

AGENDA

Lynnwood Planning Commission

Thursday, June 28, 2012 — 7:00 pm

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

A. CALL TO ORDER – ROLL CALL

B. APPROVAL OF MINUTES: Meeting of May 24, 2012

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

D. PUBLIC HEARINGS

- 1. Code Amendment - Permit Process Streamlining (2012CAM0005)** Proposed amendment of permit review procedures and processes. Primary change would transfer decision-making authority for certain permits from City Council to Hearing Examiner. Draft Ordinance.

E. WORK SESSIONS

- 1. Briefing – Six-Year Transportation Improvement Plan (TIP)** Discussion of planned improvements to the City's transportation infrastructure.

F. OTHER BUSINESS

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 June 28, 2012

Staff Report

Agenda Item: D-1
Code Amendment – Permit Process
Streamlining File No. 2012CAM0005

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

Lynnwood Community Development Dept.

ACTION

Conduct a public hearing. At the conclusion of the public testimony portion of the hearing, the Planning Commission may begin deliberation and make a recommendation on the proposed code amendments to the City Council.

BACKGROUND

This agenda item provides a public hearing for proposed code amendments relating to permit processing and decision-making. For some time, Community Development has been developing regulatory and procedural changes designed to streamline various permit review processes. The attached ordinance contains Community Development's latest installment of regulatory adjustments to permit review.

The amendments relate to permit review processes, not development standards. Most of the procedural provisions are codified within chapter 1.35 LMC. Some amendment of the Zoning Code (Title 21 LMC) is proposed, and LMC 21.20.400 requires a public hearing for all such amendments. Because of the technical nature of this lengthy Ordinance, a summary of its contents is provided below in Table 1. Although there may not be substantive changes that result, staff may make further refinements to this draft legislation prior to Council action.

PROPOSAL

Changes in the interest of streamlining the permit review process are intended to preserve critical development standards while minimizing the opportunity for delay. During this economic recession, it is important that Lynnwood continually seek program efficiencies and maintain exceptional customer service.

The primary focus of the draft ordinance is to transfer the role of decision-maker for a number of land use permits from the City Council to the Hearing Examiner. This procedural change has been made by many local jurisdictions throughout Washington State for reasons that include:

- Regarding land use, allows city councils to set policy through comprehensive plans and subarea plans using its legislative powers, and to delegate quasi-judicial authority to a hearing examiner. Hearing examiners are independent entities with special training in the discovery and analysis of facts and the application of land use regulations consistent with applicable statutory and case law.
- Unlike a city council, who must hear and act upon many varied items and issues each meeting, a hearing examiner works on an “on call” basis and can readily respond to and act upon complex land use applications. Because of councils’ high volume of agenda items, hearing examiners can often conduct a hearing and issue a decision in less time.
- Decisions on permit applications are quasi-judicial actions. Unlike the broad discretion that accompanies the Council’s legislative powers, quasi-judicial decisions must be narrowly construed from specific criteria and facts.
- Hearing examiners are trained to establish the evidentiary record needed if the matter is appealed to superior court.
- Because of the extensive land use planning and environmental protections now mandated by laws such as the Growth Management Act, Endangered Species Act, Flood Insurance Program, Regulatory Reform Act, SEPA, etc., land use regulations today are specific and comprehensive. Contemporary land use regulations provide greater certainty for both the permit applicant and the public at large.
- When appeals are filed in response to a permit decision, the decision-making body must conduct procedurally sound hearings, and the resulting decision must be based upon specific findings of fact and conclusions of law. When permit decisions or appeals thereof are highly contentious and divisive—with the nature and number of viable options severely limited, City Councils often prefer to delegate this decision-making role to the hearing examiner.
- The Land Use Petition Act (LUPA) provides a swift and straight-forward appeal process for land use actions to Superior Court. The State Legislature created this process to quickly (and relatively inexpensively) resolve land use appeals.

