

Lynnwood Planning Commission
Meeting of June 12, 2003

Staff Report

Agenda Item: E-1

2003 Comprehensive Plan Amendments

- 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

Contents:

- 1** Introduction
- 1** Schedule
- 2** Summary of Proposed Amendments
- 4** 1. Alderwood Manor Church Map Amendment
- 9** 2. Steves Map Amendment
- 14** 3. Raskin Map Amendment
- 21** 4. Opalka Map Amendment
- 25** 5. Mobile Home Park Study
- 31** 6. Code-related Plan Amendments
- 36** 7. Implementation Element
- 43** 8. Environmental Resources Element

Introduction:

The Planning Commission has studied this year's Comprehensive Plan amendment proposals at each of its last three meetings. On May 12, the City Council considered the Commission's recommended Study List, removed two proposals (Palmer and Lytton) and approved the Final 2003 Study List.

The next step in the process is for the Commission to conduct a public hearing, consider any testimony that's offered, and make its recommendations to the City Council. This report includes additional analysis of City goals and objectives, as they pertain to each proposal and to the approval criteria. The Palmer and Lytton proposals are not included, nor is the City Center Plan which is following a separate track. It may be ready for a Commission hearing later in the summer.

Schedule:

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

- 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

- Schedule:**
- May 12 – City Council approved Final Study List
 - May 22 – Commission completed third of three work sessions
 - June 12 – Commission Public Hearing & Recommendations to Council
 - June 30 – First of several City Council work sessions
 - Sept. 8 – City Council Public Hearing
 - Sept. 22 – City Council Final Action/Adoption of Plan Amendments

Summary of Proposed Amendments on Study List:

- 1. Alderwood Manor Community Church Map Amendment:** (formal application)
Location: Alderwood Mall Boulevard, east of 36th Street and north of 196th St.
Request: Map change from **MF-2** (Medium-density Multi-family) to **RC** (Regional Comc'l)
- 2. Steves Map Amendment:** (formal application)
Location: 194th Street, east of 64th Avenue
Request: Map change from **MF-1** (Low-density Multi-family) to **MF-2** (Medium-density Multi-family) for four lots. Adjacent properties may also be included.
- 3. Raskin Map Amendment:** (formal application)
Location: Between Interurban Trail and 204th St., east of Scriber Lake Alternative H.S.
Request: Map change from **BTP** (Business/Technical Park) to **MF-3** (High-density Multi-family). This site was previously approved for Center 5000, a business/office Planned Unit Development. The requested change would clear the way for a new multi-family development to be known as **Creekside Plaza**.
- 4. Opalka Map Amendment:**
Location: South side of the Interurban Trail – west of 48th Avenue.
Request: Map change from **PRO** (Parks, Recreation and Open Space) to **BTP** (Business/Technical Park) on a 2.3 acre City-owned surplus property to be sold.
- 5. Mobile Home Park Study Map Amendment**
Location: Northwest Corner of 44th Ave W and 176th St SW
Request: Change the Plan designations of two adjacent mobile home parks from **MF-1** (Low-density Multi-family) to **SF-3** (High-density Single-family).
- 6. 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.

7. 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.

8. 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.

9. City Center Plan

NOTE: This subarea plan is following its own separate track and may be ready for a Planning Commission review and public hearing later in the summer. If not, it may be placed on the 2004 docket for consideration next year.

1. Alderwood Manor Community Church Map Amendment:

(formal application)

Applicant: Alderwood Manor Community Church
3403 Alderwood Mall Boulevard, Lynnwood WA 98036

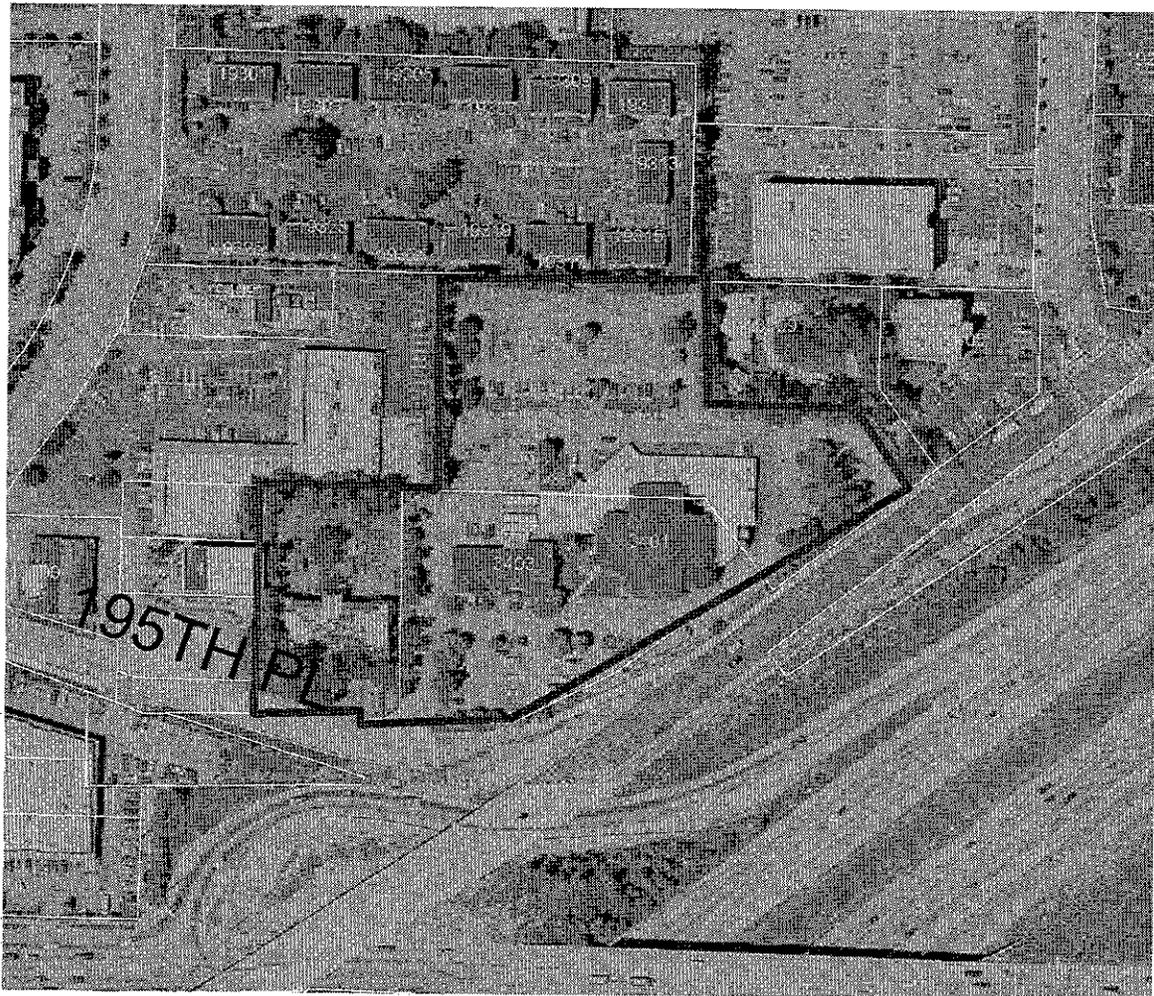
Contact: Larry Calvin – (425) 715-6932

Request: Map change from **MF-2** (Medium-density Multi-family) to **RC** (Regional Comc'l.)

Location: Alderwood Mall Boulevard, east of 35th Street and north of 196th St.

The Site: This site consists of the following parcels, all of which are church owned and currently designated MF-2 (Medium-density Multi-family) on the Comp. Plan.

00-3726-002-009-06	0.04 ac.
00-3726-002-018-01	1.79 ac.
00-3726-002-009-02	2.20 ac.
00-3726-002-018-02	<u>0.84 ac.</u>
	4.87 ac.



