

AGENDA

Lynnwood Planning Commission

Thursday, April 14, 2011 — 7:00 pm

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

A. CALL TO ORDER – ROLL CALL

B. APPROVAL OF MINUTES

March 2, 2011

March 10, 2011

C. **PUBLIC COMMENTS** – on matters not on tonight's agenda for a public hearing.

D. PUBLIC HEARINGS

None

E. WORK SESSIONS

1. **Electric Vehicles Infrastructure Code Amendment (2011CAM0001).**

Amendments to Lynnwood Municipal Code (LMC) Title 21, Zoning, related to electric vehicle infrastructure, to comply with the requirements of RCW 36.70A.695 by providing definitions related to electrical vehicle infrastructure and providing allowances for certain types of electrical vehicle infrastructure in zoning districts within the City of Lynnwood. The draft ordinance also has provisions for electric vehicle parking when provided in parking areas.

2. **Role of the City Council Liaison.** Discuss the role and responsibilities of the City Council Liaison to the Planning Commission.

3. **SEPA Responsible Official Code Amendment (2011CAM0005).** Amendment to LMC Chapter 17.02 and LMC 21.xx.xxx to designate the Community Development Director (or designee) as the Responsible Official for the City under the State Environmental Policy Act.

4. **Two-Year Docket Cycle Code Amendment (2011CAM0007).** Amendments to LMC Chapter 18.04 to revise the timing for processing of amendments to the City's Comprehensive Plan to once every two years and updating that process to comply with recent amendments to state law.

F. OTHER BUSINESS

1. **Ordinance No. 2885 – Interim City Center Development Regulations (2011CAM0004).** Report on interim development regulations for the City Center regarding minor "grid" streets and park/plaza locations and the process to update the zoning regulations and design guidelines for the City Center.

AGENDA

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2. Hearing Examiner 2010 Annual Report.

G. COUNCIL LIAISON REPORT

H. DIRECTOR'S REPORT

I. COMMISSIONERS' COMMENTS

J. 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 April 14, 2011

Staff Report

Agenda Item: E-1
Electric Vehicles Infrastructure Code
Amendment (11CAM0001)

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

Lynnwood Community Development Dept.

ACTION

Continued Discussion

BACKGROUND

At the Planning Commission's February 24, 2011 meeting, the topic of Electric Vehicle Infrastructure Code amendments was introduced. The discussion included a brief outline of the State legislation related to electric vehicle infrastructure, the mandates under that legislation and information related to the types of electric vehicle infrastructure (electric vehicle charging stations (levels 1-3) and electric vehicle battery changing stations.)

At that meeting, certain policy issues were also raised including:

- How should electric vehicle infrastructure be treated in non-residential zones – allowed as an accessory use only? Allowed as a principal use? Combination of both?
- Should electric vehicle infrastructure be treated as an auto oriented use?
- How should electric vehicle infrastructure be treated in residential zones? (The State legislation speaks to allowing infrastructure in non-residential zones, but does not impose the requirement in residential zones.

In discussing the issue the Planning Commission expressed interest in seeing how certain other cities approach the issue.

Some sample ordinances are attached. In general, other cities' approaches in non-residential zones consist of:

1. Allow Battery Exchange Stations and Battery Charging Stations (Level 1-3) as a permitted (or conditional) use in all non-residential zones.

2. Allow Battery Exchange Stations and Battery Charging Stations (Level 1-3) as an accessory use to a permitted (or conditional) use in all non-residential zones.
3. Allow Battery Exchange Stations and Battery Charging Stations (Level 1-3) as a permitted use in zones *where auto oriented uses are allowed*, but only as an accessory use in zones where auto oriented uses are not allowed.

DRAFT ORDINANCE

Attached is a proposed draft ordinance. In general:

- ◆ In single family and multi-family residential zones, Level 1 and Level 2 battery charging stations are allowed as an accessory use provided that the use of the facilities is restricted; for example, to occupants of the single family home/multi-family complex and/or employees of a non-residential use that might be allowed in the residential zone.
- ◆ In all non-residential zones, Level 1, 2 and 3 battery charging stations are allowed as an accessory use to a principal use or conditional use.
- ◆ In Industrial Zones (BTP (Business Technical Park) and LI (Light Industrial)), Battery exchange stations are allowed as a principal permitted use.
- ◆ In certain non-residential zones, typically those where service stations are allowed as a conditional use, Battery charging stations and Battery exchange stations are also allowed as a conditional use.
- ◆ In the College District Zone, Battery exchange stations require a conditional use permit and, even then, must be accessory to a permitted or conditionally permitted use. This more restrictive requirement is based on the heavy emphasis of pedestrian oriented uses in this zone.
- ◆ In the City Center zone, Level 1, 2 and 3 Battery charging stations only allowed as an accessory permitted use if contained within an enclosed parking structure or attached to the exterior of a building containing a principal use.
- ◆ In the City Center zone, Battery exchange stations are not proposed to be allowed in any form. This requirement is based on the extensive emphasis of pedestrian oriented uses in this zone and the limitation on auto oriented uses.

A summary matrix of how electric vehicle infrastructure is proposed to be allowed in the City's various zones is attached.

Finally, the draft ordinance also contains provisions for electric vehicle parking. Among those requirements include:

- ◆ Electric vehicles may be parked in any space designated for public parking, regardless of whether or not the parking space has electric vehicle charging capabilities.

- ◆ Electric Vehicle Charging Station Space shall be reserved for parking and charging electric vehicles only when charging at the space is available.
- ◆ There is no minimum required number of charging station spaces.
- ◆ Electric vehicle charging spaces shall be standard size stalls.
- ◆ Each charging station space shall be posted with signage indicating the space is for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced.
- ◆ Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting malfunctioning equipment or other problems.
- ◆ Spaces no longer used for electric vehicle charging shall have the electric vehicle infrastructure removed.
- ◆ Accessibility. Charging equipment shall be located so as not to interfere with accessibility requirements of WAC 51-50-005.
- ◆ Signs for electric vehicle parking shall be consistent with the Manual for Uniform Control Devices (MUTCD).

RECOMMENDATION

For discussion.

ATTACHMENTS

1. Draft Ordinance
2. Summary Matrix - Use Chart
3. Other City ordinances (examples)

1 DRAFT DRAFT

2
3 CITY OF LYNNWOOD

4
5 ORDINANCE NO. _____

6
7 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON,
8 ADDING NEW LMC SECTIONS 21.02.081, 21.02.082, 21.02.304,
9 21.02.308, 21.02.312, 21.02.316, 21.02.593 AND 21.18.930,
10 RENUMBERING LMC SECTION 21.02.210 TO LMC SECTION 21.02.208,
11 AMENDING LMC SECTIONS 21.42.400, 21.43.400, 21.44.100, 21.46.100,
12 21.50.100, 21.52.100, 21.57.400, AND 17.02.230 FOR THE PURPOSES OF
13 COMPLIANCE WITH 2SHB 1481 AND THE DEVELOPMENT OF
14 ELECTRIC VEHICLE INFRASTRUCTURE., PROVIDING FOR
15 SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY
16 PUBLICATION.
17
18

19
20 WHEREAS, during the 2009 session the Washington State Legislature passed
21 Second Substitute House Bill 1481 (2SHB 1481), an Act relating to electric vehicles; and,
22

23 WHEREAS, 2SHB 1481 addressed electric vehicle infrastructure including the
24 structures, machinery, and equipment necessary and integral to support an electric vehicle,
25 including battery charging stations, rapid charging stations, and battery exchange stations;
26 and,
27

28 WHEREAS, 2SHB 1481 requires certain cities allow electric vehicle infrastructure
29 as a use in all areas except those zoned for residential or resource use or critical areas; and,
30

31 WHEREAS, the purpose of 2SHB 1481 is to encourage the transition to electric
32 vehicle use and to expedite the establishment of a convenient, cost-effective, electric vehicle
33 infrastructure that such a transition necessitates; and,
34

35 WHEREAS, on _____ 2011, the city of Lynnwood issued a SEPA
36 Determination of Non-Significance (DNS) on the proposal; and,
37

38 WHEREAS, the proposal was sent to the Department of Commerce and State
39 agencies in compliance with RCS 36.70A.106; and,
40

41 WHEREAS, on _____, 2011, the City of Lynnwood Planning
42 Commission held a duly noticed public hearing on the proposed amendments; now, therefore

1
2 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO
3 ORDAIN AS FOLLOWS:

4 **Section 1.** Lynnwood Municipal Code Chapter 21.02 entitled “Definitions”, is
5 hereby amended to amend LMC 21.02.210 and to include new sections 21.02.081,
6 21.02.082, 21.02.209, 21.02.304, 21.02.308, 21.02.312, 21.02.316, 21.02.593 as follows,

7 **21.02.081 Battery charging station**

8 “Battery charging station” means an electrical component assembly or cluster of
9 component assemblies designed specifically to charge batteries within electric vehicles,
10 which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW
11 and consistent with rules adopted under RCW 19.27.540.
12

13 **21.02.082 Battery exchange station**

14 “Battery exchange station” means a fully automated facility that will enable an
15 electric vehicle with a swappable battery to enter a drive lane and exchange the depleted
16 battery with a fully charged battery through a fully automated process, which meets or
17 exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and
18 consistent with rules adopted under RCW 19.27.540.
19

20 **21.02.20810 Cemetery.**

21 “Cemetery” means land used or intended to be used for the burial of the human dead
22 and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and
23 mortuaries when operated in conjunction with and within the boundary of such cemetery.
24

25 **21.02.209 Charging levels**

26 “Charging levels” means the standardized indicators of electrical force, or voltage,
27 at which an electric vehicle’s battery is recharged. Levels 1, 2, and 3DC are the most
28 common EV charging levels, and include the following specifications:
29

30 A. Level 1 is considered slow charging. It requires a 15- or 20-amp breaker on a
31 120-volt AC circuit and standard outlet.

32 B. Level 2 is considered medium charging. It requires a 40-amp to 100-amp breaker
33 on a 240-volt AC circuit.

34 C. Level 3 is considered fast or rapid charging. It requires a 60-amp or higher
35 dedicated breaker on a 480-volt or higher three-phase circuit with special grounding
36 equipment.
37

38 **21.02.304 Electric vehicle**

39 “Electric vehicle” means any vehicle that operates, either partially or exclusively,
40 on electrical energy from the grid, or an off-board source, that is stored on-board for motive
41 purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid
42 electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric
43 vehicle.
44

1 **21.02.308 Electric vehicle charging station**

2 “Electric vehicle charging station” means a public or private parking space located
3 together with a battery charging station equipment that has as its primary purpose the
4 transfer of electric energy (by conductive or inductive means) to a battery or other storage
5 device in an electric vehicle.

6
7 **21.02.312 Electric vehicle infrastructure**

8 “Electric vehicle infrastructure” means structures, machinery, and equipment
9 necessary and integral to support an electric vehicle, including battery charging stations,
10 rapid charging stations, and battery exchange stations.

11
12 **21.02.316 Electric vehicle parking space**

13 “Electric vehicle parking space” means any marked parking space that identifies the
14 use to be exclusively for the parking of an electric vehicle.

15
16 **21.02.593 Rapid charging station**

17 “Rapid charging station” means an industrial grade electrical outlet that allows for
18 faster recharging of electric vehicle batteries through higher power levels, which meets or
19 exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and
20 consistent with rules adopted under RCW 19.27.540

21
22 **Section 2** Lynnwood Municipal Code (LMC) section 21.42.400 entitled “Accessory structures and
23 uses” is hereby amended as follows.

24
25
26 **“21.42.400 Accessory structures and uses.**

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

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

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

8 B. Family Child Care Homes. Family child care homes are permitted as an accessory use to a
9 dwelling.

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

23 D. Carnivals, Circuses, and Other Temporary Special Events. These uses are permitted if
24 accessory to a school, church, park, or other facility of a similar nature. Such activities shall
25 not be subject to regulation by Chapter 5.30 LMC.

26 E. Electric Vehicle Infrastructure. Level 1 and Level 2 Battery charging stations are allowed
27 as an accessory use but shall be privately owned with restricted access (e.g. occupants of a
28 single family home, employees and members of the congregation in the case of a religious
29 institution.) The battery charging station shall not be open for use to the general public.

30
31
32 **Section 3** Lynnwood Municipal Code (LMC) section 21.43.400 entitled “Accessory structures and
33 uses” is hereby amended as follows.

34
35 **“21.43.400 Accessory structures and uses.**

36 A. Private Garages and Carports. Private garages and carports are allowed in the RML, RMM,
37 and RMH zones as long as they adhere to the side yard, rear yard and front yard setbacks as
38 required herein for the applicable zone. In the RML zone, where more than one dwelling unit
39 is involved, private garages shall be limited to accommodating not more than two cars for
40 each dwelling.

41 B. Solar Energy Systems. The use of solar energy systems (for example, attached solar
42 greenhouses, attached solar sunspaces, and solar collectors) can be an effective and efficient
43 method for producing energy and reducing energy consumption. The majority of residential
44 structures within Lynnwood were constructed before solar energy systems became a viable
45 means for producing energy, thus lot yard setbacks and height restrictions do not take such
46 systems into account. The city of Lynnwood finds that it is in the best public interest to
47 encourage solar energy systems. If it is found that a solar energy system would have a positive
48 impact on energy production and conservation while not having an adverse environmental

1 impact on the community, but the placement of such system requires violation of city setback
2 or maximum height limitations, allowance of such systems may be permitted through the
3 variance process and shall be encouraged. In viewing such variance request, the following
4 shall be considered in making a determination:

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

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

21 C. Family Child Care Homes. Family child care homes are permitted as an accessory use to a
22 dwelling.

23 D. Keeping Small Animals as Pets. The keeping of small animals as pets shall be permitted as
24 an accessory use; the keeping of livestock shall not be permitted.

25 E. Carnivals, Circuses, and Other Temporary Special Events. These uses are permitted if
26 accessory to a school, church, park, or other facility of a similar nature. Such activities shall
27 not be subject to regulation by Chapter 5.30 LMC.”

28 F. Electric Vehicle Infrastructure. Level 1 and Level 2 Battery charging stations are allowed
29 as an accessory use but shall be privately owned with restricted access (e.g. renters of a
30 multiple family dwelling complex, employees and members of the congregation in the case of
31 a religious institution.) The battery charging station shall not be open for use to the general
32 public.

33
34 **Section 4** Lynnwood Municipal Code (LMC) section 21.44.100 entitled “Uses Allowed” (Public and
35 Semi Public Zone) is hereby amended as follows.

36
37 **21.44.100 Uses allowed.**

38 A. Permitted Uses.

39 1. Residential Uses. All uses which are permitted in the RS-8 single-family residential zone are
40 permitted.

41 2. Institutional Uses. The following uses are permitted, subject to the standards of this chapter:

42 a. Churches;

43 b. Private or semiprivate memorial buildings;

44 c. Community clubhouses, convention centers, public golf courses, and accessory uses;

45 d. Art galleries, libraries, and museums;

46 e. Private schools, universities, and colleges;

47 f. Child day care;

48 g. Public parks, playgrounds, and schools;

- 1 h. Municipal buildings, including police stations, fire stations, and performing arts facilities;
- 2 i. Clubs or fraternal societies but not including those which provide entertainment or allow alcoholic
- 3 beverages;
- 4 j. Transit center;
- 5 k. Park-and-ride lots;
- 6 l. Park and pool lots;
- 7 m. Existing wastewater treatment plant.

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

14 4. Battery Charging Station (Electric Vehicle), Level 1, Level 2 or Level 3, if accessory to a
 15 permitted use or conditionally permitted use.

16 5. Battery Exchange Station, (Electric Vehicle), if accessory to a permitted or conditionally
 17 permitted use.

18
 19 D. Exemption from Conditional Use Permit Application Process. Some limited expansion of use and
 20 structures of existing uses at the Lynnwood wastewater treatment plant may be approved for
 21 exemption from the conditional use permit process by the community development director if the
 22 proposed alteration meets the following criteria:

- 23 1. The alteration does not expand the treatment capacity of the plant.
- 24 2. The alteration does not result in a significant increase in noise, odor, traffic, or visual impact.
- 25 3. Any proposal to add accessory structures does not result in the addition of more than 500 square
- 26 feet of building coverage. (Ord. 2583 § 1, 2005; Ord. 2441 § 13, 2003; Ord. 2390 § 1, 2001; Ord. 2020
- 27 § 18, 1994; Ord. 1455 § 1, 1985; Ord. 1309 § 1, 1983; Ord. 1209 § 1, 1982; Ord. 470 § 2, 1969)

28
 29
 30 **Section 5.** LMC section 21.46.100 entitled “Permitted structures and uses” (Commercial
 31 Zones), is hereby amended as follows,

32
 33 **“21.46.100 Permitted Structures and uses.**

34
 35 A. No building, structure or land shall be used and no building or structure shall be
 36 erected, enlarged or structurally altered, except for one or more of the uses permitted by
 37 Table 21.46.01.
 38

Table 21.46.01

Automotive Uses	B-4	B-3	B-2	PCD	B-1	CG
Auto Parts, Accessory, and Supplies Stores	-	P	-	P*	P	P
Auto Glass Stores	-	-	-	P	P	P

Auto Lubrication Stores	-	-	-	P	P	P
Auto Wrecking Yards*	-	-	-	-	-	C
Automobile Mechanical Repair	-	-	-	-	C	P
Automobile Repair, including body and fender and mechanical repair, excluding outdoor storage, display or sales	-	-	-	-	C	P
Automobile Sales and Display*	-	-	-	P	P	P
Automobiles, rental or sale on open lot	-	-	-	P**	-	P
<u>Battery Charging Station (Electric Vehicle), Level 1, Level 2 and Level 3, Principal use</u>		<u>C</u>			<u>C</u>	<u>C</u>
<u>Battery Charging Station (Electric Vehicle), Level 1, Level 2 and Level 3, if accessory to a permitted or conditionally permitted use only.</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Battery Exchange Station (Electric Vehicle), Principal use</u>		<u>C</u>			<u>C</u>	<u>C</u>
<u>Battery Exchange Station (Electric Vehicle), if accessory to a permitted or conditionally permitted use only.</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Battery Service and Sales	-	-	-	P*	P	P
Car Wash	-	-	-	-	C	P
Mobile or Manufactured Homes, open lots for sale or rental of	-	-	-	-	-	P
Park and Pool Lots*	C	C	C	-	C	C
Parking Garages and accessory refueling and servicing	-	-	P	P	P	P
Public and Private Parking Lots for Passenger Cars	-	-	C	P	P	P
Service Stations, full, self, or gas*	-	C	-	-	C	C
Tire Store, not including recapping	-	-	-	P	P	P
Tire Store; provided, that such activities be conducted indoors without outdoor storage, overnight parking, excessive noise or other adverse environmental impacts	-	-	-	P	-	-
Tire, Brake, Muffler Tune-Up	-	-	-	P	P	P

1 *Provided, that such activities be conducted indoors without outdoor storage, overnight parking, excessive
2 noise or other adverse environmental impacts.

3 ** (1) Only at properties either with frontage on the freeway right-of-way or within 1,500 feet of a freeway
4 on- or off-ramp (measured in a straight line from the nearest point of the end of the freeway ramp (where
5 the ramp connects to a public street) to the nearest point of the property).

- 1 (2) Sale of used vehicles as a principal use of the property is prohibited.

