

**Lynnwood Planning Commission**  
**Meeting of May 22, 2003**

## Staff Report

Agenda Item: H-1

### Comprehensive Plan Amendment Proposals – Group #3

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

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

### Introduction:

On April 10, the Planning Commission conducted a public hearing and forwarded its recommended Study List for the City Council's consideration.

The City Council approved the Study List on May 12<sup>th</sup>. The approved Study List excludes the Lytton and Palmer suggested amendments. Those suggested amendments have been reviewed by the Planning Commission at a previous work session but will not be considered further. Group #3, the last group of amendments to be reviewed prior to the public hearing on all the amendments, includes three suggested amendments. While all the previous proposed/suggested amendments have focused on specific sites, this group of amendments is not site specific.

### Schedule:

The following schedule should be considered flexible and may change to accommodate the City Center Plan or unexpected disruptions.

April 24 – Planning Commission Work Session – Group #1 (**completed**)

May 5 – City Council Work Session – overview of all proposals.

May 8 – Planning Commission Work Session – Group #2 (**completed**)

May 12 – City Council Approval of Final Study List

1. Alderwood Christian Church Map Amendment
2. Steves Map Amendment
3. Raskin Map Amendment
4. Opalka Map Amendment
5. Mobile Home Park Study
6. Code-related Plan Amendments (Text and Map)
7. Implementation Element Update
8. Environmental Resources Element Update
9. City Center Subarea Plan

**May 22 – Planning Commission Work Session – Group #3**

- **Code-related Plan Amendments**
- **Implementation Element Update**
- **Environmental Resources Element Update**

June 12 – Planning Commission Public Hearing & Recommendations

Sept. 8 – City Council Public Hearing

Sept. 22 – City Council Final Action/Adoption of Plan Amendments

## **Suggested Amendments:**

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The following is a general description of the three Group #3 proposals. A more detailed description will follow:

### **A. Code-related Plan Amendments (text and map)**

Location: Citywide

Description: Phase 2 of the Development Regulations Update Project is proceeding in parallel with the Comprehensive Plan amendment process. Some of the proposed amendments to the development regulations will require amendments to the Land Use Element of the Comprehensive Plan, and to Comprehensive Plan's Future Land Use Map. In summary, the proposed amendments would add a high density single-family land use category, realign the commercial categories, and create a holding place for a City Center Subarea Plan.

### **B. Implementation Element Update**

Location: Citywide

Description: There is a need to update a couple of parts of the Implementation Element. The work scheduling part of the Element is several years out of date. And, the Plan/Zone Consistency table needs to be revised to conform to the current and proposed alignment of Plan land use categories and zoning districts. As the work scheduling aspect of the Implementation Element is updated, it has related consequent effects on other Plan elements. So, although this Plan amendment is listed as amendment of the Implementation Element it also includes related amendments to the Land Use Element, Transportation Element, and the Parks and Recreation Element. All changes to these additional three elements involve changes to the timing of work objectives and not to any policy changes.

### **C. Environmental Resources Element Update**

Location: Citywide

Description: The first edition of the Environmental Resources Element didn't include some existing City policies contained in the Lynnwood Municipal Code. This update of the Element incorporates the omitted existing City policies and suggests new policies and enhancements of some existing policies. The entire Environmental Resources Element with all the proposed amendments is included as an attachment to this staff report.

## **A. Code-related Plan Amendments:**

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Applicant: City of Lynnwood

Contact: Dennis Lewis, Dept. of Community Development

Location: Citywide

Description: The proposed addition of the SF-3, High Density Single-family Residential land use category will require the re-naming of the SF-2 category from "High" to "Medium". In addition, changes are being proposed to lots sizes and density ranges for all three single-family land use categories. The proposed realignment of commercial land use categories is essentially a renaming of the "Office Commercial" category to "Community Commercial". This allows for a better intensity and use transition from "Local Commercial" to "Community Commercial" to "Regional Commercial". Office commercial uses can be permitted in any of the three commercial zones as deemed suitable. It does not seem that a specific Plan category needs to be devoted to this one predominant use. Within the zoning regulations, we may still choose to have a zoning district devoted predominantly to office commercial uses. This proposed Plan amendment does not preclude that possibility. The other proposed amendment to the Plan's land use category is to add a placeholder for a City Center Subarea Plan. It now appears that work progress on the City Center Plan has been delayed to the point that it may not be necessary to include this Plan amendment proposal in the 2003 list of amendments. Further discussion is needed on this matter before the proposal is formally removed, or recommended for removal, from the Study list. The following sections from the land use plan descriptions of the Comprehensive Plan show the changes being proposed using the strikeout and underline method. Only those sections necessary to see the proposed changes in context have been included.

### **Low Density Single-Family Residential (SF-1):**

**Purpose:** Detached single-family residences at a ~~minimum~~-density of four to six dwelling units per net acre.

**Site Design:** Some lots smaller than ~~8,400~~ 8,000 square feet may be allowed through lot-size averaging within subdivisions, and through the planned unit development process.

### **Medium-High Density Single-Family Residential (SF-2):**

**Purpose:** This Plan category is intended to provide for an medium density alternative to the standard suburban style of housing.

**Principal Use:** Single family detached and attached residences in a density range of ~~5-1~~ five to ~~8-0~~ nine dwelling units per acre.

**Site Design:** Minimum Lot Size ~~7,000~~ 6,000 square feet.

### **High Density Single-Family Residential (SF-3):**

**Purpose:** This Plan category is intended to provide for a higher density alternative to the standard suburban style of housing.

**Principal Use:** Single family detached and attached residences in a density range of seven to twelve dwelling units per net acre.

**Subordinate Uses:** Institutional, educational or cultural, as long as such use supports the residential use and that this use would not significantly impact nearby residences in a negative way.

**Locational Criteria:** The higher density of this housing type requires locations with good access to arterial or collector streets.

**Site Design:** Minimum lot size – 4,000 square feet. Smaller lots shall only be allowed as an approved planned unit development. Lot coverage by structures shall be limited to provide open space on each lot; the amount of open space will generally be less than in the SF-1 and SF-2 categories.

**Building Design:** Residences on these lots shall be either on or two stories high, with an added story located partially below ground level in a basement. Attached residences shall only be allowed as an approved planned unit development, and shall have no more than four residences connected by common walls.

### ***Local Commercial (LC):***

**Performance Standards:** On-site activities shall not significantly affect impact adjoining properties in a negative way.

### ***Community Commercial (CC):***

**Purpose:** This Plan category is intended to provide the opportunity for the development of many commercial services.

**Principal Uses:** Personal, professional and public services and offices, retail sales of goods for the community, hotels, motels and entertainment businesses.

**Locational Criteria:** Commercial areas of this type must be located in areas having arterial street access and transit service.

**Site Design:** Buildings will typically cover up to 50 percent of the site. Most of the rest of the site will be developed for parking, although substantial landscaping shall be planted along street frontages and within parking areas. Landscaping shall also be planted at other property lines and near buildings (as part of an integrated design plan). Parking for customers and employees is typically provided in surface parking lots. Shared parking between adjacent uses and sites will be encouraged.

**Building Design:** Buildings in this category will generally be low-rise structures, with large expanses of glass facing public streets and parking areas.

**Performance Standards:** On-site activities shall not significantly impact adjoining properties in a negative way.

***Regional Commercial (RC):***

**Performance Standards:** On-site activities shall not significantly affect ~~impact~~ adjoining properties in a negative way.

***~~Office Commercial (OC):~~***

~~**Purpose:** This Plan category is intended to provide areas for the predominant use of professional/business offices.~~

~~**Building Design:** Buildings at properties in this category will be either low rise or mid rise structures, with rows of windows that wrap around the building at each story.~~

~~**Performance Standards:** On-site activities shall not significantly affect adjoining properties.~~

***City Center Sub-area Plan (CCP):***

**Purpose:** This Plan category provides a link to the Sub-area Plan for the City Center district.

**Principal Uses:** See adopted City Center Sub-area Plan.

**Locational Criteria:** As outlined on the Future Land Use Plan map. For further information see the Sub-area Plan.

**Site Design:** See adopted City Center Sub-area Plan.

**Building Design:** See adopted City Center Sub-area Plan.

**Performance Standards:** See adopted City Center Sub-area Plan.

**Approval Criteria:**

The following criteria are contained in the Implementation Element of the Lynnwood Comprehensive Plan and should be used by the Planning Commission and City Council when processing this proposal.

A proposal can be approved only if it meets all of the following criteria:

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

- No apparent conflict with GMA.
- The proposed Plan amendments will prevent conflicts with the development regulations changes that are expected to be made within the coming year.

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

- These are citywide Plan policy amendments. Most of the amendments will have no immediate impact on any specific sites. Those sites or areas that are effected are not expected to suffer and significant adverse impact on sensitive land uses, businesses, or residents.

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

- The proposed amendments are not anticipated to have any negative impact on public services and facilities, including transportation.

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

- Since it is a requirement of GMA and the Lynnwood Comprehensive Plan that there be consistency between the Plan and the development regulations, it is necessary to make amendments to the Plan when it is anticipated that changes needed in the development regulations can only be done consistent with the Plan if the Plan is amended. These proposals would help implement the goals and policies of the Lynnwood Comprehensive Plan.
- The addition of a high density single-family residential Plan land use category is consistent with several Plan goals and objectives. This new category allows more efficient use of remaining land and could create a high number of single-family housing units in Lynnwood than if the category did not exist.

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

- No significant impacts beyond the City limits are anticipated.

**Staff Conclusions and Recommendations:**

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- The addition of the SF-3 Plan designation is necessary to allow for an amendment of the development regulations to permit single-family residential housing at the proposed higher density. If the Planning Commission supports this regulatory change, then it should support this Plan amendment.
- The change in the re-naming of one commercial land use category allows for a progression in land uses and intensity that is more logical and understandable.

It also allows for some additional flexibility in matching zoning districts to the Plan. The Planning Commission should support this proposal.

- The proposal to add a new Plan land use category for the City Center Sub-area Plan will be required if and when the Sub-area Plan is adopted. However, there is now some concern that this Comprehensive Plan proposal may be premature due to delay in the City Center planning project. It may make sense to delay this proposed amendment to 2004 when adoption of the Sub-area Plan is anticipated.

## **B. Implementation Element Update:**

Applicant: City of Lynnwood

Contact: Dennis Lewis, Dept. of Community Development

Location: Citywide

Description: As stated in the earlier summary description the underlying reason for updating this element, and related Plan elements, is changes in work scheduling. In the following paragraphs, those objectives from the Land Use, Transportation, and Parks and Recreation Elements that are proposed for amendment will be listed. The amendments to these elements are carried into an amended Implementation Element. The entire Implementation Element, with proposed amendments, is included as an attachment to the staff report.

### **Land Use Element Objectives Amendments:**

- LU-2:** The Community Development Department will prepare updated land use regulations that will guide the appropriate type, density, and design of land uses in mixed-use districts by December 1, 2002~~4~~.
- LU-3:** The Community Development Department will establish criteria by December 1, 2002~~4~~ that will guide the analysis and decision on any applications for additional mixed use overlay districts.
- LU-4:** The Community Development Department will prepare by June 1, 2003~~5~~ a site design handbook providing guidelines, in text and illustrations, on the desired and acceptable buffering of uses.
- LU-5:** By September 1, 2002~~4~~ the Community Development Department will amend existing development regulations, as necessary, to assure that the maximum permissible densities allowed are consistent with the standards provided by the Comprehensive Plan.
- LU-6:** By September 1, 2002~~4~~ the Community Development Department will establish the maximum permissible development densities permitted within the City Center subarea planning unit.
- LU-7:** By September 1, 2002~~4~~ the Community Development Department will establish the maximum permissible development densities permitted within the Subregional Center subarea planning unit.

- LU-9:** By June 1, 20025 the Community Development Department will have prepared a market analysis that determines the probable land needs within the Lynnwood area for various types of commercial, industrial, and high density residential uses over the next ten years.
- LU-10:** Follow adoption of the College District Plan by preparing, by June 1, 20024, a schedule of public improvements necessary to implement the Plan, including the extension of 204<sup>th</sup> Street and sidewalk/pathway improvements.
- LU-11:** Review the status of the Park Central (Scriber Lake-Wilcox Park area) subarea plan and schedule, by June 1, 20057, any additional work that needs to be done, including zoning adjustments.
- LU-12:** By June 1, 20024, review the status and trends of development within the Subregional Center and propose necessary adjustments to zoning, transportation systems, access, or other improvements.
- LU-13:** By June 1, 20024, adopt a subarea plan and zoning for a new City Center.
- LU-14:** By September 1, 20035, conduct a review of development and aesthetic qualities within the Highway 99 Corridor and propose a course of action to improve the corridor.
- LU-15:** By April 1, 20046, submit a proposal for an improvement plan and project for the 196<sup>th</sup> Street Corridor.
- LU-18:** The Community Development Department, with Planning Commission and City Council approval, will establish the purpose and functioning of neighborhood planning areas by March 31, 20024.
- LU-19:** With citizen and Planning Commission input, and City Council approval, the Community Development Department will have established neighborhood planning boundaries by May 31, 20024.
- LU-20:** The Community Development Department, with Commission and Council approval, will have developed sample bylaws and organizing procedures for neighborhood planning organizations by May 31, 20025.
- LU-21:** The Community Development Department will have established two pilot neighborhood planning organizations, with Commission and Council approval, by August 1, 20025.
- LU-22:** By November 1, 20025, the Community Development Department will have prepared a socio-economic profile and completed a survey of housing conditions, infrastructure conditions, and level of public services within the two pilot neighborhoods.
- LU-23:** By March 31, 20036, the Community Development Department, with the approval of the two pilot neighborhoods and the Planning Commission and City Council, will have prepared a neighborhood renewal plan and program for the two pilot neighborhoods.
- LU-24:** By July 1, 20025, the Community Development Department will complete the analysis and mapping of environmentally sensitive areas and environmental hazard areas within Lynnwood's urban growth area.
- LU-25:** By September 1, 2002, the Community Development Department, with assistance from the Public Works Department, will prepare an Environmental Element of the Comprehensive Plan that addresses a full range of environmental subjects, including activities required by ESA 4(d) Rule regulations adopted by the National Marine Fisheries Service. done

- LU-28:** Rewrite all development regulations to assure consistency with the Comprehensive Plan by September 1, 2002. done
- LU-29:** The Community Development Department will participate with Snohomish County and the cities in the southwestern county area in a process to delineate specific urban growth and annexation areas for each city and will reach mutual agreement on such areas by September 1, 2002. done

### **Transportation Element Objectives Amendments:**

- T-7:** Completion of the video detection upgrade to all signals as permitted by local and grant funding with a goal of completing the system by ~~January~~ December 2005.
- T-9:** Develop a traffic simulation test alternative routing of traffic for incident planning during 2002. done
- T-13:** ~~During 2002, w~~Work with the transit providers to develop an operational procedure for the use of transit signal priority during peak travel hours. (ongoing)
- T-16:** During 2002~~4~~, develop an integrated non-motorized transportation system of sidewalks and bicycle facilities that link neighborhoods, businesses, parks, schools and activity centers.
- T-21:** Apply the new transportation model and use the results to investigate and adopt an alternative method for evaluating roadway and intersection Level Of Service.
  - Policy T-21.1:** Develop an approach for inclusion in the yearly Comprehensive Plan Update for the new LOS system based on delay with adoption by the end of 2003~~5~~.
- T-27:** Establish, review and maintain Construction Standards for use on development projects by January 2002. done

### **Parks and Recreation Element Objectives Amendments:**

- P-1:** Acquire Core park land in the city to help meet the community's recreational needs ~~the current 27.42-acre deficit for Core Parks, by 2006.~~
- P-2:** Acquire park land in urban growth areas for future development.
  - Policy P-2.1:** Pursue cooperative planning efforts with Snohomish County and neighboring jurisdictions in urban growth areas and future annexation areas.
  - Policy P-2.2:** Annually review potential parks and open space sites in UGA, and related facilities needed to provide the recommended level of service.
  - Policy P-2.3:** Seek methods of acquisition and development of these sites and facilities, which reflect the responsibilities of Snohomish County and the City.

**P-3:** Acquire Tutmark Hill properties in UGA for community park development by 2006.

**P-4:** ~~P-2:~~ Plan & develop new parks and renovate existing parks, in the city and in urban growth areas. Plan and develop two neighborhood parks and provide playground renovation at three existing parks, by 2006.

**Policy P-24.1:** Design new parks in accordance with the purpose, size and classification of each.

**Policy P-24.2:** Design new parks and provide improvements to existing parks to promote public safety and security.

**Policy P-24.3:** Provide a variety of recreational opportunities to serve a diverse population.

**Policy P-24.4:** Provide accessibility to all park facilities in accordance with Americans with Disabilities Act standards.

**P-5:** Plan & develop Tutmark Hill community park in the UGA per Interlocal Agreement with Snohomish County, by 2008.

**OS-1:** Acquire open space properties in Lund's Gulch, Swamp Creek and Scriber Creek watersheds, by 2008. Acquire additional open space properties in the Lund's Gulch corridor adjacent to Meadowdale Beach County Park, by 2003.

**OS-2:** Develop Master Plan for Lund's Gulch in partnership with Snohomish County and Friends of Lund's Gulch, by 2005.

**OS-23:** Acquire open space within urban areas to buffer and enhance the built environment.

**Policy OS-23.1:** Conduct an annual review of vacant and underdeveloped parcels within the city for potential acquisition of open space.

**Policy OS-23.2:** Preserve open space corridors and trail linkages between parks, neighborhoods, schools and commercial centers. Where possible, acquire key linkages between parks and trail segments to create connected trail system.

**OS-34:** ~~Implement plans to p~~ Provide passive recreational opportunities in acquired natural areas, by ~~2005~~2008.

**Policy OS-34.1:** Provide neighborhood access to natural areas with trailheads and parking, in accordance with Chapter 17 of the Lynnwood Municipal Code and ESA regulations.

**Policy OS-34.2:** Provide environmental educational opportunities in natural areas with interpretive signage, nature trails and overlooks.

**OS-45:** Work with Public Works and community volunteers in the enhancement of City-owned stormwater detention areas for passive community use.

**FP-2:** ~~Plan and construct~~ Complete phased development of the Lynnwood Heritage Park to provide a historical resource for residents and visitors to Lynnwood by 20036.

**Policy FP-2.1:** Work with community organizations to provide information to interpret the history of the Lynnwood/Alderwood Manor area, including historical displays, interpretive signage and museum services.

**Policy FP-2.2:** Work with Snohomish County Tourism Bureau to provide visitor information services.

**FP-3:** Plan and construct a multipurpose community center that will provide for recreational, cultural, civic and leisure activities to serve varied age groups and community interests by 2005.

**FP-4:** Develop a master plan for Wilcox Park, Scriber Lake Park and the adjoining School District property, reflecting how these areas can be connected for pedestrian access and related activities.

**T-1:** With other City departments, develop a Non-Motorized Transportation Plan and Trails Master Plan that links parks, schools, community facilities, commercial centers, neighborhoods and adjacent regional trail systems, by ~~2002-2004~~.

**Policy T-1.1:** Work with other jurisdictions to provide a regional trail network.

**T-2:** Develop ~~an additional 1.7 miles of~~ trails outside of parks to meet the adopted minimum level of service, ~~by 2006~~.

~~**T-3:** Work with College to provide a Golf Course Trail extension through the Edmonds Community College campus, during their master planning process.~~

**T-43:** Plan for the future northward extension of the Scriber Creek Trail to generally follow the creek route, from Scriber Lake Park north to the Meadowdale area and Lund's Gulch, by 2005.

**T-54:** Provide improvements to the Interurban Trail to include trailheads, enhanced landscaping, signage and historic markers, ~~by 2003~~.

**Policy T-54.1:** Support interjurisdictional efforts to provide consistent and aesthetic improvements along the length of the Interurban Trail.

**Policy T-54.2:** Promote trail safety through signage and educational activities for pedestrians and bicyclists.

~~**T-65:** Support Public Works in development of a pedestrian Design and construct Interurban Trail bridge crossing at 44<sup>th</sup> Ave. and provide complete "missing link" in Interurban Trail between 40<sup>th</sup> Ave. and 44<sup>th</sup> Ave, by 2006.~~

**AC-1:** Work with Community Development to identify parks and open space sites, related improvements, and implementation strategies for the City Activity Centers and City Center plans.

**IC-1:** ~~Develop a~~ Partnership with Edmonds School District to improve selected existing school recreation site for shared school/park use, ~~by 2002~~.

**IC-3:** Pursue a cooperative planning efforts with Snohomish County in the urban growth area to provide parks and open space in and future annexation areas. Annually review potential parks and open space sites, and related facilities needed in these areas to provide the recommended level of service. Seek equitable methods of acquisition and development of these sites, facilities and activities.

**ME-1:** Update parks, facilities and programs in accordance with public input and survey results. Develop and conduct a parks, recreation facility and open space survey in 2002 for public distribution. Establish an annual monitoring and evaluation program through surveys and public meetings.

**Policy ME-1.1:** Update parks, facilities and programs in accordance with public input and survey results.

**Policy ME-1.21:** Encourage community input by providing opportunities for public involvement in park, recreation and open space planning.

**ME-2:** Complete 5-year update of the Parks and Recreation Comprehensive Plan, in accordance with the City Comprehensive Plan and State Interagency Committee for Outdoor Recreation (IAC) guidelines, by 2002.

**ME-3:** Develop a Continue public information program to increase public awareness of the City's parks, recreation and open space system, by 2002.

### **Approval Criteria:**

The following criteria are contained in the Implementation Element of the Lynnwood Comprehensive Plan and should be used by the Planning Commission and City Council when processing the proposals.

A proposal can be approved only if it meets all of the following criteria:

- A. The proposal is consistent with the provisions of the Growth Management Act and will not result in Plan or regulation conflicts.**
  - No apparent conflict with GMA.
- B. The proposal will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, or residents.**
  - These are citywide Plan policy amendments. Most of the amendments will have no immediate impact on any specific sites. Those sites or areas that are effected are not expected to suffer and significant adverse impact on sensitive land uses, businesses, or residents.
- C. The proposed amendment can be accommodated by all applicable public services and facilities, including transportation.**

- The proposed amendments are not anticipated to have any negative impact on public services and facilities, including transportation.

