

AGENDA

Lynnwood Planning Commission

Thursday, May 13, 2010 — 7:00 pm

City Council Chambers, 19100 – 44th Ave. W., Lynnwood WA

A. CALL TO ORDER

Chair WRIGHT
Commissioner AMBALADA
Commissioner AUBUCHON
Commissioner BRAITHWAITE
Commissioner DAVIES
Commissioner LARSEN, First Vice-chair
Commissioner WOJACK, Second Vice-chair

B. APPROVAL OF MINUTES: Meeting of April 29, 2010

C. COUNCIL LIAISON REPORT

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

E. MEETING WITH MAYOR GOUGH

F. PUBLIC HEARINGS None

G. WORK SESSIONS

1. 2010 Amendments to the Comprehensive Plan (2010CPL0001).

Group 2:

- Amendments to Parks Element – Annual Update.
- Amendments to Implementation Element – Annual Update.
- Amendments to Introduction – Growth Allocations.
- Land Use Element – Review 60:40 Policies.
- Amendments to Implement Hwy 99 Subarea Plan.

2. Physical or Personal Services as Home Occupation Code Amendment (2010CAM0003).

Proposed Amendment to LMC 21.42.300 to allow a physical or personal services business as a home occupation in single family residential zones. Referral from City Council.

H. OTHER BUSINESS None

I. DIRECTOR'S REPORT

J. COMMISSIONERS' COMMENTS

K. ADJOURNMENT

The public is invited to attend and participate in this public meeting. Parking and meeting rooms are accessible to persons with disabilities. Upon reasonable notice to the City Clerk's office (425) 670-5161, the City will make reasonable effort to accommodate those who need special assistance to attend this meeting.

Lynnwood Planning Commission
Meeting of May 13, 2010

Staff Report

Agenda Item: G-1
2010 Comprehensive Plan Amendments –
Group 2 (2010CPL0001)

- Public Hearing
- Informal Public Meeting
- Work Session
- Other Business
- Information
- Miscellaneous

Dept. of Community Development — Staff Contacts: Kevin Garrett and Keith Maw

ACTION

Discussion only at this work session.

BACKGROUND

The Municipal Code provides for annual consideration of amendments to the City’s Comprehensive Plan (the annual “docket”). Review of these amendments is a major component of the Planning Commission’s annual work program.

ANALYSIS/COMMENT

At this work session, staff will present for discussion the second group of the 2010 Amendments to the Comprehensive Plan (“2010 Docket”). This group includes:

- Amendments to Parks Element – Annual Update.
- Amendments to Implementation Element – Annual Update.
- Amendments to Introduction – Growth Allocations.
- Land Use Element – Review 60:40 Policies.
- Amendments to Implement Hwy 99 Subarea Plan.

Group 1 of the 2010 Docket was discussed at the work session on April 29; Group 3 will be discussed at work session on May 27. Public hearings on all the 2010 amendments will be scheduled in June. Following the hearing, the Planning Commission will be asked to make a recommendation to the City Council on each proposal.

Amendments to Parks Element – Annual Update.

This proposal would update information in the Parks Element regarding park and recreation properties and the status of park projects. It makes no policy or other substantive changes to this Element. All text that includes level of service calculations is updated to reflect 2009 OFM estimated population, including “Table 1 - Demand and Need within the City”. The section “Demand and Needs Assessment, Within Municipal Urban Growth Areas” is revised to reflect current conditions. Project status and completion dates included in “Goals, Objectives and Policies” is updated. Attachment A shows the proposed amendments.

Amendments to Implementation Element – Update.

The Implementation Element includes discussion of the next major update of the Comprehensive Plan. Until recently, the Growth Management Act required completion of the Update by December 1, 2011. However, the just-completed session of the Legislature extended this deadline to December 1, 2014. These amendments incorporate that change into the Element; see Attachment B.

Amendments to Introduction – Growth Allocations.

Issue: The Growth Management Act (GMA) requires Comprehensive Plans to include projections of future growth, as part of the basis for goals, policies and plans for the jurisdiction. The Growth Allocations in the City Comprehensive Plan were updated as part of the 2009 Docket. However, two problems with the amendments have been identified. First, an error was made in the allocation tables; second, since the 2007 Amendment to the City’s Municipal Urban Growth Area (MUGA) has not been recognized by other jurisdictions in the County, Lynnwood effectively has two MUGAs, and the data are not clear on which MUGA is used as the geography for the growth allocations. This amendment, consisting of several small text changes and two revised tables, corrects the previous error and clarifies the two different MUGA definitions used.

Background: The Washington State Office of Financial Management (OFM) is responsible for preparing the official GMA forecast of population and employment that is then used by counties in their GMA comprehensive plans. It is the responsibility of the County to allocate the forecast growth to cities and Urban Growth Areas within the county. In Snohomish County, this is done through Snohomish County Tomorrow. Future population and employment growth is allocated to each city, urban growth area (UGA), and rural area. In the Southwest UGA, allocations are made to each city, the city’s Municipal Urban Growth Area, overlap areas claimed by more than one city, and gap areas not claimed by any city.

Until 2007, Lynnwood’s MUGA consisted of the city, the unincorporated “core” MUGA and the Larch Way Overlap (shared with Mill Creek.). This is the MUGA recognized by SCT and Snohomish County, as the boundaries of this MUGA have been approved by the County Council as part of the Countywide Planning Policies. In 2007, the Council extended the MUGA to include the Norma Beach Gap (aka Meadowdale Gap) and that portion of the Mill Creek MUGA south of 164th St SW and west of North Rd, including the new Lynnwood High School site. The 2007 revision of Lynnwood’s MUGA has not been submitted to SCT for recognition and therefore is not recognized by other jurisdictions in the County.

Proposal: The tables in this amendment reflect the population and employment growth allocations for 2025 contained in the 2007 Buildable Lands Report for both MUGA1 – the Council-approved, extended MUGA – and MUGA2, the SCT-recognized MUGA. Forecasts for the City of Lynnwood were developed jointly by the City and Snohomish County, and approved by the City. Forecasts for the “core” unincorporated Lynnwood MUGA, Norma Beach Gap, Larch Way Overlap, and Mill Creek Unincorporated

MUGA were developed by Snohomish County in consultation with SCT. The forecast for the North Rd extension are based on forecasts for the Mill Creek Unincorporated MUGA, pro-rated on the percentage of residential and employment capacity contained in the extension area.

Land Use Element – Review 60:40 Policies.

Issue: Lynnwood’s comprehensive plan contains a housing mix goal of 60% single-family and 40% multi-family outside the city center. It has become increasingly clear that this goal is not attainable -- there is insufficient single-family development capacity remaining in the City or in the unincorporated MUGA. The intent of this paper is to initiate a discussion on how to deal with this inconsistency, through an investigation of the history of the policy, a review of the evolving situation that has made the goal unattainable, and a discussion of other ways of satisfying the underlying intent of the 60/40 policy.

Background: While Lynnwood’s Comprehensive Plan has always emphasized the importance of preserving single family residential neighborhoods, the formal Single-Family Housing Retention policy first appears in the 2004 Update to the Land Use Element:

Subgoal: Single-Family Housing Retention

Assure retention of existing single-family housing, and areas of such housing, through protection from conflict with or encroachment of incompatible land uses or activities, and attempt to reach 60% single-family and 40% multi-family units in the area of the City outside of the City Center Study Area.

In many ways, single-family detached housing is associated with stable neighborhoods consisting largely of owner-occupied units. In 2000, single-family detached housing (SFR) comprised about 48% of Lynnwood’s housing stock; just under 84% of those units were owner-occupied. This is a somewhat lower SFR ownership rate than either the county (89%) or the nation (87%). While the percentage of Lynnwood’s housing stock in SFR has been very slowly increasing, from 47.9% in 1990 to 49.20% in 2007, this increase will soon end. The Snohomish County Tomorrow Buildable Lands Study (2007) indicates that the city had a capacity of only 652 additional single-family units, while capacity for MFR (outside the city center) was estimated at 1018. The situation in the unincorporated MUGA, likely to be a part of the city in the near future, is little different. In 2000, the most recent date for which data are available, the MUGA was about 50% SFR, down from 56% in 1990. If development in the MUGA proceeds under current plans and zoning – either as a part of the city or Snohomish County – the percentage of SFR will continue to decline to an estimated 40% by 2025.

While the SFR share of housing units is expected to decline, rising rates of ownership of multifamily units is contributing to higher overall rates of home ownership. Between 1990 and 2000, multifamily ownership rates in the city increased from 10% to 17%; in the unincorporated MUGA, the rate increased even more dramatically, from 5% to 11%.

These rates are still lower than the nationwide multifamily ownership rate of 23% (2000). While current economic trends have reduced the number of new condominium units coming to market, it is reasonable to expect that the trend toward increasing ownership rates of multifamily units will increase in the future.

	City			City less City Center			Unincorporated MUGA (est)		
	1990	2000	2025	1990	2000	2025	1990	2000	2025
SFR	48%	49%	40%	48%	49%	49%	56%	50%	40%
MFR	47%	47%	57%	47%	47%	46%	39%	46%	57%
Mobile	5%	4%	3%	5%	4%	4%	4%	3%	2%
Other	1%	0%	-	1%	0%	0%	0%	1%	0%

The chart above clearly demonstrates that the 60% SFR “outside the city center” goal is not obtainable, and that annexation of the MUGA will not further increase the SFR rate. It is clearly time to revisit the 60% single-family goal, and to either adjust or revise the goal in keeping with social, economic, and growth management realities.

A few words about each of these trends is in order. The national housing market is undergoing a number of changes related to underlying social and economic trends in the population, and these trends are reflected in the Puget Sound area market. Many analysts believe that the single-family home market is overbuilt, and that at a national level this housing “glut” could last for decades. As the baby-boomer generation ages and downsizes from single-family homes in the suburbs to smaller homes located closer to medical and other daily needs, more single-family homes will come into the market. The next generation of potential homeowners, sometimes called the “echo-boom” generation, will have different housing needs. According to the 2009 Edition of Harvard’s *The State of the Nation’s Housing*, we can expect the most rapid demand growth among Hispanic and Asian households, married couples without children, and single-person households. The report expresses doubt that the large, single family homes being vacated by aging boomers will be either affordable or appropriate for these new households. Other studies, including Leinberger’s *The Option of Urbanism* have shown an increasing preference for smaller homes, located closer to services, employment, and entertainment centers. Leinberger’s analysis is one of many demonstrating that the favored form of development over the last 60 years – the drivable suburb – has fostered a decline of community, increased greenhouse gas emissions, and contributed to a myriad of health problems. Over this time frame, consumption of land has grown much faster than population. Washington’s Growth Management Act is one of several state policies created to slow the further encroachment of urban sprawl into agricultural and resource lands. Under GMA, increasing the amount of land in the City and MUGA available for single-family detached development is not a possibility. Investments being made now in our transportation infrastructure, including light rail and bus rapid transit, will allow Lynnwood to support quality neighborhoods at higher densities. .

