

# AGENDA

## Lynnwood Planning Commission

Thursday, April 13, 2006 – 7:00 pm

City Council Chambers, 19100 – 44<sup>th</sup> Ave. W., Lynnwood WA

- A. Call to Order**      Chair DECKER  
                                 Commissioner BIGLER  
                                 Commissioner ELLIOTT  
                                 Commissioner PEYCHEFF  
                                 Commissioner WALTHER  
                                 VACANT – Position #1  
                                 VACANT – Position #3

**B. APPROVAL OF MINUTES:**

1. Minutes of March 23, 2006

**C. COUNCIL LIAISON REPORT:**

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

- E. PUBLIC HEARING:** None

**F. WORK SESSIONS:**

1. Essential Public Facilities – Comprehensive Plan Text Amendment  
Amending the City's EPF siting process to comply with a recent decision of the Growth Management Hearings Board regarding the use of discretionary regulations.
2. Mobile Home Park "Zone" – Comprehensive Plan Text Amendment  
Review a request from Senior Citizens Action Group to establish a Comp. Plan designation that will support a future mobile home park zone.
3. Re-adoption of City Center Zoning – Ordinance  
Review an ordinance that will amend the City's Official Zoning Map and establish use districts for the City Center. [Public Hearing scheduled for April 27]

- G. BUSINESS:** None

**H. DIRECTOR'S REPORT & INFORMATION:**

1. City Council Actions
2. Upcoming Meetings

**I. ADJOURNMENT**

The public is invited to attend and participate in this public meeting. To request special accommodations for persons with disabilities, contact the City at (425) 670-6613 at least 24 hours prior to the meeting.

*Lynnwood Planning Commission*  
**Meeting of April 13, 2006**

## Staff Report

**Agenda Item: F-1**  
**Comprehensive Plan Amendments –**  
**Essential Public Facilities, Text**  
**Amendment**

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

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

### Introduction:

The City of Lynnwood Community Development Department has submitted an application to amend the text of the Comprehensive Plan. The proposed amendments are in the section of the Plan dealing with Essential Public Facilities, which is located in the Capital Facilities & Utilities Element.

### Applicant:

City of Lynnwood Community Development Department  
19000 – 44<sup>th</sup> Avenue West  
Lynnwood WA 98036-5800

### Request:

The request is for the addition of a goal, objectives, and policies to the text of the Essential Public Facilities section of the Comprehensive Plan and to make a minor amendment to the existing text of the section.

### Sequence of Events:

#### SEPA Determination:

- Application and SEPA Checklist are being reviewed by ERC.

#### Schedule:

- March 23 Planning Commission began work sessions on plan amendments.
- April 13 Planning Commission work session on Essential Public Facilities.
- June 5 City Council's first work session on plan amendments.
- June 14 Environmental review process completed (sooner if possible).
- June 22 Commission's first public hearing (recommendations follow).
- Aug. 14 City Council's public hearing (more may be scheduled).
- Sept. 11 City Council's target date for final adoption.

## **Process:**

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 13 meeting.
2. Ask questions of staff and request additional information, as necessary.

The Planning Commission's public hearing on all of the 2006 proposals will be conducted following completion of the SEPA review. It is tentatively scheduled for June 22. A recommendation will be presented for the Commission's consideration.

## **Attachments:**

1. Evaluation Criteria
2. Essential Public Facilities Siting Process (existing and amended text)

**Attachment #1**  
**Evaluation Criteria**

The City of Lynnwood Community Development Department is requesting an amendment to the text of the section of the Comprehensive Plan on Essential Public Facilities. Amendments to the Comprehensive Plan will be evaluated using the following criteria. The following explains how the applicant believes the application is consistent, or conflicts with, or otherwise relates to these criteria. (Ref. LMC 18.04.070).

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

The GMA requires local governments to include a process in their Comprehensive Plans for identifying and siting essential public facilities. A recent decision by the Growth Management Hearings Board (GMHB) restricts local governments from using discretionary regulations in the siting of essential public facilities. Given this GMHB decision it is prudent that Lynnwood amend the section of the Comprehensive Plan on essential public facilities making it clear that the city intends to comply with the GMHB decision. It is also desirable that this section of the Plan gives clear direction in preparation and adoption of implementing regulations.