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

- Many of the proposed amendments are simply changing the timing of completing the objectives contained with the Plan. Completing the objectives, even if delayed by a year or two, still helps to implement the goals and policies of the Plan.
- Where new or amended policy statements are being proposed these are consistent with currently adopted goals, objectives, and policies of the Plan.

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

- No significant impacts beyond the City limits are anticipated.

**Staff Conclusions and Recommendations:**

- The proposed amendments to the objectives of the Land Use and Transportation Elements are to adjust the timing of work.
- The proposed amendments to the objectives of the Parks and Recreation Element are to adjust the timing of work, to add some new objectives, and to rewrite other objectives.
- The proposed amendments to the Implementation Element carry forward proposed amendments to the Land Use, Transportation, and Parks and Recreation Elements, and also include amendments to the Implementation objectives.
- These amendments are consistent with the goals, objectives, and policies of the Lynnwood Comprehensive Plan and staff recommends that the Planning Commission support these amendments.

## **C. Environmental Resources Element Update:**

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Applicant: City of Lynnwood

Contact: Darryl Eastin, Dept. of Community Development

Location: Citywide

Description: The first edition of the Environmental Resources Element didn't include some existing City policies contained in the Lynnwood Municipal Code. This update of the Element incorporates the omitted existing City policies and suggests new policies and enhancements of some existing policies. The entire Environmental Resources Element with all the proposed amendments is included as an attachment to this staff report.

### **Approval Criteria:**

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The following criteria are contained in the Implementation Element of the Lynnwood Comprehensive Plan and should be used by the Planning Commission and City Council when processing this proposal.

A proposal can be approved only if it meets all of the following criteria:

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

- These are citywide Plan policy amendments. Most of the amendments will have no immediate impact on any specific sites. Those sites or areas that are effected are not expected to suffer and significant adverse impact on sensitive land uses, businesses, or residents.

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

- The proposed amendments are not anticipated to have any negative impact on public services and facilities, including transportation.

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

- Where new or amended policy statements are being proposed these are consistent with currently adopted goals, objectives, and policies of the Plan.

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

- No significant impacts beyond the City limits are anticipated.

## **Staff Conclusions and Recommendations:**

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- Many of the proposed amendments to the Environmental Resources Element are for the purpose of including current City policies which are contained within the Lynnwood Municipal code. Other amendments are proposed enhancements of current Plan policies, and some are entirely new policies.
- The Planning Commission should support all the proposed amendments which are simply the restatement of current City policy.
- The Planning Commission should give close review to all the proposed amendments which are enhancements of current Plan policies or are entirely new policies.

## **Attachments:**

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1. Implementation Element, as Amended
2. Environmental Resources Element, as Amended

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# IMPLEMENTATION ELEMENT

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## INTRODUCTION

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While implementation is not one of the mandatory comprehensive plan elements under the Growth Management Act, implementation is an essential part of the planning process. It makes no sense to make plans with no thought given to making those plans become reality. Implementation is the follow-through and the completion of the process. This implementation element will help describe how planning proposals will be carried out and provide the means to do so.

The essence of city planning is the making of land space allocation decisions concerning various human activities and land uses. While the space allocation decision-making process is regulated by governmental action, the actual development actions and uses are predominantly within the private sector. So, implementation of the Comprehensive Plan is achieved in large measure by the private sector under governmental guidance.

The public sector is also a significant user of land space and provider of essential public services. The decisions on public land space use and public service delivery have a significant impact on private development decisions. So, assuring consistency of public investments in essential public services and public land uses with the Comprehensive Plan is essential to effective Plan implementation.

While there are many factors involved in implementing a Comprehensive Plan, there are two basic tools available to government – regulation and public investment. Through a variety of legal instruments, government regulates the development and use of private property. And, through various public investments (streets, water system, sewer system, storm drainage, parks, public buildings, etc.) government influences and makes possible private development opportunity.

The Implementation Element deals with the foregoing two basic tools of implementation and subparts thereof. In the following pages, the Implementation Element is described. First, the goals and objectives of implementation are presented. Then certain aspects of the implementation program are described in some detail.

This Implementation Element is a summarization of many activities, some currently in place and others new, that will work in a coordinated and integrated process to achieve implementation of the Comprehensive Plan.

## **GOALS, OBJECTIVES & POLICIES**

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### **GOAL:**

**A coordinated action program that integrates a full range of activities and results in achievement of the Vision, Goals, Subgoals, and Objectives of the Comprehensive Plan.**

### **Subgoal I-1: Development Regulation**

**Assure that the system of development regulations integrates a full range of methods in an understandable and user-friendly way and is consistent with the Comprehensive Plan.**

#### **Objectives:**

- I-1.1:** The Community Development Department will complete the revision of the Subdivision Ordinance and present it to the Planning Commission for review by April 30, 2002.
- I-1.2:** The Community Development Department, with consultant assistance and budgeted funds, will complete a draft design review ordinance (including design standards and a process for design review) by July 1, 2001. Done
- I-1.3:** The Community Development Department will complete a total review and revision of the Zoning Ordinance and present it to the Planning Commission for review by ~~April 30, 2002~~ October 31, 2003.
- I-1.4:** The Community Development Department and the Public Works Department, with assistance from legal counsel, will assure that all development regulations of the City are in compliance with the requirements of the 4(d) Rule issued by the National Marine Fisheries Service under the Endangered Species Act by September 1, 20025.
- I-1.5:** The Community Development Department will assure that all development regulations of the City are in compliance with the Interlocal Agreement to Implement a Common Siting Process for Essential Public Facilities by September 1, 20023.
- I-1.6:** Achieve and maintain a process for review and action on development applications that is shorter than the average for all central Puget Sound cities.
- I-1.7:** Study the existing tree preservation ordinance, identify deficiencies, and revise as necessary to provide for an enforceable tree preservation process, by September 1, 20023.

### **Subgoal I-2: Development Assistance**

**Assure that a program of assistance is provided to the general public and the development community that provides effective guidance from the concept stage of development through the decision and implementation stage.**

#### **Objectives:**

**I-2.1:** Continue the economic development program and enhance its function to include the provision of information and assistance needed to attract and retain local businesses and employment.

**I-2.2:** Continue to improve the effectiveness of pre-application development assistance.

**Policy I-2.2.1** Continue to improve the City's Development Assistance team, composed of staff from various City departments.

**Policy I-2.2.2** Prepare a series of brief and easy to read development guides that summarize the important parts of the development regulations and the steps through the development review process.

**Policy I-2.2.3** Provide development assistance 24 hours a day and 7 days a week (24/7) by making all plans, ordinances, zoning maps, guides, and applications available on the City's internet website.

**Policy I-2.2.4** Provide computer terminals at key service counters for use by the public in accessing City information.

### **Subgoal I-3: Urban Redevelopment**

**Assure that the City takes full advantage of all redevelopment techniques available under current state law and work to expand the list of techniques.**

#### **Objectives:**

**I-3.1:** Prepare, with consultant assistance, and adopt by December 31, 2002~~3~~, a subarea plan for a portion of the Subregional Center area with the objective of creating an identifiable downtown.

**I-3.2:** Work cooperatively with the Public Facilities District to assist in the review of proposals and alternatives, project selection, and design for future redevelopment projects within the District's jurisdiction.

**I-3.3:** The Dept. of Community Development will complete a study of the area along the west side of Highway 99 between 180<sup>th</sup> St. SW and 186<sup>th</sup> St. SW to determine possible site contamination and remediation needs, and propose a plan for redevelopment by Dec. 31, 2003~~5~~.

**I-3.4:** Continue to assess all legal mechanisms available to encourage redevelopment and determine what more the City could be doing.

**I-3.5:** Propose an enhanced program of redevelopment assistance for inclusion in the Economic Development Element of the Comprehensive as an annual amendment.

**Subgoal I-4: Capital Investments**

**Assure that all capital investments made by the City are consistent with the Comprehensive Plan's Goals, Objectives, and Policies.**

**Objectives:**

**I-4.1:** Continue the preparation of annual Capital Facilities Plan updates and assure consistency with the Comprehensive Plan.

**I-4.2:** Continue to develop the process of performance budgeting and assure that the City's annual budget is consistent with, and helps implement, the Comprehensive Plan.

**Subgoal I-5: Service Programs**

**Assure that all City service programs are in compliance with and consistent with the Comprehensive Plan's Goals, Objectives, and Policies.**

**Objectives:**

**I-5.1:** Review City service programs for Plan consistency through the annual budgeting process and at the time of periodic program review and modification.

**Subgoal I-6: Coordination**

**Assure that implementing actions and programs are well coordinated internally (intracity) and externally (interjurisdictional) and are in compliance with and consistent with the Comprehensive Plan.**

**Objectives:**

**I-6.1:** The Community Development Department will continuously monitor the key plans and programs of the State, Snohomish County, and surrounding jurisdictions and continue to coordinate implementation actions and programs in ways that will assure Plan compliance with minimal conflict.

**Subgoal I-7: Annexation and Growth Management**

**Assure that annexation and growth management are consistent with the Comprehensive Plan.**

**Objectives:**

- I-7.1:** Continue to participate in the Municipal Urban Growth Areas (MUGA) study process and work toward agreement with surrounding cities and Snohomish County on urban growth and annexation areas for Lynnwood.
- I-7.2:** Based on the MUGA study, and subsequent more detailed study of costs and benefits to the City of Lynnwood, revise the City's priority areas for annexation.
- I-7.3:** Adopt specific annexation review criteria by Dec. 31, 2002~~3~~, that will more easily determine the likelihood of the City's approval of an annexation request and which will expedite the annexation process.
- I-7.4:** Affected City departments will continue to comment on development proposals within the unincorporated Lynnwood UGA and encourage their compliance with City standards and guidelines.

**Subgoal I-8: Plan Monitoring and Amendment**

**Assure effective Plan implementation through continuous monitoring of the progress and performance in achieving the measurable objectives of the Plan, and through adjustments thereto, as may be necessary, through the annual Plan amendment process.**

**Objectives:**

- I-8.1:** Establish an interdepartmental staff team that will evaluate the progress of Plan implementation, during the annual Plan Amendment process, and report the results to the Planning Commission, Mayor and City Council.
- I-8.2:** Establish a five-year Plan Implementation Program that includes all measurable objectives intended for completion within that time period, for purposes of annual work scheduling and budgeting.
- I-8.3:** Streamline the process for the annual review and update of the Comprehensive Plan through amendments to Title 18 (Planning) of the Lynnwood Municipal Code. Done
- I-8.4:** Assure that the Comprehensive Plan is updated and kept in conformance with the requirements of the Growth Management Act.
- I-8.5:** Review and adjust amendment review criteria and the City's review process to assure that all requested amendments to the Comprehensive Plan and Zoning Map are consistent with each other and with applicable State and local requirements.
- I-8.6:** Establish a Quality of Life Index for the monitoring of key benchmarks that can be used to measure the improvement and/or deterioration of Lynnwood as a place to live, and which will include the health of our natural environment. [2002 amendment]

## PLAN AMENDMENTS

### Timing of Amendments:

The Comprehensive Plan may be amended no more frequently than once per calendar year, in accordance with the City's established process. Since some Plan amendments may have financial implications, the City's Plan amendment process should be scheduled and completed early enough to allow the inclusion of financial adjustments in the City's annual budget process.

The following guidelines will assist the City in processing Plan Amendments:

1. State law requires that all Plan amendment proposals be considered and acted upon concurrently (in a package) so that their cumulative effects can be ascertained.
2. The Comprehensive Plan is intended to be a 20-year Plan. There should be no need for extensive amendments each year.
3. Annual amendments should consist of relatively minor site specific land use adjustments, text/policy revisions, etc.
4. Major changes to visions, goals, land use designations, or other aspects that might have citywide impacts usually require more extensive study and public input and, therefore, should be placed on a docket for the next five-year update.
5. Plan Amendments should be processed early enough to allow City Council approval of the revised Capital Facilities Plan Element prior to consideration of the annual update of the Capital Facilities Plan (6-year program), which is directly related to the Plan element.
6. Plan Amendments should be processed expeditiously and completed early enough to allow any related financial implications to be considered in the annual budget process. The following schedule should be generally followed:

- January:** Public notification that the City is accepting applications and suggestions for Comprehensive Plan Amendments and that the deadline for submittals is April 1.
- April:** Planning Commission reviews all applications and suggestions for Plan Amendments, conducts a public hearing, and recommends a Study List of "suggested" amendments for the City Council's consideration. [All applications will be processed]
- May:** City Council reviews the Commission's recommendations, adjusts the Study List, and directs staff to process the approved list.
- June/July:** Processing of applications, SEPA review, and 60-day review by state agencies and surrounding jurisdictions.
- August:** Planning Commission conducts public hearing(s) on all proposed amendments and forwards recommendations to City Council.
- September:** City Council conducts public hearing(s) and adopts amendments.

- December:** City Council adopts budget which incorporates any financial adjustments resulting from the approved Plan amendments, and the annual revisions to the Capital Facilities Plan, consistent with the Comprehensive Plan amendments that were adopted earlier.
- January:** Public notification of the approved changes and announcement of the next year's Plan Amendment process.

The City should ensure that provisions for the joint City/County consideration of Plan amendments of mutual concern within the Urban Growth Area are included in the Urban Growth Management Agreement (UGMA), or other appropriate agreement.

### **Off-schedule Plan Amendments:**

- **Emergency:** The Comprehensive Plan may be revised or amended outside the normal schedule if findings are adopted to show that the amendment is necessary, due to an emergency situation of a neighborhood- or community-wide significance and not a personal emergency on the part of a particular applicant or property owner.
- **Subarea Plans:** The Comprehensive Plan may be amended through adoption of a subarea plan at any time, provided the subarea plan complies with GMA, is consistent with City objectives and other requirements, and does not result in changes to Comprehensive Plan land use designations on specific properties. [2002]
- **Annexation:** Plan and zoning amendments related to annexations may be considered during the normal annexation process and need not be coordinated with the annual plan amendment schedule.
- **Council Approval:** The nature of any emergency or request for an off-schedule Plan Amendment shall be explained to the City Council, which shall decide whether or not to allow the proposal to proceed ahead of the normal amendment schedule.

### **Criteria for Approval of Plan Amendment Requests:**

Each component of a Comprehensive Plan Amendment package shall be reviewed and approved only if it meets all of the following criteria:

- The proposal is consistent with the provisions of the Growth Management Act and will not result in Plan or regulation conflicts; and
- The proposal will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, or residents; and
- The proposed amendment can be accommodated by all applicable public services and facilities, including transportation; and
- The proposal will help implement the goals and policies of the Lynnwood Comprehensive Plan; and
- If the proposal could have significant impacts beyond the Lynnwood City Limits, it has been sent to the appropriate Snohomish County officials for review and comment.

## PLAN/ZONE CONSISTENCY

The Comprehensive Plan is the City's plan for the next twenty years. To work properly, other development regulations must be consistent with the Plan, as required by the Growth Management Act. Zoning adjustments are usually necessary following adoption of a new Plan to ensure that changes in the Plan will be implemented through zoning.

The following table is intended to provide assistance in achieving and maintaining Plan/Zone Consistency. It can be used as a guide when applying zoning to implement the Comprehensive Plan and when reviewing a rezone request for Plan consistency.

### PLAN/ZONE CONSISTENCY

Comprehensive Plan	Consistent Zoning
<b>SF-1</b> – Low-density Single-family	<del>RS-12</del> – Suburban Residential <del>RS-9</del> – Residential <del>RS-8L</del> – Residential Low-density Single-family
<b>SF-2</b> – <del>High</del> <u>Medium</u> -density Single-family	<del>RS-7M</del> – Residential <u>Medium-density</u> Single-family
<b>SF-3</b> – <u>High-density</u> Single-family	<b>RSH</b> – High-density Single-family
<b>MF-1</b> – Low-density Multi-family	<del>RMD</del> – Duplex Multi-family <b>RML</b> – Low-density Multi-family
<b>MF-2</b> – Medium-density Multi-family	<b>RMM</b> – Medium-density Multi-family
<b>MF-3</b> – High-density Multi-family	<b>RMH</b> – High-density Multi-family <del>RMHR</del> – High Rise Multi-family
<b>MU</b> – Mixed Use	<b>MU</b> – Mixed Use <b>CDM</b> – <b>College District Mixed Use</b> <b>PCD</b> – Planned Commercial Development
<b>LC</b> – Local Commercial	<b>B-4</b> – Restricted Business <del>BN-B-3</del> – Neighborhood Business <del>BC</del> – Community Business
<b>CC</b> – <b>Community Commercial</b>	<b>B-2</b> – <b>Limited Business</b>
<b>RC</b> – Regional Commercial	<del>BC-B-1</del> – Community Business <b>CG</b> – General Commercial <del>C-2</del> – Highway Services <b>PCD</b> – Planned Commercial Development
<del>OC</del> – Office Commercial	<del>B-2</del> – Limited Business
<b>BT</b> – Business/Technical	<b>BTP</b> – Business/Technical Park
<del>LI</del> – Light Industrial	<b>LI</b> – Light Industrial

<b>PF</b> – Public Facilities	<b>P-1</b> – Public Use
<b>PRO</b> – Parks, Recreation, and Open Space	<b>P-12</b> – Public Use

The Plan designations provide general long-range guidance for land use and development. Zones are tools for specific area implementation. In some cases, such as a mixed use Planned Unit Development, different zones may be used in combination within a single Plan designation, such as "Mixed Use" in this example. Some zones may be consistent with more than one Plan designation, depending on their applications.

## URBAN GROWTH POLICIES

In the mid-1990s, Lynnwood amended its Land Use Element to include a map depicting a two-tier urban growth strategy:

- **Priority #1 Planning & Annexation Area:**  
This includes an area extending northward to 148<sup>th</sup> Street and eastward across I-4 and I-405 to Larch Way and Martha Lake. This is the area within which the City anticipated most annexation activity within the first ten years of this planning period (2000-2010).
- **Priority #2 Planning & Annexation Area:**  
A much larger area, and possibly the City's ultimate UGA, was represented by the second phase. It extends to Mill Creek on the east and Everett and Mukilteo on the north and includes approximately 17 square miles of area, about 2.5 times the size of the Lynnwood today. A 1992 population estimate for this UGA was 43,225. That included the unincorporated areas but not the City of Lynnwood.

Snohomish County has the responsibility of establishing Urban Growth Areas, with input from the cities. However, the process of assigning specific areas to each city was not completed. The result was that several cities were occupying the same UGA. This resulted in confusion in planning for growth and the provision of utilities and services.

Lynnwood's growth plans overlap those of Mill Creek, Everett, Mukilteo, Edmonds and Brier. Bothell also has an interest in a portion of the disputed territory. In an effort to end the confusion, the City of Lynnwood joined other cities of Southwest Snohomish County in a "Municipal Urban Growth Area" (MUGA) study to determine the most appropriate urban growth area for each city, based on a number of criteria.

When all the UGAs are defined, coordinated and adopted, each city will be better able to plan ahead for its future growth and annexations and also in a better position to negotiate mutual design and development standards and permitting procedures with the County and special districts.

Following a two-year study of municipal urban growth areas (MUGA), the Lynnwood City Council decided to adopt its Priority #1 Planning and Annexation Area as the City's MUGA boundary. [2002 amendment]

## **ANNEXATION POLICIES**

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On December 23, 1996, the Lynnwood City Council passed Resolution No. 96-21, adopting guidelines for evaluating proposed annexations, as directed by 1995 Comprehensive Plan Policy 17.2.