Is the single family residence an endangered species? In some areas of the country, where large lot suburbs have sprung up at great distances from employment centers, there is an epidemic of foreclosure that may well be followed by blight and decay. This sort of result is not likely in inner-ring suburbs like Lynnwood, where we are increasingly well-served by transit and have a strong local economy. We expect that there will be pressures to convert some areas of marginal quality SFRs to multifamily and commercial uses, but that well-maintained SFR neighborhoods will continue to meet the needs of a large segment of our changing population.

Options: The factors preventing attainment of the 60% single-family goal are clear – market and demographic changes, physical limitations on capacity, policy responses to urban sprawl and climate change. This does not mean that the underlying *objectives* of the policy aren't still valid, but does call into question both the chosen metric (single family units) and the target performance level (60%). If the 60% single-family target level is not realistic or attainable, what target might be more realistic? Or is there a better metric for measuring those attributes of single-family neighborhoods that we want to preserve?

At this work session, staff suggests beginning the discussion with a review of the data and trends highlighted in the first part of this memo and a brainstorming session to identify the desirable attributes for single family residential neighborhoods. Next, the discussion could consider different approaches and/or policies and metrics that would address the “ideal” single family neighborhood. Here are a few examples of alternative policies and metrics, or a new, broader approach to setting policies for single family neighborhoods (fourth bullet).

- Maintain the single-family goal, but reduce the target level from 60% to a more realistic 50% or, with incorporation of the MUGA, perhaps as low as 45%.
- Maintain the single-family goal of 50-60%, but even further reduce the area where the goal applies to exclude not only the city center but also future mixed-use areas such as the Highway 99 corridor and county-designated urban centers.
- Consider changing the goal from 60% SFR to 55-60% owner-occupied. Lynnwood's 2000 home ownership rate was 52.8%, with the unincorporated MUGA only slightly less at 52.3%. The city's 2007 ownership rate was estimated at 53.5%, well below the county (68.1%) and national (67.1%) rates. Home ownership targets can't be enforced through zoning regulations – reaching this goal would require a much broader program to encourage ownership. A program targeted at increasing ownership rates would also have to deal with the influence of national economic trends, including the lingering impact of high foreclosure rates and more stringent lending policies. As demonstrated by the burst of the housing bubble, national home ownership rates in the high 60s may not be sustainable.
- Consider describing and measuring the desired neighborhood characteristics directly, rather than through the indirect surrogates of structure type or tenure. This approach would require that we express directly those attributes – such as stability, community values, and cohesiveness – believed to be associated with single-family homes,. We would also need to develop metrics for measuring our

success. (This approach has value even if we maintain structure type or tenure goals!)

Amendments to Implement Hwy 99 Subarea Plan.

This item is serving as a “place-holder” for amendments to implement the Highway 99 corridor plan; at this point in that process, no amendments had been identified. This item will be retained on this year’s Docket to allow for amendments that are identified as the corridor planning process moves forward.

RECOMMENDATION

Discuss proposed Amendments.

ATTACHMENTS

- A. Draft Amendments to the Parks Element
- B. Draft Amendments to the Implementation Element
- C. Draft Amendments to the Introduction regarding Growth Allocations
- D.

PARKS, RECREATION AND OPEN SPACE ELEMENT

Introduction	1
Planning Context	1
Summary of Issues	2
Existing Conditions	3
Demand & Needs Assessment	4
Goals, Objectives & Policies	7

INTRODUCTION

Parks, recreation and open space are essential to a high quality of life in a community. Since incorporation in 1959, the City of Lynnwood has acquired and developed many park and open space lands and established an excellent recreation program. As Lynnwood and the Puget Sound region grow and change, it is vital to be prepared to accommodate new growth and diversity while maintaining and enhancing the quality of life we have grown to enjoy.

This element of the Comprehensive Plan includes a summary of the existing conditions and issues relevant to the City's parks, recreation and open space system. The element includes a demand and needs assessment and concludes with the goals, objectives and policies for the City's parks, recreation and open space system.

PLANNING CONTEXT

The Parks, Recreation and Open Space Element of the Comprehensive Plan is optional under the Growth Management Act (GMA), but the City is choosing to incorporate this element into the Plan because it is a vital part of a high quality community.

The GMA goals pertaining to the parks, recreation and open space element are:

Open Space and Recreation: Encourage the retention of open space, development of recreational opportunities, conserve wildlife habitat and increase access to natural resource lands.

Environment: Protect the environment and the state's high quality of life.

Regional Planning:

Lynnwood's Comprehensive Plan is consistent with Destination 2040's policies related to parks, recreation, and open space. The Plan calls for preservation, acquisition, and development of parks, recreation, and open space facilities, including non-motorized facilities, consistent with the regional vision.

County-Wide Planning Policies:

Countywide planning policies do not specifically address neighborhood or community parks and recreation issues within cities or their urban growth areas. It is, however, the County's policy to provide greenbelts and open space to provide separation from adjacent urban areas, and regional park facilities within urban growth areas. Snohomish County's Parks and Recreation Comprehensive Plan states that "parks are necessary for development." This policy provides the opportunity for cities to work with the County to provide park land within urban growth areas.

SUMMARY OF ISSUES

The following is a summary of issues relating to parks, recreation and open space in the City. It is the intent of the Comprehensive Plan to propose solutions to these issues through the implementation of programs and policies in this element.

- Due to the limited amount of vacant land in the City, the timing of acquisition and the location of park and open space lands are important if the City wants to maintain a balance of land uses and meet the proposed level of service standards, planning standards and goals.
- There is currently a deficit of active park facilities in Lynnwood. Additional acres of Core Parks (mini, neighborhood and community parks) are needed to meet the adopted level of service for Core Parks. It will also be necessary to replace recreation opportunities previously provided by the Lynnwood Athletic Complex, and to increase the level of service for community parks within the city. (The City of Lynnwood continues to have contractual rights to schedule activities and events on the old high school property. The city has discontinued its athletic programs on the site, however the public has continued to use the facility. The Edmonds School District will demolish the existing buildings on the site in the spring of 2010, and private development plans are anticipated in late 2010.)
- The City's primary recreation facility need is renovation and expansion of the existing Recreation Center and construction of a new community center for programming youth/teen and senior activities, performing arts and sports. A new community center would relieve over programming at the Recreation Center with complimentary programs. The Recreation Center Renovation/Expansion project began in 2009 and is anticipated to be complete by 2011.
- Preservation of the City's historical resources and interpretation of Lynnwood's past is a priority. Continued renovation of the historic structures, programming of heritage activities, and development of museum displays and interpretive exhibits at Heritage Park will provide the community with a sense of its heritage.
- To provide more walking, bicycling and commuter opportunities, a comprehensive system of trails and bicycle lanes needs to be developed. Additional trails are also needed to meet the adopted level of service. The city is in the process of drafting the "Multi-Choice Transportation System Plan", which proposes a comprehensive city-wide "skeleton system" of sidewalks, walkways, bike paths and trails. Through the ACHIEVE/Healthy Communities program, citizen sub-committees drafted a grant

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application seeking funding to improve 'safe routes to school' for selected Lynnwood schools that have been impacted by busing service reductions.

- The acquisition and preservation of open space continues to be a high priority, and is an important consideration when determining funding priorities. Significant environmental impacts have occurred in Lund's Gulch that threaten the gulch and its salmonid stream, and restorative efforts are necessary to regain the health of this important resource. Low Impact Development standards should be enforced for all proposed development adjacent to critical areas. Continued coordination with Snohomish County is needed to improve current development standards with the common goal of reducing the cumulative impacts of development on Lund's Gulch.
- The availability of funding to provide new parks and recreation facilities, and to provide improvements to existing facilities, is a critical issue. Alternate funding sources such as user fees, park impact fees, grant funds, bonds, and partnerships with other agencies, non-profit organizations and the private sector, need to be considered for future parks and recreation needs.
- To reduce the demand on existing parks and recreation facilities within the city limits, the acquisition of park land in future MUGA annexation areas is a major consideration. It is necessary to pursue joint acquisition of these sites with Snohomish County.
- To preserve and protect our existing assets, the ongoing maintenance and operations of our parks and recreation facilities need to remain an important budget consideration.
- The City has been recognized as a Tree City USA for 11 years. It is a priority of the Parks and Recreation Advisory Board to preserve and enhance the existing tree canopy in Lynnwood. Deleted: 10
- Athletic facility users have expressed a need for additional quality athletic facilities. The demand for athletic facilities in the City exceeds the current supply.
- A revised Level of Service policy has been recommended for parks and recreation needs in the City Center that is one half the existing standard. Future characteristics and social patterns for City Center users and residents are expected to be different than that of the rest of the city. Park mitigation fees are also being considered for development in the City Center.
- To provide the park, recreation and open space facilities needed within the City Center, sites must be identified and acquired in accordance with the City Center Parks Master Plan.
- The City of Lynnwood was selected by the Snohomish Health District to participate in its Healthy Community Initiative in June, 2007. Action plan strategies have been created by a 45 member citizen task force. The purpose of this project is to provide a framework in which the City's policy makers can work together to build and support an environment that makes it easier for Lynnwood residents to choose healthy foods and be physically active.

EXISTING CONDITIONS

The City's current parks, recreation and open space inventory amounts to approximately 374 acres and includes park facilities within the City and in the MUGA, that offer both active and passive recreational opportunities. The park facilities within the City are categorized into the following functional classifications for planning and programming purposes, according to size and function. Deleted: 376

Core Parks:

Core Parks (mini, neighborhood and community parks) traditionally provide a combination of active and passive uses, including play equipment, picnic areas, athletic fields, and trails. The City currently operates 13 developed parks in the Core Parks category, with 4 park properties undeveloped. Gold Park was moved from Core Parks to the Open Space Category because it is a passive park with no active recreation features. This category shows a need for 41.84 additional acres to meet the desired level of service. When funding is available, additional Core Park properties need to be acquired and developed within the city, and within the city's Municipal Urban Growth Area. Currently Core Park land accounts for 136.86 acres, or about 38% of the total inventory.

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Special Use Areas:

Four facilities in Lynnwood are classified as "Special Use Areas" based on their current purpose and/or activity - the Municipal Golf Course, the Recreation Center, the Senior Center and Heritage Park - for a total of 81.45 acres. Because of its primary historical purpose, Heritage Park is included in this category.