For all the above reasons, the draft ordinance transfers the role of decision-maker for most land use permits from the City Council to the Hearing Examiner. Where State law requires action by the legislative body (such as approval of final plats), the role of Council as decision-maker is preserved. As presently constituted, the City’s permit processes are:

Process I	Public hearing and decision by Hearing Examiner. Closed-record appeal to City Council.
Process II	Administrative decision. Appeal to Hearing Examiner.
Process III	Administrative decision following legally-required public comment period.
Process IV	Public hearing and decision by City Council.

Process V	none
Process VI	Hearing Examiner consideration of appeal of administrative decision.
Process VII	City Council consideration of appeal of hearing examiner decision.

It is likely that the amendments put forth by the draft Ordinance will ultimately lead to a future re-organization and consolidation of the six types of processes.

The contents of the draft Ordinance can be summarized as follows:

Table 1. Summary of Permit Process Ordinance

Ord. §	Ord. Page	Code Citation	Summary
1	2	LMC 1.35.100	For Process I ¹ permits, transfers decision-making authority from city council to hearing examiner.
2	2	LMC 1.35.115	For appeal of Process I permits, transfers decision-making authority from city council to superior court.
3	2	LMC 1.35.160	Makes appeal language consistent with LMC 1.35.115 (as amended by section 2).
4	3	LMC 1.35.175	Makes appeal language consistent with LMC 1.35.115 and State law (as amended by section 2).
5	3	LMC 1.35.180	Edits for clarity and consistency. Further refinements are planned to this section prior to adoption.
6	9	LMC 1.35.400	For Process IV ² permits, clarifies public hearing procedures.
7	9	LMC 1.35.415	For Process IV permits, transfers decision-making authority from city council to hearing examiner.
8	9	LMC 1.35.433	Adds a new section that provides a public hearing before the hearing examiner for quasi-judicial Process IV actions.
9	10	LMC 1.35.434	Repeals section that provided for public hearings by the planning commission and the hearing examiner for rezones and subdivisions, respectively. Provisions moot with transfer of decision-making authority on quasi-judicial matters from the city council to the hearing examiner.
10	10	LMC 1.35.450	Distinguishes between quasi-judicial and legislative Process IV actions by the city council.
11	11	LMC 1.35.460	Makes Process IV procedures consistent with LMC 1.35.415 (as amended by section 7).
12	11	LMC 2.22.090	Makes powers of the hearing examiner consistent with chapter 1.35 LMC and State law.
13	13	LMC 2.22.100	Updates references to the Community Development Department.
14	13	LMC 17.02.195	Makes appeal procedures for SEPA decisions consistent with chapter 1.35 LMC and State law. Updates references to the Community Development Department.
15	15	LMC 19.15.007	Clarifies permit review procedure for preliminary plats.
16	16	LMC 19.15.010	Transfers decision-making authority for preliminary plats

¹ Process I involves a public hearing and decision by the hearing examiner.

² Currently, Process IV involves a public hearing and decision by the city council.

Ord. §	Ord. Page	Code Citation	Summary
			from city council to hearing examiner.
17	16	LMC 19.20.022	Makes notice requirements consistent with chapter 19.15 LMC (as amended by sections 15 and 16).
18	16	LMC 19.20.025	Eliminates “informal hearing” before hearing examiner for preliminary plats.
19	17	LMC 19.20.030	Repeals section referencing city council action upon preliminary plat applications.
20	17	LMC 19.20.035	Transfers decision-making authority for preliminary plats from city council to hearing examiner.
21	18	LMC 19.20.040	Makes timeframes and processes for preliminary plats consistent with State law and chapter 19.15 LMC (as amended by sections 15 and 16).
22	19	LMC 19.20.045	Makes processes for preliminary plats consistent with chapter 19.15 LMC (as amended by sections 15 and 16).
23	20	LMC 19.25.005	Corrects references to decision-maker for preliminary plats.
24	24	LMC 1.35.800	Re-codification for clarity.
25	24	LMC 1.35.810	Re-codification for clarity.
26	24	-	Severability clause.
27	24	-	Effective date.

STAFF RECOMMENDATION

Staff suggests the Planning Commission recommend approval of the draft ordinance either as written, or as amended by the Commission.