The "Annexation Evaluation Guidelines" include specific criteria within the following major categories:

- General
- Community Identity and Support
- City Services
- Costs and Revenues
- Economic Development
- Housing
- Parks, Recreation and Open Space
- Community Development and Land Use
- Public Safety
- Streets and Transportation
- Capital Facilities and Utilities



*Lynnwood Comprehensive Plan*  
**Five-year Implementation Program**

Obj. or Policy	Activities	Completion Targets				
		2004	2005	2006	2007	2008
<b>Public Works Department</b>						
<b>T-7</b>	Completion of video detection equip.		◆			
<b>T-9</b>	Begin traffic simulation testing alternative routes. (done)					
<b>T-13</b>	Work with transit providers for procedures for transit signal priority.	ongoing				
<b>T-16</b>	Develop an integrated non-motorized transportation system.	◆				
<b>T-21</b>	Develop a new LOS system and related model.		◆			
<b>T-27</b>	Establish, review and maintain construction standards. (done)					
<b>I-1.4</b>	Assure development regulations compliance with ESA.		◆			
<b>I-1.7</b>	Study and revise tree preservation ord. to provide enforceable process.	◆				
<b>Community Development</b>						
<b>LU-2</b>	Update land use regulations for development in mixed-use districts.	◆				
<b>LU-3</b>	Establish criteria to guide mixed-use overlay districts.	◆				
<b>LU-4</b>	Prepare a handbook for site design and buffering of uses.		◆			
<b>LU-5</b>	Amend development regulations for consistency between densities and Plan standards.	◆				
<b>LU-6</b>	Develop maximum permissible development densities for the City Center Master Plan.	◆				
<b>LU-7</b>	Establish maximum densities for Subregional Center planning area.	◆				
<b>LU-9</b>	Prepare market analysis of probable land needs over next ten years.		◆			
<b>LU-10</b>	Prepare a schedule of public improvements for College District.	◆				
<b>LU-11</b>	Schedule additional work to be done to complete the Park Central Plan				◆	
<b>LU-12</b>	Propose zoning, transp., access, and other adjustments in Subregional Cntr.	◆				
<b>LU-13</b>	Adopt subarea plan and zoning for new City Center.	◆				

Obj. or Policy	Activities	Completion Targets				
		2004	2005	2006	2007	2008
<b>LU-14</b>	Review development and aesthetic qualities of the SR 99 corridor and a course of action to improve the area.		◆			
<b>LU-15</b>	Submit a proposal for improvement plan for the 196 <sup>th</sup> Street corridor.			◆		
<b>LU-18</b>	Establish the purpose and function of neighborhood planning areas.	◆				
<b>LU-19</b>	Establish neighborhood planning boundaries.	◆				
<b>LU-20</b>	Develop sample by-laws and procedures for neigh. planning orgs.		◆			
<b>LU-21</b>	Begin two pilot neighborhood planning organizations.		◆			
<b>LU-22</b>	Prepare socio-economic profile and survey of housing conditions for the two pilot neighborhoods.		◆			
<b>LU-23</b>	Prepare neighborhood renewal plans for the pilot neighborhoods.			◆		
<b>LU-24</b>	Complete mapping and analysis of environmentally sensitive areas in UGA.		◆			
<b>LU-25</b>	Prepare Environmental Element for Comp. Plan. (done)					
<b>LU-28</b>	Rewrite development regs. to assure consistency w/ Comp. Plan. (done)					
<b>LU-29</b>	Participate in MUGA process and reach mutual agreement by. (done)					
<b>H-1</b>	Establish citywide program for neighborhood preservation.		◆			
<b>H-2</b>	Provide program of incentives for dev. of vacant lots and redevelopment.	◆				
<b>H-5</b>	Prepare and adopt a master plan for a new City Center.	◆				
<b>H-8</b>	Develop an awareness program for housing programs.		◆			
<b>E-2</b>	Adopt min. development stds. for commercial and industrial dev.		◆			
<b>I-3.3</b>	Study property on west side of SR99 between 180 <sup>th</sup> and 186 <sup>th</sup> to determine remediation needs and propose a redevelopment plan.		◆			
<b>Parks &amp; Recreation</b>						
<b>P-1</b>	Acquire Core park land in the city.	ongoing				
<b>P-2</b>	Acquire park land in the UGA for future development.	ongoing				
<b>P-3</b>	Acquire Tutmark Hill properties for community park in UGA.			◆		

Obj. or Policy	Activities	Completion Targets				
		2004	2005	2006	2007	2008
<b>P-4</b>	Plan and develop new parks and renovate existing parks.	ongoing				
<b>P-5</b>	Plan and develop Tutmark Hill community park in the UGA.					◆
<b>OS-1</b>	Acquire open space properties in Lund's Gulch, Swamp Creek, and Scriber Creek watersheds.	◆	◆			◆
<b>OS-2</b>	Develop Master Plan for Lund's Gulch.		◆			
<b>OS-4</b>	Provide passive rec. opportunities in acquired open space.	◆	◆			◆
<b>FP-2</b>	Complete Lynnwood Heritage Park.	◆		◆		
<b>FP-3</b>	Plan and construct multipurpose community center.	◆	◆			
<b>T-1</b>	Develop Non-motorized Transportation Plan and Trails Master Plan.	◆				
<b>T-2</b>	Develop additional trails outside of parks.	ongoing				
<b>T-3</b>	Plan for the northward extension of Scriber Creek Trail by 2005.		◆			
<b>T-4</b>	Provide improvements to Interurban Trail.	ongoing				
<b>T-5</b>	Design and construct Interurban Trail bridge at 44 <sup>th</sup> Ave., and complete trail between 40 <sup>th</sup> Ave. and 44 <sup>th</sup> Ave.		◆	◆		
<b>IC-1</b>	Partner with Edmonds School District to improve selected school recreation areas.	ongoing				
<b>ME-2</b>	Update Parks & Recreation Comprehensive Plan.		◆			
<b>ME-3</b>	Continue public information program to increase public awareness.	ongoing				
<b>HR-3</b>	Provide space to store and display cultural and historical resources	◆				

# ENVIRONMENTAL RESOURCES ELEMENT

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## **INTRODUCTION**

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Lynnwood is located on terrain characterized by gently rolling hills and valleys. Lund's Gulch is a prominent natural feature at the northwestern corner of the city and connects to the marine shoreline of Puget Sound.

The city is extensively developed and has few remaining "natural" or forested areas. A significant percentage of the city's land area is covered with buildings, asphalt and other impervious surfaces. Because of the large amount of commercial and multiple-family development, Lynnwood's proportion of impervious surface is higher than would be found in a community having less commercial development and mostly single-family homes.

Lynnwood is located within, or partially within, at least five watersheds: Swamp Creek, Scriber Creek, Lund's Gulch, Hall Creek and Puget Sound. Much of the environmentally sensitive land in Lynnwood is located along Scriber Creek and its tributaries. With Chinook salmon listed as a threatened species, and other valued species in danger of joining the list, protecting our remaining natural environment is an increasing concern as our community continues to grow and develop.

The quality of the environment that surrounds us is essential to maintaining a high quality of life for the citizens of Lynnwood. It is important to find new and innovative ways to preserve as much of the remaining natural environment as possible as new development occurs. Creative design with sensitivity to the natural environment will help reduce flooding, pollution and erosion; create habitat for plants and animals; and preserve the natural aesthetic values that often get lost in the urban scape.

## **GOAL:**

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The goal for the Environmental Resources Element of the Comprehensive Plan is:

**To minimize loss of habitat functions and to maintain, protect and enhance the functions of fish and wildlife habitat, water quantity and quality, wetlands and other water bodies; and to integrate the nonhuman natural environment with the urban environment.**

## **PLANNING CONTEXT**

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### **Growth Management Act (GMA)**

RCW 36.70A.070 requires at least the following mandatory elements:

- Land Use
- Housing
- Capital Facilities
- Utilities
- Transportation

GMA does not require an Environmental Resources Element. However, state planning goals do require the protection of the environment and the enhancement of the state's high quality of life, including air and water quality. In addition, the GMA requires that we protect sensitive areas, which include wetlands, aquifer recharge areas, fish and wildlife habitat areas, frequently flooded areas and geologically hazardous areas.

Each of the thirteen GMA planning goals was considered in the development of the City's Comprehensive Plan and this element of the Plan. Of those, the following goals were found to have the greatest and/or most direct influence on environmental matters and on the Environmental Resources Element:

**GMA Goal 2. Reduce Sprawl:** Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

**GMA Goal 6. Property Rights:** Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

**GMA Goal 7. Permits:** Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

**GMA Goal 9. Open space and recreation:** Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.

**GMA Goal 10. Environment:** Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

**GMA Goal 11. Citizen participation and coordination:** Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

~~**GMA Goal 13. Historic preservation:** Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.~~  
**(This goal is already in the Historical and Cultural Resources Element. Doesn't seem that relevant to Environmental issues.)**

### **Regional Planning Policies**

The Puget Sound Regional Council (PSRC) established a multi-county planning policy framework, *Vision 2020*, as the regional growth strategy. Implementation of these policies will create a regional system of central places framed by open space.

Environmentally healthy communities adjacent to open space represent the environmental piece of the vision. Important objectives of *Vision 2020* are to conserve farmlands, forests and other natural resources when possible. Other policies are intended to conserve and enhance natural resources, to retain open space, to conserve fish and wildlife habitat, to increase access to natural resource lands and water, and to provide recreational opportunities. The *Comprehensive Plan* of the City of Lynnwood is consistent with and furthers the regional plan.

### **Countywide Planning Policies**

The Natural Environment Element of the Snohomish County *General Policy Plan* addresses general environmental issues including: aquatic ecosystems; vegetation, fish and wildlife; flood hazards; geologic hazardous areas; air quality; energy; and noise.

The Comprehensive Plan of the City of Lynnwood also addresses these main themes and is consistent with the County's planning policies. In addition, it is the policy of Snohomish County to provide greenbelts and open space to provide separation from adjacent urban areas. The City will continue to work with the County on planning issues.

## **SUMMARY OF ISSUES**

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The environmental concerns, hazards, and resource-related issues in Lynnwood fall into the following categories: energy and water conservation, recycling and waste disposal, geologic hazards, water resources, fish and wildlife, trees and plant life, air quality, view protection, light pollution and noise pollution.

Each aspect of the Environmental Resources Element is interconnected with various aspects of other Comprehensive Plan elements. For example, trees cannot survive without the proper care of the soil. Fish cannot survive without proper care of water and stream habitat. Surface water and ground water are closely interconnected. Certain types of wildlife cannot survive without a network of open spaces and connecting corridors.

The goal of the element is to minimize loss of habitat functions and to maintain, protect and enhance the functions of fish and wildlife habitat, water quantity and quality,

wetlands and other water bodies; and to integrate the nonhuman natural environment with the urban environment.

## **ENVIRONMENTAL PROTECTION AND ENHANCEMENT**

Since local governments can affect the well being of their residents, they must consider the totality of the circumstances affecting the community. The City provides public facilities and services, and encourages development in appropriate locations and discourages development where conflicts or other problems might occur consistent with the Growth Management Act, Lynnwood's Comprehensive Plan and local development regulations.

Part of our responsibility is the protection and enhancement of the natural environment. We know that trees help filter and improve air quality, so we undertook a major review and update of our tree regulations in 2002 to find better ways to protect and preserve trees. A number of outside government agencies and organizations in addition to the City of Lynnwood are involved in protecting and enhancing the natural environment.

The city plays many different roles in preserving, protecting and enhancing the environment. It is responsible for complying with certain state and federal regulations that apply within the community. These regulations may require Lynnwood to undertake certain activities and manage its operations in ways that protect the environment.

The City is a regulator, effectively implementing and enforcing appropriate legal or regulatory requirements through land use and building codes. The City is also an educator that can teach by example. We show through our daily operations how to cost-effectively protect the environment. The City can promote knowledge and awareness of the personal choices and decisions that impact the environment.

Finally, the City can act as a catalyst for businesses and individuals to improve the environmental outcomes of their activities, by providing technical assistance and incentives for actions that contribute to our environmental goals.

### **Best Available Science**

The new section of the Growth Management Act, RCW 36.70A.172, requires the City to consider best available science in developing policies and development regulations to protect the functions and values of critical areas. The best available science requirement will help ensure that reliable scientific information is considered when cities and counties adopt policies and regulations related to the protection of critical areas. Science can play a central role in:

- Delineating the functions of critical areas and determining their value,
- Recommending strategies to protect their functions and values, and
- Identifying the risks associated with alternative approaches to their protection.

To be considered "best available science", valid scientific processes must be consistent with criteria set out in WAC 365-195-900 through WAC 365-195-925. Characteristics of a valid scientific process include *peer review*, *documented methodology* that is clearly

stated and able to be replicated, *logical conclusions and reasonable inferences*, *quantitative analysis*, information that is placed in proper *context*, and *references*.

## **CONSERVATION AND RECYCLING (NEW SECTION)**

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As an employer and as a provider of services, the City of Lynnwood has many opportunities to conduct its operations in an environmentally responsible manner. In carrying out its operations, the City can make choices that favor improvements in air and water quality and noise levels, conserve resources, preserve and enhance wildlife habitat, and minimize greenhouse gas emissions.

One of the best ways to have a positive impact on the environment is to promote the more efficient use of natural resources. The City provides leadership in a number of ways. For example, double-sided copying of reports, agenda, minutes, etc., reduces paper. The City also uses recycled products and recycles materials.

Lynnwood is also faced with the need to properly dispose of large quantities of packaging and products each year. The City should promote the reuse of these materials and recycle whenever possible, thus reducing the strain on natural systems caused by the producing and disposing of more products. The city also should continue to encourage residents and businesses to reduce waste and recycle in programs such as the Waste Prevention and Recycling Program.

As the population of the City and region grows, we will face increasing demands on water, energy and other resources. The City should encourage more efficient use of resources and create and continue effective reuse and recycling programs. Benefits from energy conservation include reductions in greenhouse gas emissions, additional water in rivers for wildlife and other uses, and reduction in other types of pollution.

## **NATURAL LANDSCAPE AND VEGETATION**

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*Existing ordinances administered by the building and engineering departments provide standards for safe development with respect to slope stability and the suitability of soil-bearing capacity for placement of structures. Development may comply with engineering standards yet fail to minimize the disturbance of existing vegetation, soils and natural landscape, thereby affecting the use and amenities of nearby properties and the community in general (for example, by use of retaining structures, a project may be "safe" even though the natural landscape and vegetation are greatly disturbed).*

## **GEOLOGIC HAZARD AREAS**

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### **Landslide Hazard Areas**

Landslides are a result of slope instability and loading which causes the slope to fail. Lynnwood is located in the Puget Lowlands, which generally are characterized by glacial soils on steep slopes. Glacial soils are prone to debris flows and shallow landslides. Lynnwood, however, contains few landslide hazard areas. Most areas of concern are located adjacent to Lund's Gulch.

The conditions that lead to landslides are usually predictable. Most damage in urban areas occurs on land that has shown past landsliding or recent instability. Planning to reduce landslide hazards involves the identification of hazardous slopes and an assessment of future hazards. Much of that work has already been done and mapped.

Development in areas of high landslide hazard potential should be avoided. The City's Sensitive Areas Ordinance regulates development in these cases and requires building setbacks from steep slopes. Site-specific buffers can be established on less hazardous sites to separate out the buildable lands. The type and extent of a buffer can be determined by geotechnical analysis, which measures the type and speed of the landslide, and distance of the deposition of material (CTED, 1999).

### **Erosion Hazard Areas**

Erosion involves the transport of soil by wind, water and other natural agents. Erosion hazard areas are generally identified as particular soil types that are likely to experience severe to very severe erosion hazards. These areas are generally associated with susceptible soil types, exposure to wind and water or steep slopes.

Development of these areas can cause extreme erosion problems which result in clogging streams, flooding nearby properties, smothering salmon eggs and other aquatic plants and animals. Sediment in streams also charges growth of algae that reduces water clarity and available oxygen.

A number of counties and cities have adopted guidelines for such areas, including increased storm water retention/detention requirements, seasonal clearing and grading restrictions and significant tree retention requirements.

The City of Lynnwood ensures the minimization of erosion during development through implementation of development regulations during plan review and the SEPA process, and through inspection of construction sites.

### **Seismic Hazard Areas**

Earthquakes occur with great frequency within the Puget Sound lowlands. Since 1840, over two hundred earthquakes have been strong enough to be felt in the Puget Sound Region. Most are small enough that we cannot feel them, but each is strong enough to weaken unstable and "fill" soils.

The United States is divided into seismic hazard zones based upon historic documents. These zones range from 1 to 4, with 4 representing the highest risk. Until 1994, the

Puget Sound area fell into category 3. Since 1994, the United States Geologic Survey has done extensive research on the lowland area and found that the risks are greater than they had first expected. This moved us into category 4, which means that the Lynnwood building code must have the highest standards.

The Lynnwood Sensitive Areas Map does not currently include Seismic Hazard Areas. The Snohomish County Sensitive Areas Ordinance includes Swamp Creek as an area that is especially prone to liquefaction. Swamp Creek lies outside of the Lynnwood City limits but within the urban growth area. Liquefaction hazard areas usually coincide with soft or loose saturated soils having a shallow ground water table. These areas are located mostly in river valleys and floodplains.

Considering earthquake hazards in land-use decisions can often reduce future earthquake damage. The use of appropriate engineering and construction design reduces the hazard, as well as involving communities in earthquake preparedness programs. The consequences of building in areas exposed to earthquake hazards should be a consideration in land use decision-making. Property owners in hazardous areas may be at greater risk of injury and loss during an earthquake (Division of Geology and Earth Resources, 1988). Developers must meet all building codes related to seismic events.

#### Frequently Flooded Areas

Flooding is often caused when eroded soil from cleared land or unstable slopes reduces a waterway's natural ability to disperse runoff. Construction and development within the floodplain is particularly damaging. Flooding can damage buildings within the floodplain and also destroy aquatic and riparian habitat. Persons living or working within the floodplain are at risk of injury from floods and from the diseases spread by floodwaters.

Construction within a floodplain also may harm neighboring properties. Buildings and embankments can backup water behind them, flooding neighboring properties. If floodwaters destroy a building or wash away materials stored on site, these materials can strike against other buildings or bridges within the flood plain and damage them.

Appropriate land uses within a 100-year flood plain (land that has a 1% chance of flooding each year) include open space, parks and other uses that don't involve buildings or storage of materials, etc. Pervious surfaces can better absorb extra water runoff. Lynnwood's mapped 100-year flood plain is located around Scriber Creek. The City participates in the National Flood Insurance Program which includes adoption and enforcement of an ordinance which regulates development within the 100-year floodplain.

## **WATER RESOURCES**

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Human activity in and near water bodies affects the quality of the water. Sources of water pollution that the city can influence and potentially regulate include storm water from



several non-point sources: automobile emissions; animal waste; rooftops; parking lots, streets, chemicals and sediment from landscaping and lawns; construction and industrial site run-off; and smaller discharges into storm drains, including their use for improper disposal of used oil and chemicals.

Lynnwood's water resources include all streams within the City, as well as Scriber Lake, Hall Lake and ground water. Streams, lakes and wetlands are impacted by urbanization. The City should protect, preserve and restore, where feasible, these areas in order to have them function in the most beneficial manner possible in an urban environment. In order to most efficiently manage these resources, they should be viewed as a whole and not as separate pieces (projects).

Historically, the modification and use of our water resources has caused flooding, erosion, degradation of water quality, loss of fish and wildlife habitat and a loss of aesthetic beauty. We can avoid repeating past mistakes through good responsible planning and implementation of effective regulations.

In 1972, Congress enacted the first comprehensive national clean water legislation in response to growing public concern for serious and widespread water pollution. The Clean Water Act is the primary federal law that protects our nation's waters, including lakes, rivers, aquifers and coastal areas.

The Clean Water Act's primary objective is to restore and maintain the integrity of the nation's waters. This objective translates into two fundamental national goals:

- Eliminate the discharge of pollutants into the nation's waters;
- Achieve water quality levels that are fishable and swimmable.

The Clean Water Act focuses on improving the quality of the nation's waters. It provides a comprehensive framework of standards, technical tools and financial assistance to address the many causes of pollution and poor water quality, including municipal and industrial wastewater discharges, polluted runoff from urban and rural areas, and habitat destruction. The Clean Water Act:

- Requires major industries to meet performance standards to ensure pollution control.
- Charges states, cities and tribes with setting specific water quality criteria appropriate for their waters and developing pollution control programs to meet them.
- Provides funding to states and communities to help them meet their clean water needs and protect valuable wetlands and other aquatic habitats through a permitting process that ensures development and other activities are conducted in an environmentally safe manner. (From Clean Water Act Summary, EPA)

The City will be required by the Clean Water Act as a Phase II city to meet the National Pollutant Discharge Elimination System (NPDES) stormwater standards. The standards require a stormwater program which includes public education, outreach and participation, illicit discharge detection and elimination, construction site stormwater runoff control, post-construction stormwater management, and pollution prevention for municipal operations. ~~Presently, the requirement is to submit an NPDES application by March of 2003.~~

The City also has a Comprehensive Flood and Drainage Management Plan, dated 1998, which describes the City's water resources and proposes solutions to identified problems with water resources.

## WATERSHEDS/STREAMS

Watershed management is an important part in preserving the environment. It reduces problems associated with flooding, sedimentation, erosion, and pollution resulting from the rapid growth in the Lynnwood area.

Over the years, most forested land and wetland areas have been converted to streets, parking lots, buildings and other impervious surfaces. Rainwater runs off these surfaces instead of soaking into the ground naturally.

Lynnwood has 18 major drainage areas, which feed several small creeks and lakes within the city. The tributaries of Swamp Creek (Scriber, Poplar and Golde Creeks) cover a major portion of the city.

In the Lynnwood stream rating system, Scriber Creek, Swamp Creek, Hall Creek and Lund's Creek are all Category I streams. The Sensitive Areas Ordinance requires buffers from the nearest development.

Category II streams, including Golde Creek and Poplar Creek, are smaller watercourses that are used by salmonids at any portion of the stream.

Category III streams are not used by salmonids in any portion of the stream.

The Washington State Department of Fish and Wildlife (WDFW) has recommended buffers much larger than those in Lynnwood's Sensitive Areas Ordinance. The City will consider WDFW's stream management recommendations when reviewing best available science on urban stream protection.

Additional information on the major watersheds within the City of Lynnwood (Scriber Creek Watershed, Hall Creek Watershed, Golde Creek Watershed, Poplar Creek Watershed, Swamp Creek Watershed, and Lund's Gulch Creek Watershed) can be found in *the Comprehensive Flood and Drainage Management Plan (1998)* and in *the Stream Habitat Analysis, dated October, 2000*.

### Impaired and Threatened Water Bodies

Every two years the state is required to identify its polluted water bodies and submit the list to the Environmental Protection Agency (EPA). These water bodies are those that do not meet state surface water quality standards. These standards are set so that water in our state can be used for fishing, swimming, boating, drinking, fish habitat and agricultural uses. Scriber Lake was listed on the Department of Ecology's Final 1998 List of Impaired and Threatened Water Bodies, the 303(d) list. 303(d) represents Section 303(d) of the Federal Clean Water Act. Scriber Lake was listed for failing to meet water quality standards in regard to total phosphorous. The EPA requires the state to set priorities for cleaning up impaired waters and establishes a Total Maximum Daily Load (TDML) for each. A TDML is a cleanup plan that analyses how much pollution a water body can handle and still remain healthy for the above uses. The TDML also includes recommendations for controlling pollution and monitoring the water quality.

Swamp Creek, which lies outside of the Lynnwood City limits, was listed along with Scriber Lake on the 1998 303(d) list of impaired waters. The creek failed to meet water quality standards regarding both fecal coliform and dissolved oxygen. In the 1994

Swamp Creek Management Plan (Sno Co) the creek was found to have poor suitability for recreational use. Fecal coliform levels are too high even for safe wading. The key findings and recommended actions of the Swamp Creek Watershed Management Committee (1994), especially concerning nonpoint pollution, are summarized in the *Background Report*.

## **Wetlands**

Not too long ago, wetlands were often viewed as undesirable mosquito-breeding swamps. Filling them in was considered "progress".

Today, we know that wetlands are transitional areas between aquatic and upland habitats. They include the presence of water, unique hydric soils and hydrophytic vegetation (plants adapted to growing in very wet conditions). And, they are vitally important.



Natural wetlands help clean and improve the water quality of surface water. They create detention areas for water overflow, keeping the land from flooding. They also provide habitat for many animal and plant species.

In 1989 there were 107 acres of wetlands in Lynnwood. Approximately 15 percent was open water, 3 percent palustrine emergent, 40 percent palustrine scrub/shrub, and 42 percent forested. Much of the wetland areas in Lynnwood are showing signs of degradation. Large impervious surfaces, parking lots, street run-off and other effects of nearby development are often the source of the problem.

Urbanization has affected both water quality and the functionality of our water resources. Preserving more wetlands could reduce flooding problems in and around Lynnwood while improving water quality and wildlife habitat areas.

One of the best opportunities for preserving wetlands is during the process of subdividing land. Lynnwood's Sensitive Areas Ordinance already requires that existing wetlands be set aside or otherwise carefully treated during the planning and development process. The Sensitive Areas Ordinance offers a buffer credit which allows more development density. Other opportunities are available beyond the requirements of code which could be considered, including clustering of new development on smaller lots, transferring density to another part of a site, or offering density bonuses for innovative conservation applications.