Open Space:

The City's Open Space classification includes large natural areas, environmental parks and urban greenbelts. It is the City's policy to preserve natural resources for the conservation of important habitats and for passive recreational use whenever possible. 138.46 acres in and adjacent to Lynnwood are preserved as Parks and Recreation-maintained open space. Scriber Lake Park, Scriber Creek Park and Gold Park are included in this category because they are environmental parks that do not have active recreation elements. The Opalka Property was sold in 2009 and has been removed from the Open Space inventory.

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Regional Parks:

Regional Parks are not included in the City's parks and open space inventory. Regional parks are typically large facilities that draw from multiple jurisdictions and are often located in unincorporated urban growth areas. These facilities are historically provided at the County level, whereas neighborhood and community parks are provided by cities, both within their boundaries and in their municipal urban growth areas. Meadowdale Beach County Park is an example of a regional park in unincorporated Snohomish County.

DEMAND AND NEEDS ASSESSMENT

Over the years, the City of Lynnwood has continued to improve and expand its inventory of recreational resources. Residents are well served by a variety of leisure opportunities, but with population growth comes an increasing demand for more parks, open space and recreation facilities in order to attain the adopted Parks Level of Service Standard (LOS).

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Level of Service: The adopted Parks LOS Standard in Lynnwood is 10 acres per 1,000 population. This standard is expressed as acres of park, recreation and open space needed for each 1,000 persons, using the 2009 OFM estimated population of 35,740. The standard is further delineated as 5 acres per 1,000 population for Core Parks (mini, neighborhood and community parks), and 5 acres per 1,000 population for Other Park Land (open space and special use facilities). The adopted City Center Sub-Area Plan recommends a reduced Parks Level of Service Standard within the City Center area.

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The demand and need for parks, recreation and open space in Lynnwood has been assessed through analyses of existing conditions, potential park sites, available resources and level of service. Trends in recreation were considered and public input was obtained through surveys and community meetings.

The existing and future demand and need for parks, recreation and open space within the city limits is reflected on Table 1.

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Table 1: Parks, Recreation and Open Space DEMAND AND NEED WITHIN CITY LIMITS						
#	Classification	Existing ^{1, 4}	2009 – 35,740 OFM Est. Population		2025 – 86,000 Est. Population ⁵	
			Demand ²	Need ³	Demand ²	Need ³
Core Parks:						
5	Mini	3.32 ac	5.36 ac	2.04 ac	12.90 ac	9.58 ac
8	Neighborhood	38.77 ac	53.61 ac	14.84 ac	129.00 ac	90.23 ac
4	Community	94.77 ac	119.73 ac	24.96 ac	288.10 ac	213.73 ac
Subtotal:		136.86 ac	178.70 ac	41.84 ac	430.00 ac	313.54 ac
Other Park Land:						
4	Special Use	81.45 ac	71.48 ac	0 ac	172.00 ac	90.55 ac
	Open Space	138.46 ac	107.22 ac	0 ac	258.00 ac	119.54 ac
Subtotal:		219.91 ac	178.70 ac	0 ac	430.00 ac	210.09 ac
TOTAL:		356.77 ac	357.40 ac	0.63 ac	860.00 ac	523.63 ac
4	Trails:	7.10 mi	8.94 mi	1.84 mi	21.50 mi	14.40 mi

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Source: City of Lynnwood Parks, Recreation and Cultural Arts Department, revised 5/2010.

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Notes:

- 1 Includes both developed and undeveloped park facilities within the city limits only. (In 2010 the Opalka Property was removed from inventory, and Gold Park was moved to Open Space category.)
- 2 Demand reflects total park acres required to meet adopted level of service standard for each category.
- 3 Need reflects additional park land required to meet adopted level of service standard for each category.
- 4 City park property located outside the city in the MUGA is not included in the City's demand and need analysis.
- 5 The 2025 population shown is an estimate that includes annexation of MUGA population and the new City Center population.

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Population projections to 2025 were applied to determine future impacts on the City's existing parks system. Both potential annexation of the MUGA population and the new City Center population are reflected in the 2025 population estimate. In addition to maintaining and improving the City's existing facilities, additional park facilities will be needed to meet current and future demands and the adopted LOS within the City, and in the City's urban growth areas.

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Within City Boundaries:

The adopted Parks Level of Service Standard is 10 acres per 1000 population. The current level of service for combined park classifications achieved is 9.98 acres per 1000 population. There remains a need for an additional 41.84 acres in the Core Parks category to meet the demand for

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178.70 acres of active park land. The inventory also shows a deficit of 1.84 miles in the Trails category to meet the demand for 8.94 miles of trails outside of parks.

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By the year 2025, it is estimated that Lynnwood's population will increase to approximately 86,000. This includes potential annexation of the MUGA population and also the estimated City Center population of 5,400. The need for park land in the City Center is calculated using a reduced Parks LOS Standard of 5 ac/1000. Continued park acquisition and development will be necessary to meet the demand for parks, open space and recreation facilities in 2025. Table 1 summarizes the existing and future demand and need within the City.

Within Municipal Urban Growth Areas:

New residential and commercial development in Lynnwood's MUGA is generating demand for parks, recreation facilities and open space. In future north annexation areas, approximately 93 acres of open space in the Swamp Creek corridor have been preserved jointly by Snohomish County and the City of Lynnwood. The City has also acquired a 9-acre future park site (Manor Way) adjacent to this annexation area, and a 7.69-acre future park site (Doc Hageman Park) east of Interstate 5. Doc Hageman Park is proposed for construction in 2010. A 21-acre wetland site has been acquired east of Lund's Gulch for preservation of the headwaters of Lund's Creek and potential future development of an environmental park.

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There are currently no active use park facilities in the City's MUGA, which has an estimated 2008 population of 41,597. As a result, Lynnwood's parks are over-burdened with non-resident use. Applying our current Parks Level of Service Standard to today's MUGA population would require approximately 415 acres of parks and open space. To provide park facilities needed by the growing population in the MUGA, the City will continue to seek equitable methods of acquisition and development with Snohomish County and other jurisdictions.

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If annexation within the MUGA is approved by the voters, additional parkland and facilities will be needed. The City will develop a comprehensive plan of funding options including park impact fees to assist in this matter. NOTE: Snohomish County already has impact fees within the MUGA area the City proposes to annex.

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GOALS, OBJECTIVES AND POLICIES

GOAL:

Provide a comprehensive system of parks, open space and recreation facilities that serves the needs of current and future residents, and visitors to Lynnwood.

Subgoal: Park System

Provide a system of mini, neighborhood and community parks to meet the recreational needs of the community.

Objectives:

P-1: Acquire park land in the city for the development of Core Parks to help meet the community's recreational needs.

Policy P-1.1: Provide the minimum adopted level of service of 5 acres/1000 population for Core Parks.

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Policy P-1.2: Acquire park land in accordance with the Annual Budget and Capital Facilities Plan.

Policy P-1.3: Annually review vacant and underdeveloped parcels and park service areas to determine underserved neighborhoods in the city.

Policy P-1.4: Plan for the location of parks in the proximity of high-density developments.

Policy P-1.5: Use a variety of methods for funding acquisition of park lands including grants, user fees, City funding, interjurisdictional cost-sharing, land developer contributions and other sources.

Policy P-1.6: Adopt and implement a program to require new residential and commercial development to provide impact mitigation to the City, either by dedication of park land, plazas, park improvements, or payment of "in-lieu-of" fees.

Policy P-1.7: Preserve land for future park development.

P-2: Acquire park land in the Municipal Urban Growth Area for future park development to meet the recreational needs of future annexation areas.

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 the MUGA, and related facilities needed to provide the recommended level of service.

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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: Plan and develop new parks and renovate existing parks in the city and in the Municipal Urban Growth Area.

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Policy P-3.1: Design new parks in accordance with the purpose, size and classification of each.

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Policy P-3.2: Design new parks and provide improvements to existing parks to promote public safety and security.

Deleted: 4.2

Policy P-3.3: Provide a variety of recreational opportunities to serve a diverse population.

Deleted: 4.3

Policy P-3.4: Provide accessibility to all park facilities in accordance with Americans with Disabilities Act standards.

Deleted: 4.4

P-4: Begin construction of Doc Hageman Park in Lynnwood's MUGA. Master plan completed in April 2009. Begin first phase of park construction in 2010 with city and state funding.

Deleted: 5

Deleted: 2009

P-5: Develop new neighborhood park in NE Lynnwood, Stadler Ridge Park, per master plan completed in 2004. Begin construction of park with city and state funding available in 2010.

Deleted: P-6: Begin Scriber Lake Park renovation per master plan completed in 2005. Phase I to include design of new overwater dock in 2009, with construction in 2010.¶

P-6: Develop new neighborhood park in west Lynnwood, Rowe Park, per master plan completed in 2004, when funding is available.

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Subgoal: Open Space System

Provide a system of open space to preserve and protect the area's remaining native forests, wetlands, streams and wildlife habitats, and to provide natural buffers to the built environment.

Objectives:

OS-1: Continue acquisition of open space properties in the Lund's Gulch, Swamp Creek and Scriber Creek watersheds.

Policy OS-1.1: Provide the minimum adopted level of service of 3 acres/1000 population for Open Space.

Deleted: adopted

Policy OS-1.2: Preserve and protect in public ownership areas with significant environmental features such as view corridors, landforms, steep slopes and plant and animal habitats from the impacts of development.

Policy OS-1.3: Use a variety of methods for funding open space acquisitions including grants, donations, tax abatements, City funding, interjurisdictional cost-sharing, land developer contributions and other sources.

Policy OS-1.4: Support volunteer and interjurisdictional efforts for restoration and preservation of the four major watersheds in South Snohomish County: Scriber Creek, Lund's Gulch, Swamp Creek and Hall Creek.

Policy OS-1.5: Continue to encourage stewardship of open space and natural areas through the Park Stewards program.

OS-2: Plan conservation and passive development of 21-acre Lund's Creek Open Space with the Brackett's Landing Foundation. Plan for potential environmental center and interpretive development of uplands.

Deleted: headwaters property

OS-3: Develop Master Plan for the preservation of Lund's Gulch in partnership with Snohomish County, the Brackett's Landing Foundation and Friends of Lund's Gulch.

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OS-4 Acquire open space within urban areas to buffer and enhance the built environment.

Policy OS-4.1: Continue to review vacant and underdeveloped parcels within the city for potential acquisition of open space.

Policy OS-4.2: 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-5: Provide passive recreational opportunities in acquired natural areas.