History: Alderwood Manor Community Church has been at its present location for many years. It has watched the City of Lynnwood grow around it until it was, in the words of administrator Savage, "*left as an island of multi-family amidst a sea of commercial uses.*" He feels the multi-family designation is no longer appropriate for this site and the proposed amendment will resolve the existing conflict.

Surrounding

Uses: An apartment complex (zoned RMM) abuts the church property on the north side and a single-family residence is located to the northeast in the Business/ Technical Park (BTP) zone. Commercial businesses and a church (in the former Masonic Hall building) lie to the west. Alderwood Mall Boulevard parallels Interstate 5 and forms the southern boundary of the site.

Long-range

Plan: The subject site is located within the Lynnwood Subregional Center and also within the study area of the City Center Plan. The City Center Plan is nearing completion but has not been through the review and adoption process. When adopted, that plan will result in changes to the Comprehensive Plan and zoning designations of the church property. However, the designations requested by the church are consistent with the current City Center Plan proposals and, therefore, should not be a problem.

The church has no major development plans at this time. However, having the property appropriately designated may mean relief from costly and time-consuming conditional use permits or other land use approvals related to a future expansion.

Adjacent Comprehensive Plan designations:

North: **MF-2** (Medium-density Multiple-family) – church property and the apartment complex to the north.

West: **RC** (Regional Commercial)

East: **OC** (Office Commercial) – properties fronting on 33rd Avenue

Zoning: The consistent zoning for the **RC** Plan designation would be **B-1** (Community Business). Adjacent properties to the west are currently zoned B-1.

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. The applicant has also reviewed and addressed the additional evaluation criteria contained in LMC 18.04.070. (See attachment #2)

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.

- There are no apparent conflicts with GMA.
- The proposal does not indicate that the Plan and zoning change will result in any immediate change in use of the property.
- The additional allowed uses resulting from this change would be consistent with GMA by allowing high-density development in an urban environment where adequate roads, utilities and other municipal infrastructure exist.

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

- The proposed change in Plan designation increases the potential development intensity of the property and will offer a different variety of allowed uses.
- The requested Plan designation and zoning are appropriate for this site, which is near the center of Lynnwood's subregional center, adjacent to major traffic arterials and Interstate-5, and not a suitable residential environment.
- No significant adverse impacts on sensitive areas, businesses, or residents in the surrounding area are likely.

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

- All needed utilities and services are either at the site or can be provided.
- Vehicular access to the site from the east side is from Alderwood Mall Boulevard and from the west side from 195th Place SW.
- There could be a significant increase in vehicular traffic generated from the site if the property is developed to the full extent permissible by the RC Plan and B-1 zoning designation. However, a multi-family residential development of nearly 90 units (as currently allowed in the RMM zone) could have a similar impact. Either way, future development on this site is not likely to alter the traffic analysis results of the City Center Plan.

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

- The applicant has reviewed the goals and objectives of the Comprehensive Plan and feels the proposal will be consistent with the Plan and benefit the community.
- The property is located in the City Center project area which is the subject of a draft subarea plan. The property is within the North End district of the draft Plan. Principal land uses anticipated within the North End are Commercial/Office, with some retail, and a very small amount of multi-family residential. The requested Plan designation (and consistent B-1) zoning is consistent with the general intent of the draft Sub-area Plan.

Land Use Element Goal:

"A balanced land use pattern that prevents urban sprawl . . ."

Comments:

- This proposal attempts to provide a better balance of land uses within the subregional center and remove a potential conflict (multi-family development) from this intense business location.

Land Use Subgoal: Compatibility:

"Assure that the Future Land Use Plan properly separates and buffers those land uses which are incompatible while permitting the mixing of compatible uses in appropriate ways and in appropriate areas."

Comments:

- The proposal will result in potential business uses that are compatible with, or that complement other businesses in this area.

Land Use Subgoal: Residential Balance:

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

Comments:

- Although this site is within the City Center Plan’s study area, the proposal is consistent with the City’s adopted goal of moving toward a larger proportion of single-family housing units and smaller proportion of multi-family units. By removing nearly five acres of multi-family zoning, this proposal would effectively remove the potential for approximately 90 multi-family dwellings.

Housing Goals and Objectives:

- The City’s Housing Goal is to provide for sufficient availability and variety of opportunities for housing “in strong, cohesive neighborhoods” . . . The subject site is not within a residential neighborhood and not consistent with the residential siting objectives of the Housing Element. Therefore, changing the designation from residential to commercial will remove this conflict.

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.

Conclusions:

- A. The proposal is not in conflict with City goals and objectives.
- B. The proposal will remove nearly five acres of multi-family designated property, with a potential for approximately 90 multi-family dwellings. This is consistent with, and will help achieve, the City’s “Residential Balance” (60/40) goal.
- C. The proposal is generally consistent with the draft City Center Plan and the applicant is aware that adoption of the City Center Plan could result in further designation changes to this property.
- D. Traffic generation for a future retail, service or office development on this site is not expected to be significantly greater than would be expected for a 90-unit apartment project. This potential impact will be evaluated either through the City Center’s traffic analysis, or through a separate impact analysis when a future development is proposed – if necessary.
- E. Staff will continue to process this application while monitoring the progress of the City Center Plan. It now appears that the Plan and its implementing regulations will not be adopted this year. If they are adopted in 2004 (or later), the Plan and zoning designations for the church property will be replaced with those adopted in the City Center Plan.

Recommendations:

- A. Staff recommends approval of this request to change the designation of the Alderwood Christian Church property from **MF-2** to **RC** (Regional Commercial).
- B. If this Plan designation change is approved, staff further recommends changing the zoning from **RMM** (Medium-density Multi-family Residential) to **B-1** (Community Business).

Attachments:

The following attachments were provided with the staff report for the Commission's April 24 work session.

- Transmittal Letter – March 31, 2003 – from Daniel Savage, Church Administrator
- Letter, dated April 1, 2002, from Philip Frisk of Taylor-Gregory Architects.

2. Steves Map Amendment: (formal application)

Applicant: Rick & Ann Steves

Contact:+ William Toskey – (425) 349-3444 or 778-7201

Request: Map change from **MF-1** (Low-density Multi-family) to **MF-2** (Medium-density Multi-family) for four lots. The adjacent two lots on 194th Street are also being considered for a similar change.

Location: 194th Street, east of 64th Avenue.

The Site: The site consists of four lots, two on the north side of 194th Street and two on the south side. All lots are currently vacant. The following is a summary:

Address	Area	Current Plan/Zone	Requested Plan/Zone	Max. Units Allowed
North side of 194th Street				
6311 – 194 th	10,338 sf	MF-1/RML	MF-2/RMM	4
6321 – 194 th	10,025 sf	MF-1/RML	MF-2/RMM	4
South side of 194th Street				
6322 – 194 th	10,643 sf	MF-1/RML	MF-2/RMM	4
6310 – 194 th	10,886 sf	MF-1/RML	MF-2/RMM	4



History: For many years, these four lots were developed as duplexes with RML zoning. The duplexes were recently removed and the lots cleared for new development. The property owner's intention is to work with the YWCA/Pathways for Women program to construct apartments for families in need and sponsored by the YWCA. The present zoning allows only a duplex on each site. To maximize the locational advantages of the properties, the applicant is requesting a change of one step in density, to allow the construction of four units on each lot.

Surrounding

Uses: North: Single-family homes on 193rd Street with a duplex on the corner of 64th.
West: Multi-family facility and other uses with commercial zoning (BC and B-1).
South: Three small lots (average 7,363 sq. ft.) used for a single-family home, a duplex and a business. All three lots are zoned RML and the uses are compatible with that zone.
East: James Square Shopping Center lies to the east with Trinity Lutheran Church to the southeast. Immediately to the east, and along the north side of 194th Street are two small lots that should also be considered for a change. These lots are 9,869 sq. ft. and 6,710 sq. ft. in size and contain a triplex and duplex respectively. Both are nonconforming.