Table 21.46.02

Business Service Uses	B-4	B-3	B-2	PCD	B-1	CG
Business Services, not including furniture or equipment sales	AI	P	AI	P	P	P
Business and Professional Services not mentioned elsewhere in this section	-	-	-	P	P	P

2

Table 21.46.03

Eating and Entertainment Uses	B-4	B-3	B-2	PCD	B-1	CG
Fountains and Ice Cream Stands	AI	P	AI	P	P	P-X
Indoor Amusement Enterprises, including skating rinks, bowling alleys, pool halls	-	-	-	P	P	P
Restaurants and Cafeterias providing on-premises service only to seated patrons, no alcoholic beverages served*	AI	P	AI	P	P	P-X
Restaurants providing on-premises service only, to seated patrons, with cocktail lounges*	-	-	P	P	P	P-X
Restaurants, drive-in car service*	-	-	-	-	P	P-X
Taverns, Bars, and Cabarets	-	-	-	P	P	P

3

Table 21.46.04

Institutional Uses	B-4	B-3	B-2	PCD	B-1	CG
Child Day Care*	C	P	-	P	P	P-X
Churches, not using complementary parking	P	P	P	P	P	P-X
Churches with complementary parking*	C	C	C	P	C	C-X
Nursing and Convalescent Homes and Housing for the Elderly and Physically Disabled*	C	C	C	C	C	C
Libraries, Museums, Art Galleries and similar institutions	P	P	P	P	P	P-X
Municipal Services	P	P	P	P	P	P
Higher Education: Universities; Colleges; Technical, Business, Trade and Vocational Schools, excluding automotive and mechanical schools	C	P	P*	P	P	P-X
Primary and Specialty Education: Preschools, Elementary,	C	P	C*	P	P	P-X

Secondary, Dance, Music, Art and similar schools						
--	--	--	--	--	--	--

* Minimum building site of three acres; see also LMC 21.02.175.

Table 21.46.05

Medical Uses	B-4	B-3	B-2	PCD	B-1	CG
Medical, Dental, Optical and Chiropractic Clinics	P	P	P	P	P	P
Veterinary Clinics*	-	-	-	P	P	P-X

Table 21.46.06

Office Uses	B-4	B-3	B-2	PCD	B-1	CG
Business or Professional Office, including offices of a clerical or administrative nature	P	P	P	P	P	P
Office as a Home Occupation*	C	C	C	-	C	C

Table 21.46.07

Personal Service Uses	B-4	B-3	B-2	PCD	B-1	CG
Banks and other financial institutions	-	P	P	P	P	P
Barber Shops and Beauty Parlors	P	P	AI	P	P	P
Dressmaker and Tailoring Shops	C	P	-	P	P	P
Dry Cleaning and Laundry Plants	-	-	-	P	P	P
Dry Cleaning and Laundry, Self-Service	-	P	-	P	P	P
Dry Cleaning and Laundry Pick-up Station for work to be done elsewhere	P	P	AI	P	P	P
Locksmith	C	P	-	P	P	P
Pet Grooming	P	P	P	P	P	P-X

Table 21.46.08

Repair Services Uses	B-4	B-3	B-2	PCD	B-1	CG
Appliance Repair Shops and the like	-	P	-	P	P	P
Shoe Repair	C	P	-	P	P	P

Table 21.46.09

Recreational Activities	B-4	B-3	B-2	PCD	B-1	CG
--------------------------------	------------	------------	------------	------------	------------	-----------

Amusement Centers located 300 feet or more from a single-family or multiple-family zone*	-	-	-	P	P	P
Amusement Centers located less than 300 feet from a single-family or multiple-family zone*	-	-	-	C	C	C
Indoor Amusement Enterprises, including skating rinks, bowling alleys, pool halls	-	-	-	P	P	P-X
Carnivals (see Chapter 5.30)	-	-	P	P	P	P
Circuses (see Chapter 5.30)	-	-	P	P	P	P
Dance Halls, licensed*	-	-	-	P	C	C
Handball Courts, Racquet Clubs, and Indoor and Outdoor Tennis Courts	-	-	C	-	C	P
Health Clubs	-	-	-	P	P	P
Outdoor Ancillary Playground and related equipment	-	-	-	-	C	C
Outdoor Commercial Recreation and Entertainment, including stadiums, race tracks, outdoor theaters, swimming pools, golf courses	-	-	-	-	-	P
Overnight Campgrounds	-	-	-	-	-	C

1 * As measured from the property line of the parcel on which the center is located to the property line of the
2 nearest residentially zoned parcel.

Table 21.46.10

Residential Uses	B-4	B-3	B-2	PCD	B-1	CG
Adult Family Homes	P	P	P	P	P	P
All uses permitted in single-family zones	-	-	-	P	-	-
Multiple-Family Housing Units*	-	-	C	-	-	-
Caretaker or Watchman Quarters	C	C	C	-	C	C
Living Quarters for Homeless Mothers*	P	P	P	P	P	P
Motels and Motor Hotels	-	-	P	P	P	P-X
Respite Care	C	C	-	P	P	P

3

Table 21.46.11

Retail Uses	B-4	B-3	B-2	PCD	B-1	CG
Apparel Shops	-	P	-	P	P	P

Appliance Stores, including incidental repair	-	-	-	P	P	P
Art Stores and Supplies	C	P	-	P	P	P
Audio Sales and Service	-	-	-	P	P	P
Bakery Retail Stores	-	P	-	P	P	P-X
Bicycle Sales and Repair	-	-	-	P	P	P-X
Boat and Equipment Sales and Display, indoors	-	-	-	P	P	P
Boats and Trailer, open lots for sale or rental of	-	-	-	-	-	P
Building Supplies Stores, indoor	-	-	-	-	-	P
Carpet Shops	-	-	-	P	P	P
Convenience Stores not located on the same or adjacent lot to a service station*	-	P	-	P	P	P-X
Convenience Stores located on the same lot and/or within the same building and operated as a single business with a full-service station, self-service station, gas station*	-	C	-	-	C	C-X
Dairy Product Stores	C	P	-	P	P	P
Department Store	-	-	-	P	P	P
Drug Store	-	P	-	P	P	P
Dry Goods Store	-	P	-	P	P	P
Florist Shops, Accessory Greenhouses and Plant Nurseries	P	P	AI	P	P	P
Fountains and Ice Cream Stands	-	P	-	P	P	P
Fresh Fruit, Vegetable or Produce Stand, Outdoor	-	P	-	P	P	P
Gift Shops	P	P	AI	P	P	P
Grocery Stores	-	P	-	P	P	P
Hardware Stores	-	P	-	P	P	P
Hobby Shops	C	P	-	P	P	P
Music Stores and Supplies	C	P	-	P	P	P
News Stands	P	P	AI	P	P	P
Office Supplies, not including furniture or equipment sales	AI	P	AI	P	P	P
Pet Shops	-	P	-	P	P	P-X
Retail Lumber Yards	-	-	-	-	-	C

Retail Stores not mentioned elsewhere in this section	-	-	-	P	P	P
Shopping Centers, including only the uses permitted in the applicable zone	-	P	-	P	P	P
Stationary Store	P	P	AI	P	P	P
Variety Store	-	-	-	P	P	P

Table 21.46.12

Light Industrial Uses+	B-4	B-3	B-2	PCD	B-1	CG
Assembly of Glass, Light Metal, Plastic, Electronic, Electrical or Wood Parts, which are extruded, stamped, manufactured or shaped elsewhere, not precluding minor processes such as cutting or drilling	-	-	-	-	-	P
Bottling and Packaging Plants in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	-	P
Bottling and Packaging Plants in existing spaces of more than 10,000 sq. ft.*	-	-	-	-	-	P
Cold Storage Lockers	-	AI	-	P	P	P
Contractor's Offices and Shops in spaces of 10,000 sq. ft. or less*	-	-	-	-	-	P
Contractor's Offices and Shops in spaces of more than 10,000 sq. ft.*	-	-	-	-	-	C
Garment Factories in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	-	P
Garment Factories in existing spaces of more than 10,000 sq. ft.*	-	-	-	-	-	C
Heavy Equipment Yards	-	-	-	-	-	C
Ice Storage and Dispensing	A	A	A	-	A	A
Research and Development	-	-	P	-	P	P
Printing, Publishing, and Binding (no noise beyond the premises)	-	C	AI	P	P	P
Public Utilities Facilities*	C	P	-	P	P	P
Warehouses in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	-	P
Warehouses in existing spaces of more than 10,000 sq. ft.*	-	-	-	-	-	C
Wholesale stores in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	-	P-X
Wholesale stores in existing spaces of more than 10,000 sq. ft.*	-	-	-	-	-	C-X

2 *Inclusive of all aspects of the business.

Table 21.46.13

Other Uses	B-4	B-3	B-2	PCD	B-1	CG
Adult Establishments	-	-	-	-	-	CA
Adult Retail Uses	-	-	-	-	-	CA
Charitable or Relief Supplies Collection or Storage	-	-	-	-	C	C
Customer Parking, outdoor	A	A	A	-	A	A
Radio or Television Stations, not including Wireless Communications Facility	-	-	P	P	P	P
Recycling Collection Centers*	-	-	-	-	-	C
Temporary Special Events, per Chapter 5.30 LMC	-	-	P	P	P	P
Wireless Communications Facility less than 300 feet from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)*	C	C	C	P	C	C
Wireless Communications Facility 300 feet or more from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)*	P	P	P	P	P	P
Wireless Communications Facility, Attached	P	P	P	P	P	P

+See LMC 21.46.110 through 21.46.119.

Key:

P = Permitted as principal use

A = Permitted as accessory use with a principal use

C = May be permitted as a principal use upon approval of a conditional use permit

AI = Permitted as accessory use if located in the building of a permitted principal use, and internally oriented with principal public access through the main access of the building

- = Not permitted

-X = Not permitted in controlled area

CA = Permitted only in controlled area. See LMC 21.46.120.

Section 6. LMC Section 21.50.100 entitled “Uses allowed in the industrial zones” (Industrial Zones) is hereby amended as follows,

“21.50.100 Uses allowed in the industrial zones.

Table 21.50.01

Use	BTP	LI
Accessory Greenhouses	AC*	–
Assembly of Wood, Light Metal, Glass, Electronic, Electrical or Plastic Parts or Components which are extruded, stamped, manufactured, shaped, or prepared elsewhere, not precluding minor processes such as cutting, drilling, soldering, or minor welding	P	P
Athletic Clubs containing such facilities as handball, racquetball, tennis, and basketball courts, swimming pools, and exercise rooms	P	P
Auditoriums	–	P
Auto Wrecking Yards	–	C
Automotive and Machinery Repairing and Storage	–	P
Banks and Other Financial Institutions	C	–
Barber Shops and Beauty Parlors	AC*	–
Battery Charging Station, (Electric Vehicle) Level 1, Level 2 or Level 3, if accessory to a permitted or conditionally permitted use.	A	A
Battery Exchange Station (Electric Vehicle), Principal or accessory use	P, A	P, A
Biotechnology (except manufacturing pharmaceuticals)	P	P
Blacksmithing, Welding, and Metal Fabricating Shops	–	P
Bookstores, News Stands, and Stationery Stores	AC*	–
Bottling and Packaging Plants	C	–
Building Material Yards	–	P
Business and Professional Offices including offices of a clerical or administrative nature	P	P
Business Services and Office Supplies	P	–
Cabinet, Millwork, or Wood Prefabrication Operations	C	P
Child Day Care (e.g., day care for children of employees or of patrons)	–	AC
Contractor's Offices, Shops, and Indoor Storage	P	P
Contractor's Offices, Shops, and Storage Yards	–	P
Employees' Cafeterias	AC	P
Florist Shops	AC*	–
Food and Dry Goods Distribution Operations	P	P
Food and Dry Goods Processing and Packaging	C	P
Freight Warehouse Terminals	C	P
Furniture Manufacture and Repair Shops	C	P
Wireless Communications Facility less than 300 feet from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)*	C	C
Wireless Communications Facility 300 feet or more from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)	P	P
Wireless Communications Facility, Attached	P	P
Gift Shops	AC*	–
Indoor and/or Outdoor Tennis Courts, Racquet Clubs, and Handball Courts	C	–
Research and Development	P	P
Laundry and Dry Cleaning Plants	–	P
Manufacturing, Rebuilding or Repairing Nonmetal Products	–	P
Manufacturing Pharmaceuticals	–	C

Mass Transit Storage and Maintenance Facilities	–	C
Mini-Warehouses	P	–
Municipal Services	P	P
Park and Pool Lots	C	P
Pharmacies in conjunction with medical, dental, optical, and chiropractic clinics	AC	–
Plant Nurseries	AC*	–
Printing, Publishing and Binding	P	–
Printing Plants	–	P
Public Utility Facilities	C	–
Recycling Collection Centers	–	C
Repair Shops for Household Appliances	AC*	–
Residences for Watchmen or Custodians	–	P
Restaurants providing on-premises service	AC*	–
Retail Lumber Yards	–	P
Universities, Colleges, Schools, including preschools, commercial schools, such as dancing, music, trade, etc.	P	–
Veterinary Clinics and Veterinary Hospitals ⁺	C	–
Warehouses (except mini-warehouses)	P	P
Wholesale trade (i.e., wholesale stores)	P	P
Wholesale trade (i.e., wholesale stores) with retailing confined exclusively to products which are manufactured, packaged, repacked, reloaded or otherwise processed on the same premises	C	P
Wood, Coal and Oil Fuel Yards	–	P

1 +See LMC 21.50.110.

2 Key:

3 P = Use is permitted as a primary use.

4 C = The use may be permitted through issuance of a conditional use permit.

5 A = Permitted as Accessory use with a principal use.

6 AC = Use is permitted as an accessory conditional use and must be related to the principal use of the
7 tenant space or property.

8 AC* = These accessory conditional uses may occupy no more than 25 percent of the floor area.

9 – = Use is prohibited.

10

11 **Section 7.** LMC section 21.52.100 entitled “Outright permitted uses” (Mixed Use/Business Zone), is
12 hereby amended as follows

13

14 **“21.52.100 Outright permitted uses.**

15 The following uses are permitted outright, provided such use complies with all zoning
16 regulations of the city.

17 A. All uses permitted in RS-8 zoning classification.

18 B. Libraries, museums, art galleries, and similar institutions.

19 C. A maximum density of 24 dwelling units per acre will be allowed in this zone. The
20 development standards of the city’s RMH zoning classification will apply, except as otherwise
21 changed by this chapter. Maximum residential density may be increased for nursing and

- 1 convalescent uses, housing for the elderly, and housing for the physically disabled, as
 2 provided by LMC 21.43.110(G) and 21.46.116(C).
 3 D. Banks and other financial institutions.
 4 E. Business, professional, and medical office buildings, including offices of a clerical or
 5 administrative nature.
 6 F. Child day care.
 7 G. Churches with parking in accordance with standards of Chapter 21.18 LMC (see LMC
 8 21.46.113).
 9 H. Municipal services.
 10 I. Motels and motor hotels (see LMC 21.46.116).
 11 J. Parking garages and accessory refueling and servicing.
 12 K. Professional services not mentioned elsewhere in this section.
 13 L. Public utilities facilities (see LMC 21.46.118).
 14 M. Radio and television stations, not including transmitting or receiving towers.
 15 N. Commercial schools, dancing, music, trade, etc.
 16 O. Retail uses (including restaurants), as permitted in the Community Business (B-1) zone
 17 P. Battery Charging Station (Electric Vehicle), Level 1, Level 2 or Level 3, if
 18 accessory to a permitted use or conditionally permitted use.
 19 Q. Battery Exchange Station (Electric Vehicle), Principal or accessory use
 20 (see LMC 21.46.100 et seq.). (Ord. 2441 § 17, 2003; Ord. 2020 § 22, 1994; Ord. 1947 § 3,
 21 1994)

22
 23 **Section 8.** LMC Section 21.57.400 entitled “Land Uses” (College District Mixed Use Zone) is hereby
 24 amended as follows,
 25

26 **“21.57.400 Land uses.**

- 27 A. Principal Uses Permitted Outright.
 28 1. College and university buildings, support services and college accessory facilities.
 29 2. Library.
 30 3. Public transit facilities.
 31 4. Conference or community center (college/community meetings and activities).
 32 5. Tot lot, greenway, vest pocket park, bikeway and other park/open space linkages.
 33 6. Retail store or service business under 4,000 square feet GFA, including, but not limited to:
 34 a. Convenience, drug or variety store;
 35 b. Books, magazines, stationery and school supplies;
 36 c. Child day-care center (fewer than 13 children);
 37 d. Art gallery, art or photo studio, film/photo processing;
 38 e. Art supplies store or frame shop;
 39 f. Professional services (engineering, legal, medical, financial and similar);
 40 g. Business services (bookkeeping, taxes, accounting, management, etc.);
 41 h. Computer repair, maintenance and training, and related technical services;
 42 i. Personal services (grooming, photo processing, counseling, tutoring, etc.);
 43 j. Laundry self-service and pick-up station;
 44 k. Shoe repair, tailoring, locksmith and similar personal services.
 45 7. Movie theater (single-screen at neighborhood scale).
 46 8. Medical office or clinic (limited services to neighborhood and/or college).
 47 9. Food and beverage service businesses under 2,000 square feet GFA, including:
 48 a. Donut shop, bakery or similar specialty-food outlet;

- 1 b. Cafe, coffee shop or restaurant;
2 c. Soda fountain, ice cream parlor, candy store;
3 d. Delicatessen or other specialty food store;
4 e. Tavern, brew pub or nightclub.
5 10. Multiple-family dwellings:
6 a. Maximum density: 20 units per net acre;
7 b. Minimum density: 12 units per net acre;
8 c. Density may be less than minimum if residential units are combined with other uses
9 in same building or on same lot.
10 11. Accessory parking lots and structures. Park-n-ride and park-n-pool facilities are not
11 permitted. Student/faculty parking shall be located west of 68th Avenue.
12 12. Battery Charging Station (Electric Vehicle), Level 1, Level 2 or Level 3 if
13 accessory to a permitted use or conditionally permitted use.
14

15 B. Principal Uses Allowed by Conditional Use Permit.

- 16 1. Tavern, brew pub, club or restaurant that serves alcohol – when within or adjacent
17 to a structure that also contains residences or child care facilities.
18 2. Indoor amusements such as arcades, bowling, pool, card rooms, etc.
19 3. Athletic club or health spa (indoor facilities only).
20 4. Performing arts facility.
21 5. Child day-care center (13 or more children) per LMC 21.42.110(D).
22 6. Boarding house, dormitory or other group residential facilities suitable for students.
23 7. Inn, hotel or similar transient lodging (20 accommodations or less).
24 8. Battery Exchange Station (Electric Vehicle), and only if accessory to a permitted or
25 other conditionally permitted use
26
27
28

29 **Section 9.** LMC Section 21.60.300 entitled “Use Limitations” (City Center District (CC) Zone) is
30 hereby amended as follows,
31

32 21.60.300 Use limitations.

33 All uses shall be allowed in the city center districts unless specifically prohibited below.

34 A. Prohibited in all city center districts:

- 35 1. Adult establishments;
36 2. Billboards;
37 3. Industrial uses (excluding management, research and development, and sales operations);
38 4. Outdoor storage or display of materials and equipment (except during construction);
39 5. Repair of vehicles, unless entirely within a building;
40 6. Sewage treatment plants;
41 7. Work release facilities;
42 8. Wrecking yards;
43 9. Secure community transition facilities;
44 10. Uses not fully contained within a building;
45 11. Battery exchange station (Electric vehicle)

1 12. Battery charging station (Electric Vehicle), Level 1, Level 2 or Level 3, (unless contained
2 within an enclosed parking structure or attached to the exterior of a building containing a
3 principal use.)

4 13+. Any other uses similar to those listed above or any other use determined by the
5 community development director to be inconsistent with the intent of city center districts as
6 described in this chapter and the city center subarea plan.

