

AGENDA

Lynnwood Planning Commission

Thurs., April 28, 2005 — 7:00 pm — City Council Chambers, 19100 – 44th Ave. W., Lynnwood

A. Call to Order

Chair DECKER
Commissioner BIGLER
Commissioner ELLIOTT
Commissioner GEORGIEV
Commissioner JOHNSON
Commissioner PEYCHEFF
Commissioner WALTHER

B. APPROVAL OF MINUTES:

1. Minutes of April 14, 2005

C. COUNCIL LIAISON REPORT

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

E. COMMISSION MEMBER DISCLOSURES:

F. PUBLIC HEARING:

1. **Code Amendment – Public & Semi-public Zone**

Proposal to allow the existing Waste Water Treatment Plant as a permitted use in the P-1 zone but require a Conditional Use Permit for future major improvements. Certain minor improvements may be administratively approved.

G. WORK SESSION:

1. **Comprehensive Plan Amendment – Good Shepard Baptist Church**

Proposal is to change the configuration of two existing lots through the Boundary Line Adjustment process and to change the designation on the western-most lot from Medium-density Single-family (SF-2) to Medium-density Multi-family (MF-2) for the purpose of building a 40-unit senior housing project.

H. BUSINESS: None scheduled

I. DIRECTOR'S REPORT & INFORMATION:

1. City Council Actions
2. Upcoming Meetings

J. ADJOURNMENT

The public is invited to attend and participate. To request special accommodations for persons with disabilities, contact the City at 425-670-6613 with 24 hours advance notice.

Lynnwood Planning Commission
Meeting of April 28, 2005

Staff Report

Agenda Item: F-1

**Code Amendment – Public and Semi-Public
Zone (P-1)**

- 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:

This proposed code amendment to the Public and Semi-Public Zone (P-1) is to correct a long-standing omission. While the Lynnwood wastewater treatment plant has P-1 zoning, the plant is not a listed use in the zone. As an unlisted use in the zone, the plant is a non-conforming use. This non-conforming status limits what can be done to make additions or alterations to the plant. There are some urgently needed alterations to the plant that will be held up if this long-standing omission is not corrected soon. A complete rewrite of the public use zone is anticipated, but will not be done soon enough to address this omission.

Therefore, staff is proposing a short-term solution to correct the omission problem. The proposal is to list the existing use as a permitted use in the P-1 zone, require a conditional use permit for expansion of the plant, exempt minor alterations from the conditional use requirement, and to set standards for exemption. Listing the wastewater treatment plant as a conditional use is consistent with the approach used by the City of Edmonds in dealing with the wastewater treatment plant in that city.

This short-term solution meets the needs of the Public Works staff to move ahead with some urgently needed improvements to the plant. We believe that there is a level of alteration at the plant that can be safely exempted from the conditional use permit process. The Public Works Department staff is in agreement with this short-term approach and the standards proposed for exemption.

The short-term solution is included in the attachment of part of Chapter 21.44 LMC, Public and Semi-Public Zone.

RECOMMENDATIONS:

- Open the Public Hearing, ask for the staff report, take public testimony, and ask questions of staff and public.
- Close the Public Hearing, deliberate on the testimony received, make any necessary changes to the proposed amendments, and recommend a set of amendments to the P-1 zone for City Council consideration.

ATTACHMENTS:

- Chapter 21.44 (part) – Public and Semi-Public Zone (P-1)

1
2

Chapter 21.44 PUBLIC AND SEMI-PUBLIC ZONE

3 Sections:

- 4 [21.44.050](#) Purpose.
5 [21.44.100](#) Uses allowed.
6 [21.44.105](#) Project design review.
7 [21.44.110](#) *Repealed*.
8 [21.44.200](#) Development standards.
9 [21.44.210](#) Additional development standards.
10 [21.44.220](#) Transition or buffer strips.
11 [21.44.250](#) Development standards for park facilities.
12 [21.44.400](#) Accessory structures.
13 [21.44.500](#) Signs.
14 [21.44.900](#) Other regulations.