Policy OS-5.1: 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-5.2: Provide environmental educational opportunities in natural areas with interpretive signage, nature trails and overlooks.

OS-6: Work with Public Works and community volunteers in the enhancement of City-owned stormwater detention areas for passive community appreciation.

Deleted: use

OS-7: Begin Scriber Lake Park renovation per master plan completed in 2005. Phase I to include public safety improvements, and design and construction of a new overwater dock, in 2010.

OS-8: Provide improvements to Gold Park including trail development and invasive plant removal to increase use and public safety in park. Support continuing volunteer efforts by Edmonds Community College and other volunteer groups.

Subgoal: Facilities and Programs

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¶
¶

Provide facilities and programs that promote a balance of recreational opportunities.

Objectives:

FP-1: Identify and prioritize the need for new/upgraded facilities and programs on an annual basis.

Policy FP-1.1: Seek adequate funding and timely development of such facilities in accordance with the Annual Budget and Capital Facilities Plan.

Policy FP-1.2: Provide the minimum adopted level of service of 2 acres per 1000 persons for Special Use facilities.

Deleted: adopted

Policy FP-1.3: Provide improvements to facilities that are cost-effective, durable, attractive and energy efficient.

Policy FP-1.4: Provide facilities that meet competitive playing standards and requirements for all age groups and recreational interests.

Policy FP-1.5: Continue to offer specialized programming for diverse community groups such as seniors, youth and teens, and preschool.

FP-2: Complete phased development of Heritage Park, including renovation of all the historic structures, and development of museum programming in the park.

Sub-Objective 1: Provide information that interprets the history of the Lynnwood/Alderwood Manor area, including historical displays, programs, activities, museum programming and interpretive signage.

Sub-Objective 2: Work with Snohomish County Tourism Bureau to facilitate visitor information services.

Sub-Objective 3: Work with the Alderwood Manor Heritage Association to provide historical programming within the park and the management of heritage collections.

Deleted: on a park docent program and

Sub-Objective 4: Work with the Sno-Isle Genealogical Society to provide a community genealogical library in the Humble House.

Sub-Objective 5: Work with the Car 55 Restoration Committee to complete renovation of Interurban Car 55. Work with docents to provide tours of the trolley.

Deleted: .

Sub-Objective 6: Work with local gardening groups to develop demonstration gardens and landscaping within the park.

Deleted: Snohomish County Master Gardeners

Sub-Objective 7: Work with the Lynnwood Parks and Recreation Foundation and community volunteers to complete Phase II renovation of the historic water tower.

Deleted: C

Sub-Objective 8: Work with the Heritage Park Partners Advisory Committee to plan and coordinate heritage programming in the park, and provide museum development in the Wickers Building.

Deleted: with support of the Lynnwood Parks Foundation

Deleted: and activities in the park.

FP-3: Complete Phase I renovation of the existing Recreation Center and aquatics expansion that will provide for recreational, cultural, civic and leisure activities to serve varied age groups and community interests. Plan for Phase II construction of a new community center that will provide programming space for youth/teen and senior activities, performing arts and sports.

Deleted: Begin

Deleted: . Design and construct an expanded facility

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.

FP-5: Participate in the planning and design of a regional performing arts facility.

Subgoal: Trail System

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Provide a connecting system of trails for recreational, commuter and general circulation purposes to promote Lynnwood as a “walkable city”.

Objectives:

T-1: Assist other City departments in the process of drafting the “Multi-Choice Transportation System Plan”, which proposes a comprehensive city-wide “skeleton system” of sidewalks, walkways, bike paths and trails. The Plan would link parks, schools, community facilities, commercial centers, neighborhoods and adjacent regional trail systems.

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

T-2: Develop additional trails outside of parks to meet the adopted minimum level of service.

Deleted: adopted

Policy T-2.1: Provide the adopted minimum level of service standard of 0.25 miles/1000 population for trails outside parks.

Deleted: adopted

Policy T-2.2: Design and construct trails to required standards to serve a variety of users at varying skill levels.

Policy T-2.4: Include bicycle lanes when City streets are being reconstructed or built, and add bike routes to existing City streets, where feasible.

Policy T-2.5: Require new development to provide access and connections to parks, trails and school sites.

Deleted: subdivisions

Policy T-2.6: Encourage public and private funding for the development of trails.

T-3: Plan and construct the 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.

Policy T-3.1: Promote trail safety through signage and educational activities for pedestrians and bicyclists.

T-4: Provide improvements to the Interurban Trail to include trailheads, enhanced landscaping, signage and historic markers.

Policy T-4.1: Support interjurisdictional efforts to provide consistent and aesthetic improvements along the length of the Interurban Trail.

Policy T-4.2: Promote trail safety through signage and educational activities for pedestrians and bicyclists.

T-5: Coordinate with Public Works to provide a seamless Interurban Trail corridor through Lynnwood by completing “missing links” in the Interurban Trail, specifically segments located at 212th St SW to 63rd Ave W to 211th St SW, 208th St SW and 52nd Ave W, and 208th and 54th Ave W. The object is to remove trail users from traffic and provide a continuous trail route through the city.

Deleted: trail

T-5: Coordinate with Public Works to construct Interurban Trail pedestrian bridge at 44th Ave., and to complete the “missing link” in Interurban Trail between 40th Ave. and 44th Ave.

T-6: Coordinate completion of South Lund’s Gulch Trail with Snohomish County, Brackett’s Landing Foundation and volunteers. Trail is planned to begin in north Lynnwood, continue north into Lund’s Gulch, cross Lund’s Creek and connect with existing Meadowdale Beach Park county trail, giving Lynnwood residents access to Lund’s Gulch open space and a walkable connection to Puget Sound.

T-7: With Public Works, coordinate a feasibility assessment of sidewalk and crosswalk needs (safe routes to schools) for schools that have been impacted by the reduction of Edmonds School District busing.

Subgoal: Activity Centers

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¶

Ensure that parks and open space are included as part of the land use mix in the activity centers' master plans.

Objectives:

AC-1: Work with Community Development to identify parks and open space sites, related improvements, and implementation strategies for the City Activity Centers, City Center plans, including the City Center Parks Master Plan, and the Highway 99 Subarea Plan.

Deleted: and

AC-2: Establish park and open space guidelines and achieve revised level of service standards for public and private improvements in the City Center and the Highway 99 corridor.

Subgoal: Interjurisdictional Coordination

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¶

Coordinate parks, open space and facility planning and development with appropriate jurisdictions and agencies for mutually beneficial partnerships.

Objectives:

IC-1: Partner with Edmonds School District to improve existing school recreation sites for shared school/park use.

Policy IC-1.1: Work with other agencies to provide adequate recreational facilities for community use.

IC-2: Work closely with service providers and other local private and non-profit organizations in order to meet the diverse program and special events needs of the community.

IC-3: Pursue cooperative planning efforts with Snohomish County to provide parks and open space in future annexation areas.

Deleted: in the urban growth area

IC-4: Work with local businesses, land owners and other agencies, to pursue the feasibility of creating a Farmers Market in Lynnwood, through the ACHIEVE/Healthy Communities grant obtained in 2009.

IC-5: Work with Edmonds Community College and support volunteer efforts to make improvements to Gold Park.

Subgoal: Facilities Management

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¶

Manage and maintain parks, open space and recreation facilities to optimize use and protect public investment.

Objectives:

FM-1: Continue a regular schedule for maintenance of parks, facilities and open space, and revise annually.

Policy FM-1.1: Maintain and upgrade existing parks and facilities for the safety, comfort and satisfaction of park users.

Policy FM-1.2: Ensure that adequate funding and staff are available for management and maintenance of parks, facilities and open space.

Policy FM-1.3: Promote interjurisdictional operations of parks and facilities.

Policy FM-1.4: Advise the City Council and other City boards and commissions on a regular basis about facility management issues.

Policy FM-1.5: Update staff training in playground safety standards and play equipment inspection.

FM-2: Coordinate the operations of Heritage Park with the Heritage Park Partners Advisory Committee, including the Visitor Information Center, Heritage Resource Center, Genealogy Research Library, Interurban Car 55, Water Tower, heritage programming and demonstration gardens.

Policy FM-2.1: Work with non-profit organizations and other community volunteers on parks, trails and open space service projects.

FM-3: Continue to implement City Pesticide and Fertilizer Use Policy within the City on public properties, including posting of areas to be treated in accordance with state and local requirements.

Subgoal: Monitoring and Evaluation

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Monitor, evaluate and update parks, recreation facilities and open space to ensure balanced, efficient and cost-effective programs.

Objectives:

ME-1: Update parks, facilities and programs in accordance with public input and survey results.

Policy ME-1.1: Encourage community input by providing opportunities for public involvement in park, recreation and open space planning.

ME-2: Annually update the Parks, Recreation and Open Space Element of the Comprehensive Plan, in accordance with the Recreation and Conservation Office guidelines.