Long-range

Plan: The applicant's properties are within a small 10-lot area that is currently designated for low-density multi-family (MF-1). This designation might be viewed as a transition between the single-family neighborhood to the north and the intense commercial uses and church complex to the south and east.

The applicant's plan is to construct the **Trinity Way** project – consisting of a four-unit residential structure on each of the lots. One unit will be used as a management, security and counseling office. The other fifteen units will be available for the housing of families in need through the YWCA/Pathways for Women program. The sources of need may be varied and will be determined through the YWCA program. Residents may contribute some financial support to their housing, depending on their capability and family situations. Convenient access to transit, shopping, employment and Edmonds Community College are provided by the location and are important to this program.

Note: The application is for a Comprehensive Plan Amendment. While it may be interesting to know about the Trinity Way project, the project itself is not a consideration. City approval of a Plan Amendment must be based on the site characteristics and related approval criteria. Approval of the MF-2 Plan designation and RMM zoning will allow a slightly higher residential density, but will not guarantee that any particular development is constructed.

Zoning: If the requested Comprehensive Plan Amendment is approved, the properties will be rezoned from **RML** (Low-density Multi-family) to **RMM** (Medium-density Multi-family) to maintain Plan/Zone consistency.

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. The applicant also addressed the additional evaluation criteria contained in LMC 18.04.070 and those comments have been incorporated.

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 proposal is consistent with GMA urban density and housing objectives and with the good planning practice of locating higher density housing in close proximity to urban services, employment, shopping, entertainment, etc.

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

- The proposal will result in a minor change in the density of development on this site but not the type of development (multi-family residential).
- There are no single-family homes on this block of 194th Street. The proposal will not result in the loss of any single-family homes, nor in the encroachment of multi-family development into a single-family neighborhood.
- The intensity of a future residential development on this site is not expected to result in any significant adverse impacts.
- A future project will be subject to environmental and design review to ensure that environmental impacts are avoided or minimized and that the future development is well-designed, functional and attractive.

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

- All needed utilities are available at the site.
- Among the locational advantages of this site are its close proximity to the James Center for shopping and to local Community Transit bus routes on Highway 99 and 196th Street.
- Vehicle access will be primarily from 64th Avenue on the west side. This segment of 194th Street is also used as secondary access to the shopping center and to Trinity Lutheran Church.

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

- The applicant has reviewed the goals and objectives of the Comprehensive Plan and concludes that the proposal will be consistent with the Plan.

Land Use Goal:

- This proposal is generally consistent with the general Land Use goal. It's an urban project, so sprawl is not an issue. It is at the edge of a residential neighborhood and is providing suitable housing to meet an identified need. And, it is a redevelopment project that will replace four deteriorated duplexes with four modern apartment buildings.

Land Use Subgoal: Density:

- The proposal would increase the allowed density from 12 units per acre to 18 units per acre. The actual unit increase will be only eight units.
- This project is at a location that can handle the increased density and that will encourage people to walk to a variety of local facilities and services.

Land Use Subgoal: Residential Balance:

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

- This subgoal poses the only significant obstacle to the proposal. Although this proposed Plan amendment will not remove any single-family dwellings, it could result in up to 8 additional multi-family residences – which would increase Lynnwood's multi-family units by 0.001%.
- Because of the very small impact this change would have on our housing stock, it was important to also consider other advantages of the project, housing needs and the unique locational qualities of the site.

Land Use Subgoal: Urban Design:

Establish and administer plans, policies, and regulations to improve the function and appearance of existing and new development and thereby enhance the livability and image of Lynnwood.

- All multi-family developments are subject to Design Review to ensure that they will be well-designed, functional, attractive and an enhancement to the City.

Land Use Policy LU-2.8:

- This policy provides siting guidelines for multi-family housing. The proposal is generally consistent with the guidelines, including:
 - (1) near a major arterial and transit corridor,
 - (2) near a commercial, service and employment center,
 - (3) a transitional location between commercial and lower-intensity residential,
 - (4) in an area already developed with multi-family and non-residential uses, and
 - (5) minimal impact on adjacent single-family neighborhoods.

Housing Goal:

Provide for sufficient availability and a variety of opportunities for safe, decent and affordable housing in strong cohesive neighborhoods to meet the needs of present and future residents of Lynnwood.

- The proposal is based on a need to provide safe, decent and affordable housing to meet a specific need in the community. The service will be provided through a YWCA program.

Housing Subgoal: Housing Opportunities:

- The proposal is particularly consistent with this subgoal of the Housing Element by providing diverse, safe and decent housing opportunities to meet local housing needs without encroachment into established single-family neighborhoods.

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.

Conclusions:

- A. The subject four lots and the two additional lots on this block of 194th Street are ideally suited to higher density development due to their close proximity to shopping, employment, public transit, the community college and many other services and facilities in the immediate area.
- B. With the exception of a conflict with the City's "Residential Balance" goal, this proposal is generally consistent with Lynnwood's long-range objectives and with the urban growth objectives and requirements of the Growth Management Act.
- C. The impact on the "Residential Balance" goal would be miniscule compared to the many positive aspects of this proposal.
- D. Whether or not the Trinity Way project is developed as planned, a change to MF-2 in this location is reasonable and appropriate.
- E. To maintain land use consistency along this short portion of 194th Street, and to remove a nonconforming problem, two small lots should be included in this change. The lots are immediately east of the subject lots, and along the north side of 194th Street. They are both smaller than 10,000 square feet and contain a duplex and a triplex.

Recommendation:

- A. Staff recommends approval of this request to change the Comprehensive Plan designation of the four lots from **MF-1** (Low-density Multi-family) to **MF-2** (Medium-density Multi-family).
- B. Staff recommends including two additional lots in this chance. They are located on the north side of 194th Street, immediately east of the subject property.
- C. If this Plan Amendment is approved, staff further recommends changing the zoning of these six properties from **RML** (Low-density Multi-family) to **RMM** (Medium-density Multi-family).

Attachments:

The following documents were included with the Staff Report for the Planning Commission's April 24 work session.

- Comp. Plan Amendment Application Checklist – Trinity Way project.
- Comp. Land Use Plan Map Amendments – further support for Plan Amendment request.
- Sample Elevations of proposed structures (info only).

3. Raskin Map Amendment: (formal application)

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

Contact: Larry Calvin (206) 715-6932

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

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

The Site: Known as the **Center 5000 Office Park**, or the Raskin PUD, this 4-parcel site consists of approximately 14.7 acres in the following tax parcels:

00608400400400 – 4.86 ac.

00619500000700 – 4.16 ac.

00619500000800 – 2.76 ac.

27042100400800 – 2.91 ac.

14.69 ac. (not including public ROW)



History: Through the City's PUD process, this site was approved in February, 2001 for the **Center 5000 Office Park**, a 200,000 sq. ft. office development. The zoning was changed from **LI** (Light Industrial) to **PUD**. Clearing, grading, construction of detention facilities and wetland restoration/enhancement began that summer and were completed in the fall of 2001.

Unfortunately, the market for office space in the Puget Sound region went into a tailspin, office rental rates plummeted and vacancies increased dramatically. This combination of events made the project unfeasible. Since the owner felt it could take seven years or longer before the market would stabilize and improve, he looked for other development opportunities for the site.

After reviewing the characteristics of the site and its location at the fringe of the future Lynnwood City Center, Mr. Raskin concluded that this would be a suitable location for a high-density residential development. He formed a partnership with Polygon Northwest, a local housing provider with 25 years experience in King and Snohomish Counties, and a conceptual plan was developed for a new residential community on the site. Implementation of that plan will require changes to both the Comprehensive Plan and zoning.