7 B. Additionally prohibited in the city center – core district (CC-C) (allowed in other districts):

- 8 1. Vehicle washing, unless located within a building or parking structure;
- 9 2. Drive-through businesses, unless located within a building or parking structure;
- 10 3. Gasoline service stations;
- 11 4. Mini-storage on the street level;
- 12 5. Outdoor sales of boats, vehicles, or equipment.

13 C. Additionally prohibited in the portion of the city center – core district (CC-C) that is north
14 of 194th St. SW:

- 15 1. Multiple-family residential.

16
17 **Section 10.** LMC Chapter 21.18 “Off-Street Parking” is hereby amended to included a new section
18 21.18.930 entitled Electric Vehicle Parking as follows,

19
20 **21.18.930 Electric Vehicle Parking**

21 A. General. Electric vehicles may be parked in any space designated for public
22 parking, regardless of whether or not the parking space has electric vehicle
23 charging capabilities.

24 B. Electric Vehicle Charging Station Space. When provided, electrical vehicle
25 charging station spaces shall comply with the following requirements:

26
27 1. Use. Electric vehicle charging station spaces shall be reserved for parking and
28 charging electric vehicles only when charging at the space is available.

29 2. Number. There is no minimum required number of charging station spaces.

30 3. Size. Where provided, spaces shall be standard size stalls.

31 4. Location and Design Criteria. Where provided, electric vehicle charging station
32 spaces shall include the following:

33
34 (a) Signage. Each charging station space shall be posted with signage
35 indicating the space is for electric vehicle charging purposes. Days and hours
36 of operations shall be included if time limits or tow away provisions are to be
37 enforced.

38 (b) Maintenance. Charging station equipment shall be maintained in all
39 respects, including the functioning of the charging equipment. A phone
40 number or other contact information shall be provided on the charging station
41 equipment for reporting malfunctioning equipment or other problems. Spaces
42 no longer used for electric vehicle charging shall have the electric vehicle
43 infrastructure removed.

44 (c) Accessibility. Charging equipment shall be located so as not to interfere
45 with accessibility requirements of WAC 51-50-005.

1 (d) Signs for electric vehicle parking shall be consistent with the Manual for
2 Uniform Control Devices (MUTCD).
3
4

5 **Section 11.** LMC section 17.02.230 is hereby amended as follows:
6

7 “17.02.230 Adoption by reference (WAC 173-806-180).
8 The city adopts by reference the following rules for categorical exemptions, as supplemented
9 in this chapter, including WAC 173-806-080, Use of Exemptions, and 173-806-190,
10 Environmentally Sensitive Areas:
11 WAC
12 197-11-800 Categorical Exemptions.
13 197-11-880 Emergencies.
14 197-11-890 Petitioning DOE to Change Exemptions.
15 RCW 43.21C.410 Battery charging and exchange station installation
16
17

18 **Section 12.** If any section, sentence, clause or phrase of this ordinance should be held to be
19 invalid or unconstitutional by a court of competent jurisdiction, such invalidity or
20 unconstitutionality shall not affect the validity or constitutionality of any other section,
21 sentence, clause or phrase of this ordinance.

22 **Section 13.** This ordinance or a summary thereof consisting of the title shall be published
23 in the official newspaper of the City, and shall take effect and be in full force five (5) days
24 after publication.

25
26 PASSED BY THE CITY COUNCIL, the _____ day of _____, 2011.

27
28 APPROVED:
29
30

31 _____
32 Don Gough, Mayor
33

34 ATTEST/AUTHENTICATED:
35
36
37

38 _____
39 Lorenzo Hines
40 Finance Director

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APPROVED AS TO FORM:

Rosemary Larson
City Attorney

FILED WITH ADMINISTRATIVE SERVICES: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NUMBER: _____

1
2 On the _____ day of _____, 2011, the City Council of the City of
3 Lynnwood, Washington, passed Ordinance No. _____. A summary of the content of said
4 ordinance, consisting of the title, provides as follows:
5

6
7 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON,
8 ADDING NEW LMC SECTIONS 21.02.081, 21.02.082, , 21.02.304,
9 21.02.308, 21.02.312, 21.02.316, 21.02.593 AND 21.18.930,
10 RENUMBERING LMC SECTION 21.02.210 TO LMC SECTION 21.02.208,
11 AMENDING LMC SECTIONS 21.42.400, 21.43.400, 21.44.100, 21.46.100,
12 21.50.100, 21.52.100, 21.57.400, AND 17.02.230 FOR THE PURPOSES OF
13 COMPLIANCE WITH 2SHB 1481 AND THE DEVELOPMENT OF
14 ELECTRIC VEHICLE INFRASTRUCTURE., PROVIDING FOR
15 SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY
16 PUBLICATION.
17

18 The full text of this Ordinance will be mailed upon request.
19

20 DATED this _____ day of _____, 2011.
21
22
23
24
25

26 _____
27 FINANCE DIRECTOR
28

ELECTRIC VEHICLE INFRASTRUCTURE SUMMARY								
ZONES	Level 1 Charging (Principal Use)	Level 1 Charging (Accessory Use)	Level 2 Charging (Principal Use)	Level 2 Charging (Accessory Use)	Level 3 Rapid Charging (Principal Use)	Level 3 Rapid Charging (Accessory Use)	Battery Exchange Station (Principal Use)	Battery Exchange Station (Accessory Use)
RS (1)		P		P				
RM (2)		P		P				
P		P		P		P		P
B4		P		P		P		P
B3 (3)	C	P	C	P	C	P	C	P
B2		P		P		P		P
PCD		P		P		P		P
B1(3)	C	P	C	P	C	P	C	P
CG (3)	C	P	C	P	C	P	C	P
PRC (3)	C	P	C	P	C	P	C	P
CR (3)	C	P	C	P	C	P	C	P
BTP		P		P		P	P	P
LI		P		P		P	P	P
MU/B (3)	C	P	C	P	C	P	C	P
CD (4)		P		P		P		C
CC (5)		P		P		P		

1. Single Family Residential Zones - Level 1 and Level 2 Battery charging stations are allowed as an accessory use but shall be privately owned with restricted access (e.g. occupants of a single family home, employees and members of the congregation in the case of a religious institution.) The battery charging station shall not be open for use to the general public.
2. Multiple Family Residential Zones - Level 1 and Level 2 Battery charging stations are allowed as an accessory use but shall be privately owned with restricted access (e.g. renters of a multiple family dwelling complex, employees and members of the congregation in the case of a religious institution.) The battery charging station shall not be open for use to the general public.
3. PRC-Planned Regional Commercial, CR-Commercial Residential, B3-Neighborhood Business, B1-Community Business, CG-General Commercial Zones, and MU-Mixed Use/Business - Level 1, 2 and 3 Battery charging stations and battery exchange stations permitted as

accessory uses; require a conditional use permit if a principal use. These zones have greater allowances for auto oriented uses than do other commercial zones and therefore are proposed to allow electric vehicle infrastructure as principal uses subject to conditional use permit.

4. College District Zone - Battery exchange station requires conditional use permit and must be accessory to a permitted or conditionally permitted use.

5. City Center Zone - Level 1, 2 and 3 Battery charging stations only allowed as an accessory permitted use if contained within an enclosed parking structure or attached to the exterior of a building containing a principal use. Battery exchange stations not allowed.

ORDINANCE NO. 1351

CITY OF LACEY

AN ORDINANCE RELATING TO THE INFRASTRUCTURE FOR ELECTRIC VEHICLE CHARGING AND ADDING A NEW CHAPTER, 16.73 TO THE LACEY MUNICIPAL CODE AND ADOPTING A SUMMARY FOR PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY,

WASHINGTON, as follows:

Section 1. There is hereby added to the Lacey Municipal Code a new Chapter

16.73 entitled Electric Vehicle Infrastructure to read as follows:

16.73.010 Intent

- A. To provide adequate and convenient electric vehicle charging stations to serve the needs of the traveling public;
- B. To provide opportunities for Lacey residents to have safe and efficient personal electric charging stations located at their place of residence;
- C. To provide the opportunity for commercial and industrial projects to supply electrical vehicle charging station services to their customers and employees;
- D. To create standard criteria to encourage and promote safe, efficient and cost effective electric vehicle charging opportunities in a full range of zones and settings for convenience of service to those that use electric vehicles;

16.73.015 General Provisions

- A. **Use of specially designated charging stalls:** Electric vehicle charging stations should be reserved for parking and charging electric vehicles only.
- B. **Electric vehicles parking:** Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

16.73.020 Definitions

- A. **“Battery charging station”** means an electrical component assembly or cluster or component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

B. “BEV” means a battery electric vehicle. A **battery electric vehicle**, or **BEV**, is a type of electric vehicle (EV) that uses chemical energy stored in rechargeable battery packs. As with other electric vehicles, BEVs use electric motors and motor controllers instead of internal combustion engines (ICEs) for propulsion. Sometimes, all-electric vehicles are referred as BEVs (although a plug-in hybrid vehicle is also a battery electric vehicle).

C. “Battery exchange station” means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charge battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540.

D. “Charging levels” means the electrical force, or voltage, at which an electric vehicle’s battery is recharged. Levels 1, 2, and 3 are the most common EV charging levels, and include the following specifications:

1) Level 1 is considered slow charging. It requires a 15 or 20 amp breaker on a 120-volt AC circuit and standard outlet. This level of charging can fully recharge a BEV between 8 and 32 hours and a PHEV between 3 and 15 hours.

2) Level 2 is considered medium charging. It requires a 40 amp to 100 amp breaker on a 240-volt AC circuit. This level of charging can fully recharge a BEV between 4 and 6 hours and a PHEV between 1 and 2 hours.

3) Level 3 is considered fast charging. It requires a 60 amp or higher dedicated breaker on a 480 volt or higher three-phase circuit with special grounding equipment. Level 3 charging uses an off-board charger to provide the AC to DC conversion, delivering DC directly to the car battery. Charging time ranges from 25-40 minutes for BEVs and less than 20 minutes for PHEVs.

E. “Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle a; (3) a neighborhood electric vehicle; (4) medium-speed electric vehicle; and (5) electric motorcycles.

F. “Electric vehicle charging station” means a public or private parking space located together with a battery charging station which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle. An electric vehicle charging station is permitted as an accessory use to any principal use.

G. “Electric vehicle infrastructure” means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

H. “Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for an electric vehicle.

I. “Fast charging station” means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

J. “NEV” Means a Neighborhood Electric Vehicle. This is an electric vehicle that is capable of traveling at a maximum speed of 25 mph. They come with safety features like headlights, turn signals and seat belts. They may also be referred to as Low Speed Vehicles or LSVs.

K. “Non-Electric Vehicle” means any motor vehicle that does not meet the definition of “electric vehicle.”

L. “PHEV” Is a **plug-in hybrid electric vehicle**, also known as a **plug-in hybrid**. It is a hybrid vehicle with rechargeable batteries that can be restored to full charge by connecting a plug to an external electric power source. A PHEV shares the characteristics of both a conventional hybrid electric vehicle, having an electric motor and an internal combustion engine; and of an all-electric vehicle, also having a plug to connect to the electrical grid. Most PHEVs on the road today are passenger cars, but there are also PHEV versions of commercial vehicles and vans, utility trucks, buses, trains, motorcycles, scooters, and military vehicles.

16.73.030 Where Permitted

A. Zones allowed: “Electric Vehicle charging stations” shall be considered an allowed use in association with a primary permitted use in every zoning designation;

B. Compatibility: For land use compatibility purposes, the charging activity should be proportionate to the associated permitted use; “Electric vehicle charging station(s)” shall be permitted in association with a single family use designed to serve the occupants of the home with a level 1 or 2 charging level. Whereas, charging station(s) installed in a parking lot at a commercial destination, or located in a vehicle service station in close proximity to Interstate 5, is expected to have intensive use and will be permitted to have multiple “fast charging stations” to serve expected demand.

C. Battery Exchange Stations: “Battery exchange stations” are permitted in any commercial, industrial or mixed use zone. Provided, all other requirements for the building or space the use occupies can be satisfied, such as design review, fire code and building code requirements. This use is specifically prohibited in exclusively residential zones or zones designated OSI for environmentally sensitive reasons.

16.73.035 Process for review

A. New residential construction: If associated with new residential construction, installation of a charging station shall be processed in association with the underlying permit(s).

B. Retrofitting single family residential: If retrofitting a single family home for a charging station, an electrical permit shall be required.

C. Retrofitting a commercial site, multifamily residential or community site in a residential land division:

1) SPR Required if Impacts identified: If the Director of Community Development determines that retrofitting for a charging station(s) in an existing commercial, multifamily, or community site in a residential land division, could significantly impact parking, landscaping, signing, drainage or other public interest concerns, the proposal will be reviewed and approved through the City Site Plan Review (SPR) process (LMC 16.84).

2) Exempted if no impacts identified: If the Director of Community Development determines a retrofit will not adversely impact any issues of public interest, the proposal may be exempted from SPR requirements.

3) Site plan required for evaluation: To determine if the application will be processed through SPR or exempted, the applicant shall submit a site plan showing the location and scope of the proposal.

4) Electrical permit required: All applications, exempted or requiring SPR, shall also require an electrical permit.

D. Battery exchange: If the facility includes a battery exchange station, or is associated with a new commercial activity requiring SPR approval, the application shall be reviewed and approved through SPR, (LMC 16.84).

16.73.040 Design Criteria and guidelines

A. Design Criteria for commercial and multifamily development or common/community owned areas of a residential development: The following criteria should be applied to electric charging facilities.

1. Number required: This is an optional improvement. No minimum number of stalls applies. Provided, if electric vehicle stalls are reserved for electric vehicles, care should be taken to ensure enough spots are available for all of a site's parking needs.

2. Generally: Location and layout of electric vehicle parking is expected to vary based on the design and use of the primary parking lot. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.

3. Signage to identify: Each charging station space should be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations should be included if time limits or tow away provisions are to be enforced by the owner.

4. Signage to find: Installation of wayfinding signs at the parking lot entrance and at appropriate decision points to effectively guide motorists to the charging station space(s).

5. Maintenance: Charging station equipment should be maintained in all respects, including the functioning of the charging equipment.

6. Accessibility: Where Charging Station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, charging equipment should be located so as to not interfere with accessibility requirements of WAC 51-50-005.

7. Lighting: Where Charging Station equipment is installed adequate site lighting should also be provided unless charging is for daytime purposes only.

8. Notification of station specifics: Information on the charging station must identify voltage and amperage levels and time of use, fees or safety information.

9. Avoid the most convenient parking spaces: Stalls should not be located in the most convenient spots because this would encourage use by non electric vehicles.

10. Avoid conflict with handicap spots: Stalls should generally not be located adjacent to handicap spots unless designed for handicap use.

11. Design for compatibility: Design should be appropriate to the location and use. Facilities should be able to be readily identified by electric cars users but blended into the surrounding landscape/architecture for compatibility with the character and use of the site.

12. Size: Where provided, spaces should be standard size parking stalls.

13. Public streets: Generally charging stations should not be located along public streets where it could impact the landscaping and aesthetic components of the streetscape. Sites within the streetscape must be approved by the Public Works Director.

B. Electric vehicle charging station design standards for single family residential sites.

Installation of vehicle charging stations on single family residential sites shall meet the manufacturing and installation requirements of the International Building Code (IBC) and National Electrical Code (NEC).

Section 2. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, at a regularly-called meeting thereof, held this 12th day of
August, 2010.

CITY COUNCIL

By: Tom Nelson
Mayor

Approved as to form:

[Signature]
City Attorney

Attest:

Carol Lita
City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE NO. 1351

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on August 12, 2010, Ordinance No. 1351, entitled "AN ORDINANCE RELATING TO THE INFRASTRUCTURE FOR ELECTRIC VEHICLE CHARGING AND ADDING A NEW CHAPTER, 16.73 TO THE LACEY MUNICIPAL CODE AND ADOPTING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Ordinance is created for the purpose of encouraging the location of convenient electric vehicle charging stations for use of the traveling public.
2. The Ordinance specifies the infrastructure requirements for electric vehicle charging stations in the various zones in the City and for battery charging stations in those zones where the location of such facility is proper.
3. The Ordinance approves this Summary for publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: August 16, 2010.

CITY OF MOUNTLAKE TERRACE

ORDINANCE NO. 2553

AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON, TO PROVIDE FOR ELECTRIC VEHICLE INFRASTRUCTURE BY ADDING A NEW CHAPTER 19.126 MTMC ELECTRIC VEHICLE INFRASTRUCTURE, A NEW MTMC 19.30.100, A NEW MTMC 19.80.280, AND A NEW MTMC 19.105.080 AND BY AMENDING ORDINANCE NO. 2447 §3 AND MTMC 19.23.100, ORDINANCE NO. 2476 §1 AND MTMC 19.45.050, ORDINANCE NO. 2503 §1 AND MTMC 19.50.070, ORDINANCE NO. 2476 §2 AND MTMC 19.55.050, ORDINANCE NO. 2551 § 2 AND MTMC 19.60.070, ORDINANCE NO. 2476 §3 AND MTMC 19.65.040, ORDINANCE NO 2074 §4.15(G) AND MTMC 19.75.070, AND ORDINANCE NO. 2476 §4 AND MTMC 19.85.040

WHEREAS, electric vehicles are increasingly becoming available in the Puget Sound region within which Mountlake Terrace is located; and

WHEREAS, using electricity in the Pacific Northwest to power vehicles, instead of using petroleum fuels, results in significant reductions in the emissions of pollutants, including greenhouse gases, and reduces reliance on imported sources of energy for transportation; and

WHEREAS, certain infrastructure, such as charging facilities, are needed to facilitate transportation by electric vehicles; and

WHEREAS, SSHB 1481, which was adopted by the State Legislature in 2009, requires Mountlake Terrace and other cities with a population greater than 20,000 and location within 1 mile of Interstate-5, Interstate-405, or State Route 520 to have development regulations that allow electric vehicle charging infrastructure; and

WHEREAS, the City Council recognizes that effective electric infrastructure will encourage the use of electric vehicles, potentially resulting in reduced greenhouse gases and other pollutants, and the City Council desires electric vehicle infrastructure in appropriate locations; and

WHEREAS, MTMC 19.110.240(C) contains three criteria, including consistency with the City's Comprehensive Plan, for amending the zoning code and both the Planning Commission and City Council considered whether the proposed zoning code amendments met each of the criteria; and

WHEREAS, the Growth Management Act of the State of Washington (GMA) contains goals and requirements, such as consistency with the local Comprehensive Plan, that pertains to zoning code amendments and the zoning code amendments in this Ordinance are consistent with the GMA; and

WHEREAS, after public notice, the Planning Commission held a public hearing on October 25, 2010, considered the record, found the proposed zoning code amendments for electric vehicle infrastructure to be consistent with the criteria in MTMC 19.110.240(C) for amending the zoning code and with the Growth Management Act, and recommended that the Council adopt the proposed zoning code amendments; and

WHEREAS, after public notice, the City Council held a public hearing on November 1, 2010, considered the proposed code amendments and the entire record, including recommendations from the Planning Commission, and found the proposed zoning code amendments to be consistent with the criteria in MTMC 19.110.240(C) and with the Growth Management Act;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Mountlake Terrace Municipal Code Section 19.125.140 Electric vehicle parking is hereby added to Chapter 19.125 to read as follows:

19.125.140 Electric vehicle parking.

Electric vehicle parking shall be provided in accordance with Chapter 19.126 MTMC.

Section 2. Mountlake Terrace Municipal Code Chapter 19.126 Electric Vehicle Infrastructure is hereby added to Title 19 Zoning Code to read as follows:

ELECTRIC VEHICLE INFRASTRUCTURES

Sections:

- 19.126.010 Purpose.
- 19.126.020 Definitions.
- 19.126.030 Permitted locations.
- 19.126.040 Required facilities.
- 19.126.050 General requirements.
- 19.126.060 Accessible facilities.
- 19.126.070 Charging and parking.
- 19.126.080 Parking restrictions.
- 19.126.090 Signage.