**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.**

Significant adverse impact could occur in the siting of essential public facilities. However, the city is prevented by state law from denying the siting of such facilities. The city can mitigate the adverse impacts through reasonable measures. The proposed policies make clear the city's intention to vigorously use such measures to mitigate adverse impacts.

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

Not applicable as this is not a site-specific proposal. When dealing with siting of an essential public facility the city will fully evaluate impacts on public services and facilities and require mitigation to the extent allowed by law.

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

The proposal is consistent with the state law requiring a "super siting" process. It may not be consistent with all goals and policies of the Lynnwood Comprehensive Plan. However, as this state law overrides local plans any inconsistency is irrelevant.



## Attachment #2

### **Essential Public Facilities Siting Process**

#### **Goal:**

Facilitate the siting of essential public facilities sponsored by public and private entities in a manner that results in the least negative impact on surrounding properties and the community as a whole.

#### **Objectives:**

**EPF - 1:** Comply with state law by accepting state and regional essential public facilities within the corporate limits of Lynnwood subject only to reasonable impact mitigation measures.

**EPF – 2:** Work with Snohomish County and other local jurisdictions to prepare, adopt, and maintain a common siting process for various types of essential public facilities.

**EPF – 3:** Establish criteria defining and guiding the siting of local essential public facilities.

**EPF – 4:** Prepare and adopt development regulations to implement the siting of state, regional, and local essential public facilities consistent with the goal, objectives, and policies of this section of the Comprehensive Plan.

#### **Policies:**

**Policy EPF – 1:** The City of Lynnwood shall follow the common process for siting state and regional essential public facilities, as adopted by Snohomish County Tomorrow, and as presented in this section of the Comprehensive Plan.

**Policy EPF – 2:** The City of Lynnwood will review and modify its development regulations and administrative procedures as necessary to fully implement the common siting process within its area of jurisdiction.

**Policy EPF – 3:** The City of Lynnwood shall not prevent the siting of a state or regional essential public facility through imposition of regulatory requirements. The City will mitigate negative impacts of such facilities by the application of mitigation measures applied through a Special Use Permit process. Approval of a Special Use Permit shall be granted by the City Council upon recommendation of the Planning Commission and after public hearings before the Commission and the Council.

**Policy EPF – 4:** Criteria may be established for siting of public facilities which are essential to the local area. Regulation of such local facilities may utilize the common siting process designed for state and regional essential public facilities. The regulation

of local essential public facilities may require a conditional use permit which may include the possibility of denial of the permit. Regulation of such local facilities shall not be a means for regulation of or denial of siting state or regional essential public facilities.

**Policy EPF – 5:** The location of Secure Community Transition Facilities within Lynnwood shall be geographically limited to an area or areas selected by the City Council. The geographic area(s) selected shall not be so limited in area that the limitation prevents any feasible siting of such facilities.

### **Purpose:**

In accordance with the requirements of the Washington Growth Management Act (GMA), and following an extensive policy review process by the Snohomish County Tomorrow Steering Committee, the Snohomish County Council has adopted a series of countywide planning policies to guide the preparation of city and county comprehensive plans. Included therein are policies addressing the siting of “public capital facilities of a countywide or statewide nature” (identified as Policies CF-1 through CF-5), as specifically required by the GMA. These policies commit the GMA planning jurisdictions of Snohomish County to develop a common siting process for these facilities.

The GMA further requires local governments to develop a process for identifying and siting “essential public facilities” and to incorporate that process into their local comprehensive plans. As indicated and defined by WAC 365-195-340 essential public facilities can be difficult to site, and their location in a community may be locally unpopular. Local and state governments are charged by GMA with the task of ensuring that such facilities, as needed to support orderly growth and delivery of public services, are sited in a timely and efficient manner.

The process described here is intended to address the siting of essential public facilities not already sited by the Lynnwood Comprehensive Plan, or other City facility plans, and for which land use action is required. The siting process set forth as follows is also intended to meet GMA requirements, as well as the intent of the countywide planning policies. A final objective is to enhance public participation during the early stages of facility siting so as to reduce the time spent analyzing unacceptable sites, and thereby produce earlier siting decisions that are also consistent with community goals.

### **Definition of Essential Public Facility:**

Any facility owned or operated by a unit of local or state government, by a public utility or transportation company, or by any other entity providing a public service as its primary mission may qualify as an “essential public facility” (or, EPF). In general, an essential public facility will be characterized by the following:

- it is a necessary component of a system or network which provides a public service or good; and
- it may be difficult to site because of potential significant opposition.