15 **21.44.050 Purpose.**

16 This classification is intended to provide for nonresidential uses
17 of a public or quasi-public nature to be located in or near residential
18 areas and to establish standards which will minimize the impact of
19 the nonresidential uses on nearby properties. Whereas,
20 nonresidential uses are ordinarily prohibited in single-family
21 residential zones in the public interest, it is the intent of this
22 classification that instead of such nonresidential uses being
23 excluded, the public interest will be served by development
24 standards which minimize or eliminate completely any undesirable
25 effects of the nonresidential uses on existing homes. Also, it is
26 intended that the provisions of this chapter will prevent future
27 development in the area from being influenced towards a type of
28 development contrary to that shown on the adopted comprehensive
29 plan, with the result that the residential character will be preserved
30 in the neighborhoods where this zone is established. (Ord. 2441
31 § 13, 2003; Ord. 2020 § 18, 1994; Ord. 470 § 2, 1969)

32 **21.44.100 Uses allowed.**

33 A. Permitted Uses.

- 34 1. Residential Uses. All uses which are permitted in the RS-8
35 single-family residential zone are permitted.
36 2. Institutional Uses. The following uses are permitted, subject
37 to the standards of this chapter:
38 a. Churches;
39 b. Private or semiprivate memorial buildings;
40 c. Community clubhouses, convention centers, public golf
41 courses, and accessory uses;
42 d. Art galleries, libraries, and museums;
43 e. Private schools, universities, and colleges;

- 1 f. Child day care;
- 2 g. Public parks, playgrounds, and schools;
- 3 h. Municipal buildings, including police stations, fire stations,
- 4 and performing arts facilities;
- 5 i. Clubs or fraternal societies but not including those which
- 6 provide entertainment or allow alcoholic beverages;
- 7 j. Transit center;
- 8 k. Park-and-ride lots;
- 9 l. Park and pool lots;

10 m. Existing wastewater treatment plant.

11 3. Temporary Uses. The operation of hot air balloons in
12 conjunction with a temporary special event, subject to issuance of a
13 temporary special event license in accordance with Chapter [5.30](#)
14 LMC, except that no fee shall be required. Each applicant for such
15 a temporary special event license shall verify that the balloon is to
16 be operated by a licensed pilot and shall demonstrate adequate
17 provisions for safe operation. No hot air balloon utilized in such a
18 temporary special event shall bear any symbols, letters, or pictures
19 whatsoever.

20 B. Conditional Uses.

- 21 1. All uses permitted through the issuance of a conditional use
- 22 permit in the RS-8 zone, except as amended by this section;
- 23 2. Charitable, nonprofit or social service organizations other
- 24 than those uses specifically allowed as a permitted use;
- 25 3. Medical facilities, including hospitals, convalescent homes,
- 26 and nursing homes and medical or dental clinics; and
- 27 4. Legal and professional services.

28 5. Expansion or major alteration of an existing wastewater
29 treatment plant.

30 C. Factors for Consideration for Proposed Conditional Uses. In
31 considering any conditional use permit application, the hearing
32 examiner and/or city council shall consider all factors relevant to the
33 public interest including, but not limited to:

- 34 1. Consistency of the proposal with the comprehensive plan
- 35 and with the purpose of the P-1 zone as stated in LMC [21.44.050](#),
- 36 especially discouraging activities of a commercial or industrial
- 37 nature, whether public or private;
- 38 2. Impact of the proposal on the visual and aesthetic character
- 39 of the neighborhood;
- 40 3. Impact of the proposal on the distribution, density, or growth
- 41 rate of the population in the neighborhood;
- 42 4. Orientation of facilities to developed or undeveloped
- 43 residential areas;
- 44 5. Preservation of natural vegetation and other natural
- 45 features;
- 46 6. Hours of operation;

- 1 7. Ability to provide adequate on-site parking;
- 2 8. Traffic impacts of the proposal on the neighborhood; and
- 3 9. Conformance of the proposal with the city noise ordinance,
- 4 Chapter [10.12](#) LMC.

5 Whenever the proposed use involves occupying a partially or
6 totally vacated school, the applicant must demonstrate that the
7 proposed use will have no greater impacts than the use for which
8 the facility was first designed.

9 D. Exemption from Conditional Use Permit Application Process.
10 Some limited expansion of use and structures of existing uses at
11 the Lynnwood wastewater treatment plant may be approved for
12 exemption from the conditional use permit process by the
13 community development director if the proposed alteration meets
14 the following criteria.