19.126.010 Purpose.

The purpose of this chapter is to encourage the transition to electric vehicle use and to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure that such a transition necessitates.

19.126.020 Definitions.

For the purposes of this chapter and other chapters of the municipal code that address electric vehicle infrastructure, the following definitions shall apply.

“Accessible electric vehicle charging station” means an electric vehicle charging station

where the battery charging station equipment is located within accessible reach of a barrier-free access aisle (minimum 44-inch width) and the electric vehicle.

“Battery charging station” means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

“Battery electric vehicle (BEV)” means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

“Battery exchange station” means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540.

“Charging level” means the standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged. Levels 1, 2, and 3 are defined by the electrical output, per the following specifications:

1. Level 1. Voltage including the range from 0 through 120.
2. Level 2. Voltage is greater than 120 and includes 240.
3. Level 3 is considered fast or rapid charging. Voltage is greater than 240.

“Designated accessible space” means an accessible parking space required by WAC 51-50-005 and designated for the exclusive use of parking vehicles with a State Disabled Parking Permit.

“Electric scooters and motorcycles” means any 2-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries and produces zero emissions or pollution when stationary or operating.

“Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

“Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

“Electric vehicle charging station — restricted” means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

“Electric vehicle charging station — public” means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking) or (2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots).

“Electric vehicle infrastructure” means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

“Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

“Medium-speed Electric Vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Sec. 571.500.

“Neighborhood Electric Vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500.

“Non-Electric Vehicle” means any motor vehicle that does not meet the definition of “electric vehicle.”

“Plug-in hybrid electric vehicle (PHEV)” means an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

“Rapid charging station” means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

19.126.030 Permitted locations.

Electric vehicle infrastructure shall be permitted in zoning districts of the city as identified in MTMC 19.23.100.

19.126.040 Required facilities.

A. Beginning July 1, 2011, development for each of the land uses identified in Table 1 of subsection B of this section shall be required to provide electric vehicle infrastructure as shown in the table. For purposes of Table 1, electric vehicle charging stations shall be provided when the development is 10,000 square feet or more and one of the following occurs:

1. A new building or a new off-street parking facility is developed;
2. An addition or improvement to an existing building is made that meets a certain threshold, pursuant to MTMC 19.120.250; or
3. The parking capacity of an existing building, site, or parking facility is increased by more than 50%.

B. The first column in Table 1 shows the type of land use for which electric vehicle charging stations shall be provided, pursuant to this section. The second column shows the minimum percentage of the facility’s parking spaces that shall provide a connection to electric vehicle charging stations.

Table 1 Required number of electric vehicle charging stations

Land Use Type	Percentage of Parking Spaces
Multi-household residential	10%
Lodging	3%
Retail, eating and drinking establishment	1%
Office, medical	3%

Land Use Type	Percentage of Parking Spaces
Industrial	1%
Institutional, Municipal	3%
Recreational/Entertainment/Cultural	1%
Other	3%

C. Design for expansion. In order to allow for additional electric vehicle parking in the future as the market for such vehicles grows, beginning January 1, 2011, all development that meets the criteria of subsection A of this section shall be designed to allow for double the amount of electric vehicle parking shown in Table 1.

1. Site design must provide electrical, associated ventilation, accessible parking, and wiring connection to transformer to support the additional potential future electric vehicle charging stations.

19.126.050 General station requirements.

A. Size. A standard size parking space shall be used for an electric vehicle charging station where such a station is required or planned.

B. Installation and equipment. The station installation and equipment shall be consistent with the rules and regulations adopted pursuant to RCW 19.27.540, Electric vehicle infrastructure requirements, and with applicable regulations under the City's Building Code Chapter 15.05 MTMC and Fire Code Chapter 15.10 MTMC Fire Code.

C. Location, design, and maintenance. Where provided, parking for electric vehicle charging purposes shall meet standards 1-5 of this subsection.

1. Signage. Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced.

2. Clearance. Charging station equipment mounted on pedestals, light posts, bollards or other devices shall be a minimum of 24 inches clear from the face of curb.

3. Charging Station Equipment. Charging station outlets and connector devices shall be no less than 36 inches or no higher than 48 inches from the top of surface where mounted, and shall contain a retraction device and/or a place to hang permanent cords and connectors sufficiently above the ground or paved surface.

4. Charging Station Equipment Protection. When the electric vehicle charging station space is perpendicular or at an angle to curb face and charging equipment, adequate equipment protection, such as wheel stops or concrete-filled steel bollards shall be used.

5. Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

D. Data to be available. To allow for maintenance and notification, the owners of any private new electric vehicle infrastructure station that will be publicly available (see definition "electric vehicle charging station — public") shall provide information on the station's geographic location, date of installation, equipment type and model, and owner contact information.

E. Time limits may be placed on the number of hours that an electric vehicle is allowed to charge, prohibiting indefinite charging/parking. If applicable, warnings shall be posted to alert charging station users about hours of use and possible actions affecting electric vehicle

charging stations that are not being used according to posted rules.

F. Electric vehicle signage shall be provided pursuant to MTMC 19.126.090.

G. Location. Placement of a single electric vehicle charging station is preferred at the beginning or end stall on a block face.

19.126.060 Accessible facilities.

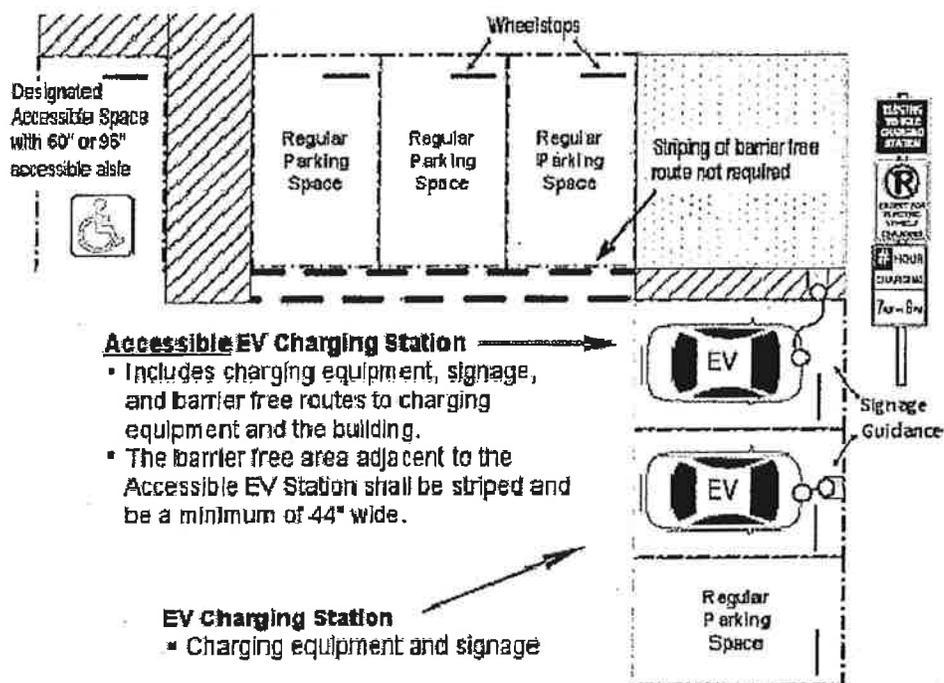
A. Where electric vehicle charging stations are provided in parking lots or parking garages, excluding garages in single-household residential units, accessible electric vehicle charging stations shall be provided according to the ratios shown on Table 1 in this subsection. The first column indicates the number of electric vehicle stations being provided on-site and the second column indicates the number of accessible charging stations that are to be provided for the corresponding number(s) of charging stations.

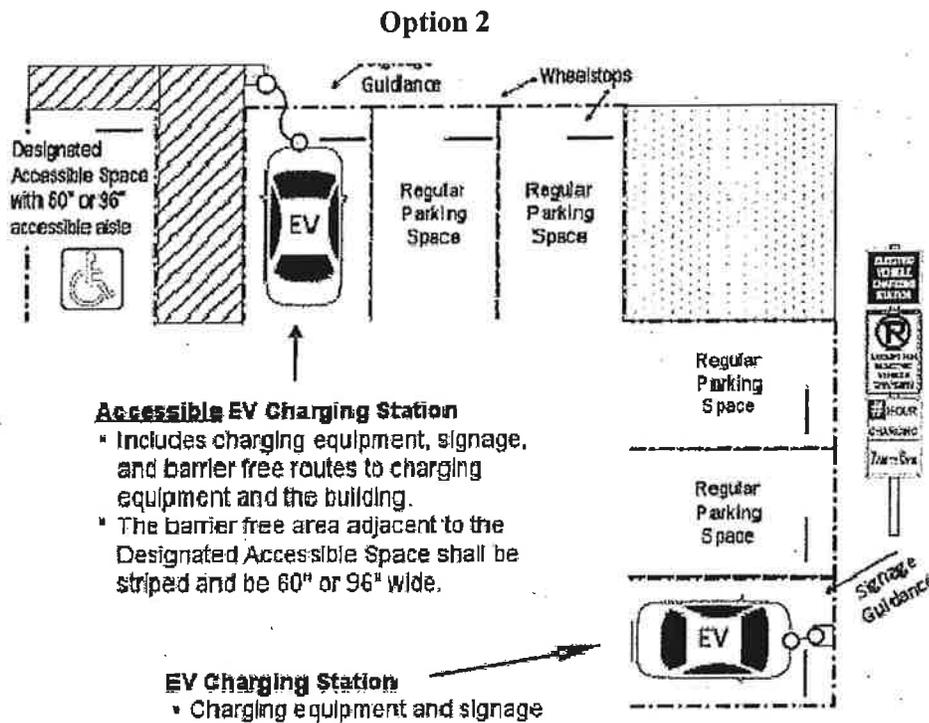
Table 1: Minimum Number of Accessible Electric Vehicle (EV) Charging Stations

Number of EV charging stations	Minimum accessible EV charging stations
5-50	1
51-100	2
101-150	3
151-200	4
201-250	5
251-300	6

B. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons. Below are two options for providing for accessible electric vehicle charging stations.

Option 1





19.126.070 Charging and parking.

- A. Electric vehicle charging stations, where provided for public use, are reserved for parking and charging electric vehicles only.
- B. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

19.126.080 Parking restrictions.

- A. No person shall stop, stand or park any non-electric vehicle in a space designated through signage as an electric vehicle charging station. Any non-electric vehicle is subject to removal by the property owner or the property owner's agent.
- B. Any electric vehicle in any designated electric vehicle charging station and that either (a) is not electrically charging or (b) is parked beyond the days and hours designated on regulatory signs posted at or near the space, shall be subject to removal as posted by the property owner or the property owner's agent as posted by the property owner or the property owner's agent. For purposes of this subsection, "charging" means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

19.126.090 Signage.

- A. Electric vehicle charging stations available for public use shall have posted signage, as identified in this subsection, allowing only charging electric vehicles to park in such spaces. For purposes of this subsection, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.



B. Signage for parking of electric vehicles shall include:

1. Information on the charging station to identify voltage and amperage levels and any time of use, fees, or safety information.
2. As appropriate, directional signs at appropriate decision points to effectively guide motorists to the charging station space(s).

C. Optional Signage. Optional information may be posted to alert potential charging station users to other expectations.

Section 3. Mountlake Terrace Ordinance No. 2447 § 3 and Mountlake Terrace Municipal Code Section 19.23.100 Other land uses is hereby amended to read as follows:

19.23.100 Electric vehicle infrastructure.

A. Electric vehicle infrastructure facilities are permitted in zoning districts of the City as identified in Table 1. The table identifies in the first column the abbreviated name of each zoning district. The second, third, and fourth columns indicate a type of electric vehicle infrastructure. For each zoning district, the table identifies the type of electric vehicle infrastructure that is permitted and the process under which it is permitted. "P" indicates that the infrastructure corresponding to that column is a permitted use in the corresponding zoning district. "C" indicates that the infrastructure corresponding to that column is a conditional use in the corresponding zoning district. A column that is blank for a particular zoning district indicates that the infrastructure is not permitted in that zone.

Table 1

Zone	Charging Level 1 and Level 2 Station	Charging Level 3 Station	Battery Exchange Station
RS	P		
RM	P		
BC	P	P	P
BC/D	P	P ¹	P ¹
CG	P	P	P
F/T	P	P	P
LI/OP	P	P	P

Zone	Charging Level 1 and Level 2 Station	Charging Level 3 Station	Battery Exchange Station
REC	P	C	C
SSD/R	P		
SSD C/R	P	P ²	
PFS	P	P	P

¹ Permitted for all building types except Type 7.

² Not permitted in residential uses

Section 4. Mountlake Terrace Municipal Code Section 19.30.100 Electric Vehicle Charging Station Level 2, home preparation is hereby added to Mountlake Terrace Municipal Code Chapter 19.30 to read as follows:

19.30.100. Electric Vehicle Charging Station Level 2, home preparation.

A. Beginning July 1, 2011, all new home construction and additions modifying greater than 50% of the assessed value of the building shall be built to accommodate one electric vehicle charging station level 2, consistent with the National Electric Code Article 625.

1. The plan will identify a specific place or area where a level 2 charging station could be safely installed in the future without creating a tripping hazard.

2. The new construction or addition shall include installation of the necessary conduit to a potential future level 2 charging station.

3. The electrical load of the building shall accommodate a level 2 charging station, including any applicable ventilation requirements.

Section 5. Mountlake Terrace Ordinance No. 2476 §1 and Mountlake Terrace Municipal Code Section 19.45.050 Special regulations is hereby amended to read as follows:

19.45.050 Special regulations.

Special regulations, as specified below, shall apply to certain uses and locations in the BC district:

A. Sexually oriented businesses/adult entertainment establishments shall not be permitted.

B. For all multiple-household residential development, the ground floor shall be primarily for commercial uses, consistent with the City’s building code, except that Building Type E, as provided for in MTMC 19.45.030, may have commercial or residential uses on the ground floor.

C. Bicycle storage for multiple-household dwellings shall be subject to the same standards as required within the RM districts.

D. All uses shall be conducted wholly within an entirely enclosed building except for the following:

1. Public utility facilities.

2. Parking facilities and loading areas, provided that no area outside of an enclosed building shall be used for storage, repair or sale of vehicles.

3. Vehicle service stations.

4. Outdoor advertising structures.

5. Sale or display of retail goods as part of a permitted farmer’s market, street vendor cart/stand or seasonal event, or sale or display of fresh market produce, including cut flowers, in conjunction with an adjacent business; provided, that no combination of awnings or tents that

comprise more than a total of 200 square feet anywhere on the lot shall remain outdoors on-site for more than 72 consecutive hours unless the structures are specifically permitted as a temporary use or part of an approved building in compliance with applicable building and fire code standards.

E. Uses that create a nuisance by reason of smoke, fumes, odor, steam, gases, vibration, hazard or noise shall be prohibited.

F. The storage of hazardous waste shall be allowed only as an accessory use to a legally established primary use of the property and shall be managed subject to all applicable federal, state, and local statutes.

G. Any use that includes an emergency vehicle as part of its operation shall be designed for emergency vehicle egress that is as safe as possible for pedestrians and traffic.

H. Street improvements, including curb, gutter, sidewalk, and planting area, shall be required for any lot that is being developed to include a new building or building expansion greater than 500 square feet, where such improvements are lacking or inconsistent with current City standards as required pursuant to MTMC 19.45.060.

I. Conditional uses shall be evaluated in part based on:

1. Pedestrian orientation.
2. Provision for transition between single-household zones and more intense uses.
3. Site and building design that is sensitive to the neighborhood context.

J. Outdoor play areas that serve any school or day care center with more than 12 juvenile attendees shall be designed in a manner that buffers potential noise impacts on any adjacent residents in a RS or RM district.

K. Single-household dwellings legally established prior to March 30, 2008, may be rebuilt, repaired, expanded, and otherwise changed for human occupancy to an extent not to exceed 50 percent of the actual value of the building. Accessory uses for an existing single-household dwelling such as garages, carports, storage sheds, and fences may be constructed subject to the same limits. Any improvements shall comply with the development regulations specified for the RS 7200 zoning district for single-household dwellings and accessory structures.

L. In this zoning district, no single retail establishment, whether located in a single building or combination of buildings on a site, shall exceed 60,000 square feet of gross floor area in the aggregate. The term "gross floor area" shall include indoor and outdoor space utilized for retail display and sale of goods. The gross floor area of adjacent stores shall be aggregated in cases where the stores (1) are engaged in the selling of similar or related goods, wares or merchandise and operate under common ownership or management; (2) share checkstands, a warehouse, or a distribution facility; or (3) otherwise operate as integrated business enterprises.

M. Off-street parking shall be provided for multiple-household dwellings in a total amount that equals at least 1.25 parking spaces per unit for each unit of two or less bedrooms and one additional parking space for each bedroom beyond two bedrooms in a unit. Parking spaces must include guest or flexible space, which is not contained within a private dwelling, at a ratio of at least one space for every four dwelling units unless a parking study is provided that documents to the satisfaction of the City's traffic engineer that a slightly different ratio of guest or flexible parking space is appropriate.

N. Chapter 19.126 MTMC shall regulate electric vehicle infrastructure.

Section 6. Mountlake Terrace Ordinance No. 2503 §1 and Mountlake Terrace Municipal Code Section 19.50.070 Special regulations is hereby amended to read as follows:

19.50.070 Special regulations.

Special regulations, as specified below, shall apply to certain uses and locations in the area zoned as BC Downtown:

- A. Sexually oriented adult businesses/adult entertainment establishments shall not be permitted.
- B. Multiple-household residential development shall be allowed; provided, that commercial uses are located on the ground floor in Building Types 1 through 5 and that in Building Type 1, 2A, and 2B, at least 60 percent of the ground floor shall be for commercial retail or commercial eating/drinking establishment uses. Residential uses are permitted in Building Type 7 without commercial uses, except that the ground floor of any Type 7 building facing 56th Avenue West shall be designed and built to accommodate commercial uses.
- C. Casinos or social card rooms as defined in RCW 9.46.0217 and 9.46.0282 shall not be permitted.
- D. All uses shall be conducted wholly within an entirely enclosed building except for the following:
1. Public utility facilities;
 2. Parking and loading areas; provided, that no area outside of an enclosed building shall be used for storage, repair or sale of vehicles;
 3. Outdoor advertising structures;
 4. Sale or display of retail goods as part of a permitted farmer's market, street vendor cart/stand or seasonal event, or sale or display of fresh market produce, including cut flowers, in conjunction with an adjacent business; provided, that no combination of awnings or tents that comprise more than a total of 200 square feet anywhere on the lot shall remain outdoors on-site for more than 72 consecutive hours unless the structures are specifically permitted as a temporary use or part of an approved building in compliance with applicable building and fire code standards.
- E. Manufacture or assembly shall be limited to containers or supplies and final packaged products that do not exceed 12 feet in any dimension.
- F. Nuisances and Safety. Uses that create a nuisance by reason of smoke, fumes, odor, steam, gases, vibration, hazard or noise shall be prohibited. Any use that includes emergency vehicles as part of its operation shall be designed for emergency vehicle egress that is as safe as possible for pedestrians and traffic.
- G. Special Provisions for Existing Single-Household Dwellings. An existing detached single-household dwelling may be rebuilt, repaired, and otherwise changed for human occupancy to an extent not to exceed 50 percent of the assessed value of the building in any 60-month period. Accessory uses for an existing single-household dwelling such as garages, carports, storage sheds, and fences may be constructed subject to the same limits. In addition to the above provision, any such improvements shall comply with the development regulations specified for the RS 7200 zoning district for single-household dwellings and accessory structures.
- H. Parking Standards for BC Downtown. Within the BC Downtown zone, a minimum number of vehicle parking spaces shall be provided on-site as follows:
1. Commercial uses: two spaces for each 1,000 square feet of gross, leasable area, except that the first 5,000 square feet of a retail use or an eating/drinking establishment within a building or on a single parcel shall be exempt from the minimum number of required parking spaces, so long as at least four on-street parking spaces are within 200 feet;
 2. Residential uses: 1.25 spaces for each unit of two bedrooms or less; 1.5 spaces for

each unit of three bedrooms; one space per two bedrooms beyond three bedrooms in any unit.