Essential public facilities of a countywide nature are those which serve a population base extending beyond the host community. This may include several local jurisdictions within Snohomish County or a significant share of the total County population. Such

facilities may include, but are not limited to, the following examples: airports, state education facilities, state or regional transportation facilities, state or local correctional facilities, solid waste handling facilities, in-patient facilities including substance abuse facilities, mental health facilities, and group homes.<sup>1</sup> Other facilities meeting the basic definition above and whose sponsor desires to utilize this siting process may be qualified as essential public facilities by completing the designation procedure described below.

Essential public facilities of a regional or statewide nature may include, but are not limited to, those facilities listed above which serve a multi-county population base; and other large public facilities appearing on the Office of Financial Management (OFM) list to be maintained under RCW 36.70A.

### **Essential Public Facilities Eligible for Common Site Review:**

Essential public facilities of a countywide or statewide nature which are not already sited in a local comprehensive plan are eligible for review under the common siting process described below. Candidate facility proposals may be submitted for review under this Common Siting Process by either the project sponsor or by a local jurisdiction wishing to site the project (the "host community").

A facility may be designated an essential public facility eligible for review under this process under the following conditions:

- the Snohomish County Tomorrow Steering Committee or the governing board of the host community makes a determination that the proposed facility meets the definition of an essential public facility; or, the facility appears on the state, county, or the host community's list of essential public facilities; AND
- either the sponsoring agency or the host community determines that the facility will be difficult to site.

### **Common Site Review Process:**

Either the sponsor of an essential public facility within Snohomish County which is eligible for review under the Common Site Review Process, or the proposed host community, may elect to follow the process described herein. Alternatively, sponsors of such facilities having a preferred site location already identified may choose to seek siting approval under the local process provided by the host community (the jurisdiction having land use authority over the site), if that approach is acceptable to the host community.

The Common Site Review Process will involve the steps described below.

1. Determination of Eligibility. The project sponsor must receive a determination of eligibility from either the host community or the Snohomish County Tomorrow Steering Committee that the proposed facility constitutes an essential public facility as defined above. This initial step will also include a determination, as a threshold matter, of whether the facility in question presents siting difficulties. If the facility does not present siting difficulties, it should be relegated to the normal siting process, as recommended in WAC 365-195-340 (2)(a)(iii).

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<sup>1</sup> The application of this definition for group homes and similar facilities, as well as of the siting process for these facilities, will be within the legal parameters of fair housing laws.

2. Site Search Consultation. As an optional service to project sponsors, the Planning Advisory Committee (PAC) and/or the Infrastructure Coordinating Committee (ICC) will, upon request, provide a forum for project sponsors prior to the initiation of the formal siting review process. Sponsors will have the opportunity to present proposed projects involving essential public facilities for the purpose of seeking information on potential sites within Snohomish County and about potential concerns related to siting. Sponsors may also propose possible incentives for host communities.

Through the PAC/ICC, local jurisdictions may be requested to provide information to sponsors regarding potential sites within their communities. The sponsor of an eligible project electing to utilize this siting process may initiate this communication by contacting Snohomish County Tomorrow and requesting aid in the siting of its proposed facility.

3. Local Land Use Review. Following site consultation with the PAC and/or ICC (when that step is taken by the sponsor), the sponsor may then apply for site approval with the local land use permit authority, as required under local law. The local jurisdiction shall conduct its review as required by this common siting process, as well as its own codes and ordinances. This shall include the conduct of public hearings required for any land use action which may be needed by the proposal, including comprehensive plan amendment, rezoning, conditional use permit, or similar approval.

The local authority shall evaluate the proposal against the common siting criteria described herein, as well as against any local criteria generally applicable to the type of action required, in making its land use decision on the project proposal. Where no local land use action is required the sponsor may proceed directly to the permit application stage.

4. Advisory Review Process. The local land use authority's decision, as it relates to matters encompassed by the site evaluation criteria described below, is subject to an advisory review process as provided herein. This process, if utilized, would occur prior to any appeal processes already provided by local ordinance.

Within 21 days following the decision by the local land use authority required to approve the proposal, and advisory review process may be utilized by the sponsor involving a three-member advisory review board appointed by the Snohomish County Tomorrow Executive Board. Qualifications for board members, as well as procedures for board creation and conduct of board business shall be governed by written guidelines to be established by Snohomish County Tomorrow, provided that no official or employee of Snohomish County or any local jurisdiction within Snohomish County shall be a board member.