Surrounding Uses: Scriber Creek Wetland area to the north and Interurban Trail to the south. Scriber Lake Alternative High School is at the west end of the property. Opalka (vacant) property, which is also being considered for a Plan amendment, lies between the Interurban Trail and I-5 to the south.

Long-range Plan: If this Plan Amendment and consistent high-density zoning are approved, the applicant and Polygon Northwest intend to build Creekside Plaza, a multi-family residential community of approximately 350 units.

Zoning: The site was previously approved for a business/office Planned Unit Development (PUD). Approval of this request for the **MF-3** Plan designation will be accompanied by a change in Zoning from **PUD** to **RMH** (High-density Multi-family) to maintain Plan/Zone consistency.

Approval Criteria:

The approval 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. These criteria are listed below.

The applicant provided a detailed assessment of how his proposal meets the criteria. It was included as Attachment #1 Written Statement of Justification to the Planning Commission's April 24 work session staff report. The applicant also addressed additional evaluation criteria that are contained in LMC 18.04.070 in Creekside Plaza – Comp. Plan Amendment Evaluation Criteria, which was also contained in Attachment #1.

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.

- The proposal is consistent with GMA in its location of a high-density development in an urban environment where adequate roads, utilities and other municipal infrastructure exist.

- The proposal is consistent with urban density and housing objectives of GMA.
- No apparent conflicts 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.

- The proposal will be a significant change in the use potential and type of development on this site (office to residential) but not a significant change in the intensity of development.
- The approved office park was designed to minimize adverse impacts to Scriber Creek and adjacent sensitive areas. A typical office complex is occupied by adult workers who spend most of their time within the building. Unlike an apartment complex, it would not be expected to have children, dogs or other pets, nor a significant amount of outdoor activity that might threaten nearby sensitive areas.
- An environmental concern of this site, particularly with a residential proposal, is its close proximity to a major freeway and the impacts of noise and air quality as they might affect the health and living environment of the residents.
- Any future project at this location will be subject to more detailed environmental and design reviews to ensure that environmental impacts are avoided or minimized and that the development is functional and attractive. However, it's the City's responsibility at this point to decide whether or not the site is suitable and desirable for residential use, before it gets to the project level.

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

- All needed utilities and services are either at the site or can be provided.
- Vehicle access will be primarily from 52nd Avenue on the west side.
- A storm water detention facility has been constructed and sized to accommodate the needs of other properties as well as the Creekside Plaza development.
- Transportation advantages include the adjacent Interurban Trail (bicycle and pedestrian) and close proximity to the Lynnwood Park-n-Ride – a regional transportation hub.
- Walking to school would not be an option for most students. No public schools are within easy walking distance of this site (with the exception of Scriber Lake Alternative High School). Elementary school students would attend Cedar Valley Community School, located north of 196th Street and east of Highway 99. Alderwood Middle School is located east of the I-5 Freeway outside the City, and Lynnwood High School is north of the Alderwood Mall.

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

The applicant has reviewed the City's goals, objectives and policies and feels the proposal is consistent with the City's long-range plans. The following are additional comments related to applicable goals and objectives:

Land Use Element Goal:

A balanced land use pattern that prevents urban sprawl, preserves and enhances residential neighborhoods, protects environmentally sensitive areas,

protects people and property from environmental hazards, promotes economic development and encourages community redevelopment at appropriate locations, resulting in a high quality physical environment for residents, workers and visitors.

- The proposal would result in a high-density residential development, as opposed to urban sprawl, typically characterized by an inefficient and costly use of land and infrastructure to support low-density spread-out development.
- The property is not within a residential neighborhood and, therefore, will not enhance or protect any particular neighborhood directly.
- Placing up to 350 dwellings immediately adjacent to a major stream corridor and sensitive area is not a preferred way to protect such areas, even though Design Review is required and potential impacts can be mitigated. There are other land uses with less potential for adverse impact.
- The creation of a high quality residential environment might be achieved through project design. However, the design of a specific project is not a factor in determining whether or not this is a good location for high-density housing.

Land Use Subgoal: Density:

Assure that the density of development is consistent with the local and regional development patterns . . . etc.

- High-density is being requested at a location surrounded by non-residential uses. The proposal is not consistent with local density patterns.

Land Use Subgoal: Residential Balance:

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

- The most significant goal conflict is with this "Residential Balance" subgoal, which is to strive toward a 60/40 housing balance. Although this proposed amendment and its subsequent multi-family development will not remove any single-family dwellings, it will push the residential balance toward multiple-family by adding approximately 350 multi-family units to Lynnwood's housing stock.
- If no other residential development occurred in the City, a new 350-unit multi-family complex would boost the percentage of multi-family units from 45.2% (2000 Census) to 46.5%.
- To compensate for 350 new multi-family units and maintain the current housing ratio, 350 new single-family homes would need to be built. At an average of four homes per acre, this would require more than 87 acres of land and would make no progress toward the 60/40 goal.

Policy LU-2.8: provides a framework for the siting of multi-family development.

- The proposed site is not located on a transit corridor. However, it is within walking distance of a regional park-n-ride facility. It's probable that residents would walk to this facility, via the Interurban Trail, to catch a bus to jobs in Seattle, Everett or elsewhere. Or, people living in other areas could take buses to Lynnwood to work at jobs at this location.
- The site is relatively near the future Lynnwood City Center, the mall and other local businesses and services. However, from a transportation perspective, it is

not near enough to commercial, service, community or employment centers to expect much pedestrian movement or transit usage. It's more likely that people will drive to most of their destinations.

- The site is not in a position to provide a transition between lower-density residential and other non-residential uses.
- The site is not in an area that is already developed with significant amounts of multi-family development. It is in a non-residential area that has been planned and zoned for business development.
- Multi-family development on this site will not disrupt or negatively impact adjacent single-family property, because there is no adjacent single-family property. Isolation from single-family neighborhoods is a primary advantage of this site.

Housing Goal:

Provide for sufficient availability and a variety of opportunities for safe, decent, and affordable housing in strong, cohesive neighborhoods to meet the needs of present and future residents of Lynnwood.

- By adopting the "Residential Balance" goal, the Lynnwood City Council decided that the community has an overabundance of multi-family housing but not enough single-family. Thus, the proposal will provide too many of the wrong kind of dwellings.
- Studies related to the Lynnwood City Center Plan indicated that the market for ownership multi-family housing (condos) is stronger than that for rental housing. A high-density multi-family development could be either apartments or condos.
- The goal specifies safe, decent and affordable housing in strong, cohesive neighborhoods. This site is totally separated from the nearest residential neighborhood and will provide separation but not cohesion.

Housing Subgoal: Neighborhood Preservation:

Preserve, protect and enhance the quality, stability and character of established neighborhoods in Lynnwood.

- This site is in an industrial area and the proposed project will have no positive effect on the quality, stability or character of any established neighborhood.
- The quality and suitability of this particular site for residential use must also consider how surrounding uses might affect the residential environment. The site is within an area proposed for business uses and adjacent to industrial uses. It's very close proximity to the freeway may also have an adverse impact on the long-term residential suitability of this site.

Housing Objective H-2: Responding to market needs:

- An apartment project (applicant's intent) on this site would be consistent with the growing regional market needs for affordable rental housing, even though the market for ownership (condo) housing may be stronger at the present time.
- The City's Comprehensive Plan is a plan for the next twenty years. The City's long-term vision, goals and objectives are geared primarily to the long-range market needs and are more important than short-term market fluctuations.

Housing Subgoal: Housing Opportunities:

Provide for diverse, safe and decent housing opportunities that meet local housing needs without encroachment into established single-family neighborhoods.