Hotel: one space for each unit.

I. Commercial Frontage Requirements and Features. For commercial frontages in the BC Downtown district, no setback requirements shall be required from the right-of-way as long as the sight triangle at corners and sight distances are adequate and pedestrian activity areas of 15 feet, as measured between face of curb, excluding sidewalk bulbs which extend into the street to direct traffic and minimize crosswalk distances, and face of building, are provided consistent with design standards referenced in subsection J of this section. Street improvements, including sidewalk, curb, and gutter, will be required for any lot that is being developed where these are lacking or inconsistent with current standards. Improvements shall be designed by the applicant and may be constructed through private project funding, public-private partnership or with other downtown business and property owners.

J. Design Standards. To assure an attractive, pedestrian-friendly environment, all development occurring within the BC Downtown district upon the effective date of the ordinance codified in this section, unless otherwise exempted by this chapter, shall comply with Town Center design standards which are attached to the ordinance codified in this section and adopted by reference as though fully set forth herein and which shall be available from the Department. If said design standards appear to conflict with another provision of this title, the design standards shall prevail.

K. Landscaping, Pedestrian and Bicyclist Features. Pedestrian amenities, benches, bicycle stands, refuse and recycle containers may be located within required landscape areas and pedestrian activity areas as long as a minimum eight-foot-wide area is available for pedestrian and wheelchair use between intersections; provided, that the placement of such features is consistent with the design standards referenced in subsection J of this section.

L. Conditional uses shall be evaluated or conditioned in part based on:

1. Pedestrian orientation;
2. Avoidance of shading effect on public plazas and single-household zones;
3. Provision for transition between intense uses and single-household zones.

M. Garages. For single-dwelling houses and Type 7 buildings, garage openings shall not face public streets other than service alleys; provided, that this provision does not apply to any garage located more than 40 feet from a street or any garage legally built prior to January 1, 2009.

N. For development that provides environmentally friendly techniques, such as low stormwater impact measures or a LEED silver or higher rating, or public open space in addition to required pedestrian activity areas, the Department may approve minor deviations up to 10 percent from the required parking spaces and the exact dimensional requirements specified in MTMC 19.50.050(B)(2), except that no deviation from height requirements is allowed.

O. Within the area designated as Building District B incentives overlay, an extra story of development (up to six stories total) is allowed if the project provides low impact stormwater design and energy conservation features that achieve a greater environmental benefit than the minimum measures required by code and that are approved as sustainability incentives by the Director. Such development, if approved, is subject to the dimensional requirements of MTMC 19.50.050(B).

P. Chapter 19.126 MTMC shall regulate electric vehicle infrastructure.

Section 7. Mountlake Terrace Ordinance No. 2476 §2 and Mountlake Terrace Municipal Code Section 19.55.050 Special regulations is hereby amended to read as follows:

19.55.050 Special regulations.

Special regulations, as specified below, shall apply to certain uses and locations in the CG district:

- A. Sexually oriented businesses/adult entertainment establishments shall not be permitted.
- B. Multiple-household residential development shall be allowed; provided, that commercial uses, excluding parking facilities, are located on the ground floor facing and adjacent to the public street and comprise the majority of the ground floor building area.
- C. Bicycle storage for multiple-household dwellings shall be subject to the same standards as required within the RM districts pursuant to Chapter 19.35 MTMC.
- D. All uses shall be conducted wholly within an entirely enclosed building except for the following:
 1. Bulk retail items, such as vehicles, building materials, and manufactured homes.
 2. Public utility facilities.
 3. Parking facilities and loading areas; provided, that no area outside of an enclosed building shall be used for repair of vehicles.
 4. Vehicle service stations.
 5. Outdoor advertising structures.
- E. The storage of hazardous waste shall be allowed only as an accessory use to a legally established primary use of the property and shall be managed subject to all applicable federal, state, and local statutes.
- F. Any use that includes emergency vehicles as part of its operation shall be designed for emergency vehicle egress that is as safe as possible for pedestrians and traffic.
- G. Street improvements, including curb, gutter, sidewalk, and planting area, shall be required for any lot that is being developed to include a new building or building expansion greater than 500 square feet where such improvements are lacking or inconsistent with current City standards.
- H. Off-street parking shall be provided for multiple-household dwellings in a total amount that equals at least 1.25 parking spaces per unit for each unit of two or less bedrooms and one additional parking space for each bedroom beyond two bedrooms in a unit. Parking spaces must include guest or flexible space, which is not contained within a private dwelling, at a ratio of at least one space for every four dwelling units, unless a parking study is provided that documents to the satisfaction of the City's traffic engineer that a slightly different ratio of guest or flexible parking space is appropriate.
- I. Conditional uses shall be evaluated in part based on:
 1. Pedestrian and transit orientation.
 2. Provision for transition between single-household zones and more intense uses.
 3. Site and building design that is sensitive to the community context and to the use of adjacent properties.
- J. Chapter 19.126 MTMC shall regulate electric vehicle infrastructure.

Section 8. Mountlake Terrace Ordinance No. 2551 §2 and Mountlake Terrace Municipal Code Section 19.60.070 Special regulations is hereby amended to read as follows:

19.60.070 Special regulations.

Special regulations, as specified below, shall apply to certain uses and locations in the F/T district.

A. An existing single-household dwelling legally built prior to October 1, 2010 may continue to be used as a single-household dwelling to the extent it meets other applicable codes. The dwelling may also be rebuilt, repaired, expanded, improved, and otherwise changed for human occupancy, subject to the standards in MTMC 19.60.090.

B. Sexually oriented businesses/adult entertainment establishments shall not be permitted.

1. A circulator street shall be provided from 244th Street SW into the development known as Gateway Place and encompassing Building Districts A, B, and C. All lots within Building Districts A, B, and C shall have direct access from the circulator street. Direct access may be extended into and through Building District D.

C. Multiple-household residential development shall be allowed; provided, that commercial uses, excluding parking facilities, are located on the ground floor facing and adjacent to the circulator street or public street and comprise the majority of the ground floor building area. On the ground floor, residential use is limited to no more than 15% of the floor area.

D. Bicycle storage and parking shall be provided as follows:

1. Multiple-household dwellings shall be subject to the same bicycle storage standards as required within the RM districts pursuant to Chapter 19.35 MTMC.

2. Commercial uses shall be subject to the bicycle parking standards set forth in MTMC 19.125.130.B.

E. All uses shall be conducted wholly within an entirely enclosed building except for the following:

1. Large-scale retail items, such as vehicles and manufactured homes, provided that the items are actively being offered for sale from a retail store on the same site;

2. Parking facilities and loading areas for motor vehicles and bicycles;

3. Outdoor advertising structures and signage; and

4. Pedestrian activity areas, plazas, and outdoor cafes.

F. The storage of hazardous waste shall be allowed only as an accessory use to a legally established primary use of the property and shall be managed subject to all applicable federal, state, and local statutes.

G. Any use that includes emergency vehicles as part of its operation shall be designed for emergency vehicle egress that is as safe as possible for pedestrians and traffic.

H. Street improvements, including curb, gutter, sidewalk, and planting area consistent with the F/T Design Standards, and all necessary utilities shall be required to be installed for any lot that is being developed where such improvements are lacking or inconsistent with current City standards, provided that certain minor improvements or alterations, pursuant to this title, shall not of themselves trigger this requirement.

I. Vehicle parking Standards.

1. For non-residential uses, vehicle parking shall comply with the parking standards set forth in Chapter 19.125 MTMC, provided that in Building Districts E and F, the first 2,000 square feet of a retail or eating/drinking establishment use on a single lot shall be exempt from the minimum parking requirements as long as four available parking spaces are located within 200 feet.

2. For multiple-household dwellings, excluding townhomes and live-work units, off-street vehicle parking shall be provided in a total amount that equals at least 0.75 parking spaces per studio or one bedroom unit; 1.0 parking spaces per unit of two or less bedrooms, and one-half additional parking space for each bedroom beyond two bedrooms in a unit. Parking spaces must also include guest or flexible space that is not contained within a private dwelling, at a ratio

of at least one space for every four dwelling units, unless a parking study documents to the satisfaction of the Director, in consultation with the City's traffic engineer, that a slightly different ratio of guest or flexible parking space is appropriate.

3. For townhomes and live-work units, two off-street parking spaces are required per unit. At least one of the two required parking spaces must be in a garage within the townhome or live-work unit.

J. Design Standards. To assure an attractive, pedestrian-friendly environment, all development occurring within the F/T District upon the effective date of the ordinance codified in this section, unless otherwise exempted by this chapter, shall comply with the F/T Design Standards, which are attached to the ordinance codified in this section and adopted by reference as though fully set forth herein and which shall be available from the Department. If the F/T Design Standards appear to conflict with a provision of another chapter of this title, said Design Standards shall prevail within the F/T District.

K. Townhomes and live-work units are exempted from the F/T Design Standards but shall comply with building and site standards set forth in the Multi-family Design Standards.

L. Any development of Building Districts C and D shall be designed in a manner that allows a future roadway to connect directly with 236th Street SW, as approved by the Director, in order to ensure future access from 236th Street SW, consistent with the Comprehensive Plan Transportation Element.

M. For Building Districts B and D, a minimum tree buffer is required as specified in MTMC 19.60.050.B. The tree buffer shall primarily consist of a forested area of mature native trees and may be accompanied by younger trees and understory vegetation. Trees in the tree buffer area shall not be disturbed or removed, except as necessary for forest management or safety and subject to any studies and permits required by the municipal code.

N. Street frontages. A pedestrian activity area of at least 12 feet in width from the back of curb shall be provided along the entire frontage of vacant property that is being developed and, as required by MTMC 19.60.090, along the entire frontage of property that is being redeveloped. The pedestrian activity area is subject to the F/T Design Standards adopted under MTMC 19.60.070.J.

O. Undergrounding of power and other utility lines is required for all development in Building Districts A, B, C, and D. The placement of power poles, except as needed on a temporary basis during construction, is prohibited in Building Districts, A, B, C, and D. Undergrounding of power in Building Districts E and F is subject to the code requirements that apply to all areas of the city.

P. Chapter 19.126 MTMC shall regulate electric vehicle infrastructure.

Section 9. Mountlake Terrace Ordinance No. 2476 §3 and Mountlake Terrace Municipal Code Section 19.65.040 Special regulations is hereby amended to read as follows:

19.65.040 Special regulations.

The following special regulations shall apply to certain uses and locations in the area zoned as LI/OP:

A. Indoor shooting ranges shall be adequately soundproofed and shall be designed to prevent projectiles from escaping the premises.

B. To ensure an attractive appearance and transit/pedestrian access on major corridors used by the general public, all development occurring on property adjacent to the public right-of-way for 220th Street SW or 66th Avenue W within the LI/OP district upon the effective date of the ordinance codified in this section, unless otherwise exempted by this chapter, shall comply with the light industrial/office park (LI/OP) district design standards which are attached to the ordinance codified in this section and adopted by reference as though fully set forth herein and which shall be available from the Department. If said design standards appear to conflict with another provision of the municipal code, the design standards shall prevail. The LI/OP design standards do not apply to any property in the district that is not adjacent to 220th Street SW or 66th Avenue W, except as otherwise specified by this chapter.

C. Buildings that are at least 50 feet from the public right-of-way for 220th Street SW or 66th Avenue W are exempt from the building design standards contained in the LI/OP design standards.

D. Street improvements, including curb, gutter, sidewalk, and planting area, shall be required for any lot that is being developed to include a new building or building expansion greater than 500 square feet where such improvements are lacking or inconsistent with current City standards.

E. The standard dimensions in this district for sidewalk and planting areas on 220th Street SW or 66th Avenue W are a minimum of 13 feet from the face of the street curb and shall include a five-foot planting area next to the curb and a seven-and-one-half-foot-wide sidewalk, except that, as necessary, any portion of the sidewalk area that is on private property may be developed as a pedestrian activity area, subject to applicable provisions of the LI/OP district design standards adopted pursuant to this chapter. Sidewalks and planting areas to meet these dimensional requirements shall be installed as development or street reconstruction occurs, pursuant to specific provisions of this chapter.

F. Loading and service facilities shall not be within 60 feet of any RS or RM district unless no other location is possible due to site constraints.

G. Large-scale trash receptacles within 20 feet of the public right-of-way shall be screened from view. Screening shall consist of solid wood or masonry fencing six feet high, except as provided otherwise in the LI/OP district design standards adopted pursuant to this chapter.

H. Chapter 19.126 MTMC shall regulate electric vehicle infrastructure.

Section 10. Mountlake Terrace Ordinance No. 2074 §4.15(G) and Mountlake Terrace Municipal Code Section 19.75.070 Special regulations is hereby amended to read as follows:

19.75.070 Special regulations.

The following special regulations apply to uses located within the REC district as specified below:

A. Sexually oriented adult businesses/adult entertainment establishments shall be prohibited in the REC district;

B. Fencing for playfields, tennis courts, golf courses, basketball courts, and other related facilities are permitted. In some cases protective fencing or backstops may be constructed to a maximum of 50 feet in height to contain stray baseballs, golf balls, etc. Fencing for these facilities shall be reviewed and approved by the Planning Department and the Parks and Recreation Director;

C. Portable toilets/sani-cans are permitted outright for seasonal operations in parks and special events as approved by the Parks and Recreation Director;

D. Concession stands, permanent structure/building or temporary, shall be reviewed and approved by the Planning Department and the Parks and Recreation Director;

E. Golf Courses (Including Public and Private). Access to at least a minor arterial street is required. Commercial use or development accessory to the golf course is limited to a pro shop for the sale and rental of golf equipment, a driving range, and one eating/drinking establishment, meeting/assembly rooms and administrative offices; and

F. Public utility facilities are a conditional use in the Recreation district and subject to review and approval by the City Council.

G. Signs shall be permitted subject to the following regulations:

1. Permanent Signs – Size. The maximum total freestanding or projecting sign area for a recreation facility shall not exceed an area of 100 square feet subject to the following criteria:

a. Recreation facility signs shall be only indirectly lighted;

b. The maximum sign area per street frontage shall be 50 square feet;

c. Signs advertising recreation facilities and associated commercial activities shall be permanently installed in the ground and not exceed a height of 15 feet above grade level at the base of the mounting pole or poles;

d. Associated commercial activities shall not have separate freestanding or pole mounted signs but may contain their trademark name within the recreation facility sign except that such trademark shall be secondary to the identification of the recreation facility and not exceed 25 percent of the sign area of said sign; and

e. The commercial activity may have one directional trademark sign located on the structure containing the use not to exceed 15 square feet in area and shall be only indirectly lighted.

2. Temporary Signs. Signs that cannot be classified under subsection (G)(1) of this section as permanent shall not be added into the size limitations for permanent signs but shall be restricted as to size, design, location and length of exhibition by the Planning Commission. Temporary signs shall be subject to the following design criteria:

a. They shall be in good taste and not detract from the aesthetics of the recreation facility;

b. They shall be constructed and maintained so that they do not become a public nuisance or eyesore from lack of maintenance or design;

c. The Planning Commission may require the removal of any such sign or signs if they are offensive in any way to the character and use of the recreation facility by the general public; and

d. Temporary signs shall be removed upon termination of the approval period of the Planning Commission.

H. Chapter 19.126 MTMC shall regulate electric vehicle infrastructure.

Section 11. Mountlake Terrace Municipal Code Section 19.80.280 Special Regulations is hereby added to Mountlake Terrace Municipal Code Chapter 19.80 to read as follows:

19.80.280 Special Regulations.

In the SDD/R district, Chapter 19.126 MTMC shall regulate electric vehicle infrastructure.

Section 12. Mountlake Terrace Ordinance No. 2476 §4 and Mountlake Terrace Municipal Code Section 19.85.040 Special regulations is hereby amended to read as follows:

19.85.040 Special regulations.

Special regulations, as specified below, shall apply to the SDD C/R district.

A. Multiple-household dwellings are allowed only as part of a mixed commercial/residential development. Such residential uses shall not comprise more than 10 percent of the ground floor of any building.

B. All uses, including storage, shall be conducted wholly within an entirely enclosed building except for the following:

1. Public utility facilities.
2. Parking facilities and loading areas; provided, that no area outside of an enclosed building shall be used for storage or repair of vehicles.
3. Sale or rental of vehicles.
4. Vehicle service stations.
5. Outdoor advertising structures.
6. Sale or display of fresh produce, nursery supplies, and cut flowers.

C. Sexually oriented business/adult entertainment establishments shall not be permitted.

D. Off-street parking shall be provided for multiple-household dwellings in a total amount that equals at least 1.25 parking spaces per unit for each unit of two or less bedrooms and one additional parking space for each bedroom beyond two bedrooms in a unit. Parking spaces must include guest or flexible space, which is not contained within a private dwelling, at a ratio of at least one space for every four dwelling units, unless a parking study is provided that documents to the satisfaction of the City's traffic engineer that a slightly different ratio of guest or flexible parking space is appropriate.

E. Chapter 19.126 MTMC shall regulate electric vehicle infrastructure.

Section 13. Mountlake Terrace Municipal Code Section 19.105.020 Permitted uses is hereby added to Mountlake Terrace Municipal Code Chapter 19.105 to read as follows:

19.105.020 Permitted uses.

Permitted uses in the PFS district are limited to the following:

Public Service Facilities:

1. Disaster emergency facilities, temporary;
2. Fire/aid car stations;
3. Libraries;
4. Municipal office buildings;
5. Police stations;
6. Public work facilities;
7. Recycling collection stations;
8. Storm drainage facilities;
9. City-owned property devoted to public use such as street rights-of-way, or other

similar uses;

Recreation/Entertainment:

10. Recreation facilities, publicly owned;

Transportation Facilities:

11. Bus stops/shelter stations.
12. Electric vehicle charging stations, charging levels 1, 2, and 3.

Section 14. Mountlake Terrace Ordinance No. 1574 § 3.1 and Mountlake Terrace Municipal Code Section 16.05.080 Categorical exemptions and threshold determinations is hereby amended to read as follows:

16.05.080 Categorical exemptions and threshold determinations – RCW and WAC sections adopted.

MTMC 16.05.080 through 16.05.130 contain the rules for deciding whether a proposal has a “probable significant, adverse environmental impact” requiring an Environmental Impact Statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The City adopts the following sections by reference, as supplemented in MTMC 16.05.080 through 16.05.130:

- WAC 197-11-300 Purpose of this part.
- WAC 197-11-305 Categorical exemptions.
- WAC 197-11-310 Threshold determination required.
- WAC 197-11-315 Environmental checklist.
- WAC 197-11-330 Threshold determination process.
- WAC 197-11-335 Additional information.
- WAC 197-11-340 Determination of nonsignificance (DNS).
- WAC 197-11-350 Mitigated DNS.
- WAC 197-11-360 Determination of significance (DS)/initiation of scoping.
- WAC 197-11-390 Effect of threshold determination.
- RCW 43.21C.410 Battery charging and exchange station installation

Section 15. Severability. If any section, sentence, clause or phrase of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 16. Conflict. All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 17. Effective date. This Ordinance shall be in full force and effect five (5) days after the date of publication.