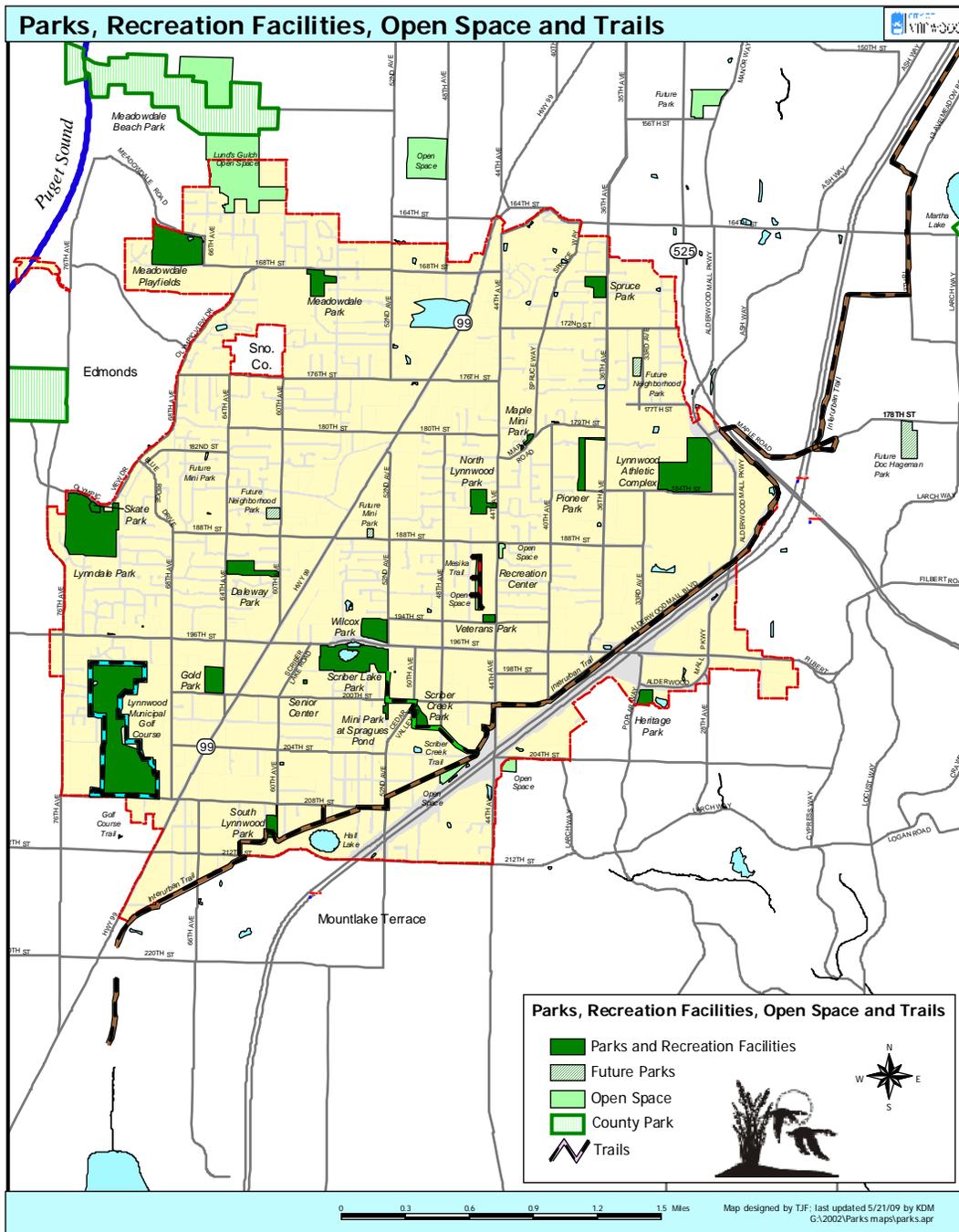
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ME-3: Continue public information programs to increase public awareness of the City's parks, recreation and open space system.

ME-4: Develop a separate Lynnwood Parks, Recreation and Open Space Comprehensive Plan to help guide the planning, acquisition and development of parks, facilities, open space and recreation programs.

ME-5: Annually update the Capital Facilities Plan with capital projects that reflect the recreational needs of the community.





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which is projected to be 5,400.		
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The demand and need for 2025 reflects a recommended LOS standard reduction of 5 ac/1000 for the City Center population.		
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(recommended acres)

*Excerpt from the Implementation Element – Page 6***2013-2014 PLAN UPDATE**

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The Growth Management Act requires cities in the central Puget Sound region to: "... review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of ..." the Act no later than December 1, 2014 (RCW 36.70A.130). Originally, GMA had required completion of this Update by December 1, 2011; however, the 2010 session of the Legislature extended the deadline to 2014 (SSB 6611). The City is programming a substantial effort – involving staff, elected and appointed officials and the community – to complete this review by late 2014. Major components of this effort will include (but not be limited to):

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- Extending the time horizon of this Plan beyond 2020;
- Incorporating the annexation area into all Elements of the Plan (if the annexation is approved);
- Redirecting goals, objectives, policies and actions in all Elements in order to promote the goals, objectives and policies of the Energy & Sustainability Element;
- Incorporate the Visioning Statement into all Elements of the Plan; and,
- Revise all Elements to be consistent with and not in conflict with VISION 2040 and the updated Countywide Planning Policies (being drafted by Snohomish County Tomorrow).

Population Allocations:

Under the Growth Management Act, the Office of Financial Management (OFM) forecasts state population growth at the county level. Snohomish County Tomorrow, working in cooperation with the Puget Sound Regional Council and individual cities, then allocates the forecast population to cities, the unincorporated urban growth area, and rural areas of the county. Jurisdictions are responsible for providing sufficient capacity to accommodate forecast growth.

Table Int-1: Population Growth Allocations

2006 - City	35,230
2025 - City	43,782
Growth - City	8,552
2006 - MUGA ₁	30,568
2025 - MUGA ₁	48,967
Growth - MUGA ₁	18,399
2006 - MUGA ₂	23,241
2025 - MUGA ₂	38,725
Growth - MUGA ₂	15,294

Source: SCT Final Buildable Lands Report (2007) See text for definitions of MUGA1 and MUGA2

The most-recent growth allocation occurred in 2006. Table Int-1 shows growth allocated to the City of Lynnwood and the Lynnwood Municipal Urban Growth Area (MUGA). Two alternate definitions are provided for the MUGA. Definition 1 includes all of those areas included by the City by Council action; Definition 2, a smaller area currently recognized by the County, does not include the Norma Beach Gap or the area east of Larch Way, west of North Road and south of 164th St SW.

It is expected that over half of this population growth will be located in the City Center, as the City Center Subarea Plan EIS states that redevelopment of the City Center could

accommodate up to 3,000 new multiple family dwelling units by 2020, representing a population of about 5,400 new residents. The remainder of this population growth would be accommodated in the rest of the City by a combination of: A) development of most of the remaining undeveloped land in the City; B) redevelopment of some sites that are not currently developed at the allowable density, and C) re-designation and development of properties where residential development is not now allowed (such as portions of the Highway 99 corridor and/or portions of the former Lynnwood High School site).

Employment Allocations:

Employment growth projections are not directly linked to population. Instead, they are based on commercial and industrial land availability, zoning, and development potential. Lynnwood has an abundance of commercially zoned properties and significant potential for job growth. As with population growth, much of the employment growth is expected to locate in the City Center Subarea. The Subarea Plan EIS states that redevelopment of this area could create about 9,000 new jobs by 2020. The rest of this job growth would locate in existing commercial areas through either business growth or redevelopment of low-intensity commercial

Table Int-2: Employment Growth Allocations

2006 - City	27,336
2025 - City	38,550
Growth - City	11,214
2006 - MUGA ₁	4,693
2025 - MUGA ₁	7,864
Growth - MUGA ₁	3,171
2006 - MUGA ₂	4,331
2025 - MUGA ₂	7,355
Growth - MUGA ₂	3,024

Source: SCT Final Buildable Lands Report (2007) See text for definitions of MUGA1 and MUGA2

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Deleted: Growth capacity is becoming increasingly limited in our southwest UGA.

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Deleted: The City is scheduled to make decisions on future land use designations for these locations in the next 12-18 months.

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Deleted: Nearly all (96%) of job growth will occur in the Urban Growth Areas, which include all the cities.

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areas, such as the Highway 99 corridor.

Lynnwood Planning Commission
Meeting of May 13, 2010

Staff Report

Agenda Item: G-2
Personal Services (Home Occupation)
Code Amendments (2010CAM0003)

- Public Hearing
- Informal Public Meeting
- Work Session
- Other Business
- Information
- Miscellaneous

Dept. of Community Development — Staff Contact: Gloria Rivera, Senior Planner

ACTION

Discussion only at this work session.

BACKGROUND

At the City Council’s January 25, 2010 regular meeting, a member of the public spoke under Citizen Comments and indicated that she could not obtain a business license to operate a pedicure service for low income seniors out of her home (as a home occupation). The matter was referred to staff. Following research on the history of personal services within the City and the codes of adjacent cities, a memorandum was prepared for the City Council with a recommendation that the City consider amending the code to allow personal services as a home occupation. At its May 3rd, 2010 Council meeting, a motion was made to send the issue of home occupations to the Planning Commission for further review, discussion, and a recommendation.

COMMENT

This work session is to introduce the proposal to amend the home occupation codes to the Planning Commission. Staff will give a brief explanation of the existing codes, their history, and the codes of adjacent cities. As part of their processing of the proposal, the Planning Commission will be asked to consider the follow questions:

- What is the philosophy behind home occupations?
- Given the types of home occupations allowed within the City and by other cities, what types of uses should be allowed?
- The Code already lists a number of restrictions for home occupations, if the uses are expanded, do more restrictions need to be codified?
- Specifically as code consideration, should 21.42.200(G)(7),(health care or other physical or personal services administered directly to the client at this location) simply be deleted from being a prohibited use or does additional consideration need to be given?

- Specifically, as a code consideration, should services such as beauty parlors/barbershops, be specifically listed. Should some restriction be applied (i.e. one chair)?
- Home occupations are allowed in both the single-family and multi-family zones – are different criteria needed for each?

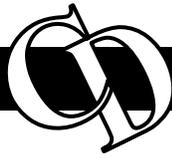
Future Commission meetings will include opportunities for more detailed discussion (including staff from other departments, as appropriate). Following these work sessions, a public hearing will be held to provide the opportunity for the public to comment on the proposals. Following the hearing, the Commission will be asked to make a recommendation to the City Council.

RECOMMENDATION

Discuss questions and proposals.

ATTACHMENTS

- A. Introductory Staff Memorandum to City Council outlining the current codes, and a summary of other city codes
- B. Samples of other City Codes regarding Personal Services as Home Occupations



DATE: April 12, 2010
TO: Mayor and Council
FROM: Paul Krauss, Community Development Director
RE: Home Occupation, Personal Services Prohibition

2 **BACKGROUND**

3 At its January 25, 2010 regular meeting, a member of the public spoke under Citizen Comments
4 and indicated that she could not obtain a business license to operate a pedicure service for low
5 income seniors out of her home (as a home occupation). The matter was referred to staff. This
6 memorandum responds to that referral.
7

8 **DISCUSSION**

9 Under the Lynnwood Municipal Code (LMC), “Health Care or other physical or personal
10 services administered directly to the client at this location” are prohibited as a home occupation
11 in residential zones (LMC 21.42.300G.7.).
12

13 LMC 21.02.566 defines “Personal Service Shop” as:
14

15 LMC 21.02.566 Personal service shop

16 “Personal service shop” means small business establishments, typically less than 2,500
17 square feet in building area, which provide cosmetic and nonmedical health services for
18 persons (e.g., barber or beauty shops, weight or fitness clinics, sun tan salons, etc.). This
19 term does not include gymnasiums or health clubs over 2,500 square feet in building
20 area.”
21

22 The LMC section 21.02.415 further defines “Home Occupations” as follows:
23

24 21.02.415 Home Occupation.