ATTACHMENTS

Draft Ordinance

CITY OF LYNNWOOD

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO PERMIT PROCESSING AND DECISION AUTHORITY; AMENDING LYNNWOOD MUNICIPAL CODE SECTIONS 1.35.100, 1.35.115, 1.35.160, 1.35.175, 1.35.180, 1.35.400, 1.35.415, 1.35.450, 1.35.460, 2.22.090, 2.22.100, 5.04.030, 17.02.195, 19.15.007, 19.15.010, 19.20.022, 19.20.025, 19.20.035, 19.20.040, 19.20.045 AND 19.25.005, ADDING A NEW SECTION 1.35.433 TO THE LYNNWOOD MUNICIPAL CODE, REPEALING LYNNWOOD MUNICIPAL CODE SECTIONS 19.20.030 AND 1.35.434; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY, AND SUMMARY PUBLICATION

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, the City desires to amend various permit processing provisions set forth in the Lynnwood Municipal Code to provide a more streamlined set of procedures; and

WHEREAS, on April 26, 2012, the City notified the Department of Commerce of its intent to adopt the proposed regulations; and

WHEREAS, the Community Development Director, acting as the SEPA Responsible Official, reviewed the amendments proposed herein and determined the provisions of this Ordinance are procedural in nature and therefore exempt from SEPA threshold determination and EIS requirements as provided by WAC 197-11-800(19); and

WHEREAS, the provisions of this Ordinance amend Chapter 1.35 LMC, Application Processing and Review, which contains procedural requirements rather than development regulations; and

WHEREAS, the opportunity for public comment upon an amendment to the City's SEPA rules, as required by WAC 197-11-904(3), was satisfied by the June 28, 2012 public hearing before the Planning Commission, during which all persons wishing to be heard were heard; and

WHEREAS, the City Council finds that the amendments contained in this Ordinance are: a) consistent with the comprehensive plan; and b) substantially related to the public health, safety or welfare; and c) in the best interests of the citizens and property owners of the City of Lynnwood; now therefore:

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

41 Section 1. LMC 1.35.100 is amended as follows:

42 **1.35.100 Process I: public hearing and decision by the hearing**
43 **examiner– Scope.**

44 LMC 1.35.100 through 1.35.180 contain the procedures that the city will
45 use in implementing Process I. This process includes a public hearing and
46 decision by the hearing examiner, and allows ~~for a closed record appeal to~~
47 ~~the city council of hearing examiner decisions.~~

48 Section 2. LMC 1.35.115 is amended as follows:

49 **1.35.115 Decision and Appeal Authority.**

50 1. For permits and applications subject to Process I, The the hearing
51 examiner shall conduct a public hearing and, following completion of the
52 hearing, approve, approve with modifications or conditions, or deny an the
53 application or permit reviewed under this process.

54 2. The A Process I decision of the hearing examiner on a land use matter
55 is appealable to superior court as provided by Chapter 36.70C RCW. may
56 be appealed to the city council by any party of record.

57 3. A Process I decision of the hearing examiner on a non-land use matter
58 is appealable to the city council, or as otherwise specified by applicable
59 regulations.

60 Section 3. LMC 1.35.160 is amended as follows:

61 **1.35.160 Written decision.**

62 Within 14 calendar days of the conclusion of the hearing, the hearing
63 examiner shall issue a written decision, containing:

- 64 A. A statement indicating that the application is approved, approved with
- 65 modifications or conditions, or denied;
- 66 B. A statement of any conditions or modifications included as part of an
- 67 approval;
- 68 C. A statement of the facts upon which the decision, including any
- 69 modifications or conditions, is based and the conclusions derived from
- 70 those facts;

71 D. A statement of the right of any party of record (see LMC 1.35.148) to
72 appeal the decision to superior court as provided by Chapter 36.70C
73 RCW~~the city council~~.