The City should promote various ways to preserve wetlands as well as the economic value and development potential of the land. The wetlands of highest value can be read about in more detail in the Lynnwood Comprehensive Flood and Drainage Management Plan. Information on the major wetlands within the City of Lynnwood (North Scriber Creek Wetland, Scriber Creek Wetland, Scriber Lake Park Wetland, Hall Lake Wetland, and the 44<sup>th</sup> and I-5 Wetland) also can be found in the *Background Report*.

### Wetland Retention

It is important to preserve wetlands to protect water quality, riparian zone restoration, tree planting and other enhancements.

- Support property tax relief to landowners with wetlands on their property so that they are not taxed as though the whole property is developable.
- Allow for increased density for portions of upland areas in exchange for protecting wetland buffer zones.
- Support actions of local Land Trusts to protect local areas through conservation easements and/or acquisitions.
- Discourage development in and near wetlands through critical areas ordinances.
- Acquire wetlands, when feasible, to provide open space, recreational opportunities, and preserve biological diversity.

### Buffers

The Sensitive Areas Ordinance sets standard buffer widths for wetlands. The Washington State requirement to update critical area ordinances using Best Available Science will necessitate Lynnwood to reassess its buffer widths. Ultimately, buffers need to be wide enough to provide adequate protection to wetlands. At the same time, there is an optimum width of buffer that provides adequate protection, but still allows practical use of the adjacent land.

### Wetland Mitigation

Mitigation is required by the Sensitive Areas Ordinance, or by the Army Corps of Engineers on jurisdictional wetlands when a development creates loss of stream system or wetland functionality. It refers to actions required or recommended to avoid or compensate for impacts to habitat other aquatic resources. Mitigation can be on-site, in-kind, off-site, or out-of-kind. A detailed explanation concerning mitigation can be found in the *Background Report*. Mitigation should be considered and implemented in the following order of preference. ~~Complete mitigation is achieved when these elements~~ to ensure no loss of habitat, fish or aquatic resources.

- Avoiding the Impact
- Minimizing the Impact
- Compensating for the Impact (through creation, restoration, enhancement of similar resource areas)

### GROUND WATER

Ground water is the water present underground in the tiny spaces in rocks and soil. Underground areas where ground water accumulates in large amounts are called aquifers. Aquifers can store and supply water to wells and springs.

Most ground water moves slowly — usually no more than a few feet a day. Ground water in aquifers will eventually discharge to or be replenished by springs, rivers, wells, precipitation, lakes, wetlands, and the oceans as part of the Earth's water cycle.

Ground water accounts for over 95 percent of the nation's available fresh water resources, and is the drinking water source for half the people in this country. Many households, towns, cities, farms, and industries use ground water every day, or depend on lakes and rivers that receive part of their water supplies from ground water. In

Lynnwood, though, groundwater is not the source of our public water supply. Alderwood Water District does maintain an artesian groundwater well on 164<sup>th</sup> Street SW (outside of the City limits). The well does not tie directly into the water supply system, but it is open to any person who wants to come and fill containers. Studies by the District has shown that a portion of the aquifer recharge area extends into the City of Lynnwood.

A study done in 1997 by the US Geological Survey found that 94% of the ground water in South Snohomish County was considered soft to moderately hard. No appreciable widespread ground-water contamination was found at the time of the study, and most of the region's water quality problems were a result of natural conditions. Concentrations of arsenic, iron and manganese were the most widespread problems.

The population growth in Snohomish County has increased dramatically in the last 10 years and has affected the quantity and the quality of groundwater. Most ground water recharge in Snohomish County is from infiltration of precipitation, and impervious surfaces prevent infiltration. Consequently, there is less water available. Water quality has been affected by increased septic tank use, increased use of private lawn fertilizers, and increased industrial and commercial activities.

### **Stormwater**

Lynnwood is relatively rich in commercial and business development. Alderwood Mall, strip commercial areas and other business areas consist of large buildings served by expansive areas of paved parking. The result is a high percentage of impervious surface and excessive stormwater runoff in some areas of Lynnwood. Flooding, water quality degradation, and erosion of streambanks from increased flows have been a problem in some areas. Because Lynnwood is mostly built-out, it is not anticipated that drainage problems will increase much more beyond existing conditions.

Increased impervious surfaces and related frequency and severity of flooding are among the most severe causes of damage to salmon habitat in urban areas. The Washington State Department of Fish and Wildlife "strongly urges" Lynnwood to limit the amount of impervious surface area through regulations and/or incentives. Although Lynnwood has adopted a Comprehensive Flood & Drainage Management Plan (1998) and regulations to handle stormwater and protect critical areas, there are always opportunities for further improvement.

To decrease the effects of urban flooding and water quality degradation, the City has constructed, or participated in constructing large regional stormwater facilities. The Swamp Creek Regional Stormwater Facility, at the junction of I-5 and I-405, is about a 100-acre facility that was constructed with Snohomish County and provides flood attenuation for Swamp Creek. The North Scriber Regional Pond, located on 18 acres just west of SR 99 at 17nd Street SW, provides regional stormwater detention in the Scriber Creek basin.

The City also requires development to meet the stormwater detention and water quality requirements of the latest version of the Washington State Department of Ecology Stormwater Manual.

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## FISH AND WILDLIFE

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Wildlife diversity is often an indicator of the environmental health of the area. Protecting wildlife requires the protection of habitat and the creation and protection of wildlife corridors between habitat areas.

Wildlife habitat is judged to be fair to poor in Lynnwood, as it typically is in urban areas. Extensive wildlife corridors no longer exist. This creates a loss of biodiversity by generating areas too small for many species, which leads to interbreeding and disappearance of plants and animals. The Lynnwood Parks and Recreation Department has been working on a project to acquire lands surrounding Lund's Gulch Creek to create a habitat corridor. The City also has a Sensitive Areas Ordinance which requires critical areas to be protected and preserved when adjacent development occurs.

Through urbanization we have lost certain types of habitat that are critical for some species. This type of habitat is referred to as critical wildlife habitat, which the state and federal government has designated as endangered, threatened, sensitive, candidate or other priority species.

Use of Lynnwood's streams by anadromous fish species has been documented by Jones and Stokes Biologists in the Stream Habitat Analysis dated October 2000. The analysis verified that Lynnwood's streams do contain some fish habitat but also stressed that streams have experienced dwindling fish populations due to the effects of urbanization.

### Priority Habitat and Species of Concern

The Washington State Department of Fish and Wildlife (WDFW) publishes lists of priority habitat species (PHS) and species of concern (SOC). The PHS list includes habitats and species that need special consideration for conservation. Priority Species include all State Endangered, Threatened, Sensitive and Candidate species that are listed in the Washington Administrative Codes. Additionally, the PHS list includes vulnerable species that are susceptible to decline and those species that are of recreational, commercial or tribal importance. Priority Habitat includes habitats that harbor diverse or unique animal species or unique vegetation.

Lynnwood provides (or likely provides) habitat for the following species listed by the WDFW: **Great Blue Heron, Wood Duck, Columbian Black-tailed Deer, and Bald Eagle**. Additional information about these species is available in the Comprehensive Plan's *Background Report*. Other species that may occur in the Lynnwood area that are listed as Candidate or Threatened species include the following: **Little Willow Flycatcher, Northern Red-legged Frog and Spotted Frog**.

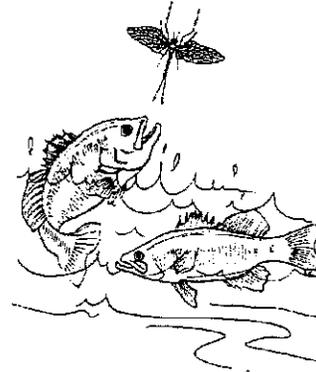
Other species of animals that have been seen by residents and biologists include raccoon, opossum, coyote, rabbit, squirrel, geese, muskrats, red winged blackbird, red tailed hawk, woodpeckers, numerous rodent species and passerine birds. Passerines include such bird species as finches, warblers, tanagers, wrens, swallows, nightingales, crows, vireos and flycatchers.

Only species that can tolerate an extensive amount of human disturbance and considerable noise will be unaffected by further development of forests, wetlands and riparian areas. Wildlife habitat has been found to be poor to fair within the study area (Lynnwood) (RW Beck, 1998) (Salmonid Habitat Assessment, Jones and Stokes, 2000). Extensive development has eliminated most of the suitable habitat. Extensive wildlife corridors no longer exist. Habitat is isolated and available to a very small number of wildlife.

## **Federal Threatened and Endangered Species**

### The Endangered Species Act (ESA)

"The purposes of (the) Act are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth in (the ESA)." (Endangered Species Act, Section 2, 5b).



### *Policy*

"(1) It is further declared to be the policy of Congress that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act.

(2) It is further declared to be the policy of Congress that Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species." (Endangered Species Act, Section 2, 5c).

The ESA prohibits the "taking," or harming, of protected species and their habitat. Violating this could leave the violator(s) open to federal fines and penalties.

The U.S. Fish and Wildlife Service listed Bald Eagles as threatened. In 1995 they were taken off of the Endangered Species List because of successful recovery. They have been seen on their migratory route in Lund's Gulch.

On July 10, 2000, the National Marine Fisheries Service (NMFS) published a final rule under Section 4(d) of the Endangered Species Act (ESA) which prohibits actions that take or harm certain Northwest salmonid species listed as threatened, including the Chinook salmon. Bull trout were also listed as threatened by the U.S. Fish and Wildlife Service. Coho, chum and sockeye salmon have been listed as threatened in other areas of the Pacific Northwest. Steelhead trout have also been listed as threatened, and according to NMFS they will be protected in a separate Federal Register document. Coho salmon have been recently seen in Lynnwood's streams and lakes, however the Puget Sound Coho are not currently listed as an endangered Evolutionarily Significant Unit (ESU), and therefore are not as high a priority as other salmonid ESU's.

Jones and Stokes Biologists completed a Salmon Habitat Assessment (2000) and found no presence of listed species in Lynnwood. Swamp Creek has historically

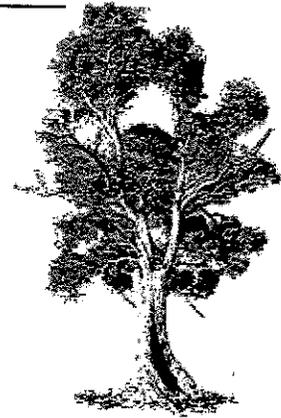
supported Puget Sound Chinook salmon that will be protected and steelhead trout that may soon be protected under a separate federal ruling.

## **TREE PRESERVATION**

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### **Preservation and Enhancement of Trees & Soils**

Trees are often seen as obstacles in the way of new development. Many people do not realize the importance of trees. They help moderate temperature, wind speed and reduce pollution in the air. They help to stabilize soil and prevent erosion and provide habitat for birds and animals. Trees clean the air and water, slow global warming, and increase aesthetics. Water transpires from trees and cycles through back into ground water.



Numerous studies have also linked higher home prices with the presence of trees on the site (Planning Advisory Service report 489-90).

Trees that live next to streams, lakes and wetlands provide important habitat. The trees shade the water and reduce temperatures. Trees also help slow stormwater and flooding during storms, therefore reducing erosion. Tree roots stabilize stream bank soils, and the leaves and insects falling off trees into the waterways provide food for fish and other creatures.

Preservation of a stand of trees instead of a few lone trees on a new development site significantly improves the trees' chances of survival. It has been proven that leaving lone trees where there once were many can cause more harm than good. When the trees are suddenly subjected to higher winds and root damage from the removal of surrounding trees they will be more likely to blow down in windstorms.

Replacement of trees removed from a site is another common form of urban forestry conservation. Furthermore, requiring more trees to be planted than were initially removed is legally enforceable because a large mature tree is generally considered to be worth more.

Deciding to preserve trees is only the beginning on a construction site. Careless construction activities can cause trees to eventually die anyway. Bulldozing, digging, or even driving large construction trucks over a tree's roots can result in death of the tree. Severe grade changes around trees can also be very harmful. Soil is also an important part of preserving trees, and often during construction the soil is compacted and cleared away. This causes trees to suffocate from lack of oxygen and nutrients in the soil.

After construction is over, it is important to maintain the preserved trees. The developer should replace preserved trees that die because of construction, and they should plan for the fertilization, irrigation and pruning of the living trees.

The City presently has a tree ordinance whose purpose is to preserve and protect significant trees. The ordinance is currently being rewritten to incorporate many of the ideas outlined above, understanding the City's other obligations, such as allowing properties to develop to urban standards. The draft emphasizes that trees saved during

development must be appropriate trees for long-term survival in the urban landscape. The draft code also requires replanting of appropriate tree species at a minimum ratio of 1:1, to provide no net loss of trees. The draft requires protection of significant trees during and after construction.

## **AIR QUALITY**

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Considering Lynnwood's high volumes of traffic, congestion and close proximity to major freeways, air quality is a concern, particularly at congestion points. Gasoline and diesel-powered vehicles and equipment are a large source of air pollution in Lynnwood. Air pollution also contributes to water pollution when rainwater picks up air pollutants and runs off into water bodies.

The City can take a lead role in encouraging other modes of transportation by using more efficient vehicles and alternative-fueled vehicles in its own fleet and by promoting transit use among its employees with transit subsidies and restrictive parking policies. While the city is not the regulator of automobile emissions, the City can encourage alternatives to gasoline powered automobile transportation by promoting improvements to the public transit system, increasing incentives for car-pooling, bicycling and walking, and by limiting the amount of parking that may be included in some new developments. The City can advocate with Community Transit and Sound Transit in designing public transportation systems and stations that help maximize the use of such systems.

The agency primarily responsible for monitoring and regulating air quality in this area is the Puget Sound Clean Air Agency. The city will cooperate with the Puget Sound Clean Air Agency to achieve high standards for air quality.

To measure existing air quality, DOE and Puget Sound Clean Air Agency (PSCAA) maintain a network of monitoring stations throughout the Puget Sound. Based on monitoring information, regions are designated as "attainment" or "non-attainment" areas for particular air pollutants. Once an area has been designated as a non-attainment area it is considered as an air quality "maintenance" area until attainment has been reached for 10 consecutive years. Southwestern Snohomish County, including Lynnwood, is currently classified as a "maintenance" area.

The amount of ozone, inhalable particulate matter (PM10) and carbon monoxide (CO) are growing in our environment. Population growth and dependence on motor vehicles affects Lynnwood's air quality more than any other factors. The areas in Lynnwood with the worst air quality are directly linked to high traffic volumes, specifically, 196<sup>th</sup> St SW, 200<sup>th</sup> Ave W, 44<sup>th</sup> Ave W and Highway 99.

### **Ozone**

Ozone is a highly reactive form of oxygen that is created by sunlight activated chemical transformations of hydrocarbons and nitrogen oxides in the air. The EPA designated Snohomish County as a non-attainment zone for ozone in 1990. Lynnwood is still regarded as a maintenance zone.

## Particulate Matter

There are two categories for measuring the amount of particulate matter in the air: particulate matter less than or equal to 10 micrometers in diameter (PM10) and fine particulate matter less than or equal to 2.5 micrometers in diameter (PM 2.5). Industrial activities, residential wood burning, and motor vehicle engines most commonly produce particulate matter. Lynnwood is part of a PM10 attainment zone and is expected to stay at attainment levels.

## Carbon Monoxide

Calculated Peak-Hour & 8 Hour CO concentrations		
Modeled Intersection	Time	1998 Existing Conditions
SR 99 & 196 <sup>th</sup> St SW	1 hour	13.2
	8 hour	<b>9.2</b>
48 <sup>th</sup> Ave W & 196 <sup>th</sup> St SW	1 hour	11.0
	8 hour	7.7
44 <sup>th</sup> Ave W & 196 <sup>th</sup> St SW	1 hour	13.2
	8 hour	<b>9.2</b>
37 <sup>th</sup> Ave W & 196 <sup>th</sup> St SW	1 hour	9.7
	8 hour	6.8
Alderwood Mall Pkwy & 196 <sup>th</sup> St SW	1 hour	12.6
	8 hour	8.8
44 <sup>th</sup> Ave W & 200 <sup>th</sup> St SW	1 hour	13.5
	8 hour	<b>9.5</b>

Note: Eight-hour concentrations were calculated from the modeled 1-hour CO concentration with a 0.7 persistence factor. Bold font represents a calculated CO concentration over the 8-hour ambient air quality standard of 9.0 ppm.

Carbon monoxide (CO) is a by-product of incomplete combustion, largely generated by motor vehicles and wood burning. Carbon monoxide is the pollutant of greatest concern because it is being emitted in the largest measurable quantity.

There are two air quality standards for CO, a 1-hour average of 35 parts per million (ppm) and an 8-hour average of 9 ppm. If these levels are exceeded more than once a year the attainment standard will be violated. Lynnwood is located within a CO maintenance area established in 1997. This requires the Department of Ecology and PSCAA to develop a work plan to comply with the standards. The intersections of most concern are 196<sup>th</sup> Street and Highway 99, 196<sup>th</sup> and 44<sup>th</sup> Ave, and 200<sup>th</sup> St and 44<sup>th</sup> Ave.

## Future Conditions

Washington's population is expected to increase by approximately 2.5 million people over the next 25 years. Traffic will grow with the increase of population, and with it motor vehicle emissions will cancel out air quality gains made in recent years, unless people stop driving and start using mass transit or we reduce the amount of motor vehicle emissions.

Tree preservation is an integral part of protecting air quality. Trees improve air quality by intercepting particles and removing gaseous pollutants. These pollutants include

nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), and particulate matter. Conservation of trees should be encouraged through City regulations and incentive mechanisms.

## **VIEW PROTECTION AND LIGHT POLLUTION**

Views may be protected through height restrictions, sign controls, view corridor requirements and landscaping regulations. View corridors are openings in the urban landscape that allow views of important features such as historical buildings, mountains, shorelines and parks. Lynnwood's topography provides limited views of the Olympic and Cascade Ranges and Mount Rainier.

View protection is often linked with the natural environment. Lynnwood's Tree protection ordinance plays a major role in both aesthetic value and natural resource protection. Trees provide beautification while helping to clean the air and stabilize the soil, but trees also block views if not carefully placed.

Roadway protection programs are also common, and usually restrict sign size, lighting (no neon or excessive bright light), and have minimum landscaping requirements. Lynnwood could select streets that have the best views to become street view corridors. Burying power lines could be a first step in improving the aesthetics of the chosen streets. Strict enforcement of sign codes, the prevention of cell towers in view corridors, and appropriate landscaping would also improve local views.

Glare is strong, steady light that extends beyond the area intended for illumination. Glare interferes with views and, in extreme cases, may interfere with the normal use of nearby properties. Night lighting is an important safety feature. However, lighting should be designed and directed to minimize glare. Night lighting is a necessity but, through good design and code enforcement, it's possible to maintain darker skies in the residential neighborhoods of Lynnwood and to enhance our views of stars and planets.

## **VIEW PROTECTION AND LIGHT POLLUTION**

~~Many cities have adopted a combination of ideas for protecting views, such as height restrictions, sign control, and landscaping regulations. View protection regulations can give a city government the power to enforce design regulations and other zoning codes that discourage unpleasant aesthetics on private as well as public property.~~

~~One approach to view protection focuses on view corridors, which are defined as openings in the urban landscape that allow quick or even more extended views of important features such as historical buildings, mountains and parks. In the City of Lynnwood our topography provides us with mountain vistas both of the Olympics and the Cascades, including Mount Rainier. Denver has an ordinance that requires that buildings not block views of the mountains from city parks and public places. San Francisco adopted height controls on buildings to prevent shadows in public plazas and parks at certain times of the day.~~

~~Another view protection program links view protection with the environment. Tree protection ordinances play a major role in both aesthetic value and natural resource protection. Trees provide both city beautification and cleaner air and stable soil.~~

~~Protecting views of mountains and the natural landscape can also work in conjunction with preserving wetlands and greenbelts. Many greenbelts occur on steep slopes, and regulating hillside development often involves both the protection of views and natural features in order to reduce erosion. Clearing and grading restrictions on slopes can also reduce erosion, while maintaining the visual quality of the hillside.~~

~~Roadway protection programs are also common, and usually restrict sign size, lighting (no neon or excessive bright light), and have minimum landscaping requirements. Lynnwood could select streets that have the best views to become street view corridors. Burying power lines would be the first step in providing the chosen streets with a better aesthetic. Strict sign codes and a restriction of cellular towers in view corridors would also be necessary, as well as additional landscaping.~~

~~Glare is strong, steady light that extends beyond the intended illuminated area. Glare interferes with views and, in extreme cases, may interfere with the normal use of nearby properties. Night lighting is an important safety feature and should be allowed, but lighting should be designed and directed to minimize glare. Lynnwood recognizes that night lighting is needed, but seeks to maintain dark skies in the residential areas of the community and to maintain views of stars and planets.~~

## **NOISE POLLUTION**

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Noise is a pollutant that can have a significant negative impact on humans and other animals. Excessive noise makes neighborhoods and communities less desirable and can cause deterioration of that neighborhood. Noise also impacts people's physical and mental health.

The City of Lynnwood needs to pay particular attention to noise levels within residential neighborhoods, in order to protect the residents' comfort and quality of life.

Neighborhood protection and enhancement are high priorities of the City Council (2001 and 2002), and are emphasized in the 2020 Comprehensive Plan.

The new College District Mixed-Use zone, if adopted as proposed, would allow a mix of residential, office and commercial uses. Design and development code provisions were drafted to control land uses, densities, design and construction to hold noise and traffic to acceptable levels.

Residential areas that are directly adjacent to commercial uses, industrial uses, I-5 or Highway 99 should have the benefit of more protection measures. Fences and concrete noise walls can greatly reduce sound, but the aesthetics of the community also needs to be preserved. When they are not designed with aesthetics in mind, concrete walls can produce a negative feeling of enclosure. Many cities abutting freeways work with the Dept. of Transportation to mitigate freeway noise while addressing aesthetic concerns.

In addition, building standards can be modified to require noise attenuating walls and windows to decrease noise impacts on adjacent residents.