25 “Home occupation” means the operation from a dwelling of a business which is clearly
26 incidental to the primary use of the dwelling as living quarters and which in no manner
27 compromises the residential character of the neighborhood in which the dwelling is
28 located.”
29

30 Based on the definition of “home occupation”, and the standards currently in place, staff believes
31 that the City should consider expansion of the uses allowed as home occupation based on two
32 primary considerations:
33

- 34 1. The first is to protect the nature, look, feel, and property values of the residential
35 neighborhoods in which the home occupations are located. Thus, home occupations
36 which generate noise, traffic, employ people not residing in the home or which
37 permanently alter the construction of these homes are typically forbidden; and

- 1 2. The second motivation is to maximize the freedom of city residents to own and
2 operate their own businesses. Many of these businesses can be operated from the
3 home without violating the first principal.
4

5 In fact, these principals are reflected in requirements of the City’s current home occupation
6 standards as follows:
7

8 “21.42.300 Home occupations.

9 A home occupation may be permitted by issuance of a business license, pursuant to LMC
10 Title [5](#), provided the business complies with this and other applicable sections of the
11 Lynnwood Municipal Code.
12

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

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

21 C. Employment. No one other than members of the resident household may perform
22 labor or personal services on the premises, or park at or near the dwelling.

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

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

33 F. Traffic. A home occupation shall not generate traffic in excess of normal residential
34 traffic. Normal residential traffic for the purposes of regulating home occupation traffic
35 shall be defined as 10 trips per day and one trip per hour. Such home occupation traffic is
36 limited to the hours of 7:00 a.m. to 9:00 p.m.

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

- 39 1. Automotive repairs or detailing;
40 2. Small engine and major appliance repair;
41 3. Boarding, grooming, kenneling, or medical treatment of animals;
42 4. Contractors’ shops;
43 5. On-site sale of firewood;
44 6. Sheet metal fabrication;
45 7. Health care or other physical or personal services administered directly to the
46 client at this location;

1 8. Any other use with a demonstrated tendency to violate one or more of the
2 conditions of this section.

3 H. Signs. Any home occupation sign must meet the residential sign regulations in LMC
4 [21.16.290](#). (Ord. 2586 § 2, 2005; Ord. 2466 § 1, 2003)

5 6 **LYNNWOOD HISTORY**

7 In researching the prior City of Lynnwood ordinances related to home occupations, the earliest
8 version available is Ordinance No. 2020 approved in 1994. In that ordinance, barber/beauty
9 shops, contractor offices, and detailed medical uses are specifically prohibited.

10
11 Ordinance No. 2466 adopted in 2003 does not have a specific reference to barber/beauty shops as
12 a prohibited use but contains specific reference to contractor’s offices and detailed health care as
13 prohibited.

14
15 Ordinance No. 2586 adopted in 2005 contains the present prohibitive language which states,

16
17 “Health care or other physical or personal services administered directly to the client at
18 this location.”

19
20 The regular Council meeting minutes for the adoption of Ordinance No. 2466 and No. 2586 do
21 not summarize any discussion that may have occurred as part of the ordinance adoption.

22 23 **REGULATIONS BY OTHER CITIES**

24 Many jurisdictions allow for the provision of health care and professional and personal services
25 as home occupations. Requirements are commonly imposed to limit the percent of usage of the
26 residence, number of employees, visits per day, number of deliveries, etc. Personal,
27 professional, and health care services may include uses similar to the following:

- 28
29
- 30 • Accountants
 - 31 • Therapists and mental health professionals
 - 32 • Attorneys
 - 33 • Single seat beauty parlors, barber shops, manicurists
 - 34 • Personal trainers
 - 35 • Bookkeepers
 - 36 • Photographers
 - 37 • Licensed massage therapists

38 In researching what other cities have done with home occupations/personal services, the
39 following codes were reviewed: Bellevue, Bothell, Brier, Edmonds, Everett, Kenmore,
40 Kirkland, Lake Forest Park, Mill Creek, Mountlake Terrace, Mukilteo, Seattle, Shoreline, and
41 Woodinville.

42
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47

- 1 Generally, cities address personal type home occupation uses in one of three ways.
- 2 • Allowance of most uses with only a few prohibitions.
- 3 • Approval of specified uses through administrative process that can impose conditions or,
- 4 in some cases, by requiring a conditional use permit.
- 5 • Outright prohibition of certain listed uses
- 6

CITY/CITIES	HOW HOME OCCUPATIONS ARE ADDRESSED
Bellevue, Bothell, Brier, Kenmore, Kirkland, Lake Forest Park, Mukilteo, Seattle, Shoreline, Woodinville	<p>Most uses allowed with no list set forth or a broad range of uses listed (including a small amount of retail in conjunction with a home occupation and on-line services). There are only a few prohibitions:</p> <ul style="list-style-type: none"> • Auto, truck, and boat related • Warehousing • External storage
Mountlake Terrace	<p>A number of home occupation type uses are allowed subject to administrative review which can include conditions. Among the uses listed are the following (any use not listed required to go through a conditional use process):</p> <ul style="list-style-type: none"> • Barber/beauty shop • Bookkeepers • Computer consultants • Contractor offices • Insurance agents • Attorneys • Massage therapy • Medical services provided on premises • Photographers • Physicians • Professional services (engineers, planners, architects, psychologists, real estate licensee,
Everett, Mill Creek, Edmonds	<p>Generally many uses are allowed. Specified prohibitions as home occupations include:</p> <ul style="list-style-type: none"> • Health care professionals • Attorneys • Retail except as adjunct to a permitted use • Beauty/barber shops • Real estate offices • Offices with client visits • Retail sales • Clinics • Medical or professional offices

1 **STAFF RECOMMENDATION**

2 Personal services including some health care occupations and beauty/barber shop operations,
3 prohibited as Home Occupations in the City of Lynnwood, are often allowed by other cities but
4 prohibited in Lynnwood.

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6 It is staff's opinion that home occupations could be given more flexibility with regards to the
7 type of allowed uses as long as there continue to be restrictions on the number of customers (no
8 more than one at a time), a prohibition on employees not residing in the residence, and other
9 limitations on intensity. In fact, many of these restrictions are already found in 21.42.300 LMC.

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11 Staff recommends that the City Council consider amending the code to permit personal service
12 and some medical businesses as home occupations subject to limitations on intensity to protect
13 residential neighborhoods. The amendments would need to be considered by the Planning
14 Commission and subject to a Public Hearing in advance of bringing it back to Council for final
15 consideration.

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14 Commission and subject to a Public Hearing in advance of bringing it back to Council for final
15 consideration.

Shoreline

20.40.400 Home occupation.

Intent/Purpose: The City of Shoreline recognizes the desire and/or need of some citizens to use their residence for business activities. The City also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities.

Residents of a dwelling unit may conduct one or more home occupations as an accessory use(s), provided:

- A. The total area devoted to all home occupation(s) shall not exceed 25 percent of the floor area of the dwelling unit. Areas with garages and storage buildings shall not be considered in these calculations, but may be used for storage of goods associated with the home occupation.
- B. In residential zones, all the activities of the home occupation(s) (including storage of goods associated with the home occupation) shall be conducted indoors, except for those related to growing or storing of plants used by the home occupation (s).
- C. No more than one nonresident working on-site shall be employed by the home occupation(s).
- D. The following activities shall be prohibited in residential zones:
 1. Automobile, truck and heavy equipment repair;
 2. Auto body work or painting; and
 3. Parking and storage of heavy equipment.
- E. In addition to required parking for the dwelling unit, on-site parking shall be provided as follows:
 1. One stall for a nonresident employed by the home occupation(s); and
 2. One stall for patrons when services are rendered on-site.
- F. Sales shall be limited to:
 1. Mail order sales; and
 2. Telephone or electronic sales with off-site delivery.
- G. Services to patrons shall be arranged by appointment or provided off-site.
- H. The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:
 1. No more than one such vehicle shall be allowed;
 2. Such vehicle shall not park within any required setback areas of the lot or on adjacent streets; and
 3. Such vehicle shall not exceed a weight capacity of one ton.
- I. The home occupation(s) shall not use electrical or mechanical equipment that results in:
 1. A change to the fire rating of the structure(s) used for the home occupation(s), unless appropriate changes are made under a valid building permit; or
 2. Visual or audible interference in radio or television receivers, or electronic equipment located off-premises; or
 3. Fluctuations in line voltage off-premises; or
 4. Emissions such as dust, odor, bright lighting or noises greater than what is typically found in a neighborhood setting.
- J. Home occupations that are entirely internal to the home; have no employees in addition to the resident(s); have no deliveries associated with the occupation; have no on-site clients; create no noise or odors; do not have a sign, and meet all other

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requirements as outlined in this section may not require a home occupation permit.
Note: Daycares, community residential facilities such as group homes, bed and breakfasts and boarding houses are regulated elsewhere in the Code. (Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. IV § 3(B), 2000).

Lake Forest Park

18.50.040 Home occupations.

A. Home occupations shall be carried on entirely within the main residence and shall not exceed 500 square feet of the floor space of the residence.

B. All activities of the occupation must be conducted indoors, with the exception of those occupations related to plants and those uses specified under Chapter 18.54 LFPMC (day care).

C. No more than two persons other than members of the immediate family residing on the premises may operate or be employed in the home occupation.

D. Home occupations shall not be conducted as a retail outlet for tangible goods. Goods shall not be sold or rented on the premises. Display or storage of goods outside of the premises or in a window is prohibited. Uses providing on-site services to customers shall do so by appointment only.

E. Home occupations shall not create traffic, noise, smoke, dust, vapor, odors, vibration, glare, electrical interference, fire hazard or any other hazard or nuisance which is greater or more frequent than that commonly associated with permitted uses within the zoning district.

F. One off-street parking space in addition to that required in LFPMC 18.58.030(4) shall be required for each employee not residing on-site and sufficient off-street parking spaces for uses which provide on-site services and services by appointment to avoid any on-street parking by customers;

G. The occupation may use or store a vehicle used by the occupation provided:

1. No more than one such vehicle is allowed;
2. An off-street parking space shall be provided for the vehicle in addition to those required under subsection F of this section and LFPMC 18.58.030(4);
3. Such vehicle must not exceed a gross vehicle weight of 10,000 pounds.

H. Any use which changes the residential character of the home, including modifications of the site which would suggest a use other than residential, shall not be permitted.