74
75 Section 4. LMC 1.35.175 is amended as follows:

76
77 **1.35.175 Appeal of hearing examiner's decision. to superior court. to**
78 **city council.**

79 ~~Any appeal must be timely filed or it is barred. A decision of the hearing~~
80 ~~examiner shall be appealable to superior court pursuant to the land use~~
81 ~~petition act (Chapter 36.70C RCW). As specified by RCW 36.70C.040,~~
82 ~~an The appeal must be filed within 21 days from the date on which a~~
83 ~~decision is issued. The date of issue is three days after mailing. The cost~~
84 ~~to produce any record, including a transcript, shall be paid by the~~
85 ~~appellant.~~

86 ~~Any party of record may appeal the decision to the city council by filing a~~
87 ~~written request for appeal with the applicable department director within~~
88 ~~14 calendar days of the date of issuance of the decision. An appeal filed~~
89 ~~within this time limit shall be processed pursuant to Process VII, LMC~~
90 ~~1.35.700 et seq.~~

91 Section 5. LMC 1.35.180 is amended as follows:

92 **1.35.180 Amendment of an approved project or permit.**

93 A. General. Except as otherwise provided in this section, an amendment
94 of an ~~previously~~ approved project or permit is shall be treated as a new
95 application for decision using Process I.

96 B. ~~Exemption from~~ Administrative Amendment ~~for of~~ Conditional Use
97 Permits, Shoreline Conditional Use Permits, and Planned Unit
98 Developments. The following additions and activities to an previously
99 approved project or decision are exempt from conditional use permits, and
100 planned unit development review, ~~under this section~~ unless otherwise
101 required by ~~the city code~~ or by the terms of a concomitant agreement
102 ~~which requires review:~~

103 1. Repair without a change in the dimensions or configuration of the
104 structure or sign; or

105 2. The addition of minor structural elements and elements such as
106 fences, carports and mechanical equipment; or

107 3. Re-striping of parking or circulation areas, minor adjustments to
108 parking area layout; provided the total number of stalls does not fall
109 below ~~the minimum~~ or exceed the ~~maximum number required~~
110 ~~by requirements of~~ the zoning code; or

111 4. Minor adjustments in building height not to exceed 10 percent in
112 height, or minor adjustments in building location not to exceed 10 feet
113 in any direction; provided the structures do not ~~modify vary from the~~
114 zoning code requirements to any greater extent than ~~any modifications~~
115 approved with the original application; or

116 5. Reductions in ~~freestanding~~ sign size and height, and minor
117 increases in ~~freestanding~~ sign, height not to exceed 10 percent in
118 height, or minor adjustments in sign location not to exceed five feet in
119 any direction; provided, the sign(s) does not ~~modify vary from~~ zoning
120 code requirements to any greater extent than ~~any modifications~~
121 approved with the original application; or

122 6. Reductions in ~~wall sign~~ size, and minor adjustments in ~~the sign~~
123 location ~~of wall signs on any one side of a building as long as the~~
124 minor adjustments maintain the design intent or purpose of the original
125 approval; or

126 7. Changes in color, design or in plant material, as long as changes
127 maintain the design intent or purpose of the original approval.

128 C. Additional Criteria. In addition to those additions and activities listed
129 in subsection (B) of this section, the planning director may determine that
130 a ~~proposed amendment~~ ~~change~~ to an ~~previously~~ approved project or permit
131 is not ~~subject to suitable for~~ administrative ~~amendment~~ review if:

132 1. The proposal ~~does not~~ ~~may~~ result in any ~~unmitigated~~ significant
133 ~~adverse impact beyond the site~~; and

134 2. The proposal is ~~outside inconsistent with the purpose of the~~
135 ~~administrative amendment and~~ PUD/conditional use ~~permit~~
136 requirements ~~or, determined by review of the~~ applicable decision
137 criteria; and

138 3. The proposal ~~does not~~ ~~adds~~ more than 300 square feet of new floor
139 area per building, to ~~the~~ approved building(s).

140 D. Appeal. The decision of the applicable department director defining
141 an exemption pursuant to this section ~~may be appealed~~ ~~is~~ ~~appealable to the~~
142 ~~hearing examiner~~ using Process II.