- 15 1. The alteration does not expand the treatment capacity of
16 the plant.
- 17 2. The alteration does not result in a significant increase in
18 noise, odor, traffic, or visual impact.
- 19 3. Any proposal to add accessory structures does not result
20 in the addition of more than 500 square feet of building
21 coverage.

22 (Ord. 2441 § 13, 2003; Ord. 2390 § 1, 2001; Ord. 2020 § 18, 1994;
23 Ord. 1455 § 1, 1985; Ord. 1309 § 1, 1983; Ord. 1209 § 1, 1982;
24 Ord. 470 § 2, 1969)

25 **21.44.105 Project design review.**

26 A. Design Guidelines for Nonresidential Uses. The following
27 structures and parking facilities permitted outright or by conditional
28 use permit in the public and semi-public zone shall comply with
29 Lynnwood Citywide Design Guidelines for All Districts and
30 Commercial Districts, as adopted by reference in LMC
31 [21.25.145\(B\)\(3\)](#), and receive approval pursuant to Chapter [21.25](#)
32 LMC, unless otherwise specified in this chapter:

- 33 1. Construction of any nonresidential structure or building with
34 a gross floor area of more than 1,000 square feet.
- 35 2. Construction of any parking lot and/or parking structure with
36 20 or more stalls or paved parking area of 5,400 square feet or
37 more.

38 B. Design Guidelines for Multiple-Family Uses. Construction of
39 any multiple-family structure or building including duplexes (two-
40 family dwellings) permitted outright or by conditional use permit in
41 the public and semi-public zone shall comply with Lynnwood
42 Citywide Design Guidelines for All Districts and Multi-family
43 Districts, as adopted by reference in LMC [21.25.145\(B\)\(3\)](#), and
44 receive approval pursuant to Chapter [21.25](#) LMC, unless otherwise
45 specified in this chapter.

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

5 D. Gateways and Prominent Intersections. See city of Lynnwood
6 zoning map to identify development project sites within a gateway
7 or prominent intersection location. Such sites shall be subject to
8 applicable gateway and/or prominent intersection design guidelines
9 identified in the All Districts section of the Lynnwood Citywide
10 Design Guidelines, as adopted by reference in LMC
11 [21.25.145](#)(B)(3). If any portion of a project site lies within a gateway
12 or prominent intersection location, then the entire project shall
13 comply with the applicable design guidelines. (Ord. 2441 § 13,
14 2003; Ord. 2388 § 22, 2001)

15 **21.44.110 Limitations on use.**

16 *Repealed by Ord. 2388.* (Ord. 2020 § 18, 1994; Ord. 1309 § 1,
17 1983; Ord. 1209 § 2, 1982; Ord. 470 § 2, 1969)

18 **21.44.200 Development standards.**

19 All uses permitted in the RS-8 zone shall be subject to RS-8
20 regulations. All other uses shall be subject to the regulations in this
21 section.

22 A. Minimum Setbacks. There shall be a minimum setback for
23 nonresidential buildings of 15 feet from any public street and 50
24 feet from any property line adjoining a single-family residential zone
25 or use. The setback from any other property line shall be 25 feet.
26 These setbacks shall be increased by one foot for each foot of
27 height exceeding 45 feet, measured from the lowest ground
28 elevation at the foundation to the ceiling of the highest story
29 occupied.

30 B. Height. The height of buildings is not restricted; provided, that
31 setbacks are increased with increased height in accordance with
32 the setback regulations.

33 C. Lot Coverage. All buildings, including accessory buildings,
34 shall not cover more than 35 percent of the area of the lot. (Ord.
35 2388 § 24, 2001; Ord. 2020 § 18, 1994; Ord. 470 § 2, 1969)

36 **21.44.210 Additional development standards.**

37 A. Parking Requirements. Parking requirements for the public
38 and semi-public zone are as provided in Chapter [21.18](#) LMC;
39 provided further, that at multiple-family residential development, 10
40 percent of the required parking may be in tandem parking;
41 provided, that the area in which the tandem parking is located is
42 designated on an approved site plan and that they are assigned by
43 the management; or 10 percent of the parking stalls required may

1 be located in a separate parking lot utilized only for recreation
2 vehicles provided the area does not encroach on front, side, and
3 rear yard setbacks.

4 1. Landscaping in Parking Areas.