I. Signs advertising home occupations shall not be permitted.

J. A business license for the home occupation issued by the city is required. This business license may not be assigned to another person nor may it be transferred to any other site. (Ord. 962 § 1, 2007; Ord. 773 § 3, 1999)

Bothell

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8. Home occupations are permitted subject to the following:
- a. The home occupation shall be subordinate to the primary use of the premises as a dwelling unit.
 - b. All activities of the home occupation shall be conducted indoors.
 - c. The business shall be conducted by a member of the family residing within the primary residential premises plus no more than one additional person not residing in the dwelling unit.
 - d. Home occupations may have on-site client contact subject to the following limitations:
 - (1) All the activities of the home occupation shall take place inside the primary residential structure or accessory building;
 - (2) The home occupation shall generate no more than two vehicle trips per hour to the licensed residence, except that for one continuous three-hour period per month, the home occupation may generate up to 10 vehicle trips; and
 - (3) The home occupation shall not create a public nuisance as defined and regulated in Chapter 8.24 BMC.
 - e. The following activities shall be prohibited:
 - (1) Automobile, truck, boat and heavy equipment repair;
 - (2) Auto or truck body work or boat hull and deck work;
 - (3) Parking and storage of heavy equipment;
 - (4) Storage of building materials for use on other properties;
 - (5) Painting or detailing of autos, trucks, boats, or other items;
 - (6) The outside storage of equipment, materials or more than one vehicle related to the business;
 - (7) Vehicles larger than 10,000 pounds gross weight operated out of the premises or parked on the property or on adjacent streets; and
 - (8) Taxicab, van shuttle, limousine or other transportation services, except for office activities; provided all other requirements of this subsection concerning home occupations are met.
 - f. Home occupations shall not be allowed in accessory buildings within the rear yard setback.
 - g. Home occupations in accessory buildings shall not permit noise to intrude into another residential property at a level at or above 45 decibels outside the hours of 7:00 a.m. through 6:00 p.m. Monday through Friday, and 9:00 a.m. through 5:00 p.m. on Saturday
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Woodinville

21.30.040 Home occupation.

Residents of a dwelling unit may conduct one or more home occupations as accessory activities, provided:

(1) The total area devoted to all home occupation(s) shall not exceed 20 percent of the floor area of the dwelling unit. Areas within attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home occupation area but may be used for storage of goods associated with the home occupation;

(2) All the activities of the home occupation(s) shall be conducted indoors, except for those related to growing or storing of plants used by the home occupation(s);

(3) No nonresident shall be employed by the home occupation(s);

(4) The following activities shall be prohibited as home occupations:

(a) Automobile, truck and heavy equipment repair;

(b) Autobody work or painting;

(c) Parking and storage of heavy equipment; and

(d) Storage of building materials for use on other properties;

(5) In addition to required parking for the dwelling unit, one on-site parking stall shall be provided when services are rendered on-site;

(6) Sales shall be limited to mail order, Internet sales and telephone sales with off-site delivery;

(7) Services to patrons shall be arranged by appointment or provided off-site;

(8) The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:

(a) No more than one such vehicle shall be allowed;

(b) Such vehicle shall not park within any required setback areas of the lot or on adjacent streets; and

(c) Such vehicle shall not exceed a weight capacity of one ton;

(9) The home occupation(s) shall not use electrical or mechanical equipment that results in:

(a) A change to the fire rating of the structure(s) used for the home occupation(s);

(b) Visual or audible interference in radio or television receivers, or electronic equipment located off-premises; or

(c) Fluctuations in line voltage off-premises; and

(10) A home occupation permit is approved by the Development Services Director for each home occupation. (Ord. 465 § 27, 2008; Ord. 448 § 20, 2007; Ord. 175 § 1, 1997)

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Mountlake Terrace)

19.120.230 Home occupations.

A. Purpose. The purpose of this section is to prescribe the conditions and regulations under which home occupations may be conducted when accessory to a residential use. The conduct of business within a residential dwelling or accessory building may be permitted in residential and commercial districts under the provisions of this section as long as the home occupation is consistent with the existing character of the surrounding neighborhood as defined by the approval criteria. Using the approval criteria, it is the intent of this section to:

1. Maintain and preserve the character of residential neighborhoods;
2. Ensure the compatibility of home occupations with other uses permitted in the residential and commercial districts;
3. Promote the efficient use of public services and facilities while assuring that home occupation users do not reduce the City's public services and facilities level of service to intended residential users; and
4. Encourage flexibility in the workplace and creativity in careers by permitting home occupations.

B. General Restrictions and Approval Criteria. Only home occupations that have a valid home occupation permit or conditional use permit shall be allowed in a residential zone. Home occupations shall not be approved or allowed unless they meet the following criteria and conditions:

1. On-site operations of a home occupation must be conducted solely by the full-time resident(s) of the dwelling unit, except that one on-site nonresident employee is allowed.
2. Home occupations may utilize a maximum of 25 percent of the total square footage (up to 500 square feet) of all principal and accessory buildings on the property. Day care homes, as defined by this title, are exempt from meeting this requirement.
3. Home occupations shall not incorporate activity or equipment which creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit, nor shall any home occupation require the use of electrical service and/or consumption that exceeds typical standards for residential use.
4. Home occupations shall not create noise, vibration, dust, fumes, odor, smoke, glare, fire hazard, or any other hazard or nuisance not normally associated with residential uses. Home occupations shall not use or store any hazardous material not allowed in residential dwellings as specified in the current edition of the International Fire Code.
5. The establishment and conduct of a home occupation shall not change the appearance and character of any dwelling unit as a residential use.
6. The conduct of any home occupation shall not reduce or render unusable areas provided for required off-street parking including, but not limited to, storage of vehicles or equipment. The applicant shall demonstrate that adequate parking exists for persons employed on the premises.
7. There shall be no exterior signs and not more than one interior sign visible from the exterior. The visible interior sign shall not exceed two square feet in area nor be illuminated by artificial light.
8. The home occupation, by itself, shall not generate more than 16 vehicular trips per day, unless otherwise authorized by federal or state "reasonable accommodation" rules. As used here, a trip is considered either the arrival or departure of a vehicle from the household. For example, one vehicle making a delivery and then leaving immediately would be considered two trips.
9. A business license shall be purchased from the City Clerk's office and be maintained through the purchase of an annual renewal. If the license is not renewed within 30 days of expiration, the home occupation approval shall become null and void

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(MLT)

and a new application shall be required to reestablish the use.

10. A home occupation shall involve no outdoor storage of materials or supplies, construction materials, unfinished goods, or other items.

11. No direct retail sales of any product shall be conducted from the structure or premises unless clearly incidental to any services rendered, except that sales of products produced on the premises and mail or phone order sales shall not be so limited.

12. Not more than one home occupation business-related vehicle that has a gross vehicle weight of 10,000 or more pounds is permitted on-site and any such vehicle shall be wholly enclosed within a structure or building.

13. With the exception of the vehicle(s) of the home occupation residents and one on-site nonresident employee, no parking or storage of any home occupation-related vehicles or vehicles of home occupation-related persons is permitted on-site for more than two hours in any eight-hour period.

14. A home occupation shall not increase water or sewer use so that the combined total use for the dwelling and home occupation is significantly more than the average for residences in the neighborhood.

15. A home occupation shall not require the use of electrical or mechanical equipment that would change the fire rating of the dwelling or accessory building.

16. A home occupation shall not make use of automated or production line equipment at the home occupation site. All stock in trade that is produced on-site for resale purposes must be made by hand.

C. Approval Process and Inspections.

1. No later than 10 days prior to rendering a decision for a home occupation that is subject to administrative review, a notice of intent to approve the administrative home occupation shall be posted on the subject site. Comments received will be considered in the preparation of a decision to approve or deny.

2. In granting approval for a home occupation, the administrator or decision body may attach additional conditions to ensure the home occupation will not be detrimental to the character of the residential neighborhood.

3. Any home occupation authorized under the provisions of this code shall be open to inspection (within 24 hours' notice) and review at all reasonable times by an authorized City official for purposes of verifying compliance with the approval criteria and other code provisions.

D. Home Occupations Subject to Administrative Approval. The following home occupations are subject to administrative review and approval, including any conditions, by the Planning Department. For occupations not included in this subsection, the applicant may seek a conditional use permit, as provided in subsection H of this section.

1. Arts and crafts (handmade only);
2. Barber shops;
3. Beauty shops;
4. Bookkeepers;
5. Cabinet, carpentry work;
6. Catering;
7. Ceramic shops;
8. Composer;
9. Computer consultants;
10. Contractors, limited to back-office and administrative duties;
11. Day care;
12. Dog or cat grooming;
13. Dressmaker, seamstress, tailor;
14. Insurance agent;
15. Janitorial services;
16. Landscaping;
17. Lawyers;
18. Massage therapy;

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19. Medical services provided on premises;
20. Photographer (no production studio);
21. Physicians;
22. Preschool;
23. Professional services (engineer, planner, architect);
24. Psychologist;
25. Radio, TV, musical instrument and small appliance repair;
26. Real estate licensee;
27. Tax accountants;
28. Teacher;
29. Transcription services;
30. Typing/word processing services.

E. Any home occupation not shown under subsection D of this section may be approved only through a conditional use permit, consistent with conditional use permit requirements of Chapter 18.05 MTMC.

F. Prohibited Home Occupations. The following uses are not permitted as a home occupation:

1. Kennels;
2. Stables;
3. Manufacturing processes or the handling or storage of substances that may be potentially hazardous or noxious to the residents or surrounding neighborhood, unless the method and amount of such substances to be manufactured, handled, or stored is similar to that which occurs in an ordinary household;
4. Restaurants;
5. Vehicle body repair;
6. Vehicle motor repair and service;
7. Spray painting;
8. Microbrewers;
9. Repair of large appliances (refrigerators, stoves, etc., and other repair that would create noise, fumes, etc., such as lawn mower repair);
10. Veterinary clinic or hospital;
11. Machine and sheet metal shops;
12. Uses that may include hazardous chemicals, dispensing of medical drugs, or other items that may potentially be hazardous to the surrounding area.

G. Exceptions. The following activities, so long as they do not exceed three consecutive days in duration and do not operate for more than twelve days in any one calendar year, shall be exempt from the requirements of this section:

1. Garage and Yard Sales. To qualify for this exemption, all garage and yard sales must involve only the sale of household goods, none of which were purchased for the purpose of resale;
2. Temporary home boutiques or bazaars for handcrafted items;
3. Parties for the display of domestic products;
4. Other similar short-term uses or sales.

H. Conditional Use Permit Process. An applicant may seek approval of any home occupation that is not included in subsections D or F of this section through the conditional use permit process, pursuant to applicable provisions of MTMC Title 18.

I. Denial of Application. An application for a home occupation shall be denied if the administrator or decision body finds that the application fails to comply with the provisions of this section. A denial shall include a statement of the specific reasons for denial of a home occupation and shall cite the specific provisions and sections of this title on which the denial is based. Such decision is final unless appealed pursuant to MTMC Title 18, as amended.