The advisory review board shall not have the authority to overturn a local decision. The board, on a review of the record, shall only find that the local decision does or does not accurately reflect the evidence provided by the sponsor, or that adequate consideration was or was not given to the evaluation criteria, and may recommend to the local agency that it reconsider its decision.

A recommended alternative for host communities and sponsors would be to use arbitration as the final recourse for resolution of differences. In cases where this option is agreed to in advance, a pre-selected arbitrator would serve as the appeal agent for these parties.

Nothing herein shall be construed to limit the administrative appeal or legal remedies otherwise available to sponsors, host communities, or third parties.

5. Permit Application. Upon receipt of the required land use approvals by the local land use authority, the sponsor may then apply for the required permits to construct the proposed facility. When a permit is denied for reasons relating to this siting process, the permitting authority will submit in writing the reasons for permit denial to the sponsor.

## Site Evaluation Criteria:

The following criteria will be utilized by all county and city review authorities in evaluating siting proposals made by sponsoring agencies seeking to site an essential public facility (EPF) in Snohomish County. The sponsor shall provide the information needed for the reviewing body to evaluate a site(s) and make a recommendation or decision on a specific proposal. These criteria encompass an evaluation of regional need and local site suitability for the proposed and designated essential public facility. Findings concerning the proposal's conformance with each criterion shall be included in the documentation of the local authority's decision.

1. Documentation of Need. Project sponsors must demonstrate the need for their proposed EPF's. Included in the analysis of need should be the projected service population, an inventory of existing and planned comparable facilities and projected demand for this type of essential public facility.
2. Consistency with the Sponsor's Plans. The proposed project should be consistent with the sponsor's own long-range plans for facilities and operations.
3. Consistency with Other Plans. The proposal must demonstrate the relationship of the project to local, regional, and state plans. The proposal should be consistent with the comprehensive plan and other adopted plans of the prospective host community. In evaluating this consistency, consideration shall be given to urban growth area designations and critical area designations, population and employment holding capacities and targets, and the land use, capital facilities and utilities elements of these adopted plans.
4. Relationship of Service Area to Population. The facility's service area population should include a significant share of the host community's population, and the proposed site should be able to reasonably serve its overall service area population. [Note: Linear transmission facilities are exempt from this criterion.]
5. Minimum Site Requirements. Sponsors shall submit documentation showing the minimum siting requirements for the proposed facility. Site requirements may be determined by the following factors: minimum size of the facility, access, support facilities, topography, geology, and mitigation needs. The sponsor shall also identify future expansion needs of the facility.
6. Alternative Site Selection. In general, the project sponsor should search for and investigate alternative sites before submitting a proposal for siting review. Additionally, the proposal should indicate whether any alternative sites have been identified that meet the minimum site requirements of the facility. The sponsor's site selection methodology will also be reviewed. Where a proposal involves expansion of an existing facility, the documentation should indicate why relocation of the facility to another site would be infeasible.
7. Concentration of Essential Public Facilities. In considering a proposal, the local review agency will examine the overall concentration of essential public facilities within Snohomish County to avoid placing an undue burden on any one community.
8. Public Participation. Sponsors should encourage local public participation, particularly by any affected parties outside of the host community's corporate limits, in the development of the proposal, including mitigation measures. Sponsors should conduct local outreach efforts with early notification to prospective neighbors to inform them about the project and to engage local residents in site planning and mitigation design prior to the initiation of formal hearings. The sponsor's efforts in this regard should be evaluated.
9. Consistency with Local Land Use Regulations. The proposed facility must conform to local land use and zoning regulations that are consistent with the Countywide Planning Policies. Compliance with other applicable local regulations shall also be required.

10. Compatibility with Surrounding Land Uses. The sponsor's documentation should demonstrate that the site, as developed for the proposed project, will be compatible with surrounding land uses.
11. Proposed Impact Mitigation. The proposal must include adequate and appropriate mitigation measures for the impacted area(s) and community(ies). Mitigation measures may include, but are not limited to, natural features that will be preserved or created to serve as buffers, other site design elements used in the development plan, and/or operational or other programmatic measures contained in the proposal. The proposed measures should be adequate to substantially reduce or compensate for anticipated adverse impacts on the local environment.