- The proposed site will not result in an encroachment into established single-family neighborhoods.

Economic Development Goal:

Achieve a productive balance of Lynnwood's commercial, industrial and residential sectors that will maximize livability, high productivity and quality jobs while minimizing adverse environmental impacts.

- The City currently has a job imbalance. We have an abundance of low-paying retail and service jobs and are deficient in higher-paying industrial/manufacturing jobs.
- Lynnwood has a very small amount of land that is planned and zoned for new industrial or non-retail business development. This residential proposal is in the middle of one of the City's business districts and would remove the potential for nearly 15 acres of future business development.

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.

Conclusions:

- **Access:** The site has adequate access, all necessary utilities and could be developed as a small community of multi-family housing.
- **Encroachment:** The site is not adjacent to any single-family neighborhoods and would not result in encroachment into an existing neighborhood of any kind.
- **City Center:** The site is on the fringe of the future City Center Study Area but not within easy walking distance of the City Center. It's likely that most people would drive to the City Center from this location, especially in rainy weather.
- **Mass Transit:** The Lynnwood Park-n-Ride is closer and accessible to pedestrians via the Interurban Trail. This could be attractive to residents who work in Seattle or other communities. The transit facility would be just as useful in reverse – by bringing workers who live in other areas to work in Lynnwood. This would have a lesser impact on parking demands. In either case, the actual bus transfer point is at the northern end of the park-n-ride facility and would not be a convenient walk for most.
- **Housing Needs:** The current office market is weak but the housing market remains strong. There will be a growing need for additional housing in the Lynnwood area, particularly for lower- to moderate-income households who work in Lynnwood's retail sector. Therefore, this proposal would help meet those housing needs.

- 60/40 housing goal: This is a major obstacle to this proposal. While the City is trying to move its percentage of multi-family dwellings from 45.2% to 40%, this proposal would increase the percentage to 46.5%.
- Environmental impacts: Impacts on the adjacent Scriber Creek sensitive corridor could be greater with a high-density residential development than with a business development because of the potential for children, pets and considerably more outdoor activity.
- Economic development: This is an important consideration because the property is within a Business/Technical Park (BTP) designated area and was approved for a business/office complex in 2001. Lynnwood is deficient in its supply of vacant industrial land and in need of higher-paying industrial type jobs. The proposal would remove nearly 15 acres from this category and is generally inconsistent with the City's economic development goals and objectives.
- Long-term Goals: The Comprehensive Plan looks twenty years ahead. The City's long-term vision, goals and objectives are more important considerations than are short-term market fluctuations.

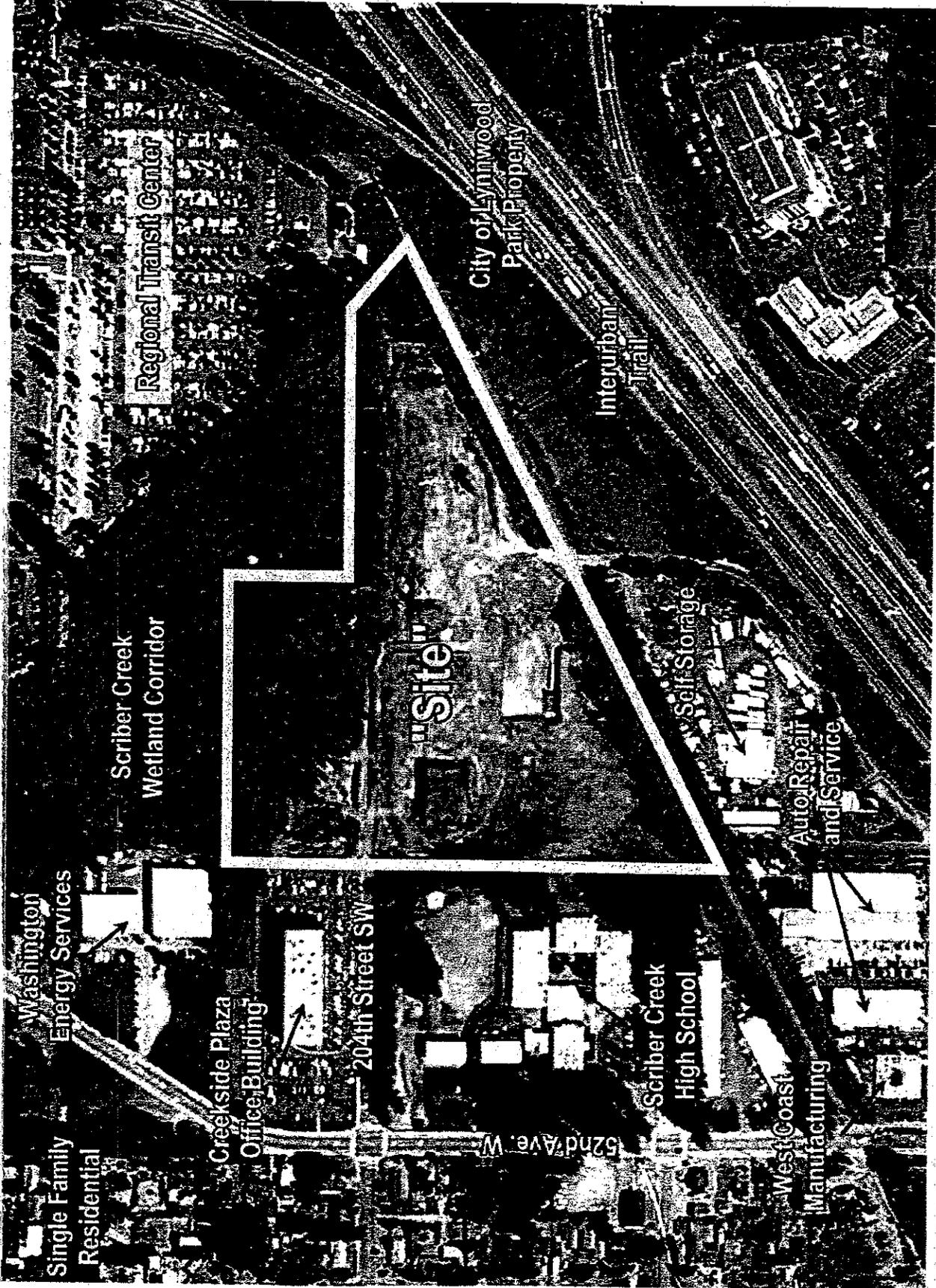
Recommendation:

- Based on the goals, objectives, policies and criteria reviewed, staff recommends **denial** of this proposed Comprehensive Plan Amendment from **BTP** (Business/Technical Park) to **MF-3** (High-density Multi-family).

Attachments:

The applicant provided the following materials, which were provided as an attachment to the Planning Commission's April 24 staff report.

- Transmittal Letter – March 31, 2003
- Written Statement of Justification (including LMC evaluation criteria)
- Comprehensive Plan Conformance Analysis
- Creekside Plaza – Rationale for the Comprehensive Plan Amendment
- Creekside Plaza – Comp. Plan Amendment Evaluation Criteria



CREEKSIDE PLAZA

 CREEKSIDE PLAZA

4. Opalka Map Amendment: (suggested amendment)

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

Contact: Laurie Cowan – Park Planner

Request: Comprehensive Plan Map change from **PRO** (Parks, Recreation and Open Space) to **BTP** (Business/Technical Park).

Location: South side of Interurban Trail and west of 48th Avenue. Between trail and I-5.

The Site: Parcel A: A 2.3 acre (approx.) City-owned vacant parcel.

Parcel B: Located at the southwest corner of the site is a small triangular-shaped lot, consisting of 3,876 sq. ft. and owned by Charles Bowen.