J. Rescission of Permit. The home occupation must continue to meet the criteria and conditions of this section, including any additional conditions specified at the time of approval. A home occupation permit may be rescinded if the appropriate administrator or

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decision body finds that the home occupation is not being conducted in compliance with provisions of this section. Such decision is final unless appealed pursuant to MTMC Title 18.

K. Annual Review. An annual review of a home occupation may be done concurrently with the renewal of the business license. This review by the City shall include an assessment to ensure the home occupation is in compliance with the original approval criteria. If the review indicates that the home occupation is not being conducted according to the approval criteria, or the use has become detrimental to the residential neighborhood, the renewal of the business license shall be denied, or shall have conditional approval after the situation has been addressed and corrected. (Ord. 2410 § 1, 2005; Ord. 2233 § 2, 1999; Ord. 2074 § 9.2(L), 1995).

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Everett

41.080 Home occupations.

A. Home occupations may be permitted in any residential zone provided such home occupations comply with the requirements of the zone in which the property is located and the following requirements:

1. Home occupations shall not occupy more than twenty-five percent of the total floor area of the residence, or six hundred square feet, whichever is less. Home occupations carried on within a dwelling shall be provided access to the work space through the dwelling only, with no direct access to the outside;

2. The occupation shall be carried on entirely within a residence or accessory building by the occupant thereof;

3. The home occupation may be located in the principal dwelling or in the accessory structure. If located in an accessory structure, the following regulations shall apply:

a. The area devoted to the occupation, as described in subsection A.1 of this section, shall be based upon the floor area of the dwelling only, and

b. Access to the work space may be directly from the outside;

4. No noise, dust, smoke, light, glare or odor shall be emitted other than is commonly associated with a residential use;

5. The occupation shall be conducted in such a manner as to give no outward appearance of a business nor manifest any characteristics of a business;

6. Occupations which shall be prohibited as home occupations include, but are not limited to:

a. Veterinarians,

b. Clinics,

c. Auto repair,

d. Auto sale,

e. Barber/beauty shops,

f. Real estate offices,

g. Offices with client visits,

h. Retail sales,

i. Any use of a nature which is similar to those listed in this chapter or which creates impacts on surrounding properties which are similar to those created by the uses listed herein;

7. There shall be no person other than a resident of the dwelling employed on the premises;

8. If the occupation is the type in which classes are held or instruction is given, there shall be not more than five students allowed in any one class or instruction period. Classes shall not exceed a total of twenty hours in any week;

9. No stock in trade shall be sold or displayed on the premises, and no equipment or materials shall be stored on any outdoor portion of the premises;

10. Parking of student or client vehicles shall not create any hazard or congestion;

11. No receipt or delivery of products shall be permitted except as is commonly anticipated in residential areas. Commercial vehicle deliveries shall not exceed two per week. The gross vehicle weight of delivery vehicles shall not exceed eighteen thousand pounds;

12. No signs shall be allowed for home occupations; and

13. Home occupations shall comply with all other local, state and federal regulations pertinent to the activity pursued, and the requirements of or permission granted by this section shall not be construed as an exemption from such regulations.

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B. A home occupation permit issued to one person shall not be transferable to any other person; nor shall a home occupation permit be valid at any address other than the one listed on the permit.

C. Any person engaging in a home occupation shall register as a business with the city treasurer's office and shall be subject to the city business and occupations tax.

D. Garage sales shall not be considered to be a home occupation.

E. Home occupations shall be reviewed using the review process described in Title 15, Local Project Review Procedures. (Ord. 2531-01 § 8, 2001; Ord. 1671-89 (part), 1989.)

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Mill Creek

Chapter 17.23 HOME OCCUPATIONS

Sections:

- 17.23.010 Purpose.
- 17.23.020 Permit required.
- 17.23.030 Application process.
- 17.23.040 Exemptions.
- 17.23.050 Ineligible activities.
- 17.23.060 Minimum standards.
- 17.23.070 Required findings.
- 17.23.080 Review, enforcement and penalties.
- 17.23.090 Appeal.

Legislative history: Ord. 95-356.

17.23.010 Purpose.

A. The intent of this chapter is to ensure that home occupations are properly permitted, are undertaken only within a dwelling unit located in a residential use district, are incidental to the primary residential use of the structure and land, and are compatible with the residential character of the neighborhood.

B. In addition, the intent of this chapter is to ensure that business activities that are allowed in residential neighborhoods are regulated as home occupations and that such activities not able to meet the requirements of this chapter are performed in business, commercial, retail and other more appropriate zone districts.

C. This chapter is not intended to regulate typical family or personal activities, or occasional visits by business associates and outside service providers, except as otherwise provided. (Ord. 2005-609 § 2)

17.23.020 Permit required.

A. Applicability. No home occupation shall be operated within the city except in accordance with the provisions of this chapter. A home occupation permit is required for all home occupations except those exempt pursuant to this chapter.

B. Transferability. A home occupation permit is not transferable to another person, entity or business and is valid only for the property address set forth on the permit. (Ord. 2005-609 § 2)

17.23.030 Application process.

A. Applications. The application for a home occupation permit shall be submitted on forms obtained from the director of the department of community development, and shall be acknowledged by the property owner if other than the applicant. The application shall contain all of the information required by the director of community development.

B. Procedure. The director shall verify that the application is consistent with the requirements of this chapter, and that the application contains proof of registration with the Washington State Department of Revenue, or proof of exemption from registration, and proof of all other necessary licenses and permits, including all applicable city licenses.

C. Approval Process. Group A home occupations shall be processed in accordance with the administrative approval procedures of MCMC 14.09.010. Group B home occupations shall be processed in accordance with the approval procedures of MCMC 14.09.020.

D. Limitation. Only one Group B home occupation permit may be in effect at any one

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time with regard to any residential dwelling unit, including any building accessory thereto. (Ord. 2005-609 § 2)

17.23.040 Exemptions.

The following activities are exempt from the permit requirements of this chapter, but shall otherwise comply with the substantive requirements of this chapter:

- A. Authors, composers and writers.
- B. After hours paperwork and similar activities performed by residents on evenings and weekends, who have a primary office elsewhere.
- C. Tutoring, teaching, or fine arts instruction, provided not more than one student or pupil is present at any one time.
- D. Services or activities that are not performed at the residence of the actor, such as newspaper delivery, babysitting, lawn care and gardening, parties for the sale of items such as Tupperware, Mary Kay, etc., and similar services; provided, however, such services may require a home occupation permit if activities related to the service otherwise qualify for a home occupation.
- E. Instructional activities involving up to five nonresidents, which occur not more than one time per week.
- F. Family home day cares as defined by Chapter 14.01 MCMC.
- G. Adult family home as defined by Chapter 14.01 MCMC. (Ord. 2005-609 § 2)

17.23.050 Ineligible activities.

The following activities are not eligible for a home occupation permit because of their incompatibility with maintaining residential neighborhood character:

- A. Medical or professional clinics.
- B. Retail activities of any type.
- C. Stables, kennels, animal husbandry or farming activities except as provided in Chapter 17.06 MCMC.
- D. Vehicle repair, automobile detailing or automotive servicing activities.
- E. Any activities involving more than five customer or business visits per day. (Ord. 2005-609 § 2)

17.23.060 Minimum standards.

Every home occupation shall meet all of the following minimum standards:

- A. No variation from the residential character of the dwelling or neighborhood is permitted. No physical change shall be made to the exterior of the structure solely to accommodate the home occupation.
- B. All activities shall be conducted entirely within the principal or accessory structure.
- C. Maximum gross floor area devoted to the home occupation shall not exceed 20 percent of the gross floor area, or 600 square feet, whichever is less.
- D. No stock in trade or any other material associated with the home occupation shall be visible on the site.
- E. No retail customers shall visit the premises at any time. No customer pick-up of stock in trade is permitted at any time. Business visits are prohibited after 9:00 p.m.
- F. No signs of any type regarding the home occupation shall be exhibited or displayed on the site.
- G. Except for one nonresident worker authorized by a Group B home occupation permit, and except for occasional visits by business associates and outside service providers, persons who do not reside on the premises are prohibited from working at the home occupation.
- H. Materials, goods or commodities shall be delivered to or from the home occupation only from 8:00 a.m. to 7:00 p.m. Truck delivery or pick-up not common to a residential dwelling is not allowed.
- I. All parking shall be off-street, and shall be accommodated by the on-site garage and driveway. Gross vehicle weight of any one vehicle shall not exceed 6,000 pounds.

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J. Heavy equipment, large power tools or power sources not common to a residential dwelling are not allowed. The home occupation shall not be visible or audible from any point on the property line, and no electrical or other similar interference may be caused beyond the property boundary.

K. No production, generation or storage of any hazardous waste or substance is allowed.

L. The home occupation shall comply with all other applicable standards of the Mill Creek Municipal Code. (Ord. 2005-609 § 2)

17.23.070 Required findings.

The city manager or other body charged with approving a home occupation permit shall not approve the home occupation permit unless all of the following affirmative findings are made:

A. The home occupation does not involve equipment or processes that introduce noise, smoke, dust, fumes, vibrations, odors, or other conditions or hazards in excess of those normally common to residential areas.

B. The home occupation does not significantly increase local vehicular or pedestrian traffic.

C. The home occupation is not materially injurious or detrimental to adjoining or abutting properties.

D. The home occupation does not endanger the public health, morals, safety, and welfare, does not create a nuisance, and is not detrimental to the public interest.

E. The home occupation complies with all applicable local, state and federal laws and regulations. (Ord. 2005-609 § 2)

17.23.080 Review, enforcement and penalties.

A. Every Group B home occupation permit shall be reviewed by the department of community development within six months of the date of final approval and annually thereafter.

B. A violation of any provision of this chapter shall be a civil infraction. The penalty for the first violation within any 12-month period shall be a fine of \$150.00. The penalty for a second violation within such time period shall be a fine of \$200.00. The penalty for a third or subsequent violation within such time period shall be a fine of \$250.00. Each day or portion thereof during which a violation exists or continues shall constitute a separate violation, for which an additional penalty (in the amount of the fine specified in the notice of infraction) shall accrue and be imposed, under the outstanding notice of infraction.

C. A home occupation permit may be suspended or revoked by the director as an administrative decision pursuant to MCMC 14.09.010. The director may base his action on:

1. Lack of compliance with the conditions of the permit or its approval, or with the provisions of the development code, or upon a finding that the operation of the home occupation creates a nuisance or hazard, or has been abandoned, or was procured by mistake, fraud or deception; or

2. Accumulation of three civil infractions within any 12-month period. (Ord. 2008-682 § 2; Ord. 2005-609 § 2)

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