**Amendments:**

This siting process may be amended, upon recommendation by the Snohomish County Tomorrow Steering Committee, through established procedures for amending the Comprehensive Plan in accordance with local code and the State Growth Management Act.

**Source:**

Capital Facilities & Utilities Element  
Lynnwood Comprehensive Plan

***Lynnwood Planning Commission***  
**Meeting of April 13, 2006**

## **Staff Report**

**Agenda Item: F-2**  
**Comprehensive Plan Amendments –**  
**Mobile Home Park “Zone”, Text**  
**Amendment**

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

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

### **Introduction:**

The Lynnwood Senior Citizens Action Group (Frank Cheeney) submitted an application for text amendments to the Comprehensive Plan relating to mobile home park zoning. The proposed amendments will not change the Comprehensive Plan map or the Official Zoning Map. Any official map amendment would occur by separate action.

### **Applicant:**

Lynnwood Senior Citizens Action Group (Frank Cheeney)  
17408 44<sup>th</sup> Ave. W. Unit 40  
Lynnwood WA 98037

### **Sequence of Events:**

- SEPA Determination:
  - Application and SEPA Checklist are being reviewed by ERC.
- Schedule:
  - March 23 Planning Commission began work sessions on plan amendments.
  - April 13 Planning Commission’s work session on Mobile Home Park “Zone”.
  - June 5 City Council’s first work session on plan amendments.
  - June 14 Environmental review process completed.
  - June 22 Planning Commission’s first public hearing (recommendations follow).
  - Aug. 14 City Council’s public hearing (more hearings may be scheduled).
  - Sept. 11 City Council’s target date for final adoption.

### **Process:**

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 13 meeting.
2. Ask questions of staff and request additional information, as necessary.

The Planning Commission's public hearing on all of the 2006 proposals will be conducted following completion of the SEPA review. It is tentatively scheduled for June 22. A recommendation will be presented for the Commission's consideration.

### **Attachments:**

1. Evaluation Criteria
2. Proposed Text Amendments

## Attachment #1

Lynnwood Senior Citizens Action Group Comprehensive Plan Amendment Request  
Mobile Home Park "Zone"

### Evaluation Criteria

(Submitted by Applicant)

The Lynnwood Senior Citizens Action Group (Frank Cheeney) is requesting Comprehensive Plan Amendment text amendments. The following explains how the applicant believes the application is consistent, or conflicts with, or otherwise relates to these criteria. (Ref. LMC 18.04.070).

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

This proposed amendment is totally consistent with the GMA and supports its elements relating to the environment, senior, and low-income housing.

**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.**

This proposal does not change the development or land use potential of any of the existing MHP, but restores them to their current use with a zone that properly relates to them.

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

The proposed amendment is currently being accommodated by all applicable public services and facilities, including transportation.

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

The proposal supports and is consistent with the goals and policies of the Lynnwood Comprehensive Plan.



## Attachment #2

The following is new text proposed by the applicant for inclusion in the Comprehensive Plan.

### **SUGGESTED MOBILE HOME PARK ZONE**

#### **Mobile Home Park Residential (MH-1):**

**Purpose:** This Plan category is to provide a zone for existing and future Mobile Home Parks (MHP) in the City of Lynnwood. It shall serve to properly define existing Mobile Home Parks in the City of Lynnwood.

**Principal Use:** Single family Mobile/Manufactured Homes in a density range of one to fourteen dwelling units per 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:** This housing type requires locations with good access to arterial and collector streets. The existing Plan designation applied to existing Mobile Home Parks shall be changes to MH-1 Plan designation no later than November 30, 2007 with the appropriate adoption of Ordinance No. ####.

**Site Design:** Minimum lot size – one (1) acre. On each lot (1) to fourteen (14) Mobile/Manufactured Homes per net acre may be located.

**Building Design:** Residences in the MHP shall be as they currently exist and/or as meets current Manufactured Home requirements for units not currently in MHP in the City of Lynnwood. Units shall not be connected by any common wall(s).

### **SUGGESTED LAND USE ACTION**

**Action LU-5:** Encourage the evaluation and future use of Mobile Home Park zone designation viable for senior and low income housing alternatives.

### **SUGGESTED HOUSING POLICY REVISION**

**Current Policy H-8.2:** Encourage the development of affordable housing for senior citizens.

**Proposed Policy H-8.2:** Encourage the development of affordable housing for senior citizens to include as a viable alternative Mobile Home Parks.