The combined site abuts the Interstate 5 freeway on the south. To the west and north are private properties planned and zoned for business/technical development. The Interurban Trail follows the northern edge of the property to a bridge over Scriber Creek at the east end of the site. The trail continues east along the freeway, with connections to Lynnwood Park-n-Ride and trails along Scriber Creek and its wetlands.



History: The City of Lynnwood acquired the Opalka property in 1994 as the local match to an Interagency Committee for Outdoor Recreation (IAC) grant for development of the Interurban Trail. The City intended to develop the property as a heritage park. It was later determined that the site poses constraints to park development due to location, configuration and on-site sensitive areas. The City has since acquired a more suitable site for the heritage park and now intends to sell the Opalka site and apply the proceeds to other park projects.

The Planning Commission asked if this site was seriously considered for a wetland mitigation site. It was not, because the City needs to sell it. In 2002, the City Council approved an interfund loan of \$400,789 from the future sale of this property (appraised at \$500,000) to help fund Heritage Park Phase 1 development. Any remaining funds will go toward Tutmark Hill park site acquisitions.

Prior to the sale, the City needs to remove the "Public" Plan and zoning designations and apply designations that are more appropriate for the private development and use of the property.

Surrounding

Uses: **North:** Vacant site approved for Center 5000 Office Park, a 200,000 sq. ft. planned unit development. (The owner of that property is currently requesting a Plan and zoning change to MF-3, High-density Multi-family Residential.) Between the Center 5000 property and the Opalka site is the Interurban Trail.

West: Light Industrial land used for outdoor storage of vehicles and equipment.

South/East: Interstate 5 Freeway

Long-range

Plan: The City's long-range plan for the Opalka site has been a park, recreation or open space use. Now that this is no longer the City's intent, a new long-range purpose for the property needs to be determined.

Request: The Dept. of Parks, Recreation and Cultural Arts request for a Plan map change from **PRO** to **BTP** was based primarily on the existing industrial zoning of all abutting private lands as well as the suitability of this property for a business, technical, light industrial or institutional use. There are no development proposals at this time.

Since the Opalka property is adjacent to the Raskin site, which is also requesting a Plan Amendment, the decision on both should be considered together to ensure consistency and harmony of future development.

Zoning: If the Plan Amendment is approved as requested, the property's zoning should also be changed from its present **P-1** (Public) to **BTP** (Business/Technical Park).

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. The evaluation criteria contained in LMC 18.04.070 were also addressed by the applicant and considered in this review.

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 change to Business/Technical Park is consistent with the primary goal of the Economic Development Element, which is to achieve a productive balance of Lynnwood's commercial, industrial and residential sectors. That element of the Plan points out a deficiency in industrial sites and jobs.

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

- The proposed change from "public" to "business" designations will allow a significant change in the types of potential developments on this site.
- A future office, institutional or industrial development would not be expected to result in any adverse impact that can't be mitigated through design.
- A future project will be subject to environmental and design review to ensure that environmental impacts are avoided or minimized.

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

- All needed utilities and services are already available or can be provided.
- Vehicle access will be primarily via 208th Street from 52nd Avenue.
- Other locational advantages of this site are the adjacent Interurban Trail (bicycle and pedestrian) and close proximity to the Lynnwood Park-n-Ride, which is a regional transportation hub. Close proximity to Interstate 5 will afford a high degree of visibility, which may or may not be an important consideration for a future business use.

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

- The applicant (City) has reviewed the goals and objectives of the Comprehensive Plan and found the proposal to be generally consistent.
- Land Use Policy LU-5.1 is intended to ensure that business uses are in close proximity to major transportation facilities. The site abuts I-5, is on the Interurban Trail and very close to Lynnwood Park-n-Ride.
- The proposal is consistent with Economic Development objectives of increasing the City's industrial base and higher-wage jobs.
- A change to BTP or Light Industrial would be preferable to a change to any residential designation. The site's close proximity to Interstate-5 would provide good business visibility and could be a suitable indoor working or learning environment, but would be much less suitable as a residential location due primarily to noise and air quality impacts.
- The proposal will benefit the community by relieving the City of a surplus property which can then be sold, developed for private use and returned to the tax roll. Funds from the sale will be available for Heritage Park and the acquisition of other park sites.

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:

- This amendment request is being processed in conjunction with the Raskin proposal because the two sites are adjacent and development on one could affect development on the other.
- The Raskin proposal asks for **MF-3** (High-density Multi-family) residential. The Opalka property is immediately adjacent to the freeway and would not provide a quality outdoor living environment.
- Staff is recommending denial of the Raskin request. However, if that property is approved for **MF-3**, it would be preferable to include the Opalka property in the **I** (Industrial) designation that abuts the property to the southwest rather than include it in a residential designation.
- The Opalka property is an unusual shape and in a difficult location. Sometimes different zones may need special conditions or access limitations to make them function properly with minimal problems.

Recommendation:

- Staff recommends **approval** of a Plan Map Amendment from **PRO** (Parks, Recreation and Open Space) to **BTP** (Business/Technical Park), contingent upon denial of the Raskin Plan Amendment request.
- **Option:** If the Raskin property is approved for a change to MF-3 (High-density Multi-family), then staff recommends changing the Opalka property to **I** (Industrial).
- Staff further recommends the following changes in zoning:
 - If Raskin proposal is denied -- Change Opalka to **BTP** (Bus./Tech. Park)
 - If Raskin is approved -- Change Opalka to **LI** (Light Industrial)

5. Mobile Home Park Study:

Applicant: City of Lynnwood

Contact: Tim Fargo (425) 670-6654

Location: Northwest Corner of 44th Ave W and 176th St SW

Site: The site consists of two similar mobile home parks. The following is a summary:

	Kingsbury East	The Squire
Location	17408 – 44 th Ave. W	4515 – 176 th Street SW
Area	5.6 ac.	5.3 ac.
Units	47	46
Pre-1977 Units	38 (81%)	43 (93%)
Average Value	\$27,655	\$26,357
Density	8.4 homes per acre	8.7 homes per acre
Current Plan/ Current Zone	MF-1 (Multi-family)/ RS-8 (Single-family)	MF-1 (Multi-family)/ RS-8 (Single-family)
Source: Snohomish County Assessor's Office, February 13, 2003		



History: For many years the Kingsbury East and The Squire mobile home parks have been zoned single-family **RS-8**. The Comprehensive Plan was adopted in 1995 with a plan designation of multiple-family **MF-1** for both parks. The parks have had conflicting plan and zoning designations since that time.

State law requires zoning to be consistent with the Comprehensive Plan. Mobile home parks can be located in either single-family or multiple-family zones, so a change in zoning would not make the existing parks nonconforming.

In 2001, the Plan and zoning designations of many properties throughout the City were changed to achieve consistency between the Comprehensive Plan and Zoning maps. The Planning Commission at that time recommended that the Comprehensive Plan designations for these two mobile home parks continue to be multiple-family **MF-1** and that the zoning designations be changed to low-density multiple-family (**RML**). The City Council took no action, however, as all mobile home parks were put on hold for further study. The Council's priority at that time was to preserve single-family housing and discourage multiple-family development.

The Planning Commission reviewed these two parks again during the 2002 Plan Amendments process. Following that review, the Commission recommended the parks for single-family (**SF-2**) plan and single-family (**RS-7**) zoning designations, consistent with the stated, but not yet adopted, "Residential Balance" goal. The RS-7 zoning designation was intended to give the owners a slightly greater density and more flexibility if they decided to redevelop, while keeping the properties single-family in nature. This recommendation was in line with Council priorities, but the Council did not adopt the recommendation, leaving the mobile home parks inconsistent pending further study in 2003.