## ***ENVIRONMENTAL HEALTH AND HAZARDOUS ACTIVITIES***

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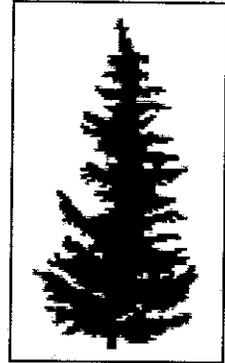
Most health-related services are provided by the Snohomish County health district which includes the City of Lynnwood. Activities that involve the use, processing and /or storage of hazardous materials are regulated by the Lynnwood Fire Department. Any activity with the potential to expose the public to health or safety hazards not covered by the regulations of the health department, fire department or other public agencies should be discouraged. Any permitted activity with the potential to expose the public to health or safety hazards should be carefully monitored.

## GOALS, OBJECTIVES AND POLICIES

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### GOAL:

**To minimize loss of habitat functions and to maintain, protect and enhance the functions of fish and wildlife habitat, water quantity and quality, wetlands and other water bodies; and to integrate the nonhuman natural environment with the urban environment.**



### Subgoal ER-1: Environmental Protection and Enhancement

**A city government that strives to reduce impacts to the environment, considers impacts of policy on the environment, leads educational programs about the environment, cooperates with government agencies on environmental issues, and strives to improve the City's achievement of environmental goals.**

**Objective ER-1.1** Meet all state and federal mandates regarding critical areas ordinances, such as the incorporation of best available science. The current compliance date for the state requirements is September 2004.

**Policy ER-1.1** In managing City government operations, take reasonable steps to reduce impacts to the environment.

**Policy ER-1.2** Consider the environmental impacts of policy, regulatory and service decisions in the context of the City's commitment to provide for the public safety and a high quality of life in a sustainable environment.

**Policy ER-1.3** Consider and integrate best available science in development regulations that are concerned with critical areas.

**Policy ER-1.4** Encourage hazardous waste cleanups within the city. To encourage such cleanups, Lynnwood should ensure that its regulations and standards are flexible, do not duplicate state and federal requirements and provide for expeditious approval where local review is required.

**Policy ER-1.5** Promote and lead educational programs to raise public awareness of environmental issues, encourage respect for the environment and show how individual actions and the cumulative effects of a community's actions can have significant effects on the environment.

**Policy ER-1.6** Cooperate with other local governments, state, and federal agencies and nonprofit organizations to protect and enhance the environment.

**Policy ER-1.7** Ensure that environmental impacts resulting from policy, regulatory and service decisions are consistent with the goals and objectives of other Plan elements

that pertain to a high quality of life in Lynnwood, and specifically to the Housing Element's "Neighborhood Preservation" subgoal.

## **Subgoal ER-2: Conservation of Resources and Recycling**

**A city government that strives to reduce consumption of resources, minimizes waste, reduces pollution, uses new technologies, promotes conservation, reuse, and recycling, encourages non-automotive transportation, and promotes the use of alternative fuels.**

**Objective ER-2.1** Recycle and conserve resources through the implementation of the following policies:

**Policy ER-2.1** Strive to design, construct, and operate City facilities to limit environmental impacts, such as by incorporating energy efficiency, water conservation, waste minimization, pollution prevention, or resource-efficient materials throughout a facility's life.

**Policy ER-2.2** Seek to minimize the quantity and toxicity of materials used and waste generated from City facilities and operations through source reduction, reuse, and recycling.

**Policy ER-2.3** Use, where feasible, new technologies that demonstrate ways to reduce environmental impacts.

**Policy ER-2.4** Promote energy and water conservation.

**Policy ER-2.5** Use education to promote reuse and recycling of used or waste materials by residents, businesses and City employees.

**Policy ER-2.6** Work to reduce emissions of greenhouse gases from transportation by encouraging the use of non-automotive transportation by city employees and the public and measures that reduce vehicle miles traveled.

**Policy ER-2.7** Promote the use of alternative fuels in vehicles and equipment by the City, transit operators, fleet operators, and the public.

**Policy ER-2.8** Promote the use of innovative conservation measures, such as low-impact development techniques.

## **Subgoal ER-3: Natural Landscape and Vegetation**

**Minimize the disturbance of existing vegetation, soils and natural landscape to protect the use and amenities of nearby properties and the surrounding community.**

**Policy ER-3.1 Encourage land development practices that minimize disturbance to vegetation, soils, and the natural landscape. Development plans should respect natural topographical and landscape features where feasible. Avoid disturbance of steep slopes, where the visual impact, erosion potential and opportunity for landslides is greatest.**

**Policy ER-3.2** *Ensure prompt restoration of land after grading and vegetation removal through phased clearing and grading, hydro-seeding, and other appropriate re-vegetation and engineering techniques.*

**Policy ER-3.3** *Native vegetation on undeveloped land should not be removed unless an application has been submitted to the city for development, unless permitted by the Lynnwood Municipal Code (LMC) or required in the interest of health, safety and welfare.*

**Policy ER-3.5** *Avoid clearing of native vegetation that maintains slope stability, reduces erosion, shades shorelines, buffers wetlands and stream corridors, and provides aquatic habitat.*

**Policy ER-3.6** *Encourage the incorporation of open space into development through setbacks, view corridors and recreation areas. Preserve areas with natural or scenic value within development sites to achieve open space amenities.*

#### **Subgoal ER-34: Geologic Hazard Areas**

**Protected geologic hazard areas including steep slopes with significant landslide or erosion potential, soils unsuited to development, areas of significant seismic hazard, and properties within 100-year floodplains.**

**Policy ER-34.1** Seek to retain and designate as open space significant areas of steep slopes that may be critical erosion or landslide hazard areas.

**Policy ER-34.2** Avoid where possible the creation of lots with building sites entirely within these areas, following the requirements of the Sensitive Areas Ordinance: Landslide hazards; Soils unsuited to development, and 100-year floodplains. Direct uses that require substantial improvements or structures away from the following areas not already characterized by urban development: critical erosion hazard areas; landslide hazard areas; seismic hazard areas; areas with soils unsuitable for development; areas within the 100-year floodplain.

**Policy ER-34.3** Manage development in both erosion and landslide hazard areas to minimize erosion and landslide probabilities during both construction and use.

**Policy ER-34.4** Regulate development in the 100-year floodplain to avoid substantial risk and damage to public and private property and loss of life. These regulations shall, as a minimum, comply with state and federal requirements for floodplain regulations.

#### **Subgoal ER-45: Water Resources**

**Enhanced water quality and protected environmentally sensitive areas including wetlands, natural streams and lakes, riparian vegetation, and buffers required by sensitive areas regulations; Enhanced pervious surface and vegetative cover in the city; Decreased use of pesticides and herbicides.**

**Objective ER-45.1** Review and update, as necessary and as required by state and federal mandate, the City's ~~Critical~~ Sensitive Areas Ordinance to ensure maximum protection of known sensitive areas and wildlife habitat. The state's current compliance date for updating Critical Areas Ordinances and integrating best available science is Sept., 2004.

**Policy ER-45.1** Work to maintain or improve water quality, through appropriate land use and transportation policies.

**Policy ER-45.2** Seek to retain and designate significant areas of wetlands as open space.

**Policy ER-45.3** Strive to increase the amount of total pervious surface and vegetative cover in the city balancing the need to provide urban densities, with the needs to promote groundwater replenishment and decrease surface water runoff and the pollution it collects from roads, rooftops and sidewalks.

**Policy ER-45.4** Limit the use of pesticides and herbicides on City-owned property, which can result in polluted stormwater run-off, and provide education for other landowners to do the same.

**Policy ER-45.5** Protect and enhance surface water quality. The flow of nutrients (especially phosphorus), heavy metals and other pollutants into streams, rivers, lakes and natural wetlands should be controlled. Treatment measures shall be required where the development results in discharges to surface or ground waters.

**Policy ER-45.6** Reduce transportation-related water quality degradation by promoting less polluting transportation alternatives.

**Policy ER-45.7** Include Low Impact Development stormwater treatment technologies to roadways, parking lots, public plazas, sidewalks, and pathways where practicable, and encourage low-impact developments by providing incentives for developments that utilize low-impact development principles.

**Policy ER-45.8** Conserve and protect environmentally sensitive areas from loss or degradation following the requirements of the Sensitive Areas Ordinance. In areas planned for substantial urban development, sensitive areas may be modified where they have low ecological value and the function and values will be fully replaced or where the impact on the resource may be reduced to acceptable levels. Land uses and developments that are incompatible with environmentally sensitive areas shall be restricted within those areas.

**Policy ER-45.9** Encourage Planned Unit Developments (PUDs), clustering and density transfers for both commercial and residential development to help retain significant natural features and sensitive areas as open space.

**Policy ER-45.10** Preserve wetlands following the requirements of the Sensitive Areas Ordinance. The size and value of the wetlands shall determine the amount of development allowed, if any. On a citywide, long-term basis, Lynnwood shall strive to achieve no net loss of wetlands function and value. Maintain wetlands acreage over the long-term. In undertaking public projects and deciding development applications, Lynnwood shall first seek to avoid wetlands impacts. Where impacts cannot be avoided, the impacts shall be minimized and any adverse impact mitigated. On-site, in-kind

mitigation generally is preferred. Other forms of mitigation may be allowed where consistent with these policies and Lynnwood's sensitive areas regulations.

**Policy ER-45.11** Enhance and restore degraded wetlands where possible.

**Policy ER-45.12** Protect and enhance natural streams, ~~and lakes and wetlands~~, including riparian and shoreline habitat, to protect water quality, reduce public costs, protect fish and wildlife habitat and prevent environmental degradation. The protected features should include natural hydraulic and ecological functions, fish and wildlife habitat, recreational resources and aesthetics.

**Policy ER-45.13** Avoid development-related impacts to riparian corridors following the requirements of the Sensitive Areas Ordinance. Protect riparian vegetation. Require the enhancement and rehabilitation of these areas if they are impacted by development and encourage enhancement and rehabilitation when development takes place on adjacent uplands.

**Policy ER-45.14** Avoid alteration of streams following the requirements of the Sensitive Areas Ordinance. Do not reduce the capacity of natural drainage courses. Minimize the enclosure of natural drainage ways and discourage relocation. Where relocation or alteration is necessary, the flood control and habitat values of the drainage course shall be fully replaced and enhancement shall be encouraged. In the case where the City accepts alteration of a stream to increase the usability of a site, enhancement shall be required.

**Policy ER-45.15** Restore, where feasible, natural drainage channels that have been placed within culverts and have had their capacity or habitat value reduced as development or redevelopment occurs.

**Policy ER-45.16** Using best available science, Rrestore, where feasible, Scriber Creek, Scriber Lake, and other adversely effected water bodies ~~to the extent feasible, considering best available science.~~

**Policy ER-45.17** Support public education to protect and improve surface and ground water resources by: Increasing the public's awareness of potential impacts on water bodies and water quality; Encouraging proper use of fertilizers and chemicals on landscaping and gardens; Encouraging proper disposal of materials; Educating businesses on surface and ground water protection best management practices in cooperation with other government agencies and other organizations; Educating the public and businesses on how to substitute materials and practices with a low risk of surface and ground water contamination for materials and practices with a high risk of contamination.

**Policy ER-5.18** Encourage development practices that respect and preserve the city's watercourses and wetlands. Integrate, wherever possible following sensitive areas regulations, stormwater control facilities and streams, lakes, ponds and wetlands into project design to preserve and improve water quality, control sedimentation and to preserve and enhance the aesthetic quality of the sensitive areas and nearby developments.

**Policy ER-5.19** *Seek to identify all wetlands, streams, and water bodies, and areas of biological significance and designate as environmentally sensitive areas according to LMC sensitive areas criteria.*

### **Subgoal ER-56: Fish and Wildlife**

**As feasible, and in balance with the requirements of an urban area, protect urban forests and wildlife habitats, including salmon habitat; open space and parkland network linking habitat for wildlife and native ecosystems; restore, protect, and enhance habitat areas.**

**Objective ER-56.1** Maximize, as feasible, fish and wildlife habitat through the implementation of the following policies:

**Policy ER-56.1** Where suitable habitat potential exists, work to maintain and enhance Lynnwood's urban forests and wildlife habitats and the plants and animals native to the region.

**Policy ER-56.2** Consistent with the overall goals of the Growth Management Act, support the preservation of regional habitat and bio-diversity with land use patterns that encourage growth near the city center and in areas characterized by urban development rather than in undeveloped areas.

**Policy ER-56.3** Protect the habitat of native and migratory wildlife by acquiring open space, encouraging the conservation of beneficial habitat, and providing for the growth of native species of trees and other native vegetation.

**Policy ER-56.4** Minimize habitat fragmentation by linking wildlife habitats. Use greenways, stream corridors and other natural features to connect natural habitat, parks, and other open space features.

**Policy ER-56.5** On city property, both on-land and in-water, cultivate native ecosystems that encourage native wildlife and encourage replacement of invasive, non-native vegetation. Native ecosystems are more diverse and therefore more resilient to insects, disease, and climate changes.

**Policy ER-56.6** Maintain the health of natural habitats on private property through a combination of education, incentives and development review practices.

**Policy ER-56.7** Land use plans and developments should avoid impacts on critical wildlife habitats and restore and enhance degraded or lower quality critical wildlife habitats whenever possible.

**Policy ER-56.8** Encourage environmental protection and enhancement practices among Lynnwood's residents and City personnel through education, training, and continued volunteer participation in the care of Lynnwood's plant and wildlife habitats. Involve citizens, community groups, and nonprofit organizations in the care and enhancement of the urban forests and wildlife habitat.

**Policy ER-56.9** Consider best available science in making decisions regarding habitat preservation and restoration efforts.

## **Subgoal ER-67: Urban Forestry**

**A net increase of healthy, diverse tree cover including sizable tree clusters, forested slopes and treed gullies, as well as trees preserved within stream, wetlands and lake buffers; and selected arterial streets designed to give preference to pedestrian and non-motorized traffic with street trees and other natural elements.**

**Objective ER-67.1** Complete the major revision of the City's tree protection regulations and continue to monitor and update these regulations as necessary.

**Policy ER-67.1** Strive to achieve a net increase of healthy, diverse tree cover throughout the city by requiring developers to save trees worthy of retention and to replant appropriate species for the urban environment at a ratio of at least one tree planted for every tree removed.

**Policy ER-67.2** To help preserve the natural environment and Lynnwood's remaining forested lands, Lynnwood shall promote the retention of sizable tree clusters, forested slopes, treed gullies and specimen trees that are of species that are long-lived, not dangerous, well-shaped to shed wind and located so that they can survive within a development without other nearby trees.

**Policy ER-67.3** Preserve trees within stream, wetlands and lake buffers.

**Policy ER-67.4** Promote planting of suitable native trees and native vegetation within degraded stream, wetlands and lake buffers as well as within gullies.

**Policy ER-67.5** Street trees within *street right-of-way* shall be encouraged along selected arterial streets and local streets. Where street trees are not practical, neighborhood policies may also designate areas where trees shall be planted on developable lots.

**Policy ER-67.6** Designate streets that give preference to pedestrian and non-motorized traffic and that include street trees and other natural elements. Consider this designation for new streets in the City Center or existing, underused streets that could be re-configured to serve primarily pedestrian needs. The design may include such elements as large planting beds, wide paths and seating areas to encourage pedestrian use and neighborhood revitalization. The roadway should be diminished in importance when vehicular capacity is not an issue, with narrowed and restricted lanes to slow traffic and less space dedicated to parking. Unique features should be designed into the streetscape to help users form a mental connection with the place and feel a sense of pride and ownership.

**Policy ER-67.7** Street trees shall be planted in planter strips or tree wells located between the curb and sidewalk, where feasible. Tree species and planting techniques shall be selected to create a unified image for the street, provide an effective canopy, avoid sidewalk and utility damage and minimize water consumption. The trees required as street trees shall be deciduous shade trees that are suited to the climate and to planting along streets and sidewalks.

**Policy ER-67.8** On City property, protect selected trees, utilize proper pruning and tree care, and improve conditions in order to achieve long-term benefits from the urban forest – and encourage private landowners to do the same.

**Policy ER-67.9** Lynnwood should provide information to community residents and property owners to encourage them to plant appropriate trees on their properties and to care for the trees properly.

**Policy ER-7.10** *Existing significant trees (as defined in the Lynnwood Municipal Code) to be preserved and removed in conjunction with development should be evaluated by a Certified Arborist prior to removal. Trees to be preserved well beyond limits of construction do not need to be evaluated.*

**Policy ER-7.11** *Removal of significant trees (as defined in the Lynnwood Municipal Code) should be mitigated by the planting of replacement trees. The number, size and species of replacement trees depend on the number, size, species and condition of the trees to be removed and the circumstances requiring removal.*

### **Subgoal ER-78: Air Quality**

**Raise Lynnwood's level of livability by supporting efforts to reduce urban environmental air pollution and increase indoor environmental quality in city-owned buildings.**

**Objective ER-78.1** Support the reduction of urban environmental air pollution to established standards.

**Policy ER-78.1** Strive to reduce air pollution from all sources, including transportation, wood burning and industrial activities through appropriate land use and transportation policies.

**Policy ER-78.2** Support regional growth management activities that help reduce the need for automobile transportation and related air pollution.

**Policy ER-78.3** Promote clean-burning, alternative-fueled vehicles for use by large fleet operators, transit operators, and the public as a way of reducing impacts on air quality.

**Policy ER-78.4** Strive to ensure beneficial indoor environmental quality (which can increase health, welfare and productivity of workers or residents) in all renovations and new construction of City-owned facilities and promote design conditions that enhance beneficial indoor environmental quality in private construction.

**Policy ER-78.5** Comply with federal and state air pollution control laws and improvements to regional air quality in cooperation with the Puget Sound Clean Air Agency and the Puget Sound Regional Council.

**Policy ER-8.6** *Mitigate the emissions of any odors which are not otherwise prohibited by law, but which are detrimental or disturbing to surrounding property or individuals. Before-and-after observations and measurement of particulate matter and gases may be required by independent air quality consultants as a means of monitoring and insuring compliance, and requiring corrections.*

## **Subgoal ER-89: View Protection and Light Pollution**

### **Significant public natural scenic views and dark night skies in Lynnwood's residential neighborhoods.**

~~**Policy ER-8.1** Preserve and enhance public natural scenic views, vistas and landscape panoramas.~~

**Policy ER-89.21** In planning for parks, give consideration to siting and developing parks so that the public can see significant views from them, including the Cascades to the east, the Olympics to the west, and Mt. Rainier to the south.

~~**Policy ER-8.3** Use discretionary land use reviews to prevent or minimize the blockage or destruction of significant public scenic views.~~

**Policy ER-89.42** Measures may be taken to improve views, but do not remove or prune trees within parks or protected areas to improve views.

~~**Policy ER-8.5** Encourage dark night skies in Lynnwood's residential neighborhoods through development regulations, design standards and development reviews, balancing the need for streets and safety.~~

**Policy ER-89.63** Design and construct night lighting to minimize excessive glare. Night lighting should not spill over onto nearby properties.

**Policy ER-9.4** Light sources, including signs, shall be shielded or shaded to prevent glare on surrounding areas or cast excessive light on any residential use or street.

**Policy ER-9.5** Materials with high light reflective qualities should not be used in construction of buildings where reflected sunlight or artificial light would throw intense glare on adjacent areas or streets.

## **Subgoal ER-910: Reduction of Noise Pollution**

### **Minimize, to the extent practical, noise pollution through the implementation of the following policies:**

**Policy ER-910.1** Enforce the City's noise emission standards.

**Policy ER-910.2** Limit noise to levels that protect the public health and that allow residential, commercial and manufacturing areas to be used for their intended purposes through noise regulations.

**Policy ER-910.3** In city operations, reduce where possible, the use of noise-polluting equipment.

**Policy ER-910.4** Support the use of technologies and engineering practices to lessen noise produced by traffic, aircraft, construction, and commercial and industrial facilities located near residential areas.

**Policy ER-910.5** Support the reduction of noise and mitigation measures to reduce the noise and visual impacts of freeways and arterials on residential areas. Promote actions, such as sound attenuating surfaces and reductions in traffic speed, by the city

and other agencies that reduce the noise impacts of freeways and arterials within the city.

**Policy ER-910.6** Promote actions, such as equipment modifications and operational limits, that reduce noise from transportation modes, construction sites, industrial uses, and commercial business establishments.

**Policy ER-910.7** Require buffering or other noise reduction and mitigation measures to reduce noise impacts from commercial and industrial areas on residential areas. Doors and windows, and any exterior mechanical equipment should be located or buffered to minimize noise impacts to surrounding properties.

**Policy ER-910.8** Work with businesses and the community to provide education about the impacts of noise pollution on health and our quality of life.

**Subgoal ER-11: Environmental Health and Hazardous Activities:**

**Discourage any activity with the potential to expose the public to health or safety hazards. Carefully monitor any permitted activity with the potential to expose the public to health or safety hazards.**

**Policy ER-11.1** Any activity with the potential to expose the public to health or safety hazards not covered by the regulations of the health department, fire department or other public agencies should be discouraged.

**Policy ER-11.2** Any permitted activity with the potential to expose the public to health or safety hazards should be carefully monitored.

**Policy ER-11.3** Proposals involving the potential risk of an explosion or the release of hazardous substances should include specific measures to prevent any environmental health hazards and ensure the public health, safety and welfare.