143 E. ~~Administrative Amendment Scope.~~ The following sections contain the
144 procedure that the city will use in deciding on an administrative
145 amendment. A proposed amendment which the applicable department
146 director determines is within the authority of subsection (F) of this section
147 will be decided as an administrative amendment unless the applicant has
148 chosen to have the amendment reviewed as a new application using
149 Process I, LMC 1.35.100 through 1.35.180.

150 F. Authority Decision Criteria for Administrative Amendment. The
151 applicable department director of planning shall act on ~~may approve~~ a
152 proposed amendment to an approved project or permit, including signs
153 and sign programs, if:

- 154 1. The amendment maintains the design intent or purpose of the
155 original approval, and does not modify zoning code requirements to
156 any greater extent than any modifications approved with the original
157 application; and
- 158 2. The amendment maintains the quality of design or product
159 established by the original approval; and
- 160 3. The amendment does not add more than the following:
 - 161 a. An addition of 20 percent gross square footage or more than
162 5,000 square feet for an existing or approved building, whichever
163 is less, or
 - 164 b. An addition of 5,000 square feet maximum for new structures;
165 or
 - 166 c. An increase of 20 percent of total existing sign area for
167 freestanding signs, and/or 20 percent increase of total existing sign
168 area for wall signs not to exceed maximum allowed by code; and
- 169 4. An addition of up to 1,500 square feet per existing or approved
170 building is automatically treated as an administrative amendment
171 unless the addition is exempt under subsection (B) of this section; and
- 172 5. The amendment does not cause a significant adverse environmental
173 impact on or beyond the site; and
- 174 6. The amendment is not precluded by the terms of the city code or by
175 state law from being decided administratively.

176 | ~~G. Decision Criteria for Administrative Amendment. The applicable~~
177 | ~~department director may approve or approve with modifications an~~
178 | ~~administrative amendment if:~~

179 | ~~17.~~ The applicant has carried the burden of proof and produced
180 | evidence sufficient to support the conclusion that the application
181 | merits approval or approval with modifications; and

182 | ~~28.~~ The applicant has demonstrated that the proposal complies with the
183 | applicable decision criteria of the city code.

184 | In all other cases, the applicable department director shall deny the
185 | application.

186 | ~~HG.~~ Conditions. The applicable department director may include
187 | conditions as part of the approval or approval with modifications to insure
188 | conformance with ~~subsection (G)~~ the provisions of this section.

189 | ~~HI.~~ Written Proposed Decision. The ~~applicable department planning~~
190 | director ~~of planning~~ shall issue a written proposed decision on the
191 | administrative amendment which contains the following:

192 | 1. A description of the project or decision and the proposed
193 | administrative amendment; and

194 | 2. An analysis of the proposed administrative amendment using the
195 | applicable decision criteria and a determination that the administrative
196 | amendment is within the scope of an administrative amendment
197 | pursuant to subsection (E) of this section; and

198 | 3. A statement that the administrative amendment is proposed to be
199 | approved, approved with modifications or denied subject to the
200 | provisions of this section; and

201 | 4. A statement of facts upon which the proposed decision, including
202 | any conditions, was based and conclusions derived from those facts.

203 | ~~II.~~ Public Notice of Proposed Decision.

204 | 1. Content. The ~~applicable department planning~~ director ~~of planning~~
205 | shall ~~prepare~~ issue notice of the ~~proposed~~ decision containing the
206 | following:

207 | a. The name of the applicant, and if applicable, the project name;
208 | and

209 b. The street address of the subject property and a description in
210 nonlegal terms sufficient to identify its location; and

211 c. A vicinity map indicating the location of the subject property;
212 and

213 d. The file number of the previously approved project or decision;
214 and

215 e. A brief description of the previously approved project or
216 decision and of the proposed administrative amendment; and

217 ~~f. A statement that the proposed administrative amendment was~~
218 ~~approved, approved with modifications or denied subject to the~~
219 ~~filing of an objection pursuant to subsection (L) of this section; and~~

220 ~~g. A statement that the proposed decision will become final unless~~
221 ~~an objection is filed pursuant to subsection (L) of this section; and~~

222 ~~h. A statement of the right of any person to whom notice was~~
223 ~~mailed to file an objection to the proposed decision pursuant to~~
224 ~~subsection (L) of this section; and~~