Surrounding Uses:

North: Mostly single-family houses; two fourplexes

West: Mostly multiple-family condominiums; some Highway 99 commercial

South: Multiple-family condominiums, apartments, a triplex, and a single-family house

East: Mostly single-family houses; a church

Options: The character of 44th Avenue is primarily residential in the immediate vicinity of these two parks. Thus, a residential option seems most appropriate. The following three options were developed for consideration:

1. SF-3/RSH High-Density Single-Family Residential/Cottage Housing

Small-lot single-family may be the most appropriate land use for this site and most similar to the current densities of the two parks. **SF-3** and **RSH** are currently proposed Comprehensive Plan and Zoning code amendments. These designations would allow single-family units at a density of up to 12 units per acre. This option would give the City a higher-density housing option that is still single-family in nature, which is the preferred form of housing for many individuals and the City Council. The location is ideal for high density single-family. It is situated between low-density single-family and low- and medium-density multiple-family, and near commercial properties and bus lines. Small-lot single-family or cottage housing may also be appropriate when considering the

possible redevelopment of other older mobile home parks throughout the city. Recommending SF-3 and RSH for this site will provide a test case and an example of where small-lot single-family housing designations may serve the needs of the community. This proposal would allow up to 67 single-family units for Kingsbury East and up to 63 single-family units for The Squire.

Examples of Cottage Housing

Photos: **Third Street Cottages**, Langley, WA, The Cottage Company



Photos: **Poulsbo Place**, Poulsbo, WA



2. MF-1/RML Low-Density Multi-Family Residential

This is the most straightforward consistency option, considering that the current Comprehensive Plan designation is already **MF-1**. It is also the option favored by the park owners. Changing the zoning to **RML** would achieve consistency between the Plan and the zoning. In 2001, the Commission recommended the Plan continue to be multiple-family **MF-1**, with consistent **RML** zoning. The City Council, however, put all mobile home parks on hold at that time and directed study on the prospect of a mobile home park zone. **MF-1** and **RML** may be appropriate for the site, given its proximity to both higher- and lower-density housing and also considering that the City now has a Design Review process to help ensure quality design. This proposal would allow up to 67 multiple-family units for Kingsbury East and up to 63 multiple-family units for The Squire.

3. SF-2/RSM Medium-Density Single-Family Residential

In 2002, the Planning Commission recommended the Plan be changed to single-family **SF-2** and the zoning changed to **RS-7** to give the owners greater density and flexibility if they decided to redevelop, while keeping the properties single-family in nature. This recommendation was in line with Council priorities, but the Council continued the parks for further study in 2003. Although this option may also be appropriate for the site, the City Council rejected this recommendation last year and it is now the least desirable of these three options. This proposal would allow up to 33 single-family units for Kingsbury East and up to 31 single-family units for The Squire.

Approval Criteria for Option #1:

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. The following applies only to **Option #1**, which is the recommended option.

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

F. 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 proposal is consistent with GMA urban density and housing objectives and with the good planning practice of locating higher density housing in close proximity to urban services, employment, shopping, entertainment, etc.
- The proposal could provide an opportunity for higher-density single-family housing, consistent with the goals of GMA.

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

- The proposal may result in the eventual redevelopment of the mobile home park, possibly displacing residents. Most of the mobile homes in the parks, however, are not up-to-code. The current owners have not made public any plans for redevelopment.
- The proposal for SF-3 will result in a minor increase in the density of development on this site, but will keep the properties single-family in nature, albeit a different type of single-family development.

- The proposal could provide for an increase in the number of single-family homes, and prevent the encroachment of multi-family development into single-family neighborhoods, especially to the east side of 44th Avenue W.
- A future project will be subject to environmental and design review to ensure that environmental impacts are avoided or minimized.

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

- All needed utilities are available at the site.
- The transportation advantages of this site include its close proximity to local Community Transit bus routes on Highway 99 and 44th Ave W.
- Vehicle access will be from 44th Ave W or 176th St SW. These streets can accommodate the traffic generated by the proposal.

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

- The proposal will be consistent with the Comprehensive Plan.
- The new proposed plan designation of SF-3 will benefit the community by providing a new housing opportunity for single-family housing that may be more affordable to residents who have lower incomes, consistent with the affordable housing subgoal that encourages the development of affordable housing for all income levels within the city.
- The proposal is consistent with the "Housing Opportunities" subgoal of the Housing Element by providing diverse, safe, and decent housing opportunities to meet local housing needs without encroachment into established single-family neighborhoods.
- The proposal is consistent with Objective H-2 by providing opportunities for housing that is responsive to market needs within our region.
- The proposal is consistent with Land Use Policy LU-2.2, which encourages innovative-housing techniques for housing diversity and affordability.
- The proposal is consistent with the "Residential Balance" subgoal of the Land Use Element, which is to "Assure that there is a balance of housing types in a ratio of 60% single-family units and 40% multi-family units in the area of the City outside of the City Center (study area)."
- The most significant conflict is with Land Use Policy 2.5, which states that existing mobile home parks offer a unique and important form of housing, and that land use regulations shall allow for the continued viability of these parks. The change in zoning may promote the redevelopment of the property, although the current owners have not made public any plans for redevelopment. Most of the mobile homes in the parks are not up-to-code. Additionally, the owners of the mobile home parks can choose to redevelop the mobile home parks at any time, regardless of the zoning. High-density single-family housing, such as cottage housing, would also provide a unique and important form of housing for the community.

J. 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:

- A. High-density single-family housing, such as cottage housing, would be a viable option to keep the properties single-family in nature, while offering an economic incentive to redevelop at some time in the future. This type of housing can be done in a multiple-family zone, but with no guaranteed that the owner wouldn't build apartment buildings instead, which would defeat the single-family objective.
- B. The proposed new residential plan designation of **SF-3** would provide for the same number of units that **MF-1** would provide, except that they would be required to be single-family units. This option is consistent with the initial intent of the comprehensive plan designation for the redevelopment of the properties, the wishes of the property owners for greater allowable densities, and the vision of the city council to promote single-family development.
- C. The proposal for **SF-3** and **RSH** zoning is the most appropriate combination to serve the housing needs of the segment of the population that is currently served by the existing mobile home parks, householders living alone who prefer separate housing units. Due to a shift in demographics over the past decade, the number of householders living alone has increased to approximately 30% of the population of Lynnwood. One-third of these householders are senior citizens. There is great demand for quality, lower-cost detached housing in and adjacent to single-family neighborhoods. Small detached housing offers a chance for these residents, as well as couples and small families, to live in small affordable homes that are most appropriate for their needs.
- D. The subject properties are ideally suited to high-density single-family development due to their location between medium- and low-density multiple-family and low-density single-family, and their close proximity to commercial properties and bus routes.
- E. The proposal for a SF-3 plan designation is consistent with Lynnwood's long-range objectives and with the urban growth objectives and requirements of the Growth Management Act.

Recommendation:

- A. Staff recommends changing the Comprehensive Plan designation of The Squire and Kingsbury East Mobile Home Parks from **MF-1** (Low-density Multi-family) to **SF-3** (High-density Single-family), subject to Council approval of the SF-3 Plan designation.
- B. Staff further recommends changing the zoning of these two mobile home parks from **RS-8** (Low-density Single-family) to **RSH** (High-density single-family), subject to Council approval of the RSH zoning designation.

6. Code-related Plan Amendments:

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 lot sizes and density ranges for all three single-family land use categories. The addition of the SF-3 category and the other residential changes will be helpful in moving towards achievement of the 60/40 "Residential Balance" goal.

The proposed realignment of commercial land use categories is essentially a renaming of the "Office Commercial" category to "Community Commercial". The elimination of the Office Commercial category will require an adjustment to the Future Land Use map. Those properties within the Subregional Center now designated as Office Commercial will become designated as Regional Commercial. Those properties outside the Subregional Center now designated as Office Commercial will become designated as Community Commercial. This new alignment 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 is not necessary to include this 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. It may also serve as a feasible alternative for mobile home parks which are in need of redevelopment. And, in some cases, owners of properties designated for low-density multi-family use may find that single-family development at the equivalent density is an attractive option.