## **Other Possible New Comprehensive Plan Policies From LMC Title 17.05 That Do Not Seem To Fit In Environmental Resources Element**

### **Land Use**

- When reviewing nonresidential proposals that involve discretion, the extent to which nonresidential development would reduce existing housing stock, or reduce land available for residential development, should be weighed. **(Can't find a corresponding Comprehensive Plan policy)**
- Residential areas shall be protected from encroachment by developments that would influence available residential land towards nonresidential use. **(Can't find a corresponding Comprehensive Plan policy)**
- Whenever possible, boundaries between uses should occur along physical features such as water or slopes. Streets as boundaries should be avoided except in the case of arterials of such a scale that any use, which can tolerate the street, would be unlikely to be adversely impacted by any uses located across the street. **(Can't find a corresponding Comprehensive Plan policy)**
- Fill-in development of vacant parcels which were passed over by earlier development, but which are served by utilities and streets that meet current standards should be encouraged in order to maximize efficiency of existing capital improvements. **(Can't find a corresponding Comprehensive Plan policy that's on point)**

### **Parks, Recreation & Open Space**

- Coordinate provisions for city parks, open space, and pedestrian and bicycle trails with recreational facilities in new developments. **(Can't find a corresponding Comprehensive Plan policy that's on point. Suggest creating a new Parks, Recreation & Open Space Element policy P-1.7.)**

### **Transportation**

- Encourage directing increased traffic volumes onto streets with sufficient capacity to provide safe and efficient traffic flow or where adequate traffic improvements will be provided in conjunction with the development, require adequate vehicular and pedestrian access to new developments, and minimize pedestrian-vehicular conflict points. **(Can't find a corresponding Comprehensive Plan policy)**
- Access to properties should be oriented away from properties that are used, zoned or shown on the comprehensive plan less intensively. **(Can't find a corresponding Comprehensive Plan policy)**
- Encourage land uses that would generate relatively low volumes of traffic, or complementary peak traffic periods, or would have the potential to increase the use of public transportation systems. **(Can't find a corresponding Comprehensive Plan policy)**

## **Public Services**

- Encourage development at an intensity that is related to the adequacy of public services (such as fire protection, police protection and public safety, courts, health care, schools, libraries and others). **(Can't find a corresponding Comprehensive Plan policy that's on point)**

## **Capital Facilities and Utilities**

- Development should be encouraged only when adequate utilities, including water, sewer, power, natural gas, telecommunications and storm drainage facilities are available or will be made available in conjunction with development. **(Partially covered by Capital Facilities & Utilities Element Capital Facilities subgoal 5 and policies 1.2, 1.3 & 2.1. Can't find a corresponding Comprehensive Plan policy for power, natural gas and telecommunications. Perhaps it's not needed since the city is not responsible for providing power (electricity), natural gas and telecommunications)**

**Lynnwood Planning Commission**  
**Meeting of May 22, 2003**

## Staff Report

**Agenda Item: H - 2**

**Development Regulations Update – Phase 2**

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

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

### **BACKGROUND:**

Staff has previously presented and discussed with the Planning Commission a listing of proposed zoning districts. The purpose of each of the proposed districts was part of the discussion. Staff is now focusing on the residential zoning districts as the first part of this phase of the development regulations update project. The reason for focusing on the residential districts first is that amendments here may be beneficial to resolving outstanding issues with regard to future use of one or more mobile home parks.

When staff met with the Advisory Committee on Phase 1 of the project and discussed residential regulation, we were advised that the City of Lynnwood should be providing for higher density single-family development. The consensus of the Advisory Committee was that a new zoning district with a minimum lot size of 4,000 square feet should be proposed. It was decided that the proposal should be delayed until Phase 2 of the project.

### **SUMMARY OF PROPOSED AMENDMENTS:**

The most significant proposed amendment of the residential chapter of the development regulations (Chapter 21.42 LMC) is the inclusion of a new high density residential zoning district, the RSH zone. The attached tables and graph summarize the characteristics of this new zone. Many of these characteristics on the new zone are reflected in the Chapter 21.42 shown as Attachment 4. This is an early draft of proposed amendments to Chapter 21.42 and it does not yet include all the amendments that may be necessary to fully implement the all the policy changes anticipated by staff. The following paragraphs will review these policy changes.

A new approach to density is being proposed. This approach adds minimum dwelling unit densities to the already existing regulation of maximum density for each residential zone. In some cases, an overlap of density between adjacent zones is proposed. In the case of the Residential Single-Family High (RSH) density zone, it is being proposed that in order to achieve anything other than the lowest density a planned unit development

will have to be used. The overall density range of the current development regulations remained unchanged.

We are proposing to extend the design review requirements to cover single-family development in the RSH zone. Single-family development at this higher density in other jurisdictions has demonstrated the need for specific design review in order to create an aesthetically pleasing and well functioning housing environment.

The revised Chapter includes and attempt to simplify some of the development standards and in some cases changes standards consistent with higher densities of development. In succeeding drafts of the Chapter, and effort will be made to simplify and condense the language of these regulations.

### **ATTACHMENTS:**

1. Tables – Residential Zones
2. Table – Development Standards
3. Graph – Comparison of Residential Densities
4. Chapter 21.42 Amendments



## Residential Zones

Residential Categories	Comprehensive Plan	Zoning
Single-family Designations:	<b>SF-1:</b> Low-density Single-family Residential	<b>RSL:</b> Low-density Single-family Residential
	<b>SF-2:</b> Medium-density Single-family Residential	<b>RSM:</b> Medium-density Single-family Residential
	<b>SF-3:</b> High-density Single-family Residential	<b>RSH:</b> High-density Single-family Residential
Multiple-family Designations:	<b>MF-1:</b> Low-density Multi-family Residential	<b>RML:</b> Low-density Multi-family Residential
	<b>MF-2:</b> Medium-density Multi-family Residential	<b>RMM:</b> Medium-density Single-family Residential
	<b>MF-3:</b> High-density Multi-family Residential	<b>RMH:</b> High-density Single-family Residential

Plan Designation	Proposed Zoning Density	Currently Allowed Density
SF-1	<b>RSL:</b> 4.0–6.0 DU/ac.	<b>RS-8:</b> 0–5.1 DU/ac.
SF-2	<b>RSM:</b> 5.0–9.0 DU/ac.	<b>RS-7:</b> 0–6.0 DU/ac.
SF-3	<b>RSH:</b> 7.0–12.0 DU/ac.	<b>No Zone</b>
MF-1	<b>RML:</b> 8.0–12.0 DU/ac.	<b>RML:</b> 0–12.1 DU/ac.
MF-2	<b>RMM:</b> 12.0–20.0 DU/ac.	<b>RMM:</b> 0–18.1 DU/ac.
MF-3	<b>RMH:</b> 20.0–43.0 DU/ac.	<b>RMH:</b> 0–43 DU/ac.

## Development Standards

Standards	RSL	RSM	RSH	RML	RMM	RMH
Min. Lot Area	8,000	6,000	--	--	--	--
Min. Density	4.0 DU/ac.	5.0 DU/ac.	7.0 DU/ac.	8.0 DU/ac.	12.0 DU/ac.	20.0 DU/ac.
Max. Density	6.0 DU/ac.	9.0 DU/ac.	12.0 DU/ac.	12.0 DU/ac.	20.0 DU/ac.	43.0 DU/ac.
Min. Lot Width	70 ft.	55 ft.	40 ft.	--	70 ft.	100 ft.
Min. Frontage	30 ft.	30 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Max. Lot Coverage	35%	40%	50%	50%	40%	30%
Max. Bldg. Height	35 ft.	35 ft.	35 ft.	--	--	--
<b>Setbacks:</b>						
Front	25 ft.	20 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Side: Interior	5 ft.	5 ft.	5 ft.	5 ft.	10 ft.	15 ft.
Side: Street	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Sides: Combined	15 ft.	10 ft.	10 ft.	10 ft.	--	--
Rear	25 ft.	20 ft.	15 ft.	20 ft.	20 ft.	20 ft.

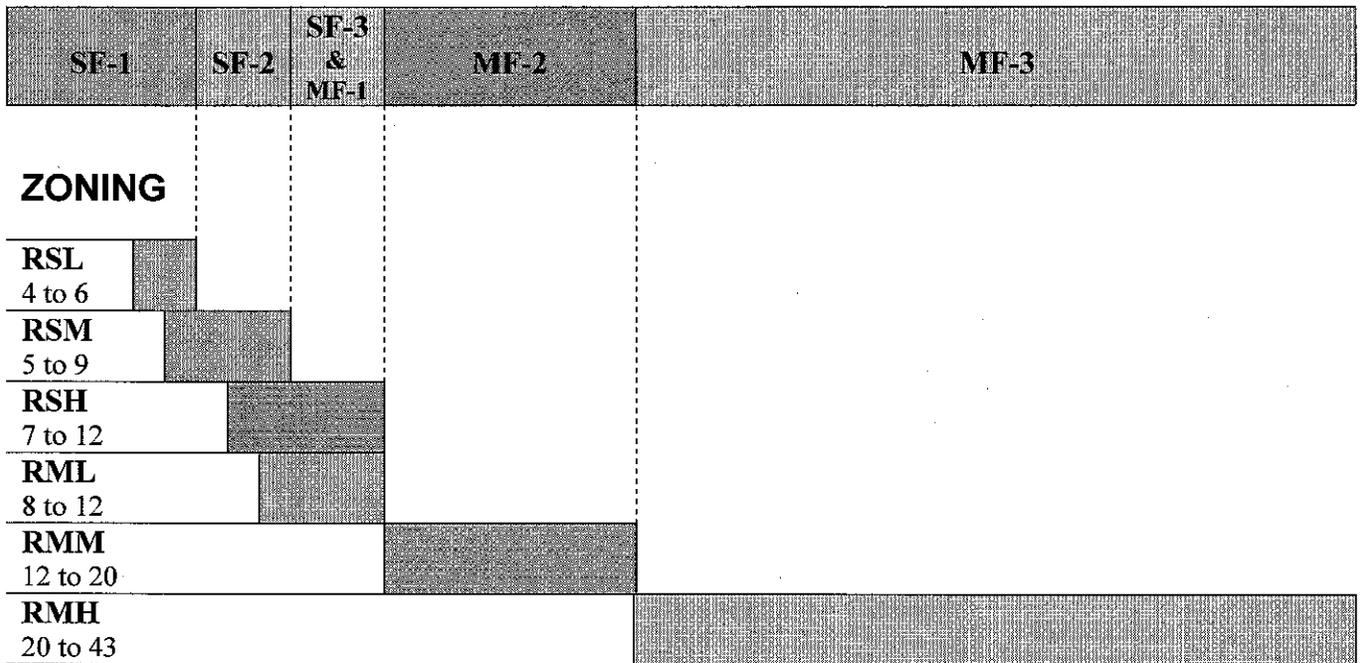
### Deviations from current code:

1. RS-8 changed to RSL.
2. RS-7 changed to RSM.
3. New RSH added.
4. Removed the category "Min. Lot Area per Dwelling".
5. Added "Minimum Density" to replace lot area per dwelling, RSH, RML, RMM, and RMH.
6. Min. Lot Width of RMH is simplified to be a flat 100 ft. Some others adjusted.
7. Min. Frontage (at street) reduced in some cases.
8. Change the Lot Coverage requirement for most zones.
9. Simplified Building Height limitations.
10. Eliminated "Minimum Floor Area" (not appropriate).
11. Setbacks simplified:
  - a. Refers to "street" side and "interior" side. Removed "corner".
  - b. Removed "Abutting a Principal Arterial Street."
  - c. Removed "Min. Side Yard Setbacks – Interior Lots." Redundant
  - d. Reduced most Rear Yard setbacks.

H-2-5

# Comparison of Residential Densities Comprehensive Plan & Zoning

## COMPREHENSIVE PLAN



**Comprehensive Plan:**

- SF-1 Low-density Single-family
- SF-2 Medium-density Single-family
- SF-3 High-density Single-family
- MF-1 Low-density Multiple-family
- MF-2 Medium-density Multiple-family
- MF-3 High-density Multiple-family

**Zoning:**

- RSL Low-density Single-family Zone
- RSM Medium-density Single-family Zone
- RSH High-density Single-family Zone
- RML Low-density Multiple-family Zone
- RMM Medium-density Multiple-family Zone
- RMH High-density Multiple-family Zone

H-2-7

Chapter 21.42  
RESIDENTIAL ZONES

Sections:

- 21.42.050 Zones and purposes.
- 21.42.100 Uses allowed in residential zones.
- 21.42.105 Project design review.
- 21.42.110 Limitations on use.
- 21.42.140 Repealed.
- 21.42.200 Development standards.
- 21.42.210 Additional development standards.
- 21.42.220 Transition or buffer strips.
- 21.42.230 Other transitional requirements.
- 21.42.240 Standards for uses allowed in single-family residential zones when located in multiple-family zones.
- 21.42.250 Development standards for park facilities.
- 21.42.300 Home occupations.
- 21.42.400 Accessory structures and uses.
- 21.42.420 Placement of accessory buildings and structures – Interior lots.
- 21.42.440 Placement of accessory buildings and structures – Corner and reverse corner lots.
- 21.42.500 Signs.
- 21.42.900 Other regulations.

**21.42.050 Zones and purposes.**

The residential zones are intended to provide for a wide range of housing densities and styles consistent with contemporary building and living standards. (Ord. 2441 § 12, 2003; Ord. 2020 § 17, 1994; Ord. 190 Art. IX § 9.2, 1964)

**21.42.100 Uses allowed in residential zones.**

See Table 21.42.01 for uses allowed ~~restrictions~~ in residential zones.

Table 21.42.01

Use	RS-8L	RS-7M	RSH	RML	RMM	RMH
Single-Family Dwellings (one per lot)	P	P	P	P	P	P
Two-Family Dwellings	-	-	-	P	P	P
Multiple-Family Dwellings	-	-	-	P	P	P
Adult Day Care Centers	C*	C*	C*	C	C	C
Adult Family Homes	P	P	P	P	P	P
Accessory Dwelling Unit+	ASF	ASF				
Agricultural and Horticultural Activities, including plant nurseries+	C	C	C	C	C	C
Boarding Houses+	-	-	-	P	P	P
Child Day-Care Centers+	C*	C*	C*	C	C	C
Place or Worship Churches	C	C	C	C	C	C
Convalescent and Nursing Homes, Housing for the Elderly and Physically Disabled, and group housing for any other legal purpose, but not including				C	C	C

hospitals or mental hospitals							
Expansion or Extension of an Existing College	-	-	-	C	C	C	
Hospitals and Nursing Homes	-	-	-	-	-	P	
Hotels (including incidental commercial facilities which are internally oriented to serve overnight guests)	-	-	-	-	-	-	
Manufactured Home Developments and Designed Manufactured Homes+	P	P	P	P	P	P	
Mini-Day-Care Programs	-C	-C	-C	P	P	P	
Office Uses+	-	-	-	C	C	C	
Park and Pool Lots+	C**	C**	C**	C	C	C	
Professional and Business Offices	-	-	-	-	-	-C	
Public Parks	P	P	P	P	P	P	
Public Utility Facilities necessary for the transmission, distribution or collection of electric, telephone, wireless communication, telegraph, cable TV, natural gas, water, and sewer utility services, excluding sewer treatment plants, offices, repair shops, warehouses, and storage yards+	C	C	C	C	C	C	
Schools, Libraries or Museums, Offices of Philanthropic or Charitable Organizations, but not including Nonprofit Retail Stores	C	C	C	C	C	C	
Wireless Communications Facility Attached (not permitted on residential structures)	P	P	P	P	P	P	

\* Only as an accessory use ~~at~~ a school or place of worship ~~church~~.

\*\* Only on properties with street frontage along streets designated as arterials in the Comprehensive Plan.

+See LMC 21.42.110.

**Key:**

- ASF = Allowed as an accessory use to a single-family residence.
- P = Use is permitted as a primary use; see LMC 21.42.300 regarding home occupations.
- C = The use may be permitted through issuance of a conditional use permit.
- = Use is prohibited.

(Ord. 2441 § 12, 2003; Ord. 2388 § 15, 2001; Ord. 2295 § 7, 2000; Ord. 2174 § 1, 1998; Ord. 2065 § 5, 1995; Ord. 2051 § 4, 1995; Ord. 2020 § 17, 1994; Ord. 1984 § 2, 1994; Ord. 1889 § 2, 1992; Ord. 1881 § 1, 1992; Ord. 1862 § 1, 1991; Ord. 1844 §§ 8, 9, 1991; Ord. 1781 §§ 4, 5, 1990; Ord. 1146 § 1, 1980; Ord. 1138 § 1, 1980; Ord. 1119 § 2, 1980; Ord. 1081 § 1, 1979; Ord. 833 § 1, 1976; Ord. 815 §§ 2, 3, 4, 1975; Ord. 584 § 2, 1971; Ord. 529 § 1, 1969; Ord. 522 § 2, 1969; Ord. 484 § 2, 1969; Ord. 323 § 2, 1967; Ord. 190 Art. IX §§ 9.4.1, 9.5.1, 1964)

**21.42.105 Project design review.**

A. Design Guidelines for Multiple-Family and Certain Single-Family Uses. Construction of any multiple-family structure or building including duplexes (two-family dwellings) or any single-family or multi-family structure with the RSH zone permitted outright or by conditional use permit in any residential zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Multi-family Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.

B. Design Guidelines for Nonresidential Uses. Construction of any nonresidential structure or building with a gross floor area of more than 1,000 square feet, permitted outright or by

conditional use permit in any residential zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Multi-family Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.

C. Design Guidelines for Parking Lots and Parking Structures. Construction of any parking lot and/or parking structure with 20 or more stalls or paved parking area of 5,400 square feet or more permitted outright or by conditional use permit in any residential zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Commercial Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.

D. Supersede. Applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), shall supersede any development standards and requirements of this chapter that may conflict, unless otherwise specified in this chapter.

E. Gateways and Prominent Intersections. See city of Lynnwood zoning map to identify development project sites within a gateway or prominent intersection location. Such sites shall be subject to applicable gateway and/or prominent intersection design guidelines identified in the All Districts section of the Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3). If any portion of a project site lies within a gateway or prominent intersection location, then the entire project shall comply with the applicable design guidelines. (Ord. 2441 § 12, 2003; Ord. 2388 § 16, 2001)

#### **21.42.110 Limitations on use.**

A. Agricultural and Horticultural Activities. Agricultural and horticultural activities, including plant nurseries, must be devoted to the raising of plants. No structures, uses, or accessory uses or structures are permitted, except those specifically authorized by the conditional use permit.

B. Public Utility Facilities. Public utility facilities necessary for the transmission, distribution or collection of electric, telephone, wireless communication, telegraph, cable television, natural gas, water, and sewer utility services, excluding sewer treatment plants, offices, repair shops, warehouses, and storage yards shall be subject to the following additional standards:

1. Such facilities shall not be injurious to the neighborhood or otherwise detrimental to the public welfare;

2. The applicant shall demonstrate the need for the proposed public utility facility to be located in a residential area, the procedures involved in the site selection and an evaluation of alternative sites and existing facilities on which the proposed facility could be located or co-located;

3. A site development plan shall be submitted showing the location, size, screening and design of all buildings and structures, including fences, the location, size, and nature of outdoor equipment, and the location, number, and species of all proposed landscaping;

4. The facility shall be designed to be aesthetically and architecturally compatible with the natural and building environment. This includes, but is not necessarily limited to, building design and the use of exterior materials harmonious with the character of the surrounding neighborhood and the use of landscaping and privacy screening to buffer the facilities and activities on the site from surrounding properties. Any equipment or facilities not enclosed within a building (e.g., towers, transformers, tanks, etc.) shall be designed and located on the site to minimize adverse impacts on surrounding properties;

5. All wireless communications facilities shall comply with national, state or local standards, whichever is more restrictive, in effect at the time of application, for nonionizing electromagnetic radiation;

6. That the applicant shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. If

additional height over that allowed in the zone is justified it may be approved by the city;

7. The applicant shall include an analysis of the feasibility of future consolidated use of the proposed facility with other public utility facilities.

Provided, that this subsection shall not apply to utility facilities located on a property which are accessory to the residential use of that property or to the transmission, distribution or collection lines and equipment necessary to provide a direct utility connection to the property or neighboring properties, or to those utility facilities located on public right-of-way, nor shall it apply to utility facilities installed within new subdivisions, which shall be evaluated prior to plat approval and do not require a separate conditional use permit.

C. Park and Pool Lots. Park and pool lots may be permitted by conditional use permit. In considering an application for such a use, the hearing examiner shall review all impacts of the proposed use upon the surrounding neighborhood including, but not limited to, location, traffic, displacement of required stalls, noise, hours of operation, ingress and egress, signage, parking lot illumination, and aesthetic impacts. In single-family zones, park and pool lots should not be the principal use of a property, but an accessory use to a permitted or conditional use in that zone.

The applicant for such a permit shall submit a site plan indicating:

1. The property boundaries;
2. The location of all buildings on the site with the floor areas of each use indicated;
3. The location and dimensions of all existing or proposed parking stalls, including the designation of those to be available to park and pool users; and
4. The location and type of all existing or proposed landscaping.

The applicant shall also submit drawings of proposed signage and an analysis of the parking demand of any existing uses on the site and the anticipated demand by park and pool users.

D. Child Day-Care Centers.

1. Considerations. Child day-care centers may be permitted by issuance of a conditional use permit. Before approval or denial of an application, the hearing examiner and city council will consider the need for the activity in the area and all possible impacts in the area including but not limited to the following:

- a. Any adverse or significant changes, alterations or increases in traffic flow that could create a hazardous situation as either a direct or indirect result of the proposed activity;
- b. Any abnormal increase in demand for any public service, facility or utility;
- c. The size, location, and access of the proposed site; and
- d. Any adverse effects on the standard of livability to the surrounding area.

2. Requirements. In any case, the approval of the conditional use permit shall include the following requirements:

- a. The applicant must be state-licensed before the operation of the facility;
- b. Adequate off-street parking must be provided;
- c. All outdoor play areas must be fenced with a minimum of 800 square feet plus an additional 80 square feet per additional child over 10;
- d. Site and sound screening standards for the outdoor play area must be met;
- e. The applicant must provide off-street access to the facility from the public right-of-way for the purpose of pickup and delivery of children;
- f. The applicant must indicate the ages of the children to be cared for;
- g. See LMC 21.16.290(A) for sign regulations.

E. Manufactured Home Developments. Permitted under the provisions for planned unit developments. See Chapters 21.30 and 21.70 LMC.

F. Two-Family Dwellings and Multiple-Dwelling Units. In RML, RMM, and RMH zones, if there is more than one dwelling unit on the premises, there shall be not less than two units in a building, except as to the odd-numbered unit which may stand alone.

G. Convalescent and Nursing Homes, Housing for the Elderly and Physically Disabled, and Group Housing for Any Other Legal Purpose but Not Including Hospitals or Mental Hospitals.

1. Number of Residents. The number of persons who will be residing in the property shall be generally consistent with the potential density of persons as would be expected from multiple dwelling units. Except that, the maximum number of units for housing for the elderly and handicapped shall be no greater than 1.5 times the number of units which would be allowed for multiple-family housing within the respective zone; provided, that the maximum population does not exceed 1.2 persons per dwelling unit. If the density exceeds 1.2 per dwelling unit, then the number of dwelling units shall be reduced correspondingly.

2. Impact on Surrounding Area. The allowing of the proposed use shall not adversely affect the surrounding area as to present use or character of the future development.

