater than minor level, an EA must be prepared for your proposal. Complete the following "State Environmental Recommendations" box indicating the need for an EA.

If you do not find your action in the CE list, regardless of your answers in Step 6, you must prepare an EA or EIS. Complete the following "State Environmental Recommendations" box indicating the need for an EA or EIS.

State LWCF Environmental Recommendations and Appraisal Certification

- I certify that a site inspection was conducted for each site involved in this proposal and to the best of my knowledge, the information provided in this LWCF Proposal Description and Environmental Screening Form (PD/ESF) is accurate based on available resource data. All resulting notes, reports and inspector signatures are stored in the state's NEPA file for this proposal and available upon request.

On the basis of the environmental impact information for this LWCF proposal as presented in this LWCF PD/ESF with which I am familiar, I recommend the following NEPA pathway:

- This proposal qualifies for a Categorical Exclusion (CE).
- CE Item #:
 - Explanation:
- This proposal requires an Environmental Assessment (EA) which is attached and has been produced in accordance with the LWCF Grants Manual.
- This proposal may require an Environmental Impact Statement (EIS). NPS guidance is requested per the LWCF Grants Manual.

State Appraisal Review - If applicable, complete this certification for each appraisal.

- I certify that the State has reviewed the appraisal and has determined that it was prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions.

Property Address:

Date of appraisal transmittal letter:

Fair market value: \$

Effective Date of Value:

SLO/ASLO Original Signature: _____ Date: _____

Typed Name, Title, Agency:

At the time of proposal submission to NPS for federal review, the completed ESF should reflect the project sponsor's final determination of the extent to which the proposal will impact the list of resources on the form. The results of the completed ESF will inform the State's choice of which NEPA pathway to follow, i.e., categorical exclusion (CE), environmental assessment (EA), environmental impact statement (EIS). Also, the completed ESF will identify the resource topics and issues that should be presented and analyzed in an EA or an EIS if required. Consult the LWCF Manual for further guidance on LWCF and NEPA.

The ESF contains two parts that must be completed:

A. Impacts to Environmental Resources

B. Mandatory Criteria

Part A: For each environmental resource topic, choose an impact estimate level (none, negligible, minor, exceeds minor) that describes the degree of potential negative impact that may occur directly, indirectly and cumulatively as a result of federal approval of your proposal. These impact levels should be used to estimate specific impact levels on each separate resource and must be accompanied with a brief explanation of how the resource might be affected, how the impact level was determined, and why the chosen impact level is appropriate. If an environmental review has already been conducted on your proposal and it includes planned mitigation, explain this for each applicable resource and choose an impact level as mitigated. If the resource does not apply to your proposal, mark NA in the first column. Add any relevant resources (see A23) if not included in the list.

Part B: This is a list of mandatory impact criteria that preclude the use of categorical exclusions. If you answer "yes" or "maybe" for any of the mandatory criteria, you must proceed to develop an EA or EIS regardless of your answers in Part Section A.

Use a separate sheet to explain all potential negative impacts (negligible, minor and those exceeding minor) as well as to indicate the type of data that still needs to be determined for each of the applicable resources listed below. Describe direct, indirect and cumulative impacts as well as explain any planned mitigation already addressed in previous environmental reviews. For the Mandatory Criteria, explain all "yes" and "maybe" answers.



INSLEE BEST
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Brett N. Wiese

RECEIVED

MAR 17 2008

RECREATION AND CONSERVATION OFFICE

*Also Admitted in Alaska
**Also Admitted in California

March 13, 2008

Recreation Conservation Funding Board
c/o Dan Haws
Natural Resources Building
1111 Washington Street SE
P. O. Box 40917
Olympia, WA 98504-0917

Re: Edmonds School District's Application for LWCF Section 6(f) Conversion
of Property Subject to Recreational Restrictions - Project NO. 80-014D

Members of the Board:

The Edmonds School District has applied to the committee for a recommendation to the National Parks Service that it approve the District's proposed conversion of a Land and Water Conservation Fund ("LWCF") 6(f) restriction from property located at Lynnwood High School to property located within the District at North Road. The application is on the committee's March 27, 2008 agenda. The City has not signed the District's application. As one of the original applicants and contracting parties, the City must be a co-applicant for the process to proceed. For that reason and for the reasons set forth, the City objects to the committee's considering the application at this time and requests the committee to continue the matter until its June, 2008 meeting.