***Lynnwood Planning Commission***  
**Meeting of April 13, 2006**

**Staff Report**

**Agenda Item: F-3**  
**Re-Adoption of City Center Zoning –**  
(2000CPL0002)

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

Lynnwood Dept. of Community Development — Staff Contact: Kevin Garrett, Planning Manager

**ACTION:**

Presentation and discussion only – no action necessary at this meeting.

On April 27, following a public hearing, the Planning Commission will be asked to forward a recommendation to City Council.

**BACKGROUND:**

On March 14, 2005, the City Council adopted three ordinances that approved, at the concept level, the City Center Planning Project. Ordinance 2553 adopted the City Center Subarea Plan as part of the City's Comprehensive Plan (the Comprehensive Plan is the City's "constitution" for land use and development). That Plan envisions redevelopment of the City Center (the commercial area north of I-5 between the Transit Center and the Mall) into a vibrant urban center with: a mix of land uses; pedestrian-friendly streets; public and private open spaces; and urban intensities of development. This new center will attract major new investment providing jobs, retail shops and services, entertainment, public spaces and cultural attractions, as well as new housing, which do not now exist in the area. With this redevelopment, Lynnwood would become the premiere city north of Seattle, over the course of the next 20 years.

A major organizing feature of the Plan is the location of public spaces. A pedestrian Promenade crosses the City Center from west to east, connecting the three districts to each other and, in the future, also making connections to major locations west and northeast of the area. The Town Square sits on the south side of the Promenade in the heart of the Core district, with frontage in all directions on the new grid streets. The West End Plaza, intended as a public space for the mostly-residential West End, is located at the western end of the Promenade (and in the center of the West End district). Two small parks are located in at the northern edge of the West End (linking to the Civic Center area) and in the North End at a future extension of 194<sup>th</sup> St. SW.

To achieve the vision of the City Center, the physical setting of the area will need to be altered. Guiding development and use of land in the area calls for new development regulations and design guidelines. The Council approved these regulations and guidelines by adopting Ordinance 2554. Applying the regulations and guidelines to

properties in the City Center required a new zoning map; Ordinance 2555 adopted new zoning designations (three new “districts”, based on the Plan map) for the City Center. Copies of the Subarea Plan, the SEIS for the City Center, and the development regulations and design guidelines are available on the City’s web site ([www.ci.lynnwood.wa.us/Content/Business.aspx?id=72](http://www.ci.lynnwood.wa.us/Content/Business.aspx?id=72)). A copy of Ordinance 2555 is attached.

Note that the new zoning designations did not apply new City Center zoning to three park sites (one in each district); the Council intended that the existing zoning of these sites remain in effect.

When the Council adopted these three ordinances, work on a program to upgrade public infrastructure (streets, parks, utilities) to accommodate the new development envisioned by the Plan had not been completed. Therefore, the Council delayed the effective date of the zoning map ordinance (No. 2555). Work on the mitigation program continued through the summer and fall, with two extensions of the effective date of the new zoning. This work did recommend a revised street grid in the Core District and shifting the Town Square a short distance to the west of the location shown in the Plan.

In the fall, the City received a letter raising legal issues with the process whereby zoning designations for the future park sites were adopted. In February, with the new zoning scheduled to go into effect on March 6, and the Council not ready to approve the mitigation program, the Council repealed the zoning ordinance (No. 2555) and referred the matter of zoning designations to the Parks Board and Planning Commission for new recommendations.

This action provides the opportunity both to resolve any procedural issues with adoption of the zoning designations, to update the location of the Town Square AND to finalize the mitigation program. It has no effect, however, on the City Center Subarea Plan, the development regulations and the design guidelines. The Plan, regulations and guidelines remain in effect. The schedule for the zoning designations calls for a new zoning ordinance to be presented to the City Council, together with recommendations from the Parks Board and Planning Commission, in May.

## **PROCESS:**

Planning Commission public hearing & recommendation to City Council – April 13 & 27.

City Council Work Session – May 1.

City Council public hearing and action (adoption, denial, etc.) – May 8.

## **RECOMMENDATION:**

Discussion only, at this work session.

## **ATTACHMENT(s):**

1. Ordinance 2555 (City Center zoning designations).
2. Proposed City Center Zoning Designations – to be presented at work session.