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

6 i. To break up the visual blight created by large expanses
7 of barren asphalt which make up a typical parking lot;

8 ii. To encourage the preservation of mature evergreens
9 and other large trees which are presently located on most of the
10 potential multiple-family housing sites in this city;

11 iii. To provide an opportunity for the development of a
12 pleasing visual environment in the multiple-family housing zones of
13 this city from the viewpoint of the local resident and visitor passing
14 through the zones (a purpose of this section) as well as from the
15 viewpoint of the multiple-family housing dweller (a purpose of the
16 multiple-family housing developer);

17 iv. To insure the preservation of land values in multiple-
18 family housing zones by creating and insuring an environmental
19 quality which is most compatible with the development of this land;
20 and

21 v. To provide adequate control over the application of
22 landscaping standards so that these objectives are accomplished in
23 the most effective manner and to avoid the abuse of these
24 intentions by placing the described landscaping in remote parts of
25 the site or in recreational areas where they bear no relationship to
26 these objectives.

27 b. Planting at Street Frontages. Development sites with
28 parking areas located only between the sides of buildings opposite
29 the street and interior property lines shall provide a 10-foot-wide
30 planting area along the entire street frontage, except for driveways,
31 walkways and other pedestrian spaces. Development sites with
32 single-aisle, double-loaded parking areas located between
33 buildings and the street right-of-way, parking areas between
34 buildings or parking areas between buildings and the closest side
35 property line shall provide a 15-foot-wide planting area along the
36 entire street frontage with the same above exceptions.
37 Development sites with multi-aisle parking areas located between
38 buildings and the street right-of-way shall provide a 20-foot-wide
39 planting area along the entire street frontage with the same above
40 exceptions. Planting shall consist of ornamental landscaping of low
41 plantings and high plantings. The minimum height of trees shall be
42 eight feet for evergreen trees and 10 feet for all other species.
43 Trees shall be spaced a maximum of 25 feet on center with
44 branches eliminated to a height of six feet where necessary to
45 prevent sight obstruction. The required trees in this planting area
46 may be located within the adjacent street right-of-way as long as

1 they comply with Lynnwood Citywide Design Guidelines, as
2 adopted by reference in LMC [21.25.145\(B\)\(3\)](#), and are approved by
3 the public works department. Low evergreen plantings or a mixture
4 of low evergreen and deciduous plantings with a maximum height
5 of 30 inches, in bark or decorative rock, shall be provided so as to
6 achieve 50 percent groundcover within two years.

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

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

20 d. Coverage. Ten percent of parking areas located between
21 buildings or between buildings and interior property lines, and
22 single-aisle, double-loading parking areas located between
23 buildings and the street; and 15 percent of multi-aisle parking areas
24 located between buildings and street shall be in landscaping
25 (exclusive of landscaping on the street frontage and required
26 landscape buffers); provided, that:

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

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

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

41 e. Amount of Landscaping. The planting area shall include
42 liberal landscaping using such material as trees, ornamental
43 shrubs, lawn or combination of such materials.

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

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

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

14 B. Fences and Hedges. Fence and hedge regulations are as
15 provided in Chapter [21.10](#) LMC. (Ord. 2441 § 13, 2003; Ord. 2388
16 § 25, 2001; Ord. 2020 § 18, 1994; Ord. 1770 § 12, 1990; Ord. 1472
17 § 2, 1985; Ord. 1461 § 1, 1985; Ord. 1424 § 1, 1984; Ord. 1253
18 §§ 1, 2, 1982; Ord. 1241 § 1.2, 1982; Ord. 575 § 1, 1970; Ord. 489
19 § 1, 1969; Ord. 470 § 2, 1969; Ord. 386 § 1, 1968)

20 **21.44.220 Transition or buffer strips.**

21 Transitional or buffer landscaped strips (also referred to as
22 greenbelts) shall be installed where the side yard or rear yard of a
23 property zoned to the public semi-public zone is adjacent to a
24 property zoned RS, except that no transition or buffer strip shall be
25 required for those uses which are permitted without a conditional
26 use permit in the RS-8 zone. All landscaped strips shall be a
27 minimum of 10 feet wide.