225 ~~i. A statement that filing an objection pursuant to subsection (L)~~
226 ~~will cause the proposed decision to be void and will result in the~~
227 ~~proposed amendment being treated as new application under~~
228 ~~Process I, LMC 1.35.100 through 1.35.180; and~~

229 ~~jf. A statement that if no objection is filed pursuant to subsection~~
230 ~~(L) of this section, the proposed decision of the director becomes~~
231 ~~final and may be appealed as provided in subsection (N) of this~~
232 ~~section; the decision of the director of planning is appealable to the~~
233 ~~hearing examiner.~~

234 K2. Provision of Notice Distribution. The applicable department director
235 of planning shall mail issue notice of the ~~proposed~~ decision to:

236 1a. The applicant; and

237 2b. Each owner of real property abutting or directly across a public
238 right-of-way from all contiguous property owned by the applicant
239 determined by projecting the property line of that property; and

240 3c. Each person who has requested such notice in writing for the
241 calendar year and who has paid the fee established by the applicable
242 department director; and

243 | 4d. Each person who can be identified from existing city records as
244 | having participated in the original decision.

245 | ~~L. Objection to Administrative Amendment.~~

246 | ~~1. Who May File. Any person to whom notice was mailed pursuant to~~
247 | ~~subsection (K) of this section or the applicant may file an objection to~~
248 | ~~the proposed decision.~~

249 | ~~2. How to File. An objection must be in writing and state specific~~
250 | ~~concerns which cause the objection, and must be filed with the~~
251 | ~~applicable department by 5:00 p.m. within 17 calendar days of the date~~
252 | ~~notice of the proposed decision was mailed. There is no fee for filing~~
253 | ~~an objection.~~

254 | ~~3. Effect of Objection. If an objection is filed pursuant to this~~
255 | ~~subsection the proposed decision of the director is void and the~~
256 | ~~amendment will be processed as a new application using Process I.~~
257 | ~~LMC 1.35.100 through 1.35.180.~~

258 | ~~4. Effect of No Objection. If no objection is filed pursuant to this~~
259 | ~~subsection, the proposed decision of the director becomes final and~~
260 | ~~may be appealed pursuant to subsection (N) of this section.~~

261 | ~~M. Commencement of Activity. If no objection is filed pursuant to~~
262 | ~~subsection (L) of this section, the applicant may commence activity or~~
263 | ~~obtain other required approvals authorized by the director's decision seven~~
264 | ~~calendar days following the final decision of the city. Activity~~
265 | ~~commenced prior to the expiration of the full appeal period provided in~~
266 | ~~subsection (N) of this section is at the sole risk of the applicant.~~

267 | ~~N. Appeal of Director's Decision.~~

268 | ~~1. Who May Appeal. The decision of the applicable department~~
269 | ~~director may be appealed by:~~

270 | ~~a. The applicant; or~~

271 | ~~b. Any person to whom notice of the proposed decision was~~
272 | ~~mailed pursuant to subsection (K) of this section;~~

273 | ~~2. Form of Appeal. A person filing an appeal must make application~~
274 | ~~to superior court for a writ of certiorari, writ of prohibition or writ of~~
275 | ~~mandamus;~~

276 3. ~~Time to Appeal Period. An appeal of the director's The decision of~~
277 ~~the applicable department director must be appealed to superior~~
278 ~~court filed within no more than 2014 calendar days following the date~~
279 ~~on which the time to object expired or is thereafter barred of the~~
280 ~~issuance of the decision.~~

281 Section 6. LMC 1.35.400 is amended as follows:

282 **1.35.400 Process IV: Hearing Examiner/Planning Commission public**
283 **hearing and decision by the city council– Scope.**

284 LMC 1.35.400 through 1.35.480 contain the procedures that the city will
285 use in implementing Process IV. This process includes a public hearing
286 by the planning commission for legislative actions and/or a public hearing
287 by the hearing examiner for quasi-judicial permit applications and a
288 decision by the city council. An informal hearing may apply to action
289 taken under this process.