Section 18. Summary. This Ordinance or a summary thereof, consisting of the title, shall be published in the official newspaper of the City and shall take effect and be in full force on the effective date of this Ordinance.

PASSED BY THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE this 1st day of November, 2010 and signed in authentication of its passage the 1st day of November, 2010.


MAYOR JERRY SMITH

ATTEST: 
CITY CLERK

APPROVED AS TO FORM: Gregory G. Schrag, City Attorney



City of Tukwila

Washington

Ordinance No. 2324

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING SECTIONS OF TITLES 9, 18 AND 21 OF THE TUKWILA MUNICIPAL CODE REGARDING ELECTRIC VEHICLE INFRASTRUCTURE AND TO ADOPT REGULATIONS RELATED TO ELECTRIC VEHICLE INFRASTRUCTURE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, during the 2009 session the Washington State Legislature passed House Bill 1481 "HB 1481", an Act relating to electric vehicles, and the bill addressed electric vehicle infrastructure including the structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations; and

WHEREAS, the purpose of HB 1481 is to encourage the transition to electric vehicle use and to expedite the establishment of a convenient and cost-effective electric vehicle infrastructure that such a transition necessitates, and the Legislature agreed that the development of a convenient infrastructure to recharge electric vehicles is essential to increase consumer acceptance of these vehicles; and

WHEREAS, greenhouse gas emissions related to transportation constitute more than 50 percent of all greenhouse gas emissions in the State of Washington; and

WHEREAS, the use of electricity from the Northwest as a transportation fuel instead of petroleum fuels results in significant reductions in the emissions of pollutants, including greenhouse gases, and reduces the reliance of the state on imported sources of energy for transportation; and

WHEREAS, broad-based installation of new universally compatible charging stations is intended to ensure that plug-in electric vehicles will be a viable alternative to gasoline-powered vehicles; and

WHEREAS, RCW 35.63.126 requires the City of Tukwila to allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas by July 1, 2011; and

WHEREAS, most of the recharging for private electric vehicles will be done in residential settings and, therefore, allowing electric vehicle infrastructure in these areas

is in the public interest and will provide opportunities for Tukwila residents to have safe and efficient personal electric charging stations located in their place of residence; as businesses may want to install electric vehicle infrastructure to serve their customers and employees, allowing this infrastructure in commercial and industrial areas is also in the public interest; and

WHEREAS, pursuant to RCW 35.63.126, this ordinance proposes to amend development regulations found in Tukwila Municipal Code Titles 9, 18 and 21 to allow electric vehicle infrastructure; and

WHEREAS, on October 14, 2010, the City's State Environmental Policy Act (SEPA) Responsible Official issued a Determination of Non-Significance on the proposed amendments; and

WHEREAS, on October 28, 2010, the Tukwila Planning Commission, following adequate public notice, held a public hearing to receive testimony concerning amending the Tukwila Municipal Code and adopted a motion recommending the proposed changes; and

WHEREAS, on February 1, 2011, the City was informed by the Washington State Department of Commerce that it had met the Growth Management Act notice requirements under RCW 36.70A.106; and

WHEREAS, on February 14, 2011, the Tukwila City Council, following adequate public notice, held a public hearing to receive testimony concerning the recommendations of the Planning Commission;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Definition Added. A new definition is added to Tukwila Municipal Code (TMC) Chapter 18.06 to read as follows:

"Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles and that meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and is consistent with rules adopted under RCW 19.27.540.

Section 2. Definition Added. A new definition is added to TMC Chapter 18.06 to read as follows:

"Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swap-able battery to enter a drive lane and exchange the depleted battery for a fully charged battery through a fully automated process that meets or exceeds any standards, codes, and regulations set forth by chapter 19.27 RCW and is consistent with rules adopted under RCW 19.27.540.

Section 3. Definition Added. A new definition is added to TMC Chapter 18.06 to read as follows:

"Charging levels" means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms "Level 1, 2, and 3" are the most common EV charging levels and include the following specifications:

1. Level 1 is considered slow charging.
2. Level 2 is considered medium charging.
3. Level 3 is considered fast or rapid charging.

Section 4. Definition Added. A new definition is added to TMC Chapter 18.06 to read as follows:

"Electric vehicle" means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

Section 5. Definition Added. A new definition is added to TMC Chapter 18.06 to read as follows:

"Electric vehicle charging station" means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle

Section 6. Definition Added. A new definition is added to TMC Chapter 18.06 to read as follows:

"Electric vehicle charging station—restricted" means an electric vehicle charging station that is (1) privately owned and has restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

Section 7. Definition Added. A new definition is added to TMC Chapter 18.06 to read as follows:

"Electric vehicle charging station—public" means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking) or (2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots).

Section 8. Definition Added. A new definition is added to TMC Chapter 18.06 to read as follows:

"Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

Section 9. Definition Added. A new definition is added to TMC Chapter 18.06 to read as follows:

“Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

Section 10. Definition Added. A new definition is added to TMC Chapter 18.06 to read as follows:

“Rapid charging station” means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and is consistent with rules adopted under RCW 19.27.540.

Section 11. New Regulations Established. New regulations regarding electric vehicle parking, to be codified at TMC Section 9.28.037, are hereby adopted to read as follows:

9.28.037 Electric Vehicle Parking. The following regulations apply to enforcement of non-electric vehicles that park in electric vehicle charging station spaces and for electric vehicles parked out of compliance with posted days and hours of charging operation. These regulations are applicable for electric vehicle charging station spaces that are publicly accessible (e.g., on-street parking, municipal garages, park-and-ride lots, shopping centers etc.). Signage regulations for enforcement are included in Title 18, Chapter 18.56, Off-Street Parking and Loading Regulations.

1. Electric vehicle charging stations are reserved for parking and charging electric vehicles only.

2. Electric vehicles may be parked in any space designated for public parking subject to the restrictions that would apply to any other vehicle that would park in that space.

3. When a sign authorized under Tukwila Municipal Code Chapter 18.56 provides notice that a space is a designated electric vehicle charging station, no person shall park or stand any non-electric vehicle in a designated electric vehicle charging station space. Any non-electric vehicle is subject to fine or removal.

4. Any electric vehicle in a designated electric vehicle charging station space and not electrically charging, or parked beyond the days and hours designated on regulatory signs posted at or near the space, shall be subject to a fine and/or removal. For purposes of this subsection, “charging” means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

5. Upon adoption by the City of Tukwila, the City engineer shall cause appropriate signs and marking to be placed in and around electric vehicle charging station spaces, indicating prominently thereon the parking regulations. The signs shall define time limits and hours of operation, as applicable, shall state that the parking space is reserved for charging electric vehicles and that an electric vehicle may only park in the space for charging purposes. Violators are subject to a fine and/or removal of their vehicle.

6. Violations of this section shall be punishable as infractions. Punishment shall be by a fine not to exceed the fine prescribed in accordance with Tukwila Municipal Code Section 9.28.040. Each day such violation is committed shall constitute a separate offense and shall be punishable as such. Any commissioned police officer or Tukwila Police Department volunteer authorized by the Police Chief or other designated law official in the manner and subject to the requirements of TMC Section 9.20.090 is authorized to issue electric vehicle parking infractions.

7. In addition to a fine, a vehicle left parked or standing in violation of TMC Section 9.28.037, upon a publicly accessible electric vehicle charging space that is appropriately marked and posted, is subject to being removed from the charging space by any commissioned police officer or Tukwila Police Department volunteer authorized by the Police Chief or other designated law official in the manner and subject to the requirements of TMC Section 9.20.090.

Section 12. New Regulations Established. New regulations regarding charging station locations, to be codified at TMC Section 18.50.140, are hereby adopted to read as follows:

18.50.140 Charging Station Locations. Level 1 and Level 2 charging stations are allowed as an accessory use in the predominantly residential zones LDR, MDR and HDR. Level 1 and Level 2 charging stations are allowed as a permitted use in all other zones. Level 3 charging stations, battery exchange stations, and rapid charging stations are allowed as a permitted use in all zones that allow other automotive services such as gas stations, and are allowed as an accessory use in all other zones.

Section 13. New Regulations Established. New regulations regarding electric vehicle charging station spaces, to be codified at TMC Section 18.56.135, are hereby adopted to read as follows:

18.56.135 Electric Vehicle Charging Station Spaces.

A. **Applicability.** Regulations are applicable to all parking lots or garages, except those that include restricted electric vehicle charging stations.

B. **Number of stations.** No minimum number of charging station spaces is required.

C. **Minimum Parking Requirements.** An electric vehicle charging station space may be included in the calculation for minimum required parking spaces that are required pursuant to other sections of this chapter.

D. **Location and Design Criteria.** The provision of electric vehicle parking will vary based on the design and use of the primary parking lot. The following required and additional locational and design criteria are provided in recognition of the various parking lot layout options.

1. Where provided, parking for electric vehicle charging purposes is required to include the following:

a. Signage. Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operation shall be included if time limits or tow away provisions are to be enforced. Refer to the Manual on Uniform Traffic Control Devices for electric vehicle and parking signs (and as depicted in Exhibit A).

b. Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A telephone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or when other problems are encountered.

c. Accessibility. Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment shall be located so as not to interfere with accessibility requirements of WAC 51-50-005.

d. Lighting. Where charging station equipment is installed, adequate site lighting shall exist, unless charging is allowed during daytime hours only.

2. Charging station spaces for electric vehicles should also consider the following signage information:

a. Information on the charging station, identifying voltage and amperage levels and any time of use, fees, or safety information.

b. Installation of directional signs at the parking lot entrance and at appropriate decision points to effectively guide motorists to the charging station space(s). Refer to the Manual on Uniform Traffic Control Devices for electric vehicle and directional signs (and as depicted in Exhibit A).

Section 14. Ordinance Nos. 2173 §1 and 1331 §10, as codified at TMC Section 21.04.080, are hereby amended to read as follows:

21.04.080 Categorical exemptions and threshold determinations - Adoption by reference. The City adopts the following sections of WAC Chapter 197-11 and RCW 43.21C.410, as now existing or as may be amended hereafter, by reference as supplemented in this chapter:

- WAC 197-11-300 Purpose of this part
- WAC 197-11-305 Categorical exemptions
- WAC 197-11-310 Threshold determination required
- WAC 197-11-315 Environmental checklist
- WAC 197-11-330 Threshold determination process
- WAC 197-11-335 Additional information
- WAC 197-11-340 Determination of Non-Significance (DNS)
- WAC 197-11-350 Mitigated DNS
- WAC 197-11-355 Optional DNS process
- WAC 197-11-360 Determination of Significance (DS)/initiation of scoping

WAC 197-11-390 Effect of threshold determination

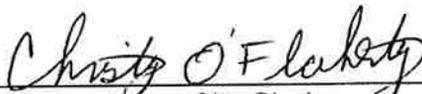
RCW 43.21C.410 Battery charging and exchange station installation

Section 15. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 16. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force and effect five (5) days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this 22nd day of February, 2011.

ATTEST/AUTHENTICATED:


Christy O'Flaherty, City Clerk


Jim Haggerton, Mayor

APPROVED AS TO FORM BY:

Shelley M. Kerslake, City Attorney

Filed with the City Clerk: 2-16-11
Passed by the City Council: 2-22-11
Published: 2-28-11
Effective Date: 3-5-11
Ordinance Number: 2324

Attachment: Exhibit A – Electric Vehicle Charging Station Signage

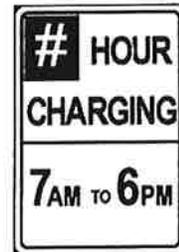
18.56.235.1.a. Examples of charging station signage.



12" x 12"

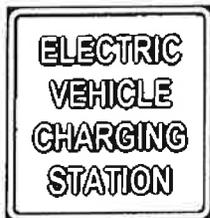


12" x 18"

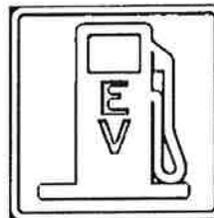


12" x 18"

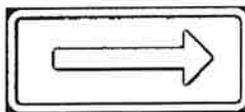
18.56.235.2.b. Examples of electric vehicle charging station directional signage.



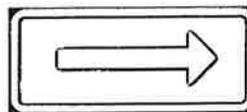
12" x 12"



12" x 12"



12" x 6"



12" x 6"

City of Tukwila Public Notice of Ordinance Adoption for Ordinances 2323-2325.

On February 22, 2011 the City Council of the City of Tukwila, Washington, adopted the following ordinances the main points of which are summarized by title as follows:

Ordinance 2323: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, REPEALING ORDINANCE NO. 1917 §1, AS CODIFIED AT TUKWILA MUNICIPAL CODE CHAPTER 5.20, "CERTAIN GAMBLING ACTIVITIES PROHIBITED"; PROHIBITING SOCIAL CARD ROOMS CONDUCTED AS A COMMERCIAL STIMULANT EFFECTIVE JANUARY 1, 2016; AMENDING ORDINANCE NO. 1809 §1 (PART) AS CODIFIED AT TUKWILA MUNICIPAL CODE SECTION 3.08.080 "PAYMENT OF TAX – PENALTY FOR LATE PAYMENTS"; TERMINATING THE MORATORIUM ESTABLISHED BY ORDINANCE NO. 2279 AND EXTENDED BY ORDINANCE NO. 2307; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

Ordinance 2324: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING SECTIONS OF TITLES 9, 18 AND 21 OF THE TUKWILA MUNICIPAL CODE REGARDING ELECTRIC VEHICLE INFRASTRUCTURE AND TO ADOPT REGULATIONS RELATED TO ELECTRIC VEHICLE INFRASTRUCTURE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

Ordinance 2325: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, REPEALING ORDINANCE NOS. 639 §2 AND 2046 §1, AS CODIFIED AT TUKWILA MUNICIPAL CODE 2.38.020, REGARDING LAW ENFORCEMENT OFFICERS AND CITY POLICE OFFICERS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this ordinance will be provided upon request.

Christy O'Flaherty, CMC, City Clerk

Published Seattle Times: February 28, 2011

Lynnwood Planning Commission
Meeting of April 14, 2011

Staff Report

Agenda Item: E-2
Role of the City Council Liaison

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

Lynnwood Department of Community Development

Action

Continue discussion of the roles and responsibilities of the City Council Liaison to the Planning Commission.

Background

Earlier this year, members of the Planning Commission have made comments about their concepts of the roles and responsibilities of the City Council Liaison to the Planning Commission and asked to have the opportunity to discuss this matter at a future meeting. This agenda item provides the opportunity for the Commission to continue that discussion.

Relevant Legal Citations

LMC Section 2.24.090 (Advisory Bodies – General Provisions; Liaisons and Representatives) states,

“A city council representative may be available to each advisory body for the purpose of providing a constructive relationship between the city council and the advisory body without implying direction, review, or oversight of the activities of the advisory body.”

Analysis and Comment

Following on discussions at prior Planning Commission meetings, staff has compiled a draft list of the roles and responsibilities for the Liaison that seemed to reflect the opinions of the Commission members. At this work session, the Commission will have the opportunity to add to or to revise this draft.

At a prior meeting, Commission AuBuchon indicated that state law might have provisions regarding the position/role of City Council liaison to a Planning Commission. Staff has both reviewed the sections of state law regarding organization of the planning

function of a city and asked the Municipal Research and Services Center (MRSC) about this matter and has not identified any relevant provisions in state law.

Recommendation

Complete discussion and make revisions to the attached document.

Attachments

- Roles of the City Council Liaison to the Planning Commission (Draft – April 7, 2011)

Role of the City Council Liaison to the Planning Commission

LMC 2.24.090 Liaisons and representatives.

“A city council representative may be available to each advisory body for the purpose of providing a constructive relationship between the city council and the advisory body without implying direction, review, or oversight of the activities of the advisory body.”

RCW 35A.63.020 Planning Agency

“By ordinance a code city may create a planning agency and provide for its membership, organization, and expenses. The planning agency shall serve in an advisory capacity to the chief administrative officer or the legislative body, or both, as may be provided by ordinance and shall have such other powers and duties as shall be provided by ordinance. If any person or persons on a planning agency concludes that he or she has a conflict of interest or an appearance of fairness problem with respect to a matter pending before the agency so that he or she cannot discharge his or her duties on such an agency, he or she shall disqualify himself or herself from participating in the deliberations and the decision-making process with respect to the matter. If this occurs, the appointing authority that appoints such a person may appoint a person to serve as an alternate on the agency to serve in his or her stead in regard to such a matter.”

Primary Functions

- Report City Council actions to the Planning Commission
- Report activities of the Planning Commission to the City Council
- Provide background and insight on projects referred to the Planning Commission by the City Council (such as focusing on particular policy issues/questions)
- Help to communicate Planning Commission recommendations to the City Council (in addition to Minutes of Commission meetings and back-up materials provided by staff)

Lynnwood Planning Commission
Meeting of April 14, 2011

Staff Report

Agenda Item: E-3
SEPA Responsible Official Code
Amendment (11CAM0005)

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

Lynnwood Community Development Dept.

ACTION

Discussion

BACKGROUND

The Washington State Environmental Policy Act (SEPA), adopted in 1971, is the primary regulatory framework enabling local agencies to consider and mitigate for environmental impacts of proposals. SEPA also includes provisions to involve the public, tribes, and interested agencies in most review processes prior to a final decision being made.

To administer the State law at the local level, SEPA requires that local agencies designate a "responsible official".

Washington Administrative Code (WAC 197-11, SEPA Rules) provides for the definition of responsible official as follows

"Responsible official" means that officer or officers, committee, department, or section of the lead agency designated by agency SEPA procedures to undertake its procedural responsibilities as lead agency (WAC 197-11-910)."

It is the SEPA responsible official, therefore, that takes responsibility for making/issuing environmental determinations under SEPA.

WAC 197-11-910 entitled "Designation of responsible official" states,

"Agency SEPA procedures shall designate or provide a method of designating the responsible official with speed and certainty (WAC 197-11-906 (1)(d)). This designation may vary depending upon the nature of the proposal. The responsible official shall carry out the duties and functions of the agency when it is acting as the lead agency under these guidelines. Since it is possible under these rules for an agency to be acting as a lead agency prior to actually receiving an application for a license to undertake a private project, designation of the first department within the agency to receive an application as the responsible official will not be sufficient."

Lynnwood Municipal Code (LMC) section 17.02.040, "Designation of responsible official", designates the City of Lynnwood's SEPA responsible official as, "...the mayor and/or an environmental review committee as appointed by the mayor" and states, in full,

"17.02.040 Designation of responsible official (WAC 173-806-040).

A. For those proposals for which the city is the lead agency, the responsible official shall be the mayor and/or an environmental review committee as appointed by the mayor.

B. For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules that were adopted by reference in WAC 173-806-020.

C. The city shall retain all documents required by the SEPA rules (Chapter 197-11 WAC) and make them available in accordance with Chapter 42.11 RCW. (Ord. 1415 § 2, 1984)"

The City of Lynnwood has relied on a committee based responsible official called the Environmental Review Committee (ERC) - consisting of a representative of the Public Works Department, Parks, Recreation & Cultural Arts Department, Community Development Department and a community representative. The community representative has, however, been vacant for several years.