28 A. Maintenance. Whenever greenbelts or landscaping are
29 required to be installed according to city zoning requirements, the
30 plant material shall be regularly maintained and kept in a healthy
31 condition in accordance with zoning requirements, Lynnwood
32 Citywide Design Guidelines, as adopted by LMC [21.25.145](#)(B)(3),
33 and approved development plans. Maintenance shall also include
34 regular weeding, removal of litter from landscaped areas, and
35 repair or replanting so that the greenbelts or landscaping continue
36 to comply with zoning requirements and/or development plans.

37 B. Minimum Standards.

38 1. Planting and Fencing. The planting strip shall consist of one
39 row of evergreen conifer trees, spaced a maximum of 10 feet on
40 center. Minimum tree height shall be six feet. The remainder of the
41 planting strip shall be promptly planted with low evergreen plantings
42 which will mature to a total groundcover within five years. A
43 permanent six-foot site-screening fence shall be placed at the
44 property line.

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

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

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

20 C. Fence Regulations.

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

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

32 In those cases where the slope of the land is such that the
33 location of a fence required by the above standards is impractical or
34 ineffective in satisfying the intent of this section, the community
35 development director may, at his discretion, permit a location which
36 more adequately satisfies the intent of this section.

37 D. Exception. The community development director may reduce
38 the required buffer width and revise the required planting and
39 fencing if the director finds that, due to the intensity of existing or
40 proposed landscaping, change in topography between properties,
41 use of the properties along the abutting property line, or other
42 characteristics of the abutting properties, a reduced buffer width will
43 provide adequate separation between the properties.

44 A request for approving a reduction in a required buffer shall be
45 made in writing and shall describe fully the reduction and the basis
46 for the request. The fee for processing a request shall be \$200.00.

1 The person(s) requesting the buffer reduction bear the burden of
2 proof that the reduced buffer will provide adequate separation and
3 screening between properties.

4 At least 28 calendar days prior to acting on a request for buffer
5 reduction, notice of the request shall be mailed to the owners of all
6 properties that abut the site of the proposed reduction. Action on a
7 request may not be taken until this noticing period has expired.

8 Anyone may appeal a determination regarding an exception by
9 the director under this subsection by filing a written statement of the
10 reason(s) for the appeal with the community development
11 department. Such an appeal shall be processed pursuant to
12 Process II (LMC [1.35.200](#) et seq.). (Ord. 2451 § 2, 2003; Ord. 2441
13 § 13, 2003; Ord. 2388 § 26, 2001; Ord. 2020 § 6, 1994; Ord. 1881
14 § 4, 1992; Ord. 1790 §§ 1, 2, 3, 1990; Ord. 1781 § 2, 1990; Ord.
15 1474 §§ 1, 2, 1985; Ord. 1465 § 3, 1985; Ord. 1257 § 6, 1982; Ord.
16 1036 § 3, 1979; Ord. 888 §§ 1, 2, 3, 1976; Ord. 670 § 1, 1972; Ord.
17 575 § 1, 1970; Ord. 489 § 1, 1969; Ord. 470 § 2, 1969; Ord. 464
18 §§ 1, 2, 1969; Ord. 386 §§ 2, 3, 1968; Ord. 383 § 3, 1968; Ord. 190
19 Art. X §§ 10.6, 10.7, 1964)

20 **21.44.250 Development standards for park facilities.**

21 A. Buildings and structures at properties designated “Parks,
22 Recreation, and Open Space” on the future land use plan map of
23 the comprehensive plan shall be subject to the development
24 standards in LMC [21.44.200](#); provided, that the community
25 development director may authorize a reduction in the minimum
26 setback from a public street to the following:

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

29 2. Structures and buildings either more than one story in
30 height or with a gross floor area greater than 1,000 square feet (or
31 both): 15 feet.

32 3. Provided, that the director finds:

33 a. The standards in LMC [21.44.200](#) would not allow use of a
34 building or structure in the park as that building or structure is
35 intended to be used; and

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

38 B. Notice of such approval shall be mailed to owners of property
39 that adjoin the site of the proposed building or structure. Approval
40 of a building or structure under this section may be appealed within
41 14 calendar days of issuance of a determination under this section
42 using Process II. The date of issuance shall be three days following
43 the date of mailing of the notice. (Ord. 2441 § 13, 2003; Ord. 2388
44 § 27, 2001; Ord. 2240 § 2, 1999)