3. Staff Evaluation and Recommendation. Before any conditional use permit for the uses designated in this subsection is considered by the hearing examiner, a joint recommendation concerning development of the land and/or construction of the buildings shall be prepared by the fire and community development departments, specifying the conditions to be applied if approved. If it is concluded that the application for a conditional use permit should be approved, each requirement in the joint recommendation shall be considered and any which are found necessary for protection of the health, safety, and general welfare of the public shall be made part of the requirements of the conditional use permit. In any case, the approval of the conditional use permit shall include the following requirements:

a. The proposal's proximity to stores and services, safety of pedestrian access in the vicinity, access to public transit, and design measures to minimize incompatibility between the proposal and surrounding businesses;

b. Compliance with all applicable state, federal, and local regulations pertaining to such use, a description of the accommodations and the number of persons accommodated or cared for, and any structural requirements deemed necessary for such intended use;

c. The amount of space around and between buildings shall be subject to the approval of the fire chief as being adequate for reasonable circulation of emergency vehicles or rescue operations and for prevention of conflagration;

d. The proposed use will not adversely affect the surrounding area as to present use or character of the future development;

e. Restriction to such intended use except by revision through a subsequent conditional use permit.

4. Open Space. A minimum of 200 square feet of passive recreation and/or open space shall be provided. Housing for the elderly has a need for recreational open space but is of a passive nature. Therefore, passive recreation space and/or open space shall be provided. Up to 50 percent of the requirement may be indoors; provided, that the space is utilized exclusively for passive recreation or open space (i.e., arts and crafts rooms, solariums, courtyards). All outdoor recreation and/or open space areas shall be set aside exclusively for such use and shall not include areas held in reserve for parking, as per LMC 21.18.800. All open space and/or recreational areas shall be of a permanent nature, and they may be restricted to use by tenants only. The use of private and semi-private patios and balconies in meeting these requirements is not permitted.

H. Office Uses. The intended uses shall comply with the following minimum standards:

1. No portion of the building in which the offices are permitted shall be occupied as a residence;

2. The office use shall be generally professional in nature, which use shall include but not be limited to medical and dental offices or clinics, accountants, architects, attorneys at law, chiropractors, engineers, land surveyors, and opticians; provided, accessory retail uses may be allowed only if closely related to the principal uses of the building, such as pharmacies in medical buildings, and must be specified in the conditional use permit. When allowed, such retail uses shall be internally oriented, with external advertising identical to the professional offices and compliance with the conditional use permit;

3. See LMC 21.16.290(G) for sign regulations;

4. The uses shall be of a type unlikely to be open evenings or weekends and unlikely to generate large volumes of traffic;

5. In considering the intended use, location of the building in proximity to existing multiple- or single-family residential uses, a determination shall be made that the proposed use would not be detrimental to such existing residential uses.

I. Hospitals and Nursing Homes.

1. Setbacks. All buildings maintain a distance of not less than 35 feet from any single-family residential zone;

2. Occupancy. The accommodations and number of persons cared for conform to state and local regulations pertaining thereto;

3. Health Department Approval. The health department shall have approved all provisions for drainage and sanitation.

J. Boarding Houses. For purposes of determining allowable density and required parking, accommodations for each resident in a boarding house shall be considered the equivalent of one-half dwelling unit.

K. Accessory Dwelling Units. Accessory dwelling units shall be permitted subject to the provisions of this section.

1. Purposes. Regulating the development and use of accessory dwelling units is intended to achieve the following purposes:

a. Provide the opportunity for resident homeowners to enjoy companionship and security from tenants while maintaining the privacy of a single-family residence;

b. Create additional affordable housing in Lynnwood;

c. Allow a property owner to continue to reside in a neighborhood after a lifestyle change, in particular, by having the opportunity to receive rental income;

d. Develop housing that is appropriate to smaller households; and

e. Protect neighborhood stability, property values, and the appearance and character of single-family neighborhoods by regulating the installation and use of accessory dwelling units.

2. Permitted Zones. Accessory dwelling units shall be permitted in the R-7SM and R-8 SL zones; provided, that an accessory dwelling unit may be permitted only on a premises that already contains a primary residence.

3. Minimum Lot Size. Accessory dwelling units shall be allowed only at a premises with a lot area of at least 106,000 square feet.

4. Number. A maximum of one accessory dwelling unit shall be permitted on a single-family premises.

5. Location in Relation to Principal Residence. The accessory dwelling unit may be within the principal residence, or it may be connected to it by the foundation, floor, walls, ceiling, and roof; connection by means of a breezeway or other partially open structure shall not fulfill this requirement.

The unit may be created by either building new habitable space or by converting existing habitable space, or by a combination of new construction and conversion. Any new construction for the accessory unit may not be located in front of (i.e., closer to the front property line than) the existing structure.

6. Development Standards. Any new construction shall meet all the development standards for the applicable zone, except as modified by this section, and shall comply with all applicable city codes, including requirements of the building code.

7. Size. The accessory dwelling unit shall have a gross floor area of not less than 500 square feet and not more than 700 square feet. It shall have not more than one bedroom.

8. Design. The accessory dwelling unit shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence. At a minimum, the plans for the unit should conform to the following guideline:

Any new exterior construction associated with creating an accessory dwelling unit should

match the existing exterior materials and design of the principal residence, and the pitch of any new roof should match that of the principal residence. Any new landscaping should conform with or improve existing landscaping.

9. Entrance Location. The entrance(s) to the accessory dwelling unit shall be located in such a manner as not to appear as a second primary entrance to the structure which encompasses the principal residence.

10. Parking. Two off-street parking spaces shall be provided for the accessory dwelling unit, in addition to the parking required for the main residence. They shall be paved in conformance with standard city requirements. These parking spaces may be located in a garage, carport, or in an off-street area reserved for vehicle parking. These parking spaces may not be located in tandem with parking spaces for the principal unit. These parking spaces may not encroach into any portion of a public or private street right-of-way (including any landscaped portion).

11. Accessibility. In order to encourage the development of housing units for people with disabilities, the community development director may allow reasonable deviations from the requirements of this section to install features or facilities that facilitate accessibility. Such features or facilities shall comply with the city's building and fire codes. Such deviations may be considered as part of the accessory dwelling unit permit (see below).

12. Owner Occupancy. The property owner (title holder or contract purchaser) must occupy either the principal unit or the accessory dwelling unit as their permanent residence for at least six months of each calendar year. Owners shall sign and record with the county an affidavit in a form acceptable to the city attesting to their occupancy. At no time may the property owner receive rent for whichever unit is owner occupied.

13. Maximum Occupancy. No more than two persons may live in an accessory dwelling unit.

14. Permitting. No construction permit or occupancy permit for any improvements for an accessory dwelling unit shall be issued until and unless a permit for the unit is approved and recorded, pursuant to this subsection.

a. Application and Fee. The property owner shall submit an application for an accessory dwelling unit permit to the community development director, including plans for creating the accessory dwelling unit (including design plans for any new construction), evidence of current ownership (or purchase contract), certification of owner occupancy, payment of related fees and costs as set forth in LMC 2.23.120; and such other information as the community development director may require in order to determine whether the application conforms with city requirements.

b. Action. After determining that the application is complete, the community development director shall approve the application and issue an accessory dwelling unit permit if he/she finds that the application conforms with the requirements of this section and other applicable sections of the municipal code.

c. Validity. Any permit issued pursuant to this section shall be issued only to the property owner and shall be valid only so long as the permit holder owns the property in title or as a contract purchaser. Such permit shall expire automatically upon any transfer of property ownership from the permit holder. Continued occupancy of the accessory dwelling unit as a separate living unit shall require application for a new permit by the contract purchaser or new property owner and renewal of the permit by the community development director. The community development director shall renew any permit under this subsection if he/she finds that the accessory dwelling unit complies with all provisions of this section.

d. Extension of Tenancy After Property Sale. If a property is sold and the new owner files an application for a permit, the tenants may continue to reside at the property for the remainder of any lease, or up to 90 calendar days, whichever is longer, except that such residency continuation shall not exceed one year. A single additional continuation of up to six months may

be granted by the community development director, upon written request by both the tenant and the (new) property owner, if she/he finds that termination of residency by the tenants would impose a substantial and unusual hardship on the tenants.

e. Recording. The permit, and any other forms required by the community development director, shall be recorded by the property owner with the county to indicate the presence of the accessory dwelling unit, the requirement of owner-occupancy, and any other standards or requirements for maintaining the unit as a separate dwelling unit. Any permit approved under this section shall not be effective until evidence of recordation is presented to the community development director.

f. Expiration. Any permit for an accessory dwelling unit shall expire one year from the date of approval unless a building permit for the accessory dwelling unit has been obtained. The community development director may grant a single one-year extension to this time limit, provided a written request for the extension is received before expiration.

g. Cancellation/Revocation. Cancellation of an accessory dwelling unit permit may be accomplished by the owner filing a certificate that the owner is relinquishing an approved accessory dwelling unit permit with the community development director and recording the certificate at the county. A permit for an accessory dwelling unit may be revoked for violation of the requirements of the section or for fraud in obtaining the permit.

h. Appeal. Any action by the community development director may be appealed by the applicant to the hearing examiner only for noncompliance with these regulations; provided, that such appeal shall be filed in writing within 10 calendar days of mailing of a notice of action. Such appeal shall be processed as provided for in Process II, LMC 1.35.200 et seq.

15. Subdivision Prohibited. No accessory dwelling unit may be sold as a separate property or as a condominium, or in any way be part of a subdivision of the lot upon which it is located unless that subdivision conforms with all provisions of the Lynnwood Municipal Code.

16. Home Occupations. A home occupation may not be conducted in the accessory dwelling unit.

17. Legalization of Existing Accessory Dwelling Units. Accessory dwelling units that existed on or before the effective date of the ordinance codified in this chapter may be granted an accessory dwelling unit permit, subject to this subsection.

a. Time Limit. An application for an accessory dwelling unit permit for a pre-existing unit must be filed with the community development department within 18 months of the effective date of the ordinance codified in this chapter.

b. Construction Codes Compliance. Any space used for or included in the accessory dwelling unit shall have been constructed pursuant to a building permit issued by the city of Lynnwood (or the county of Snohomish if the property was not part of the city at the time of construction) and in compliance with the building and other construction codes that were in effect when construction was completed. The applicant must provide written documentation to verify construction code compliance. Alternatively, the applicant may verify code compliance for existing construction through the community development department.

c. Development and Use Standards. Development and use of the pre-existing accessory dwelling unit shall comply with all provisions of this section.

L. Colleges. The extension or expansion of a college, not including a private training college (e.g., a beauty school, business college or technical training facility), may be allowed in the RML, RMM, or RMH zones by approval of a conditional use permit.

1. Decision Criteria. In addition to the criteria in Chapter 21.24 LMC, an application for a conditional use permit under this subsection may be approved only if it is found that:

a. The central functions of the college (e.g., college-wide administration and services for the entire student body) will remain at parcels zoned to a nonresidential zone; and

b. The site of the proposed extension or expansion of the college is a reasonable addition to the existing college campus and would result in a continuity of college use between

the main campus and the site of the expansion or extension; and, the location of the expansion or extension would not allow the college use to “leapfrog” over intervening properties that are not part of the existing college use or otherwise intrude into or disrupt an existing residential area.

2. Signage. Signs for a college shall conform to the regulations for an institutional use.

3. Limitations.

a. Only buildings or structures designed for nonresidential uses may be approved for use for a college under this subsection.

b. The area encompassed by conditional use permits approved under this subsection and under the ownership or control (including leases, rental agreements or similar) shall not exceed five acres.

4. Expiration. This subsection shall expire on December 31, 1999; provided, that uses established in accord with this subsection shall be considered lawful permitted uses as provided herein for as long as such use continues to exist. (Ord. 2441 § 12, 2003; Ord. 2310 §§ 36, 37, 2000; Ord. 2174 § 2, 1998; Ord. 2065 § 6, 1995; Ord. 2051 § 5, 1995; Ord. 2020 § 17, 1994; Ord. 1881 § 1, 1992; Ord. 1844 § 10, 1991; Ord. 1781 § 4, 1990; Ord. 1472 § 1, 1985; Ord. 1146 § 1, 1980; Ord. 1138 § 1, 1980; Ord. 1119 § 2, 1980; Ord. 1081 § 1, 1979; Ord. 584 § 2, 1971; Ord. 522 § 2, 1969; Ord. 323 § 2, 1967)

**21.42.140 Limitations for uses allowed in single-family zones when located in multiple-family zones.**

*Repealed by Ord. 2441. (Ord. 2020 § 17, 1994; Ord. 1881 § 1, 1992; Ord. 323 § 2, 1967)*

**21.42.200 Development standards.**

**Table 21.42.02  
Development Standards**

Standard	RS-8L	RS-7M	RSH	RML	RMM	RMH
Minimum Lot Area+++	8,400 sf	7,26,000 sf	4,000 sf	7,200 sf	None	none
Minimum Lot Area per Dwelling	NA	NA		3,600 sf	2,400 sf+	1,000 sf++
Minimum Lot Width	70 ft.+++	60-55 ft.	40 ft.	none	70 ft.	100 ft. plus 1 ft. for every 10 ft. of lot depth after the first 100 ft.
Minimum Frontage at Street	30 ft.+++	30 ft.	25 ft.	70-25 ft.	None 25 ft.	None 25 ft.
Minimum Front Yard Setback						
Interior Lot	25 ft.	20 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Corner Lot	25 ft.	20 ft.		15 ft.	15 ft.	15 ft.
Abutting a Principal Arterial Street	25 ft.	25 ft.		15 ft.	15 ft.	15 ft.
Minimum Side Yard Setbacks						
Corner Lot						
Street Side	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Interior Side	5 ft.	5 ft.	5 ft.	5 ft.	15 ft.	15 ft.
Both Sides Combined	15 ft.	10 ft.	10 ft.	15-10 ft.*	None	none
Abutting a Principal Arterial Street	25 ft.	25 ft.		15 ft.	15 ft.	15 ft.

Minimum Side Yard Setbacks Interior Lot						
Each Side	5 ft.	5 ft.		5 ft.	15 ft.	15 ft.
Both Sides Combined	15 ft.	10 ft.		15 ft.	None	none
Minimum Rear Yard Setback	25 ft.	25-20 ft.	15 ft.	25-20 ft.	25-20 ft.	25-20 ft.
Maximum Lot Coverage by Buildings	35 percent	35-40 percent	50 percent	35-50 percent	35-40 percent	45-30 percent
Maximum Building Height	35 ft.	35 ft.	35 ft.	35 ft., or 2 stories from average finished gradenone	35 ft. none	none+++

\* Unless any structure extending into the side yard is open and allows emergency access to the rear yard, in which case a five-foot side yard may be the minimum of each side.

† The total lot area may be “increased” at the rate of 250 square feet for every parking space provided within the apartment structure.

++ The total lot area may be “increased” at the rate of 200 square feet for every parking space provided within the multiple-family housing structure.

+++ See LMC 21.42.210.

(Ord. 2441 § 12, 2003; Ord. 2388 § 17, 2001; Ord. 2020 § 17, 1994; Ord. 1881 §§ 1, 7, 1992; Ord. 1412 §§ 1 – 4, 1984; Ord. 1343 § 5, 1983; Ord. 997 § 1, 1978; Ord. 977 §§ 1, 2, 1978; Ord. 942 § 1, 1977; Ord. 738 § 1, 1974; Ord. 614 § 1, 1971; Ord. 565 § 1, 1970; Ord. 407 § 2, 1968; Ord. 356, 1967; Ord. 323 § 2, 1967; Ord. 190 Art. IX §§ 9.2.2, 9.3.2, 9.4.2(a-f), 9.5.2, 1964)

**21.42.210 Additional development standards.**

A. Parking Requirements. Parking requirements for the residential zones are as provided in Chapter 21.18 LMC.

1. Tandem Parking in Multiple-Family Zones. In the RML, RMM, and RMH zones, 10 percent of the required parking may be in tandem parking; provided, that the area in which the tandem parking is located is designated on an approved site plan and that they are assigned by the management; or, 10 percent of the parking stalls required may be located in a separate parking lot utilized only for recreation vehicles provided the area does not encroach on front, side, and rear yard setbacks.

2. Landscaping in Parking Areas in the Multiple-Family Zones.

a. Purpose. The purpose of these landscaping provisions is:

- i. To break up the visual blight created by large expanses of barren asphalt which make up a typical parking lot;
- ii. To encourage the preservation of mature evergreens and other large trees which are presently located on most of the potential multiple-family housing sites in this city;
- iii. To provide an opportunity for the development of a pleasing visual environment in the multiple-family housing zones of this city from the viewpoint of the local resident and visitor passing through the zones (a purpose of this section) as well as from the viewpoint of the multiple-family housing dweller (a purpose of the multiple-family housing developer);
- iv. To insure the preservation of land values in multiple-family housing zones by creating and insuring an environmental quality which is most compatible with the development of this land; and
- v. To provide adequate control over the application of landscaping standards so

that these objectives are accomplished in the most effective manner and to avoid the abuse of these intentions by placing the described landscaping in remote parts of the site or in recreational areas where they bear no relationship to these objectives.

b. **Planting at Street Frontages.** Development sites with parking areas located only between the sides of buildings opposite the street and interior property lines shall provide a 10-foot-wide planting area along the entire street frontage, except for driveways, walkways and other pedestrian spaces. Development sites with single-aisle, double-loaded parking areas located between buildings and the street right-of-way, parking areas between buildings or parking areas between buildings and the closest side property line shall provide a 15-foot-wide planting area along the entire street frontage with the same above exceptions. Development sites with multi-aisle parking areas located between buildings and the street right-of-way shall provide a 20-foot-wide planting area along the entire street frontage with the same above exceptions. Planting shall consist of ornamental landscaping of low plantings and high plantings. The minimum height of trees shall be eight feet for evergreen trees and 10 feet for all other species. Trees shall be spaced a maximum of 25 feet on center with branches eliminated to a height of six feet where necessary to prevent sight obstruction. The required trees in this planting area may be located within the adjacent street right-of-way as long as they comply with Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), and are approved by the public works department.

Low evergreen plantings or a mixture of low evergreen and deciduous plantings with a maximum height of 30 inches, in bark or decorative rock, shall be provided so as to achieve 50 percent groundcover within two years.

The location and width of the planting area may be modified in accordance with the following provisions: that up to five feet of the 10-foot total required may be installed in portions of city right-of-way which are not covered by impervious surfaces or, in the case of right-of-way which is not fully improved, are not projected to be covered by impervious surfaces upon full improvement.

c. **Landscaping in Right-of-Way.** Property owners who install landscaping on portions of right-of-way not covered by impervious surfaces shall provide the city with a written release of liability for damages which may be incurred to the planting area from any public use of the right-of-way and an indemnity to the city against any injuries occurring within that portion of right-of-way so utilized.

d. **Planting Coverage.** Ten percent of parking areas located between buildings and interior property lines, and single-aisle, double-loaded parking areas located between buildings and the street; and 15 percent of multi-aisle parking areas located between buildings and street shall be in landscaping (exclusive of landscaping on the street frontage and required landscape buffers); provided, that:

i. No landscaping area shall be less than 100 square feet in area or less than five feet in width;

ii. No parking stall shall be located more than 45 feet from a landscaped area. The planning commission may approve landscaping plans involving alternatives to this specification for individual properties if it finds that the alternative plans would be more effective in meeting the above stated purposes of this section; and

iii. All landscaping must be located between parking stalls or between parking stalls and the property lines. Landscaping which occurs between parking stalls and multiple-family housing or between parking stalls and multiple-family housing recreation areas shall not be considered in the satisfaction of these landscaping requirements.

e. **Style of Landscaping.** The planting area shall include liberal landscaping using such material as trees, ornamental shrubs, lawn or combination of such materials.

f. **Landscaping Adjacent to Parking Stalls.** Where landscaping areas which fulfill city standards are adjoined by angular or perpendicular parking stalls, landscaping in the form of

groundcover materials or plants may be installed in that portion of any parking stall which will be ahead of the wheels and adjacent to the landscaped area; provided, that curbing or wheel stops are installed in a position which will protect the plants from damage. Such landscaping shall not be construed to be part of the percentage of landscaped area required by this chapter nor a reduction of the parking stall.

g. **Additional Landscaping Along Specified Streets.** Along streets where it may be desirable and feasible to obtain a higher degree of continuity in landscaping from property to property than is provided for here, the city council, upon recommendation by the planning commission, may designate specific street frontage landscaping plans for those streets. See Chapter 21.06 LMC.

B. **Fences and Hedges.** Fence and hedge regulations for the residential zones are as provided in Chapter 21.10 LMC.

C. **Building Height in RMH Zones.** The front, rear, and side yard setbacks of any building that exceeds a height of 45 feet shall be increased by one foot for each one foot that the building exceeds a height of 45 feet.

D. **Minimum Lot Area.** Within RS-8L or RS-7M zoned land the required minimum lot size standards for individual lots will be considered to be met if the average lot size of the lots in the subdivision or short subdivision (the total land area within lots divided by the number of lots) is equal to or larger than the required minimum lot size allowed in the respective zone; provided, that:

1. No lot shall be smaller than 90 percent of the required minimum lot size in that zone;
2. Not more than a 25 percent increase over the required minimum lot size for any individual lot shall be credited in computing average lot size;
3. Corner or reverse corner lots shall not be smaller than the required minimum lot size allowed in that zone;
4. A lot which is, by these provisions, smaller than the required minimum lot size is allowed a reduction of five feet from the required minimum lot width;
5. Final plats or short plats which utilize lot size averaging shall list the lot areas of all lots on the face of the plat; and
6. Preliminary plats approved utilizing lot size averaging shall not receive final approval by divisions unless each division individually satisfies these provisions.