SEPA review by committee is highly unusual in Washington. We find that reliance upon a committee structure is difficult for a series of reasons:

- The ERC often operates by consensus which often means issues are not resolved and the application is delayed. An individual Responsible Official, which is more common, is in the position to accept information and more critically make a decision.
- With the committee structure an applicant is less clear about who made a decision, and how they can work to respond or resolve it.
- If an applicant decides to formally appeal a decision the City is in the disadvantageous position of having a committee, rather than an individual, defend it.
- Lynnwood's Code actually designated the Mayor as the SEPA Official but then notes that he can defer his authority to the ERC. SEPA appeals can wind up before the City Council before going to Court (which itself is an issue staff will ask the Council to consider dealing with in the near future). While the Mayor may not have to actually vote on the outcome of the appeal, he or she would be running the appeal hearing raising the specter of conflict, running a meeting on the appeal of what is, arguably, his/her decision.
- The ERC meets weekly, although it is not unusual for meetings to get rescheduled or cancelled if a committee member (or members) has a conflict or due to other events such as City holidays. This can result in delays in the ERC taking action on proposals. It also means customer inquiries regarding SEPA interpretations need to wait for an ERC meeting.

The proposal would amend the municipal code to change the SEPA responsible official from a four member ERC committee to an individual (Community Development Director and/or his/her designee).

This change would designate an individual as the responsible official, which is more common to local agencies. Decisions on SEPA matters can be made more promptly. It would also make issuing environmental determinations more timely and efficient by not having to rely on committee meetings nor on having to wait on committee meetings to respond to customer inquiries. An individual responsible official is also less staff consuming in terms of time. Interdepartmental coordination should not be compromised since all Departments represented on the ERC are involved in the review of SEPA applications prior to a final determination being made.

Finally, LMC Chapter 17.02 (State Environmental Policy Act) is typically amended by City Council action only. Amendments to LMC Chapter 17.02 do not require planning commission review and/or a public hearing.

In this particular case, one of the necessary text amendments is to the zoning code. Specifically, Lynnwood Municipal Code section 21.25.120 makes reference to the "environmental review committee" and needs to be deleted. Amendments to the zoning code are heard by the Planning Commission. For this reason, a Planning Commission public hearing and recommendation is needed on the zoning code text amendment.

RECOMMENDATION

For discussion.

ATTACHMENTS

Draft Ordinance

1
2 **DRAFT**

3
4 **CITY OF LYNNWOOD**

5
6 **ORDINANCE NO. ____**

7
8 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON,
9 AMENDING SECTIONS 17.02.040, 17.02.050, 17.02.090, AND 21.25.120 OF
10 THE LYNNWOOD MUNICIPAL CODE RELATING TO PERMIT
11 PROCESSING BY CHANGING THE DESIGNATION OF THE SEPA
12 RESPONSIBLE OFFICIAL; PROVIDING FOR SEVERABILITY, AN
13 EFFECTIVE DATE AND SUMMARY PUBLICATION.
14

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16
17 WHEREAS, the City continually reviews its processes to implement opportunities for
18 more streamlined standards and procedures; and,
19

20 WHEREAS, the City of Lynnwood designates a committee (Environmental Review
21 Committee) to serve as the City's responsible official under the State Environmental Policy Act;
22 and,
23

24 WHEREAS, a committee structure uses more staff resources than designating a single
25 individual to serve as the SEPA responsible official; and,
26

27 WHEREAS, local jurisdictions throughout Washington almost uniformly use a single
28 individual to serve as SEPA responsible official to increase accountability, improve customer
29 service, and promote more timely environmental decision-making; and,
30

31 WHEREAS, decisions made by committee are difficult for an applicant to comprehend,
32 respond to or when necessary appeal; and
33

34 WHEREAS, internal process and procedures provide for interdepartmental input and
35 consideration into the SEPA process without need to rely upon a cumbersome committee
36 system; and
37

38 WHEREAS, the proposal was transmitted to State agencies for State agency review in
39 accordance with RCW 36.70A.106; and,
40

41 WHEREAS, on _____, 2011, the City of Lynnwood Planning Commission held a
42 duly noticed public hearing to take testimony on the proposed ordinance on and, following the
43 public hearing, made a recommendation to the Lynnwood City Council; and,
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45 WHEREAS, on _____, 2011 the City of Lynnwood City Council held a duly
46 noticed public hearing to take testimony on the proposed ordinance; now therefore

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

Section 1. LMC section 21.25.120 is hereby amended as follows,

21.25.120 Compliance with State Environmental Policy Act. The State Environmental Policy Act (SEPA) applies to some of the decisions that will be made using this process. The SEPA responsible official (~~environmental review committee~~) shall evaluate each application and, where applicable, comply with SEPA and with state regulations and city ordinances issued under the authority of SEPA. (Ord. 2388 § 13, 2001)

Section 2. LMC section 17.02.040 is hereby amended as follows,

17.02.040 Designation of responsible official (WAC 173-806-040).

A. For those proposals for which the city is the lead agency, the responsible official shall be the Community Development Director and/or his/her designee. ~~mayor and/or an environmental review committee as appointed by the mayor.~~

B. For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the “lead agency” or “responsible official” by those sections of the SEPA rules that were adopted by reference in WAC 173-806-020.

C. The city shall retain all documents required by the SEPA rules (Chapter 197-11 WAC) and make them available in accordance with Chapter 42.11 RCW. (Ord. 1415 § 2, 1984)

Section 3 LMC Section 17.02.050 is hereby amended as follows,

17.02.050 Lead agency determination and responsibilities (WAC 173-806-050).

A. The department within the city receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050 and 197-11-922 through 197-11-940, unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.

B. When the city is the lead agency for a proposal, ~~the department receiving the application shall determine~~ the responsible official ~~who~~ shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the EIS.

C. When the city is not the lead agency for a proposal, all departments of the city shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the city may conduct supplemental environmental review under WAC 197-11-600.

D. If the city or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 15 days of receipt of the determination, or the city must petition the Department of Ecology for a lead agency determination under WAC 197-11-940

92 within the 15-day time period. Any such petition on behalf of the city may be initiated by the
93 responsible official.

94 E. ~~Departments of the city are~~ The responsible official is authorized to make agreements as
95 to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and
96 197-11-944, ~~provided, that the responsible official and any department that will incur~~
97 ~~responsibilities as the result of such agreement approve the agreement.~~

98 F. Any department When making a lead agency determination for a private project, the
99 responsible official shall require sufficient information from the applicant to identify which
100 other agencies have jurisdiction over the proposal. (That is: which agencies require nonexempt
101 licenses?) (Ord. 1415 § 2, 1984)

102
103 **Section 4.** LMC section 17.02.090 is hereby amended as follows,
104

105 **17.02.090 Use of exemptions (WAC 173-806-080).**

106 A. ~~Each department within the city that receives an application for a license or, in the~~
107 ~~case of governmental proposals,~~ The responsible official shall determine whether the license
108 and/or the proposal is exempt. The responsible official's department's determination that a
109 proposal is exempt shall be final and not subject to administrative review. If a proposal is
110 exempt, none of the procedural requirements of this chapter apply to the proposal. The city
111 shall not require completion of an environmental checklist for an exempt proposal.

112 B. In determining whether or not a proposal is exempt, the responsible official department
113 shall make certain the proposal is properly defined and shall identify the governmental licenses
114 required (WAC 197-11-060). ~~If a proposal includes exempt and nonexempt actions, the~~
115 ~~department shall determine the lead agency, even if the license application that triggers the~~
116 ~~department's consideration is exempt.~~

117 C. If a proposal includes both exempt and nonexempt actions, the city may authorize exempt
118 actions prior to compliance with the procedural requirements of this chapter, except that:

119 1. The city shall not give authorization for:

- 120 a. Any nonexempt action;
121 b. Any action that would have an adverse environmental impact; or
122 c. Any action that would limit the choice of alternatives;

123 2. A department may withhold approval of an exempt action that would lead to modification of
124 the physical environment, when such modification would serve no purpose if nonexempt
125 action(s) were not approved; and

126 3. A department may withhold approval of exempt actions that would lead to substantial
127 financial expenditures by a private applicant when the expenditures would serve no purpose if
128 nonexempt action(s) were not approved. (Ord. 1415 § 2, 1984)

129
130 **Section 5.** If any section, sentence, clause or phrase of this ordinance should be held to be
131 invalid or unconstitutional by a court of competent jurisdiction, such invalidity or
132 unconstitutionality shall not affect the validity or constitutionality of any other section,
133 sentence, clause or phrase of this ordinance.

134 **Section 6.** This ordinance or a summary thereof consisting of the title shall be published in the
135 official newspaper of the City, and shall take effect and be in full force five (5) days after
136 publication.

138 PASSED BY THE CITY COUNCIL, the _____ day of _____, 2011.

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APPROVED:

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Don Gough, Mayor

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146 ATTEST/AUTHENTICATED:

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Lorenzo Hines

152 Finance Director

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154 APPROVED AS TO FORM:

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Rosemary Larson

160 City Attorney

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163 FILED WITH ADMINISTRATIVE SERVICES: _____

164 PASSED BY THE CITY COUNCIL: _____

165 PUBLISHED: _____

166 EFFECTIVE DATE: _____

167 ORDINANCE NUMBER: _____

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170 On the _____ day of _____, 2011, the City Council of the City of
171 Lynnwood, Washington, passed Ordinance No. _____. A summary of the content of said
172 ordinance, consisting of the title, provides as follows:

173
174 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON,
175 AMENDING SECTIONS 17.02.040, 17.02.050, 17.02.090, AND 21.25.120 OF
176 THE LYNNWOOD MUNICIPAL CODE RELATING TO PERMIT
177 PROCESSING BY CHANGING THE DESIGNATION OF THE SEPA
178 RESPONSIBLE OFFICIAL; PROVIDING FOR SEVERABILITY, AN
179 EFFECTIVE DATE AND SUMMARY PUBLICATION.

180
181 The full text of this Ordinance will be mailed upon request.

182
183 DATED this _____ day of _____, 2011.

184
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186 _____
187 LORENZO HINES FINANCE DIRECTOR

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Lynnwood Planning Commission
Meeting of April 14, 2011

Staff Report

Agenda Item: E-4
Two-Year Docket Cycle Code
Amendment (2011CAM0007)

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

Lynnwood Department of Community Development

Action

Discussion only at this work session.

Background

As part of preparing the 2011-12 City Budget, staff reviewed existing operations and identified opportunities to reduce operating costs. One idea for reducing costs in the Comprehensive Planning program is to change processing amendments to the City's Comprehensive Plan ("Docket") from an every-year activity to an every-other-year activity. This change was included in the budget for the Community Development Department.

Relevant Legal Citations

RCW 36.70A.130(2)(a) states, in relevant part that agencies planning under the Growth Management Act (GMA) must adopt a schedule,

"whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year."

LMC Chapter 18.04 and the Implementation Element of the Comprehensive Plan state the schedule for considering updates and amendments to the Comprehensive Plan.

Analysis and Comment

This code amendment (and a concurrent amendment to the Implementation Element in this year's Docket) would establish a two-year cycle for Comprehensive Plan Amendments. If approved, this schedule would schedule processing of the Docket in odd-numbered years, as during even-numbered years, much of the City Council agenda time is taken up by consideration of a new (two-year) budget. A draft ordinance is attached.

Other than this change, the Docket process would continue to operate as it has in the past. Applications for and suggested amendments would be due on March 1st of the Docket-year (2011, 2013, 2015, etc.), followed by creation of a Proposed Amendment List (if necessary) in April-May, review and recommendation by the Planning Commission (May-July) and action by the City Council (August-September).

In preparing the draft ordinance, staff identified additional minor changes that are needed to comply with recent changes to GMA.

Recommendation

Discuss; a public hearing on this proposal will be scheduled following this work session.

Attachments

- Draft Ordinance

CITY OF LYNNWOOD
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, REVISING THE TIMING FOR PROCESSING OF AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN TO ONCE EVERY TWO YEARS, UPDATING THAT PROCESS TO COMPLY WITH RECENT AMENDMENTS TO STATE LAW, AMENDING CHAPTER 18.04 OF THE LYNNWOOD MUNICIPAL CODE AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, the City of Lynnwood conducts its comprehensive planning program pursuant to the Growth Management Act (GMA) of the State of Washington; and

WHEREAS, RCW Section 36.70A.130 of the GMA allows a city to amend its Comprehensive Plan no more often than once a year; and

WHEREAS, the City of Lynnwood has considered amendments to the Comprehensive Plan on an annual basis since 1995, and

WHEREAS, Chapter 18.04 states the regulations for processing proposed and suggested amendments to the Comprehensive Plan on an annual basis; and

WHEREAS, staffing reductions associated with the current City revenue shortfall have reduced the staff hours available to the City's Comprehensive Planning program; and

WHEREAS, the City Council has determined that it is in the City's best interest to provide for review of amendments to the Comprehensive Plan every two years; and

WHEREAS, RCW Section 36.70A.130 has been amended in recent years, and the City's Comprehensive Plan amendment process should be made consistent with those amendments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DOES ORDAIN AS FOLLOWS:

Section 1. Amendment: Section 18.04.020 of the Lynnwood Municipal Code is hereby revised to read as follows:

18.04.020 Annual Amendment Process.

Except as provided in LMC 18.04.030:

- A. Proposals for amendments of the comprehensive plan shall be considered by the city council no more frequently than once every two years and specifically in years when the city council is not considering a new biennial budget under LMC 2.72, except that updates of the Comprehensive Plan, as required by RCW Section 36.70A.130 (5), shall be considered during the calendar year in which completion of the update is required;
- B. Proposals for plan amendments shall be considered concurrently so that the cumulative effect of various proposals can be ascertained; and,
- C. Proposals may be considered at separate meetings or hearings, so long as the final action taken considers the cumulative effect of all the proposed amendments to the plan.

Section 2. Amendment: Section 18.04.030 of the Lynnwood Municipal Code is revised to read as follows:

18.04.030 Exception to annual amendment

In addition to the annual amendment process, the city council may amend the comprehensive plan in any of the ~~following~~ circumstances stated in RCW Section 36.70A.130 (2)(a) and (b):

- ~~A. Resolution of an emergency condition or situation that involves public health, safety or welfare; and when adherence to the annual amendment process would be further detrimental to public health, safety or welfare.~~
- ~~B. Initial adoption of an identified subarea plan designed to comply with the Growth Management Act and to be consistent with the city's comprehensive plan.~~
- ~~C. Adoption of comprehensive plan designation(s) associated with an annexation and intended to take effect upon annexation, or other date specific.~~
- ~~D. Resolution of decision by an administrative agency, or court of competent jurisdiction.~~

Determination of an exception to the annual amendment process shall be made by the city council after recommendation by the planning commission. Proposed comprehensive plan amendments which are reviewed outside the annual amendment process shall be processed according to LMC 18.04.050, 18.04.060, and 18.04.070.

Section 3. Amendment: Section 18.04.040 of the Lynnwood Municipal Code is revised to read as follows:

18.04.040 Preparation of the proposed amendment list (PAL).

- A. Annual List of Suggested Amendments. The community development director shall compile and maintain for public review an annual list of suggested amendments to the comprehensive plan or subarea plans that are citywide in nature and that are not for personal gain, project-related or site-specific.
- B. Public Participation Process – Suggested Amendments.
1. The annual amendment process shall generally follow the citizen involvement program contained in the introduction element of the comprehensive plan and shall provide for early and continuous public involvement with broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provisions for open discussion, communication programs, information services, and consideration and response to public comments.
 2. The deadline for receipt of suggested plan amendments shall be 5:00 p.m. on April-March 1st of each year, or the ~~nearest-next~~ working day if April-March 1st falls on a weekend.
 3. General public notice shall be given at least 60 days prior to the application deadline to inform the public of the annual plan amendment process, the deadline for plan amendment suggestions and applications and how to obtain additional information.
- C. Planning Commission and City Council Review – Suggested Amendments.
1. ~~Immediately f~~Following the April 1st deadline for suggested amendments, the director of community development shall recommend a list of suggested amendments for inclusion on the proposed amendments list for processing. The director shall base the recommendation on a preliminary evaluation of the need, urgency, and appropriateness of the suggested plan amendments, and the criteria set forth in the implementation element of the comprehensive plan.
 2. The director's recommendation, and a brief description of each suggested plan amendment, shall be forwarded to the planning commission for review and consideration. The planning commission shall hold a public hearing to accept public comments on any or all of the suggested amendments and to consider any additional suggestions for inclusion on the proposed amendments list that may be offered. The planning commission's recommended proposed amendments list shall then be finalized and forwarded to the city council. The commission shall base its recommendations on its preliminary evaluation of the need, urgency and appropriateness of the suggested plan amendments, and the criteria set forth in the implementation element of the comprehensive plan.

3. The city council shall consider the planning commission’s recommendations, and may hold another public hearing. The city council shall determine which items shall be included in the annual amendment process. The city council shall base this decision on the same criteria used by the planning commission.

Section 4. Severability: If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date: This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL, the __th day of _____, 2011.

APPROVED:

DON GOUGH
Mayor

ATTEST/AUTHENTICATED:

LORENZO HINES, JR.
Finance Director

APPROVED AS TO FORM:

ROSEMARY LARSEN
City Attorney

FILED WITH ADMINISTRATIVE SERVICES: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NUMBER: _____

On the th day of _____, 2011, the City Council of the City of Lynnwood, Washington, passed Ordinance No. 2824. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, REVISING THE TIMING FOR PROCESSING OF AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN TO ONCE EVERY TWO YEARS, AMENDING CHAPTER 18.04 OF THE LYNNWOOD MUNICIPAL CODE AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

The full text of this Ordinance will be mailed upon request.

DATED this _____ day of _____, 2011.

LORENZO HINES, JR., FINANCE DIRECTOR

Lynnwood Planning Commission
Meeting of April 14, 2011

Staff Report

Agenda Item: F-1

Ordinance No. 2885 - Interim Development Regulations Related to the City Center

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

Lynnwood Community Development Dept.

ACTION

For information.

BACKGROUND

On Monday, March 14, 2011 the Lynnwood City Council passed Ordinance No. 2885 adopting interim development regulations that amend Ordinance No. 2627 (passed July 10, 2006) by removing certain proposed street segments from the street grid protection ordinance and by amending Lynnwood Municipal Code (LMC) section 21.20.600 (entitled "Design review") by removing references to specific planned locations for public parks/plazas in the City Center zone.

Since the City Center Sub-Area Plan and Zoning were approved, the City has undertaken a series of detailed studies and reviews in an effort to facilitate Plan implementation. With regard to the "Grid Streets" it was concluded that only two of them (192nd and 42nd) were actually required to accommodate traffic through the area. It was concluded that there was no longer a need to require dedication of the other streets.

While the City Center Sub-Area Plan retains the park development component and in particular, focuses on the need for City Center Park as a major catalyst for development, there was no need to mandate specific locations. Therefore staff recommended that these be removed from the Zoning Code.

As allowed by State law, Ordinance No. 2885 went into effect immediately upon passage. Under RCW 35A.63.220, and RCW 36.70A.390, a county or city governing body that adopts a development moratorium or interim zoning ordinance or control without holding a public hearing, must hold a public hearing on the ordinance or control within sixty days after adopting the ordinance or control. The City Council public hearing on Ordinance No. 2885 is scheduled for May 9, 2011.

Staff is currently working on permanent regulations for the City Center zone. The proposed permanent regulations involve amending the City Center Zoning District (Lynnwood Municipal Code Chapter 21.60) as well as the City Center Design

Guidelines. The permanent regulations will, as with other code amendments, require the Planning Commission's review, public hearing and recommendation to the City Council.

Information regarding proposed permanent regulations is tentatively scheduled for the Planning Commission's April 28, 2011 meeting.

RECOMMENDATION

For information.