The District plans to build a new high school on the North Road property, abandon the current high school and lease the property on which it is located to private developers. Although the application obfuscates the fact, a 6(f) conversion is not necessary for the District to fulfill its plans for a new high school. The school sits on



March 13, 2008

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land unencumbered by the restriction. The school can be re-located and the school property redeveloped regardless of any decision on conversion.

In 1980, the City of Lynnwood, on behalf of itself, Edmonds School District, and the Washington State Interagency Committee for Outdoor Recreation (IAC) applied to the federal government for LWCF funding to develop recreational property on the site of Lynnwood High School located in the City. Subsequently, the City, the District and the IAC entered into a "Project Contract" to develop slightly more than 12 acres of the high school site for recreational purposes. A condition of the LWCF funding required that property to be subjected to a "6(f)" recreation restriction.

That contract was performed and the 12+ acres have been used for recreational and open space purposes ever since. In performing the Project Contract, and related agreements between the City and the District, the City paid \$394,000, or fifty percent, of the total capital construction and development costs of the recreational facilities developed under the Project Contract. While the District owned the real property on which the recreational facilities were constructed, the District did not contribute any of the facilities' capital costs. The remaining \$394,000 of capital costs consisted of grant funds provided by the IAC. In addition to paying \$394,000 toward the recreational facilities' capital costs, the City, under related agreements with the District, has also paid substantial sums annually to operate and manage the recreational facilities over the last twenty-six years. Under those related operational and management agreements the City has the right to use and manage the recreational facilities until at least 2019.

Thus, not only is the City a party to the Project Contract, with legal rights flowing there from, but it has made substantial expenditures to construct and maintain the facilities constructed in accordance with that Contract. The City has been and is responsible for compliance with all duties and obligations imposed by the Project Contract; likewise, the City is entitled to benefits arising under the Contract. To date, the City has not approved conversion of the property. The District received substantial benefit from the City's expenditure of funds, in the form of enhanced athletic fields and related recreational facilities on the current school site. The District and the IAC cannot terminate the Project Contract or convert the property without the City's consent.

Given the City's substantial financial investment, its continuing legal right under related agreements, the loss of a significant "recreational and open space asset" that will reduce the level of service established for parks in the City's comprehensive plan adverse affect the proposal has for City recreation, the City considers it necessary to perform due diligence with respect to the proposal. It has been impeded in that effort by a lack of information about the conversion proposal and the related appraisals. For example, the City was given the second set of appraisals (the first was rejected by NPS) on March 4,



March 13, 2008

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2008, and, while it has contracted with a review appraiser, that work cannot be completed before the end of the month. As a local government, the City cannot legally forego valuable property and contract rights without adequate compensation. See RCW 43.09.210. An appraisal performed according to professional standards showing equivalent values between the two sites would partially validate City concurrence in the conversion. However, the City does not know that the appraisals were performed as required until a review can be performed. Moreover, conversion will cause the City to experience a capital loss; that is, the unamortized remainder of its initial \$394,000.00 investment in the original facilities. Furthermore, the City has not received any written information from your staff or a copy of the staff recommendation.

As noted, the City has contractual rights to use the current fields for City recreational activities, park and open space. The conversion regulations require not only that the properties involved be of equal value, but that the newly restricted property provide functionally equivalent recreational opportunities. Although the District and the City have had discussions concerning City use of the new facilities, those discussions have not been completed. Until agreements are in place, the City will have no right to access school facilities or use them for any purpose. Consequently, a determination of functional equivalence is not possible yet. Any such determination is dependent upon the terms the District and the City negotiate respecting use of the new site, including hours of use, types of use, and responsibility for maintenance.

The City desires to reach an agreement with the District that will serve the interests of each party and the public while continuing to implement the goal of the Project Contract to provide recreational facilities to the public served by the City and the District. To that end, the City has commenced its regulatory process to implement zoning and comprehensive plan changes to accommodate the District's plans. We continue to meet with the District to discuss measures that will enable the City to accommodate the proposal while sustaining the level of service for its recreational programs and maintaining sufficient open space in the City. Nevertheless, the City expects its rights and the interests of its citizens to be recognized and protected by the committee.