E. **Pre-Existing Subdivisions.** Any lot described on a plat duly recorded in the land records of Snohomish County prior to January 1, 1970, may be used for a one-family dwelling if the width of the lot is not less than 60 feet, the area of the lot is not less than 7,000 square feet, and the lot and buildings to be located thereon conform to all other standards of the R-8SL zone. (Ord. 2441 § 12, 2003; Ord. 2388 § 18, 2001; Ord. 2020 § 17, 1994; Ord. 1881 § 1, 1992; Ord. 1770 § 12, 1990; Ord. 1461 § 1, 1985; Ord. 1424 § 1, 1984; Ord. 1253 §§ 1, 2, 1982; Ord. 1241 § 1.2, 1982; Ord. 987 §§ 3, 4, 1978; Ord. 614 § 1, 1971; Ord. 575 § 1, 1970; Ord. 565 § 1, 1970; Ord. 489 § 1, 1969; Ord. 407 § 2, 1968; Ord. 386 § 1, 1968; Ord. 356, 1967; Ord. 323 § 2, 1967; Ord. 190 Art. IX §§ 9.2.3, 9.2.4, 9.3.3, 9.3.4, 9.4.3, 9.4.4, 9.5.3, 9.5.4, 1964)

#### **21.42.220 Transition or buffer strips.**

A. **Transitional or buffer landscaped strips** (also referred to as greenbelts) shall be installed in the following situations:

1. Where the side yard or rear yard of a property zoned RML, RMM, or RMH is adjacent to a property zoned RS;
2. Where the side yard or rear yard of a property zoned to a multiple-family residential zone adjoins a property zoned to a commercial or industrial zone.

All landscaped strips shall be a minimum of 10 feet wide.

B. **Maintenance.** Whenever greenbelts or landscaping are required to be installed according to city zoning requirements, the plant material shall be regularly maintained and kept in a healthy

condition in accordance with zoning requirements, Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), and approved development plans. Maintenance shall also include regular weeding, removal of litter from landscaped areas, and repair or replanting so that the greenbelts or landscaping continue to comply with zoning requirements and/or development plans.

C. Minimum Standards.

1. Planting and Fencing.

a. RML, RMM, and RMH Zones Adjoining a Single-Family Residential Zone. The planting strip shall consist of one row of evergreen conifer trees, spaced a maximum of 10 feet on center. Minimum tree height shall be six feet. The remainder of the planting strip shall be promptly planted with low evergreen plantings which will mature to a total groundcover within five years. A permanent six-foot site-screening fence shall be placed at the property line.

b. A Multiple-Family Residential Zone Adjoining a Commercial or Industrial Zone. The planting strip shall contain the planting in the preceding subsection or an evergreen hedge, with plants spaced so that they will form a dense hedge within five years, and the minimum plant height shall be four feet. A permanent six-foot site-screening fence shall be placed at the property line.

2. Signed Plans. All landscaping plans shall bear the seal of a registered landscape architect or signature of a professional nurseryman and be drawn to a scale no less than one inch to 20 feet. The landscape architect or professional nurseryman shall certify that the species of plants are fast-growing and that the design of the plan will fulfill city code requirements within five years.

3. Installation Prior to Occupancy. All landscaping that fulfills the city code requirements shall be installed prior to occupancy of any structure located on the same site.

If, due to extreme weather conditions or some unforeseen emergency, all required landscaping cannot be installed prior to occupancy, then a cash deposit or guarantee account with the city shall be provided as financial security to guarantee installation of the remaining landscaping. The security shall be equal to the cost of the remaining landscaping including labor and materials or a minimum of \$500.00. The security shall not extend for a period of more than 30 days. If, within 30 days, the remaining landscaping is installed according to code requirements and approved development plans, then all funds shall be refunded.

D. Fence Regulations.

1. Definition. For the purposes of this section a "site-screening fence" means a solid one-inch-thick board (nominal dimensional standards) fence. One made of brick, rock or masonry materials may be substituted for a board fence;

2. Exceptions. Where a fence is required by the above standards, no fence will be required in those cases where a fence already exists which meets the intent of this section. However, if the existing fence is ever removed, demolished or partially destroyed, then the owner of the property first being required by the section to provide the necessary fence will be responsible for replacing the fence.

In those cases where the slope of the land is such that the location of a fence required by the above standards is impractical or ineffective in satisfying the intent of this section, the planning director may, at his discretion, permit a location which more adequately satisfies the intent of this section. (Ord. 2441 § 12, 2003; Ord. 2388 § 19, 2001; Ord. 2020 § 17, 1994; Ord. 1881 §§ 1, 4, 5, 6, 1992; Ord. 1790 §§ 1, 2, 3, 1990; Ord. 1781 § 2, 1990; Ord. 1474 § 1, 1985; Ord. 1465 § 3, 1985; Ord. 1257 § 6, 1982; Ord. 1036 § 3, 1979; Ord. 888 §§ 1, 2, 3, 1976; Ord. 670 § 1, 1972; Ord. 575 § 1, 1970; Ord. 489 § 1, 1969; Ord. 464 §§ 1, 2, 1969; Ord. 407 § 2, 1968; Ord. 386 §§ 2, 3, 1968; Ord. 383 § 3, 1968; Ord. 356, 1967; Ord. 323 § 2, 1967; Ord. 190 Art. IX §§ 9.2.4, 9.3.4, 9.4.4, 9.5.4, Art. X §§ 10.6, 10.7, 1964)

**21.42.230 Other transitional requirements.**

A. Property Abutting an RS-Zoned Property. Where the side yard of a property zoned RML, RMM, or RMH abuts a property zoned to a single-family residential zone, the abutting side yard setback of the RM-zoned property shall be 25 feet.

B. Property Zoned to the RMH Zone. Development of any property zoned to the RMH zone shall provide a 25-foot setback at any side yard abutting an RS or RML zone. (Ord. 2441 § 12, 2003; Ord. 2020 § 17, 1994; Ord. 323 § 2, 1967)

**21.42.240 Standards for uses allowed in single-family residential zones when located in multiple-family zones.**

A. In RML Zones. Any use permitted in a single-family zone shall conform to the conditions set forth in the zone in which they are first permitted, except that dwellings, yards, open spaces, and lot coverage established for the applicable zone shall apply.

B. In RMM and RMH Zones. Any use permitted in a single-family zone shall conform to the conditions set forth in the zone in which they are first permitted, except that for residential development, dwellings, yards, open spaces, and lot coverage established for the applicable zone shall apply. (Ord. 2441 § 12, 2003; Ord. 2020 § 17, 1994; Ord. 1881 § 1, 1992; Ord. 323 § 2, 1967)

**21.42.250 Development standards for park facilities.**

A. Buildings and structures at properties designated "Parks, Recreation and Open Space" on the future land use plan map of the comprehensive plan shall be subject to the development standards in LMC 21.42.200; provided, that the community development director may authorize a reduction in the minimum setback from a public street to the following:

1. Structures and buildings no more than one story in height and with a gross floor area of 1,000 square feet or less: 10 feet.

2. Structures and buildings either more than one story in height or with a gross floor area greater than 1,000 square feet (or both): 25 feet.

3. Provided, that the director finds:

a. The standards in LMC 21.42.200 would not allow use of a building or structure in the park as that building or structure is intended to be used; and

b. Use of the building or structure would not adversely affect adjoining properties.

B. Notice of such approval shall be mailed to owners of property that adjoin the site of the proposed building or structure. Approval of a building or structure under this section may be appealed within 14 calendar days of issuance of a determination under this section using Process II. The date of issuance shall be three days following the date of mailing of the notice. (Ord. 2441 § 12, 2003; Ord. 2240 § 1, 1999)

**21.42.300 Home occupations.**

Home occupations are permitted upon issuance of a business license by the city clerk's office pursuant to the provisions of LMC Title 5. To assure adherence to the definition of "home occupation," applicants for home occupation business licenses shall acknowledge in writing, certified under penalty of perjury under the laws of the state of Washington, that they will comply with the provisions of this section. Failure to so certify shall constitute an incomplete application and the same shall not be processed. Home occupation business licensees shall comply with the conditions listed in this section. Failure to so comply shall constitute a misdemeanor and grounds for revocation or suspension of said license. (Home day care is regulated separately, under LMC 21.42.400.)

A. Area Used. A home occupation may only be conducted in the principal building and not in an accessory building. The area devoted to the home occupation may comprise no more than 25 percent of the area of the principal building. Any extension of the home occupation to the outdoors, including but not limited to, paving of yards for parking, outdoor storage or activity, indoor storage or activity visible from outdoors (e.g., in an open garage) is prohibited.

B. Access. Access to the space devoted to the home occupation shall be from within the dwelling, and not from a separate outside entrance.

C. Employment. No one other than members of the family who are residing on the licensee's premises may perform labor or personal services on the premises, whether such persons are employees or independent contractors. Persons in building trades and similar fields using their homes or multiple-family housing as offices for business activities carried on off the residential premises may have other employees or independent contractors; provided, that such employees or independent contractors do not perform labor or personal services on the residential premises, park on or near the dwelling site, or visit the residence during the course of business.

D. Stock in Trade. The processing, storing, and occasional sale of handicrafts made on the premises and other small products is allowed, subject to compliance with other conditions of this title. The display or storage of goods outside the premises or in a window is prohibited.

E. Equipment, Use, and Activities. No equipment may be used and no activities may be conducted which would result in noise, vibration, smoke, dust, odors, heat, glare, or other conditions exceeding in duration or intensity those normally produced by a residential use. Normal residential use shall be construed as including the above impacts only on an occasional weekend or evening basis (e.g., in connection with a hobby or home/yard maintenance), and not on a daily basis.

F. Traffic. The nature of the home occupation shall be such that it does not generate traffic in excess of normal residential traffic. Home occupations which result in travel to the site by customers or suppliers or any other persons in excess of one visit every hour are specifically prohibited; provided, that this limitation may be exceeded one day each month to facilitate the holding of occasional meetings which is inherent to certain types of home occupations. Traffic generated by a home occupation is limited to the hours of 9:00 a.m. to 9:00 p.m. These restrictions shall not apply to the sale of household goods on the premises (garage sale) nor do such sales require the obtaining of a home occupation license. However, to minimize traffic impacts on a neighborhood, sales of household goods shall be limited to no more than two per year, each sale not to exceed seven days. Pickup or delivery by commercial vehicles other than those of the home occupation owner shall be limited to one vehicle of one-ton rated capacity or less.

G. Certain Uses Specifically Prohibited. The following uses are specifically prohibited as home occupations:

1. Automotive repairs or detailing;
2. Small engine and major appliance repair;
3. Boarding, grooming, kenneling, or medical treatment of animals;
4. Contractor's shops;
5. On-site sale of firewood;
6. Sheet metal fabrication;
7. Escort services;
8. Health care actually delivered to patients, including, but not limited to, treatments by medical doctors, chiropractors, dentists, podiatrists, naturopaths, psychologists, hypnotherapists, massage practitioners, physical or occupational therapists, nurses, and acupuncturists;
9. Any use with a demonstrated tendency to violate one or more of the conditions of this section.

H. Signs. Any home occupation sign must meet the residential sign regulations in LMC 21.16.290. (Ord. 2441 § 12, 2003; Ord. 2310 § 34, 2000; Ord. 2101 § 1, 1996; Ord. 2020 § 17, 1994; Ord. 1891 § 1, 1992; Ord. 1889 § 3, 1992; Ord. 1757 § 1, 1990; Ord. 1607 § 11, 1987; Ord. 1389 § 2, 1984)

**21.42.400 Accessory structures and uses.**

A. Private Garages and Carports. Private garages and carports are allowed in the RML,

RMM, and RMH zones as long as they adhere to the side yard and rear yard and front yard setbacks as required herein for the applicable zone. In the RML Zone, where more than one dwelling unit is involved, private garages shall be limited to accommodating not more than two cars for each dwelling.

B. Solar Energy Systems. The use of solar energy systems (for example, attached solar greenhouses, attached solar sunspaces, and solar collectors) can be an effective and efficient method for producing energy and reducing energy consumption. The majority of residential structures within Lynnwood were constructed before solar energy systems became a viable means for producing energy, thus lot yard setbacks and height restrictions do not take such systems into account. The city of Lynnwood finds that it is in the best public interest to encourage solar energy systems. If it is found that a solar energy system would have a positive impact on energy production and conservation while not having an adverse environmental impact on the community, but the placement of such system requires violation of city setback or maximum height limitations, allowance of such systems may be permitted through the variance process and shall be encouraged. In viewing such variance request, the following shall be considered in making a determination:

1. That the solar energy system has a net energy gain;
2. That the solar energy system is designed to minimize glare towards vehicular traffic and adjacent properties;
3. That the solar energy system not adversely affect solar access to adjacent properties;
4. That the solar energy system comply with all other city zoning, engineering, building, and fire regulations; and
5. That the solar energy system is found to not have any adverse impacts on the area, which impacts shall include, but not be limited to, the effects of such system upon the views from neighboring properties and public ways.

In order to show that the proposed energy system will conform to the above, the applicant shall be required to submit a site plan and elevations showing the location, size, and dimensions of the solar energy system and its relation to all adjacent properties. Care shall be taken to insure that the design, materials used and colors architecturally blend in with the existing structure. The city may require that the site plan and elevations and/or energy saving calculations be prepared by an engineer, architect or builder specializing in solar energy construction.

C. Heat Pumps. Provided such are baffled, shielded, enclosed, or placed on the property to insure that the dba level does not exceed the applicable noise level at the property line. Documentation of the methods to insure compliance with these standards shall be required of the applicant prior to issuance of a permit to install a heat pump. In the event of persistent noise problems, it shall be the owner's responsibility to retain a noise consultant and to take the necessary actions to mitigate the impacts immediately. Heat pumps complying with the above standards shall be placed a minimum of five feet from all property lines.

The use of heat pumps also may be an effective and efficient method for reducing energy consumption. The majority of residential structures were constructed before heat pumps became a viable means for reducing energy consumption, thus lot yard setbacks did not take them into account. In some instances the only and/or the best location of a heat pump will not comply with the minimum five-foot setback from all property lines. Heat pumps within the five-foot setback may be permitted through the variance process. In order for any such variance to be granted, it must be found that:

1. The heat pump does not exceed the applicable dba noise level at the property line;
  2. The heat pump does not cause an adverse environmental impact; and
  3. The proposed location is the more desirable in lieu of the minimum five-foot setback.
- Supporting documentation shall be provided by an individual knowledgeable of heat pump operation and installation.

D. Family Child Care Homes. Family child care homes are permitted as an accessory use to a

dwelling.

E. Keeping Small Animals as Pets. The keeping of small animals as pets shall be permitted as an accessory use; the keeping of livestock shall not be permitted except that an occupant shall be able to keep one animal; i.e., horse, cow or sheep on a lot having a minimum of 20,000 square feet and an additional animal for each 20,000 square feet additional lot area. The entire square footage of roaming area shall be fenced. Fences must be of such a type and size as to prevent encroachment on adjacent property. Encroachment shall be defined as reaching over, under or through, as well as trespassing or intruding upon, the property of another. Accessory buildings used for housing animals shall be provided, and shall be a minimum of 200 and a maximum of 250 square feet in area per animal, except as allowed by variance, and shall not be closer than 25 feet to a property line. An accessory building for the housing of small animals or fowl shall not exceed 36 square feet in floor area when located on a residential lot and neither the building nor the fenced area for their roaming shall be closer than 25 feet to a property line. The keeping of mink, goats, foxes, or hogs is prohibited.

F. Carnivals, Circuses, and Other Temporary Special Events. These uses are permitted if accessory to a school, church, park, or other facility of a similar nature. Such activities shall not be subject to regulation by Chapter 5.30 LMC. (Ord. 2441 § 12, 2003; Ord. 2020 § 17, 1994; Ord. 1844 § 7, 1991; Ord. 1781 § 6, 1990; Ord. 1428 §§ 1, 2, 1984; Ord. 1252 §§ 2, 3, 1982; Ord. 1240 § 2, 1982; Ord. 669 § 1, 1972; Ord. 323 § 2, 1967; Ord. 285 § 4, 1966)

**21.42.420 Placement of accessory buildings and structures – Interior lots.**

A. Distance Between Buildings and Structures. The distance between a building containing a dwelling unit and any other building on the same lot shall be as set forth in the building code.

B. Accessory Buildings and Structures on Lot Lines. In single-family zones, accessory buildings which:

1. Are behind the front wall of the residence;
2. Do not exceed one story in height (not to exceed 15 feet);
3. Are not greater than 600 square feet in floor area; and
4. Do not contain habitable space (as defined in the building code);

shall be set back not less than five feet from the lot side and rear lines, except that one accessory building which does not exceed eight feet in height nor 64 square feet in floor area may be located on lot side and rear lines. (Ord. 2295 § 6, 2000; Ord. 2020 § 17, 1994; Ord. 1823 § 1, 1991; Ord. 1365 § 1, 1983; Ord. 1174 § 1, 1980; Ord. 190 Art. IX §§ 9.2.5, 9.3.5, 9.4.2g(1), § 9.5.5, 1964)

**21.42.440 Placement of accessory buildings and structures – Corner and reverse corner lots.**

A. Distance Between Buildings and Structures. The distance between a building containing a dwelling unit and any other building on the same lot shall be as set forth in the building code.

B. Accessory Buildings and Structures on Lot Lines. On the rear one-third of a corner or reverse corner lot, accessory buildings which do not exceed one story in height (not to exceed 15 feet) and which are not greater than 600 square feet in floor area shall be set back not less than five feet from interior lot side lines and lot rear lines, except that one accessory building which does not exceed eight feet in height nor 64 square feet in floor area may be located on interior lot side lines and lot rear lines. Any corner lot street setback requirements shall apply.

C. Side Yard Width. In all cases, the width of the required side yard on the street side for the applicable zone shall be observed. (Ord. 2020 § 17, 1964; Ord. 1823 § 2, 1991; Ord. 1365 § 1, 1983; Ord. 1174 § 2, 1980; Ord. 190 Art. IX §§ 9.2.5, 9.3.5, 9.2.4g(2), 9.5.5, 1964)

**21.42.500 Signs.**

See LMC 21.16.290 for sign regulations in residential zones. (Ord. 2310 § 35, 2000)

**21.42.900 Other regulations.**

A. Refuse and Recycling Collection Areas and Enclosures. On-site paved and enclosed refuse and recycling collection areas shall be provided on sites where new buildings are being constructed or existing buildings are being remodeled or expanded, and shall comply with the requirements of this section. One-family dwelling units, two-family dwelling units, and public parks are exempt from the requirements of this section.

1. Development Standards. Refuse and recycling collection areas in all multiple-family zones shall comply with the development standards below. The following development standards shall supersede other applicable setback requirements of this chapter and applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), that may conflict: setback a minimum of 25 feet from a public street and 10 feet from any interior property line.

2. Enclosure. All refuse and recycling collection areas shall be enclosed on three sides by a six-foot-high site-obscuring fence which uses building materials, color, and design details similar to the primary buildings on the site and a six-foot-high gate on one side. The height of the enclosure may include the height of a surrounding slope or berm (height measured from bottom inside edge of the collection area). The enclosure shall include a gate which can be secured in an open or closed position. If the enclosure includes a gate made of metal chain link fencing, the fencing shall contain slats which screen the view of containers and material inside the collection area. An alternative design may be approved if it is determined that such alternative would provide equal or better screening, architectural compatibility, and containment.

3. Parking. No refuse and recycling collection area shall be located in such a way that new or existing parking stalls will prevent or interfere with the use and servicing of the collection area.

4. Design. Refuse and recycling collection areas shall be sized, located, and constructed per standards established by the public works department.

B. Recreational Requirements. In the RML, RMM, and RMH zones, on-site recreational facilities and outdoor amenities shall be provided, as follows:

1. Objectives.

a. To require the multiple-family housing developer to satisfy a portion of the demand for recreational facilities that are created in a proportional ratio to the increased population density; and

b. To provide standards which can be principally satisfied through proper site design that gains a maximum use of the respective land parcel.

2. Requirement. All new multiple-family housing developments, and all expansions of existing multiple-family housing developments by the addition of new dwelling units, shall provide sufficient active recreational areas to satisfy a minimum ratio of 200 square feet per multiple-family housing unit. The site plan shall designate the location of recreational facilities and outdoor amenities and the boundaries of recreational areas. Indoor recreational areas or rooftop recreational areas may be used to satisfy this ratio if they satisfy all requirements of this section.

3. Development Standard. All recreation facilities shall be of a permanent nature.

4. Use Restriction. The recreation facilities may be restricted to use by tenants only. This provision excludes use of private and semi-private patios, and balconies in meeting the recreational requirements.

C. Housing, Parking, Repairing, Altering and Painting of Trucks, Cars or Other Vehicles within any Residential Zone. No trucks, cars, or other vehicles may be housed, parked, repaired, altered, painted, or otherwise worked upon within any R zone under this title, other than those vehicles specifically owned and/or registered in the name of the property owner, lessee, or occupant of such property. Any such work done by a property owner, lessee, or occupant of such property as to become an obnoxious, obscene, dirty, or an unsightly condition, or to cause inconvenience, hurt, or become a nuisance to residents of a neighborhood, shall be given notice to

discontinue such work or operation, and shall immediately so do or become subject to the penalties as prescribed by this title. At no time shall such property owner, lessee, or occupant do any type of welding (acetylene or electric) on or about such R-zoned area. Such vehicular repair work will be permitted only within the hours from 9:00 a.m. to 9:00 p.m. within such residential area. (Ord. 2441 § 12, 2003; Ord. 2388 §§ 20, 21, 2001; Ord. 2020 § 7, 1994; Ord. 1911 § 2, 1992; Ord. 1186 § 1, 1981; Ord. 970 § 1, 1978; Ord. 407 § 2, 1968; Ord. 190 Art. VIII § 8.6, 1964)

***Lynnwood Planning Commission***  
**Meeting of May 22, 2003**

**Staff Report**

Agenda Item: I

**Upcoming Commission Meetings**

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

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

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

<b>June 12</b>	<b>Public Hearing:</b>	<u>Comp. Plan Amendments</u> – All Proposals
	<b>Business:</b>	<u>Comp. Plan Amendments</u> – Recommendations
	<b>Work Session:</b>	<u>Development Regulations</u> – Phase 2
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<b>June 26</b>	<b>Public Hearing:</b>	<u>Planned Commercial Dev. Zone (PCD) Amendment</u>
	<b>Work Session:</b>	<u>Development Regulations</u> – Phase 2 <u>Treatment Plant – Zoning Code Amendment</u>
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<b>July 10</b>	<b>Public Hearing:</b>	<u>TBA</u>
	<b>Business:</b>	<u>PCD Zone Amendment Recommendation</u> (if needed)
	<b>Work Session:</b>	<u>Development Regulations</u> – Phase 2
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<b>July 24</b>	<b>Public Hearing:</b>	<u>TBA</u>
	<b>Work Session:</b>	<u>TBA</u>
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<b>August 14</b>	<b>Public Hearing:</b>	<u>TBA</u>
	<b>Work Session:</b>	<u>TBA</u>