ATTACHMENTS

1. Ordinance No. 2885
2. Ordinance No. 2627

CITY OF LYNNWOOD

ORDINANCE NO. 2885

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING SECTION 1 AND SECTION 2 OF ORDINANCE NO. 2627, AND SECTION 21.60.600 OF THE LYNNWOOD MUNICIPAL CODE, ESTABLISHING INTERIM DEVELOPMENT REGULATIONS, ADOPTING FINDINGS, SETTING A DATE FOR A PUBLIC HEARING, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION

WHEREAS, the City of Lynnwood is a municipal corporation organized under the laws of the State of Washington; and,

WHEREAS, the City Council is authorized by RCW 35A.11.020 to adopt and enforce ordinances of all kinds relating to municipal affairs and appropriate to the good government of the City; and,

WHEREAS, on March 14, 2005, the Lynnwood City Council passed Ordinance No. 2553 adopting the City Center Sub-Area Plan as an amendment to the City of Lynnwood Comprehensive Plan; and,

WHEREAS, on March 14, 2005 the Lynnwood City Council passed Ordinance No. 2554 adopting zoning regulations and design guidelines for the Lynnwood City Center, adding a new chapter to Lynnwood Municipal Code Title 21; and,

WHEREAS, on July 10, 2006, the Lynnwood City Council passed Ordinance No. 2625 amending Section 21.60.600 of the Lynnwood Municipal Code regarding protection of planned sites of public streets and parks/plaza in the City Center; and,

WHEREAS, on July 10, 2006, the Lynnwood City Council passed Ordinance No. 2627 establishing a street grid protection ordinance for the City Center subarea; and,

WHEREAS, the Lynnwood City Center Sub-Area Plan identifies the need for parks/plazas in the City Center; and,

WHEREAS, the City Center Sub-Area Plan identifies the locations of the City Center parks as general, and not specific, evidenced by statements in the City Center Sub-Area Plan that the location of the Town Square park in the Core "should be roughly in the center" and CCPS #3 "...These parks and public spaces, or their spatial or functional equivalent, shall be provided as new development occurs in the City Center"; and,

WHEREAS, the City of Lynnwood zoning code (LMC section 21.60.600 entitled "Design Review"), provides for specific locations of the City Center parks requiring that development demonstrate consistency and compatibility with the planned location of City Center parks and plazas, the location of which are described in detail in that section (21.60.600); and,

WHEREAS, the City Center Sub-Area Plan identifies the need for a finer City Center street grid system in the City Center to break down superblocks and encourage a more pedestrian friendly environment; and,

WHEREAS, the City Center Street Grid Protection Ordinance (Ordinance No. 2627) establishes a regulatory mechanism to require the dedication of public right of way to implement a finer City Center grid street system and to also provide for the acquisition of public right-of-way for streets that will serve to mitigate City Center transportation impacts; and,

WHEREAS, since the adoption of the City Center Sub-Area Plan the City of Lynnwood has conducted studies ("Lynnwood City Center Access Study" Pertect Engineering., September 2007 and "Lynnwood City Center Street Master Plan" David Evans and Associates, Inc., December 2009) to further analyze the City Center Street system, the optimal location of the proposed street grid, refine the transportation network and identify improvement needs for the City Center with specific attention to analysis of the secondary street network and transportation improvements necessary to mitigate transportation impacts; and,

WHEREAS, the Lynnwood City Center Street Master Plan concluded that two new secondary streets (42nd Avenue W. and 194th Street SW extension) were "system improvements", both needed to mitigate capacity within the City Center and that the remainder of the new secondary streets (e.g. 41st Avenue W. 43rd Avenue W. etc.) are identified as "project improvements" and are not necessary to mitigate transportation capacity needs for the City Center; and,

WHEREAS, the City Center Street Master Plan recommended that the remainder of the secondary streets ("project improvements") be converted to private roadways and access points with design standards related to non-motorized mobility; and

WHEREAS, the City Center goals for pedestrian orientation and access can be achieved through an alternate system of private roads and/or walkways protected by easements that allows for more flexible development opportunities for property owners; and,

WHEREAS, based on the conclusions of the above referenced studies, the City finds that the current street grid regulation (Ordinance No. 2627) is more comprehensive and encumbering than necessary to achieve the purpose of ensuring transportation mitigation than what was originally envisioned when the City Center Plan was adopted; and,

WHEREAS, as an alternative, the City is currently re-evaluating regulatory mechanisms to develop and implement an alternate system of private roads and/or private walkways in the City Center that will be brought forward for consideration by the Planning Commission and, eventually City Council, later this year (2011); and,

WHEREAS, the City has determined that the City's goal of providing for parks in the City Center zone would be served through financial strategies and/or regulations that allow for some degree of flexibility in the location of such parks in the City Center; and,

WHEREAS, in January 2011, the City of Lynnwood received a SEPA and a Project Design Review application for a development proposal on property identified for a future park in the City Center Sub-Area Plan and the City of Lynnwood zoning code (LMC section 21.60.600) and that the property proposed for development is also subject to street dedication through the Street Grid Protection Ordinance (Ordinance No. 2627); and,

WHEREAS, the City Council finds that there are sufficient reasons to take action to ensure that the zoning ordinance and other implementing development regulations provide the level of predictability, certainty and consistency needed for redevelopment of the city center by all property owners, businesses, citizens; and,

WHEREAS, to achieve the purpose, it is appropriate to amend the City of Lynnwood zoning code and Ordinance No. 2627 with respect to parks/plazas and streets; and,

WHEREAS, RCW 36.70A.390 establishes a process whereby the City can adopt interim official controls provided that a public hearing on the interim official controls is held within at least 60 days of its adoption; and,

WHEREAS, the City Council finds that it is in the interest of the public health, safety and welfare to adopt this ordinance, now therefore,

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

Section 1. The recitals above are adopted as findings that support passage of this ordinance.

Section 2. Section 21.20.600 of the Lynnwood Municipal Code, "Design review", is hereby amended as follows,

21.60.600 Design review.

A. Design Guidelines for Nonresidential Uses. The following structures and parking facilities permitted in the city center districts shall comply with Lynnwood city center design guidelines (which are adopted by this reference as if fully set forth herein) and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter: for proposals in these districts, the citywide design guidelines shall be replaced with the city center design guidelines.

1. Construction of any nonresidential structure or building with a gross floor area of more than 1,000 square feet.
2. Construction of any parking lot and/or parking structure with 20 or more stalls or paved parking area of 5,400 square feet or more.
3. Construction of any multiple-family residential structure.

B. Supersede. Applicable Lynnwood city center design guidelines shall supersede any development standards and requirements of this title and other titles of this code that may conflict, unless otherwise specified in this chapter.

C. Gateways and Prominent Intersections. See city of Lynnwood zoning map to identify development project sites within a gateway or prominent intersection location. Such sites shall be subject to applicable gateway and/or prominent intersection design guidelines in the Lynnwood city center design guidelines. If any portion of a project site lies within a gateway or prominent intersection location, then the entire project shall comply with the applicable design guidelines.

D. Compliance with Subarea Plan and Related Documents. For determining compliance with the comprehensive plan (that includes the city center subarea plan), as required by LMC 21.25.145(B)(2), an application for approval of structures and facilities under this section shall:

1. Demonstrate consistency and compatibility with the planned location and design of streets, as shown in the street protection ordinance (Ord. No. 2627);

2. Locate "retail frontage land uses" along the portion of the Promenade, as depicted and described in the city center subarea plan, that is south of 196th St. S.W. and also around public parks/plazas that abut the Promenade. "Retail frontage land uses" in this case includes any pedestrian-oriented use, such as retail stores, groceries, drug stores, shoe repair shops, cleaning establishments, floral shops, beauty and barber shops, department stores, apparel shops, art galleries, travel agencies, restaurants, theaters, public offices, libraries and other businesses that are intended to be pedestrian-attracting or pedestrian-generating in nature (as determined by the community development director)."

Section 3. Section 1 of Ordinance No. 2627 adopted by the Lynnwood City Council on July 10, 2006, is hereby amended as follows

"Section 1. The following new streets shall be located in City Center Sub-Area:

The proposed new streets in the City Center would follow centerlines defined approximately as follows. Such streets may be built with the centerline deviating up to 35 feet to either side of these descriptions, to take best advantage of physical conditions in the field and to coordinate with legal parcel boundaries. The true alignment of the centerline of each route would run generally parallel to existing 44th Avenue W or existing 196th Street SW, to the extent practical.

42nd Avenue W would run in a straight line generally aligned parallel to existing 44th Avenue W, from existing Alderwood Mall Blvd to existing 194th Place SW. The centerline would cross existing 194th Street SW approximately 680 feet east of the centerline of existing 44th Avenue W.

194th Street SW Extension would follow a meandering line proceeding from a point of beginning located on the centerline of existing 194th Street SW approximately 140 feet west of the centerline of existing 40th Avenue W, then

bearing generally east-northeasterly to existing 36th Avenue W, crossing existing 36th Avenue W approximately 220 feet north of the point of beginning. From the centerline of 36th Avenue W the route would continue east-southeasterly approximately 78 feet, then east approximately 956 feet to the centerline of existing 33rd Avenue W, meeting existing 33rd Avenue W approximately 220 feet north of the point of beginning.

Section 4. Section 2 of Ordinance No. 2627 adopted by the Lynnwood City Council on July 10, 2006, is hereby amended as follows

“Section 2. All development shall dedicate Right of Way for streets designated herein, and shall be a width in accordance with the adopted City Center Sub-Area plan or as approved by the Public Works Director. The Public Works Director shall also have the authority to waive the requirement for Right of Way dedication for the streets designated herein and/or approve modified alignments. For purposes of this ordinance, the term "development" shall include subdivisions, short subdivisions, planned unit developments, binding site plans and design review approvals.”

Section 5. The interim development regulations established by this Ordinance shall take effect on the effective date of this Ordinance, and shall continue in effect until and including September 14, 2011, unless repealed, modified, or extended by the City Council after subsequent public hearing and entry of appropriate findings of fact pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 6. A public hearing on the adoption of this ordinance shall be held on May 9, 2011 at 7:00PM in the Lynnwood City Hall City Council Chambers, 19100 44th Avenue West;

Section 7. Before adopting permanent regulations, the City shall conduct a public process to receive public comment and it shall conduct environmental review as required by law.

Section 8. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 9. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL, the 14th day of March, 2011 and approved by the Mayor this 12th day of March, 2011.

APPROVED:



Don Gough
Mayor

ATTEST/AUTHENTICATED:



Patrick Dugan
Interim Finance Director

APPROVED AS TO FORM:



Rosemary Larson
City Attorney

PASSED BY THE CITY COUNCIL: 3-14-11

PUBLISHED: _____

EFFECTIVE DATE: _____

ORDINANCE NUMBER: 2885

CITY OF LYNNWOOD

ORDINANCE NO.2627

AN ORDINANCE OF THE CITY OF LYNNWOOD,
WASHINGTON, ESTABLISHING A STREET GRID FOR THE
CITY CENTER SUB-AREA; PROVIDING AN EFFECTIVE
DATE; AND PROVIDING FOR SUMMARY PUBLICATION.

WHEREAS, the City Council passed an ordinance establishing the City Center Sub-Area on March 14, 2005; and

WHEREAS, the City Center Sub-Area Plan envisions establishment of new streets within the City Center Core; and

WHEREAS, the City Council has determined that development of the City Center Core in accordance with the City Center Sub-Area Plan will be facilitated by establishment of street grid for the City Center Sub-Area;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LYNNWOOD,
WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The following new streets shall be located in City Center Sub-Area:

The proposed new streets in the City Center would follow centerlines defined approximately as follows. Such streets may be built with the centerline deviating up to 35 feet to either side of these descriptions, to take best advantage of physical conditions in the field and to coordinate with legal parcel boundaries. The true alignment of the centerline of each route would run generally parallel to existing 44th Avenue W or existing 196th Street SW, to the extent practical.

41st Avenue W would run in a straight line generally aligned parallel to existing 44th Avenue W, from existing Alderwood Mall Boulevard to proposed 195th Street SW, approximately 360 feet north of the centerline of existing 196th Street SW. The centerline would cross existing 196th Street SW approximately 990 feet east of the centerline of existing 44th Avenue W. This street would not continue north of proposed 195th Street SW.

42nd Avenue W would run in a straight line generally aligned parallel to existing 44th Avenue W, from existing 200th Street SW to existing 194th Place SW. The centerline would cross existing 194th Street SW approximately 680 feet east of the centerline of existing 44th Avenue W.

42nd Avenue W Extension would continue southerly from Alderwood Mall Boulevard, curving southwesterly to reach 44th Avenue W in the alignment of proposed 201st Street SW. This route is more specifically described as follows.

Beginning at the centerline of Alderwood Mall Boulevard, 42nd Avenue W. Extension would proceed southward, following along an arc concave to the northwest of radius approximately 250 feet through 50 degrees of arc for a distance of 218 feet, then continue southwesterly on a tangent line for 235 feet, then follow along an arc concave to the northwest of radius approximately 250 feet through 40 degrees of arc for a distance of 174 feet, then follow the alignment of proposed 201st Street westward for approximately 250 feet to intersect with existing 44th Avenue W. The centerline of proposed 201st Street SW at 44th Avenue W would be located approximately 417 feet south of the centerline of existing Alderwood Mall Boulevard.

43rd Avenue W would run in a straight line generally aligned parallel to existing 44th Avenue W, from existing Alderwood Mall Boulevard to existing 194th Place SW. The centerline would cross existing 194th Street SW 260 feet east of the centerline of existing 44th Avenue W.

45th Avenue W would run in a straight line generally aligned parallel to existing 44th Avenue W, from existing 200th Street SW to existing 194th Street SW. The centerline would cross existing 194th Street SW 384 feet west of the centerline of existing 44th Avenue W.

191st Street SW would run in a straight line generally aligned east-west, from existing 33rd Avenue W to existing 36th Avenue W. The centerline would cross existing 36th Avenue W 1021 feet south of the centerline of existing 188th Street SW.

194th Street SW Extension would follow a meandering line proceeding from a point of beginning located on the centerline of existing 194th Street SW approximately 140 feet west of the centerline of existing 40th Avenue W, then bearing generally east-northeasterly to existing 36th Avenue W, crossing existing 36th Avenue W approximately 220 feet north of the point of beginning. From the centerline of 36th Avenue W the route would continue east-southeasterly approximately 78 feet, then east approximately 956 feet to the centerline of existing 33rd Avenue W, meeting existing 33rd Avenue W approximately 220 feet north of the point of beginning.

195th Street SW would run in a straight line generally aligned parallel to existing 196th Street SW, from existing 40th Avenue W to proposed 45th Avenue W. The centerline would cross existing 44th Avenue W 360 feet north of the centerline of existing 196th Street SW.

197th Street SW would run in a straight line generally aligned parallel to existing 196th Street SW, from existing 40th Avenue W to existing 44th Avenue W. The centerline would cross existing 44th Avenue W 257 feet south of the centerline of existing 196th Street SW.

198th Street SW would be extended west of 44th Avenue W to proposed 45th Avenue W, a distance of approximately 384 feet.

199th Street SW would run in a straight line generally aligned parallel to existing 196th Street SW, from existing 40th Avenue W to existing 44th Avenue W. The centerline would cross existing 44th Avenue W 925 feet south of the centerline of existing 196th Street SW.

Section 2. All development shall dedicate Right of Way for streets designated herein, and shall be a width in accordance with the adopted City Center Sub-Area plan or as approved by the Public Works Director. For purposes of this ordinance, the term "development" shall include subdivisions, short subdivisions, planned unit developments, binding site plans and design review approvals.

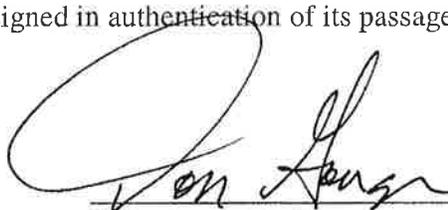
Section 3. Centerlines may deviate no more than 35 feet on either side of the street descriptions in Section 1, to take best advantage of physical conditions in the field and to coordinate with legal parcel boundaries; provided, that all streets shall maintain alignment. All streets should, to the extent practicable, coincide with and parallel existing property lines.

Section 4. All streets described in Section 1 are defined in relation to existing 44th Avenue W and existing 198th Street SW.

Section 5. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional, such invalidity or unconstitutionality, shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (five) days after publication.

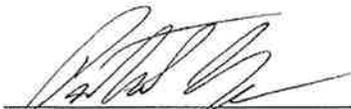
PASSED THIS 10th day of July, 2006, and signed in authentication of its passage this 14th day of July, 2006.*



DON GOUGH, Mayor

ATTEST:

APPROVED AS TO FORM:



PATRICK DUGAN
Interim Finance Director



MICHAEL P. RUARK
City Attorney

* CORRECTED DATE OF EXECUTION

Lynnwood Planning Commission
Meeting of April 14, 2011

Staff Report

Agenda Item: F-2
Hearing Examiner 2010 Annual Report

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

Lynnwood Community Development Dept.

ACTION

Discussion

BACKGROUND

Lynnwood Municipal Code (LMC) section 2.22.170 requires the Hearing Examiner to make an annual report to the Planning Commission and City Council. Attached is the 2010 Hearing Examiner Annual Report for the Planning Commission.

The Hearing Examiner Annual Report indicates that he decided five cases in 2010. The Annual Report notes that none of the cases decided by the Hearing Examiner in 2010 raised any notable issues.

RECOMMENDATION

Information only.

ATTACHMENTS

Hearing Examiner Annual Report for 2010.

JOHN E. GALT
Quasi-Judicial Hearing Services
927 Grand Avenue
Everett, Washington 98201
Voice/FAX: (425) 259-3144
e-mail: jegalt@gte.net

MEMORANDUM

RECEIVED
JAN 07 2011
CITY OF LYNNWOOD
COMMUNITY DEVELOPMENT

To: Lynnwood City Council
✓Lynnwood Planning Commission

CC: Mayor Don Gough
David Osaki, Community Development

From: John E. Galt, Hearing Examiner 

Date: January 4, 2011

Subject: Annual Report for 2010

The Lynnwood Municipal Code provides for an annual report from the Hearing Examiner to the City Council and Planning Commission:

The Examiner shall report in writing to and meet with the Planning Commission and City Council at least annually for the purpose of reviewing the administration of the land use policies and regulatory ordinances, and any amendments to City ordinances or other policies or procedures which would improve the performance of the Examiner process. Such report shall include a summary of the Examiner's decisions since the last report.

[LMC 2.22.170] This Report covers the cases which I decided during 2010. The report is divided into two parts: Hearing Activity and Discussion of Issues. I am available to meet at a time of mutual convenience with Council and/or Planning Commission at your request.

Hearing Activity

2010 was an exceptionally slow year as far as land development entitlement applications was concerned. This slowness affected not just Lynnwood, but all of the Central Puget Sound jurisdictions for whom I provide hearing examiner services. I decided only five land use applications during 2009, all of which were heard in the first half of the year. Each case is listed on the attached table in chronological order of hearing. Abbreviations are hopefully self-explanatory.

By comparison, I decided nine cases in 2009, five in 2008, 17 in 2007, seven in 2006, 16 in 2005, three in 2004, 11 in 2003, and 20 in 2002.

Discussion of Issues

None of the cases heard last year raised any notable code issues.

**LYNNWOOD
HEARING EXAMINER DECISIONS: 2010**

File Number	Applicant Name Project Name	Case Type Acreage No. of Lots	Decision Reconsideration Action	Decision Date Reconsideration Date
2005PLT0003	Frank Gillen <i>Hall Lake East</i>	Pre Plt 10.50 25.00	OKw/c	02/10/2010
2010VAR0001	Rolando & Cynthia Yen	Var .10	OKw/c	05/17/2010
2010CUP0001	Lynnwood Parks & Recreation <i>Rec center monument sign</i>	CUP	OKw/c	05/18/2010
2006VAR0001	Kevin Gillen	Var 2nd Ext	OKw/c	06/25/2010
2006VAR0002	Kevin Gillen	Var 2nd Ext	OKw/c	06/25/2010