1 **21.44.400 Accessory structures.**

2 A. Solar Energy Systems. The use of solar energy systems can
3 be an effective and efficient method for producing energy and
4 reducing energy consumption. The majority of residential structures
5 within Lynnwood were constructed before solar energy systems
6 became a viable means for producing energy, thus lot yard
7 setbacks and height restrictions do not take such systems into
8 account. The city of Lynnwood finds that it is in the best public
9 interest to encourage solar energy systems. If it is found that a
10 solar energy system would have a positive impact on energy
11 production and conservation while not having an adverse
12 environmental impact on the community, but the placement of such
13 system requires violation of city setback or maximum height
14 limitations, allowance of such systems may be permitted through
15 the variance process and shall be encouraged. In viewing such
16 variance request, the following shall be considered in making a
17 determination:

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

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

38 B. Heat Pumps. The use of heat pumps also may be an effective
39 and efficient method for reducing energy consumption. The majority
40 of residential structures were constructed before heat pumps
41 became a viable means for reducing energy consumption, thus lot
42 yard setbacks did not take them into account. In some instances
43 the only and/or the best location of a heat pump will not comply with
44 the minimum five-foot setback from all property lines. Heat pumps
45 within the five-foot setback may be permitted through the variance

1 process. In order for any such variance to be granted, it must be
2 found that:

3 1. The heat pump does not exceed the applicable dba noise
4 level at the property line;

5 2. The heat pump does not cause an adverse environmental
6 impact; and

7 3. The proposed location is the more desirable in lieu of the
8 minimum five-foot setback. Supporting documentation shall be
9 provided by an individual knowledgeable of heat pump operation
10 and installation. (Ord. 2441 § 13, 2003)
11

12 **21.44.500 Signs.**

13 See LMC [21.16.300](#) for sign regulations. (Ord. 2441 § 13, 2003;
14 Ord. 2310 § 38, 2000)

15 **21.44.900 Other regulations.**

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

23 1. Development Standards. Refuse and recycling collection
24 areas in the public and semi-public zone shall comply with the
25 development standards below. The following development
26 standards shall supersede other applicable setback requirements of
27 this chapter and any applicable Lynnwood Citywide Design
28 Guidelines, as adopted by reference in LMC [21.25.145\(B\)\(3\)](#), that
29 may conflict:

30 a. Set back a minimum of 25 feet from a public street;

31 b. Set back a minimum of 25 feet from any interior property
32 line adjoining an RS or RM zone or a P-1 zone with one-family
33 dwelling units if a business site is one acre or larger in area; or

34 c. Set back a minimum of 15 feet from any interior property
35 line adjoining an RS or RM zone or P-1 zone with one-family
36 dwelling units if a business site is less than one acre in area.

37 2. Enclosure. All refuse and recycling collection areas shall be
38 enclosed on three sides by a six-foot-high site-obscuring fence
39 which uses building materials, color, and design details similar to
40 the primary buildings on the site and a six-foot-high gate on one
41 side. The height of the enclosure may include the height of a
42 surrounding slope or berm (height measured from bottom inside
43 edge of the collection area). The enclosure shall include a gate
44 which can be secured in an open or closed position. If the

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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. (Ord. 2441 § 13, 2003; Ord. 2388 § 28, 2001; Ord. 2020 § 18, 1994; Ord. 1911 § 2, 1992)

**Lynnwood Planning Commission
Meeting of April 28, 2005**

Staff Report

**Agenda Item: G-1
Comprehensive Plan Amendment –
Good Shepard Baptist Church (2005CPL0002)**

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

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

BACKGROUND:

Property Description:

Applicant: Wash. Baptist Convention
Request: Change Plan: SF-2 to MF-2
Rezone: RS-7 to RMM
Purpose: Multi-family Senior Housing
Location: 6916 – 196th Street SW
The Site: Lot #1: 2.64 ac.
Lot #2: 1.66 ac.
Total: 4.30 ac.
Land Use: Good Shepard Baptist Church
Current Plan: SF-2 (Single-family)
Current Zone: RS-7 (Single-family)