Very truly yours,

Michael P. Ruark
City Attorney, City of Lynnwood



March 13, 2008

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cc: **Mayor Don Gough**
Lynn Sordel, Parks Director
David Kleitsch, Economic Development Director
Gerard Lutz, Attorney for Edmonds School District
Heather Ramsay, National Park Service

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RECEIVED

MAR 25 2008

RECREATION AND CONSERVATION OFFICE

March 25, 2008

VIA .PDF AND FEDERAL EXPRESS

Recreation Conservation Funding Board
c/o Dan Haws
1111 Washington Street SE
P.O. Box 40917
Olympia, WA 98504

Re: **Edmonds School District's ("School District") Application for LWCF Section 6(f)
Conversion, Project No. 80-014D ("Project Contract")**

Members of the Board:

The School District has applied for Board approval of its proposal to convert certain recreational property under Section 6(f)(3) of the Land and Water Conservation Fund Act ("LWCF"), 16 U.S.C. § 4601-4 et seq. ("Conversion"). The Conversion involves lifting the Section 6(f) use restriction from a portion of the property where existing Lynnwood High School is located in Lynnwood, Washington ("Restricted Property"), and placing that restriction on a portion of the new Lynnwood High School site ("Replacement Property"), located approximately a mile and a half east of the existing school. On March 13, 2008, the City of Lynnwood ("City") objected in writing to presentation of the School District's Conversion application at the Board's March 27, 2008 meeting and requested that the matter be continued until June, 2008.

In light of the City's request, the School District consents to the Board's continuance of this matter to the Board's June agenda. We understand that the matter will be presented by staff at the Board's March 27 meeting, and that the Board will also receive public testimony at that time. However, following discussions with the City's counsel and the Director, the School District and City intend to reserve their respective presentations until the Board's June meeting.

Despite the School District's consent, however, the School District does not agree with the City's assertion that the Restricted Property cannot be converted without the City's consent. That assertion is contrary to the terms of the parties' agreements and direction from RCO and National Park Service staff.

The City is a party to an interlocal agreement with the School District, dated November 26, 1996 ("Interlocal Agreement"), which provides for City use and management of athletic fields at existing

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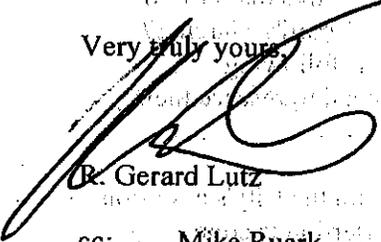
Dan Haws
March 25, 2008
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Lynnwood High School. The Interlocal Agreement lasts through June 3, 2019 unless the parties agree otherwise. The City's rights with respect to the existing Lynnwood High School fields under that Interlocal Agreement will not be affected by the Conversion.

In advance of the School District's conversion application, the School District consulted with both the RCO staff and National Park Service staff regarding the question of the City's status in this conversion process, in the company of the City's representatives. The School District was advised that, because the School District is the owner of the restricted property, as long as the School District took financial responsibility for the elements of the proposed conversion, the City was not a necessary party to the conversion application. This approach is logical for a number of reasons. Although the City was one of the original applicants and contracting parties to the Project Contract (the School District being the other), the "Project Period" set forth in Section 4 of the Project Contract ended June 30, 1982. The only remaining obligation under the Project Contract is the School District's obligation to preserve the relevant 12.4 acre portion of the existing Lynnwood High School property for recreational use. That obligation is enforceable by the Interagency Committee for Outdoor Recreation ("IAC", now known as the Recreation Conservation Office ("RCO")). Section 14 of the Project Contract provides that the "Contracting Party shall not at any time convert any property or facility acquired or developed pursuant to this contract to uses other than those for which assistance was originally approved without the prior approval of the Interagency Committee . . ." (emphasis added). Under the plain language of the Project Contract, the School District must obtain conversion approval from the RCO (as successor to the IAC), not the City. The IAC restriction set forth in Section 14 is perpetual. The City's assertion of perpetual right to control the use of the Restricted Property as a "co-applicant", independent of rights it may have under its interlocal agreement with the School District, directly conflicts with the parties' clearly and often stated intent that the School District retain ownership of the Restricted Property. The City does not have perpetual rights with respect to the Restricted Property. Rather, its rights arise under the Interlocal Agreement, which has an expressly limited term.

Despite this point of disagreement, the School District hopes with the extra time the City has requested, the School District and City will have the opportunity to resolve any lingering City concerns regarding the conversion. The School District looks forward to the Board's meetings this Thursday and in June, and to resolving outstanding issues with the City as to the respective athletic and recreational programs of the City and School District at the School District's existing and new Lynnwood High School properties. If you have any questions, please feel free to contact me at 425-635-1403 or jlutz@perkinscoie.com.

Very truly yours,



R. Gerard Lutz

cc: Mike Ruark
Marla Miller