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, and within one-quarter mile distance from SR99.

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):

Site Design: Buildings will typically cover...uses will be encouraged. The overall design of the site should closely follow the principles of good modern urban design.

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. The overall design of the site should closely follow the principles of good modern urban design.

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):

Site Design: Buildings will typically cover...and sites will be encouraged. The overall design of the site should closely follow the principles of good modern urban design.

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 higher number of single-family housing units in Lynnwood than if the category did not exist. This proposal will help to achieve the 60/40 "Residential Balance" goal contained in the Comprehensive 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.

- a. No significant impacts beyond the City limits are anticipated.

Staff Conclusions and Recommendations:

- 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.

7. 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, 20024.
- LU-3:** The Community Development Department will establish criteria by December 1, 20024 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, 20035 a site design handbook providing guidelines, in text and illustrations, on the desired and acceptable buffering of uses.
- LU-5:** By September 1, 20024 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, 20024 the Community Development Department will establish the maximum permissible development densities permitted within the City Center subarea planning unit.
- LU-7:** By September 1, 20024 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 204th 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, 2005~~7~~, any additional work that needs to be done, including zoning adjustments.
- LU-12:** By June 1, 2002~~4~~, 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, 2002~~4~~, adopt a subarea plan and zoning for a new City Center.
- LU-14:** By September 1, 2003~~5~~, 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, 2004~~6~~, submit a proposal for an improvement plan and project for the 196th 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, 2002~~4~~.
- 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, 2002~~4~~.
- 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, 2002~~5~~.
- LU-21:** The Community Development Department will have established two pilot neighborhood planning organizations, with Commission and Council approval, by August 1, 2002~~5~~.
- LU-22:** By November 1, 2002~~5~~, 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, 2003~~6~~, 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, 2002~~5~~, 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 20024, 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 20035.
- 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 provide~~ 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 44th Ave. and provide complete "missing link" in Interurban Trail between 40th Ave. and 44th 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 u~~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~~5~~.

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:

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

a. No apparent conflict with GMA.

L. 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.

M. 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.

N. 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.

O. 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.
-

8. Environmental Resources Element Update:

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:

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.

- a. 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.

- 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:

- 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:

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

**Lynnwood Planning Commission
Meeting of June 12, 2003**

Staff Report

Agenda Item: H - 1

Development Regulations Update – Phase 2
Chapter 21.42 – Residential Zones

- 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 discussed with the Planning Commission a listing of proposed zoning districts, including the purpose of each of the proposed districts. 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.

The Advisory Committee on Phase 1 of the project has suggested that the City of Lynnwood should be providing for higher density single-family development. The consensus of the Committee was that a new zoning district with a minimum lot size of 4,000 square feet should be proposed. It was decided to include that proposal in this phase 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. Staff and the Commission had an initial discussion on amendments to Chapter 21.42 at the May 22nd meeting. The most recent update to the proposed amendments of that chapter is attached to this report. This version includes some proposed design standards for the RSH zone and provides a method for regulating density through the Planned Unit Development process.

This revised Chapter is still a work in progress. It includes an 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, an effort will be made to simplify and condense the language of these regulations.

ATTACHMENTS:

1. Chapter 21.42 Amendments

**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 of 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~~ to 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 Uses. Construction of any multiple-family structure or building including duplexes (two-family dwellings) 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 10,000 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.+++	60-55ft.	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.	70-25ft.	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 in RSL and RSM zones.** 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. **Minimum Lot Area in RSH zone.** Within the RSH zone the minimum lot size is 4,000 square feet per single-family dwelling. This standard may be waived if a housing project is comprehensively planned and developed under the Planned Unit Development (PUD) process. Densities of up to 12 dwelling units per gross acre may be permitted using the PUD process. In order to attain the higher densities possible through the PUD process, the project must provide a high level of benefit to the residents of the project and to the larger community. Such benefits may be in the form of common open space and/or recreational facilities, quality of design in the dwellings and the overall project, the use of green building principles, energy conservation, and lowered transportation impacts. The community development director shall prepare a rating and evaluation system for use by the Hearings Officer in evaluating RSH development projects submitted under the PUD process to determine the appropriate dwellings units per acre up to the maximum allowable amount of 12 dwellings per gross acre.

F. **Small Lot Single-family and Duplex Dwelling Development Standards.** Single-family dwellings built on lots zoned RSH and duplexes built on any sized lot in any zone shall meet the requirements contained within this section unless approved as part of a multiple-family development pursuant to the regulations within Chapter 21.42. It is the intent of these development standards that single-family dwellings on small lots and duplexes be compatible with neighboring properties, friendly to the streetscape, and in scale with the lots upon which they are constructed. The community development director is authorized to promulgate guidelines, graphic representations, and examples of housing designs and methods of construction that do or

do not satisfy the intent of these standards.

1. Where lots front on a public street, the house shall have doors and windows, which face the street. Houses should have a distinct entry feature such as a porch or weather covered entryway with minimum dimensions of six feet by six feet. Covered porches open on three sides may encroach six feet into a required front setback. The community development director may approve an entry way with dimensions different than the six feet by six feet dimensions specified herein; provided, that the entry visually articulates the front façade of the dwelling so as to create a distinct entry way, meets setback requirements, provides at least thirty-six square feet of weather cover, and has a minimum dimension of four feet.

2. If the lot abuts an alley, the garage or off-street parking area shall take access from the alley, unless precluded by steep topography. No curb cuts shall be permitted unless access from the alley is precluded by steep topography.

3. If there is no alley access and the lot fronts on a public street or easement access drive, the front of the garage shall be set back five feet from the front of the dwelling, and the dwelling(s) shall have entry, window and/or roofline design treatment which emphasizes the house more than the garage. Driveways shall not exceed twenty feet in width in the required front setback area.

4. Dwellings built on lots without direct frontage on the public street should be situated to respect the privacy of abutting homes and to create usable yard space for the dwelling(s). The review authority shall have the discretion to establish setback requirements that are different than may otherwise be required in order to accomplish these objectives.

5. Lot coverage by the living space of a dwelling shall not exceed forty percent. Gross floor area of the dwelling and any garage and other buildings on the lot shall not exceed a combination of fifty percent of the area of the lot. For dwellings with a basement that is more than seventy-five percent below grade, the square footage of the basement shall not be included in the calculation of the gross floor area of the dwelling.

6. Appropriately sized and placed landscaping should be provided to enhance the streetscape, to provide privacy for dwellings on abutting lots, and to provide separation and buffering on easement access drives.

7. Accessory dwelling units shall not be permitted for single-family dwellings on lots zoned RSH.

8. When the individual dwelling units in a duplex are attached by a nonresidential portion of the structure, such as a garage or storage building, the attachment between dwellings shall measure at least fifty percent of the length of each wall to which it attaches and be a minimum of one story in height.

GE. 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.

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 June 12, 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.

June 26	Public Hearing:	<u>Planned Commercial Dev. Zone (PCD) Amendment</u>
	Work Session:	<u>Development Regulations – Phase 2</u>
July 10	Public Hearing:	<u>TBA</u>
	Business:	<u>PCD Zone Amendment Recommendation (if needed)</u>
	Work Session:	<u>Development Regulations – Phase 2</u> <u>Wastewater Treatment Plan Zoning (if ready)</u>
July 24	Public Hearing:	<u>TBA</u>
	Work Session:	<u>TBA</u>
August 14	Public Hearing:	<u>TBA</u>
	Work Session:	<u>TBA</u>
August 28	Public Hearing:	<u>TBA</u>
	Work Session:	<u>TBA</u>