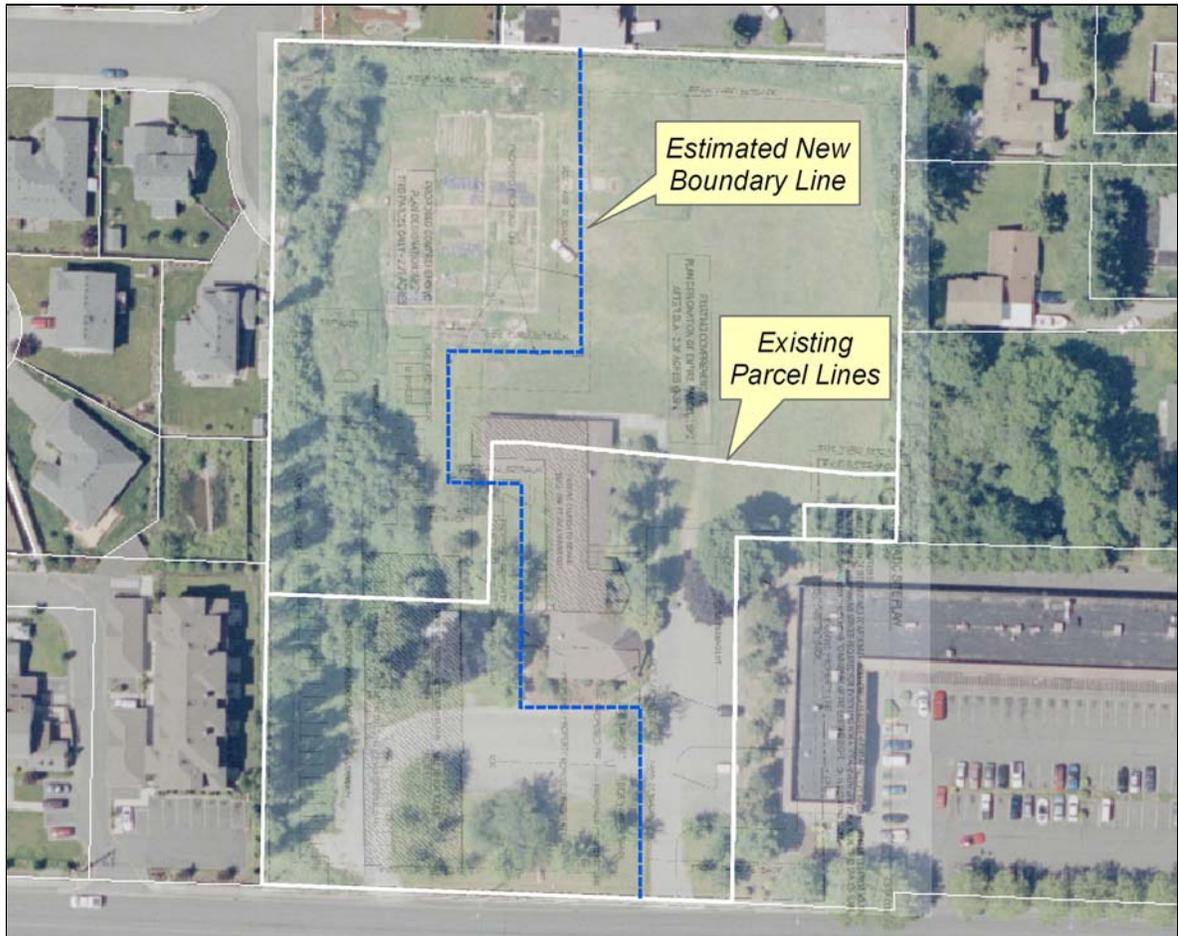
The Proposal:

1. Plan Amendment: The applicant would like to build a 40-unit senior housing facility adjacent to the existing Baptist church. The property is zoned RS-7 (Medium-density Single-family). This zoning doesn't allow multi-family developments. Therefore, the Washington Baptist Convention (owner) has requested a Comprehensive Plan Amendment to change the designation of one of its two lots to MF-2 (Medium-density Multiple-family). If approved, the zoning would also be changed to RMM, which allows multi-family housing and allows "Housing for the Elderly" with approval of a Conditional Use Permit.

2. Boundary Line Adjustment: The site consists of two lots. The dividing lot line runs east-west, as shown in the map above. The line is irregular and appears to pass through a portion of the existing church (see aerial photo on following page). The

Comprehensive Plan and Zoning Maps are site specific. Therefore, a necessary component of this proposal is a property line adjustment to accommodate the existing church on one lot and the proposed housing facility on the other.