CITY OF LYNNWOOD  
ORDINANCE NO. 2555

City of Lynnwood  
JUN 02 2005  
SCANNED

**AN ORDINANCE AMENDING CHAPTER 21.04 OF THE LYNNWOOD  
MUNICIPAL CODE AND AMENDING THE OFFICIAL ZONING MAP  
OF THE CITY OF LYNNWOOD AND ESTABLISHING USE DISTRICTS  
FOR THE CITY CENTER AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the Subarea Plan for the Lynnwood City Center provides for three districts (West, End, Core and North End), with separate development densities and intensities for each district; and

WHEREAS, the existing zoning designations for properties in the City Center are not consistent with the Subarea Plan; and

WHEREAS, Chapter 21.60 of the Lynnwood Municipal Code provides development regulations for each new City Center District;

WHEREAS, the City Council wishes to make the zoning designations in the City Center consistent with the Subarea Plan;

WHEREAS, the City Council wishes to study further the appropriate development intensity and building height in a portion of the North End district;

WHEREAS, upon motion duly made, the City Council of the City of Lynnwood has determined to amend the official zoning map of the City of Lynnwood.

THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

Section 1. That Chapter 21.04 of the Lynnwood Municipal Code and the official zoning map of the City of Lynnwood are amended as set forth in this ordinance.

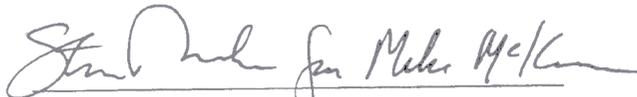
Section 2. Except as provided in Sections 3. and 4. of this ordinance, the use classifications of the properties in the City Center are hereby changed to the three City Center districts, as shown on Exhibit A to this Ordinance.

Section 3. The properties designated on Exhibit A as the “Public Square Park”, the “Town Square Park”, and the “North Park” and described in Exhibit B, shall maintain there current zoning and designated as “study areas” during the refinement of proposed park boundaries and for purposes of determining the most appropriate zoning to facilitate the planned park development.

Section 4 The portion of the North End district that is north of the extension of 194<sup>th</sup> St. SW is designated as "Study Area" until such time as the City Council adopts development regulations for this portion of the North End. This area will be included in the annual Comprehensive Plan amendment process for 2005. The current zoning of this area (Business and Technical Park) remains in effect.

Section 5. Effective Date: This ordinance shall take effect and be in force 120 calendar days after its passage, approval and publication.

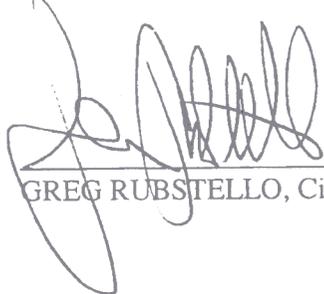
Passed the 14<sup>th</sup> day of March, 2005, and signed in authentication of its passage this 15th day of March, 2005.

  
MIKE MCKINNON, Mayor

ATTEST:

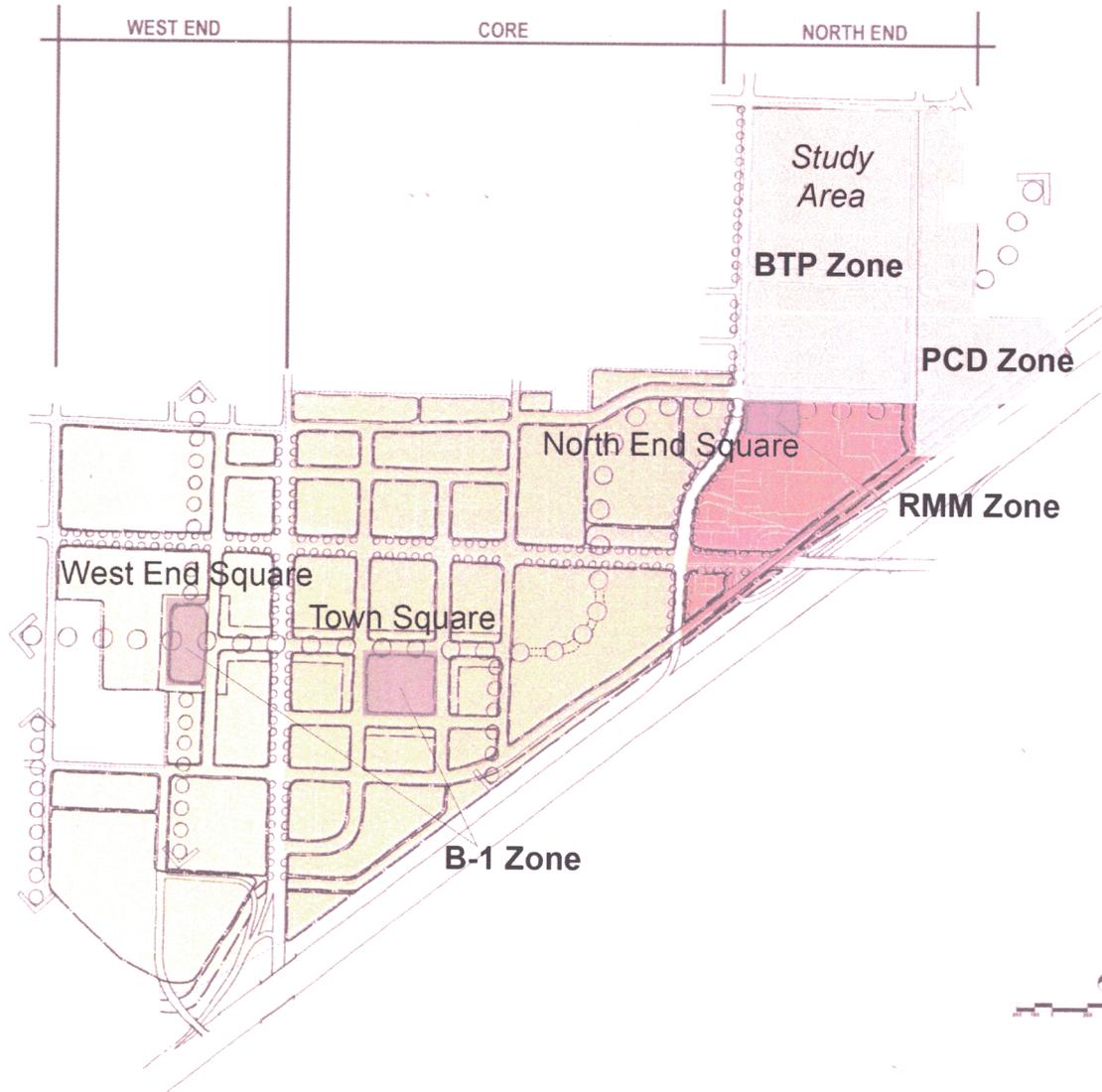
  
MICHAEL E. BAILEY, Finance Director

APPROVED AS TO FORM:

  
GREG RUBSTELLO, City Attorney

# Exhibit A

## City Center Zone Districts



## Exhibit B

### Property Description for Public Parks/Plazas

#### North End Square

Starting at the southwest corner of Snohomish County Tax Lot Parcel #00-3726-002-008-05, then generally east along the south boundary of this parcel a distance of 320 feet, then generally north and perpendicular to the south property line a distance of 235 feet to the north boundary of this parcel, then west along the north boundary of this parcel to the northwest corner of this parcel (300 feet), then generally south along the west boundary of this parcel to the starting point.

Approximately 1.67 acres

#### Town Square (Core)

Starting at the intersection of the eastern ROW line of 44<sup>th</sup> Ave. W. and the southern ROW line of 198<sup>th</sup> St. SW, then east a distance of 430 feet along the 198<sup>th</sup> St. SW south ROW line to the northwest corner of the Town Square (true starting point), then south on a line perpendicular to the 198<sup>th</sup> St. SW ROW line a distance of 350 feet (southwest corner), then east on a line parallel to the 198<sup>th</sup> St. SW ROW line a distance of 400 feet (southeast corner), then north on a line perpendicular to the 198<sup>th</sup> St. SW ROW line a distance of 350 feet (northeast corner), then west along the 198<sup>th</sup> St. ROW line to the starting point (northwest corner).

Approximately 3.2 acres

#### West End Square

Starting at the intersection of the eastern ROW line of 44<sup>th</sup> Ave. W. and the southern ROW line of 198<sup>th</sup> St. SW, then west a distance of 480 feet to the eastern boundary of the Square (true starting point), then south a distance of 200 feet to the southeast corner of the Square, then west a distance of 210 feet (southwest corner), then north a distance of 460 feet (northwest corner), then east a distance of 210 feet (northeast corner), then south to the true starting point.

Approximately 2.2 acres.