To accomplish the intended arrangement, both lots would be adjusted to have frontage on 196th Street. The eastern lot would contain the church and its parking. The western lot would provide enough area (2.21 ac.) to accommodate a 40-unit housing facility and its 60+ parking spaces. A portion of the northern end of that lot will remain vacant for possible future recreational or parking purposes.



Considerations:

1. The applicant will need early approval of the Boundary Line Adjustment (BLA), so that the Plan Amendment can be processed. A Plan amendment can't be approved for a nonexistent lot. The applicant has not yet submitted a BLA application but will be asked to do so as soon as possible.
2. The proposed BLA will result in two adjacent lots sharing an irregular boundary designed to wrap around the existing church. The lots appear to have the proper area, street frontage and other characteristics.



The Building Official needs to know the specific type of construction of the church in order to determine whether or not the setbacks from the new lot lines will be sufficient.

3. City code provides the following purpose for a BLA.
LMC 19.55.010 A boundary line adjustment is intended to apply to minor boundary changes, to correct a controversy regarding the location of a boundary line or to remedy adverse topographical features. A BLA does not apply to boundary changes that would directly result in increased development or density otherwise regulated by applicable land use codes and regulations, or to actions requiring replat, amendment, alteration, or vacation of a plat or short subdivision.
4. City code prohibits the use of a BLA to increase density. This proposal will reduce the size of one of the lots just enough to allow a 40-unit apartment complex. The other lot will continue to be occupied by the church. It will increase in size but will have no effect on the project's density. This is not considered to be a violation of the code.
LMC 19.55.030 A boundary line adjustment shall not:
A. Create any additional lot, tract, parcel, site or division;
B. Result in a lot, tract, parcel, site or division which contains increased density . . .
5. The City's Comprehensive Plan includes a "Single-family Housing Retention" subgoal that says the City will "**attempt to reach 60% single-family and 40% multi-family units in the area of the City outside of the City Center Study Area.**" The proposal conflicts with that goal. The applicant's intention is to limit occupancy of the future apartments to seniors, although the RMM zone allows all other kinds of multi-family housing as well. If approved, the project will add 40 multi-family units to the City's housing stock. Although no single-family dwellings will be eliminated, this proposal would result in an increased percentage of multi-family units and lower percentage of single-family units throughout the City, which is inconsistent with the adopted goal.

The City Council may approve this Plan Amendment if it finds that it meets the approval criteria. The Planning Commission's role is to make a recommendation that is most consistent with adopted City policy and in the best interests of the

community. The Commission will have to decide if the applicant's senior housing intent important enough to the community to overcome this adopted policy and justify a positive recommendation?

Current Zoning:

The map to the right shows the church site as presently zoned RS-7 (Medium-density Single-family). The neighborhoods to the north, northeast and northwest are currently zoned RS-8 (Low-density Single-family).

A small shopping center is located at the corner of 68th Ave. and 196th St. Other properties along 196th Street to the west are zoned for multiple-family residential uses.

The zoning along the south side of 196th Street is primarily commercial.

Process:

This is the only formal application for a Plan Amendment in 2005. The Planning Commission's role includes the following steps:

- Study and discuss the proposal
- Conduct a public hearing and accept public comments
- Consider all testimony, information in the staff report and referral comments
- Forward a recommendation to the City Council to (1) approve the request, (2) approve it with modifications or (3) deny the request.

The City Council will also study the proposal, conduct a public hearing and take final action on all proposals in the fall.

Recommendations:

1. Review the staff report and discuss the proposal at the April 28 meeting.
2. Ask questions of staff and request additional information, as necessary.

Staff will schedule a public hearing following completion of the SEPA review. An "Administrative Recommendation" will be presented for the Commission's consideration following the hearing.



Lynnwood Planning Commission
Meeting of April 28, 2005

Staff Report

Agenda Item: **I-2**

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.

April 28 **Public Hearing:** **Code Amendment – Public & Semi-public Zone**
Work Session: **2005 Plan Amendments** – Discussion of proposals.

May 12 **Public Hearing:** TBA
Work Session: **2005 Plan Amendments** – Discussion of proposals.
Transp. Improvements Plan (TIP)
Parkway Annexation – Plan & Zoning proposals.

May 26 **Public Hearing:** **Transp. Improvements Plan (TIP)**
Work Session: **2005 Plan Amendments** – Discussion of proposals.