290 Section 7. LMC 1.35.415 is amended as follows:

291 **1.35.415 Authority.**

292 The hearing examiner city council shall conduct a public hearing and,
293 following completion of the hearing, shall make a recommendation to the
294 final decision of the city council to approve, approve with modifications or
295 conditions, or deny an quasi-judicial application reviewed under this
296 process. ~~For applications for quasi-judicial permits the planning~~
297 ~~commission or hearing examiner may hold an informal public meeting and~~
298 ~~make a recommendation to the city council.~~ For legislative actions, the
299 planning commission shall conduct a public hearing and make a
300 recommendation to the city council.

301 NEW SECTION. Section 8. A new Section 19.35.433 of the Lynnwood Municipal Code
302 is hereby adopted as follows:

303 **1.35.433 Quasi-judicial permits – Public hearing required**

304 A. Hearing Examiner Public Hearing and Recommendation. The hearing examiner
305 shall be responsible for holding a public hearing to review quasi-judicial permits
306 subject to this process together with accompanying materials and documents, land
307 use applications, staff reports and public testimony. Based on the comments and
308 testimony submitted at the public hearing, the hearing examiner shall make a
309 recommendation to the City Council on the land use application(s). The hearing
310 examiner recommendation shall be for approval, disapproval, or approval with
311 conditions. The hearing examiner shall prepare written findings of fact and

312 conclusions of law which shall state the hearing examiner's reasons for the
313 recommendation.

314 REPEALER. Section 9. LMC 1.35.434 is repealed.

315 ~~**1.35.434 Quasi-judicial permits—Informal public meeting.**~~

316 ~~A. Reclassification of Property (Rezone). The planning commission shall hold an informal~~
317 ~~public meeting on a proposed rezone. This meeting shall be held at a regularly scheduled~~
318 ~~meeting of the planning commission, and the planning commission may receive public comment~~
319 ~~on the application. Following any public comments, the planning commission shall make a~~
320 ~~recommendation to the city council regarding the proposal and may recommend modifications to~~
321 ~~the proposal or conditions of approval that the planning commission believes are necessary to~~
322 ~~fulfill city requirements or other adopted policies regarding reclassifications of property. Notice~~
323 ~~of this informal public meeting may be provided in the notice of application (see LMC 1.35.020).~~

324 ~~B. Subdivisions. The hearing examiner shall hold an informal public meeting on the proposal.~~
325 ~~This meeting shall be held at a regularly scheduled meeting of the hearing examiner, and the~~
326 ~~hearing examiner may receive public comment on the application. Following the informal public~~
327 ~~meeting, the hearing examiner shall issue a written recommendation to the city council regarding~~
328 ~~the proposal and may recommend modifications to the proposal or conditions of approval that~~
329 ~~the hearing examiner believes are necessary to fulfill city requirements or other adopted policies~~
330 ~~regarding subdivisions. Notice of this informal public meeting may be provided in the notice of~~
331 ~~application (see LMC 1.35.020). When a planned unit development is submitted for~~
332 ~~consolidated processing with a subdivision (see LMC 1.35.080), the informal meeting shall also~~
333 ~~consider the proposed planned unit development.~~

334 Section 10. LMC 1.35.450 is amended as follows:

335 **1.35.450 Decision.**

336 A. Quasi-judicial permits. The City Council shall consider the
337 recommendation of the Hearing Examiner and shall issue a decision.

338 B. Legislative actions. The City Council may hold a public hearing at its
339 discretion. Should a public hearing be held, Aafter the close of the public
340 hearing, the city council shall either approve, approve with modifications
341 or conditions, or deny the application. The city council may continue the
342 hearing; provided, that for applications subject to the time limit in LMC
343 1.35.025, final action is completed and a notice of decisions is issued in
344 compliance with that time limit.

345 Section 11. LMC 1.35.460 is amended as follows:

346 **1.35.460 Findings of fact and conclusions of law.**

347 For site-specific rezones, planned unit developments, ~~subdivisions~~, and
348 other quasi-judicial permits, the city council shall adopt findings of fact
349 and conclusions derived from those facts which support the decision of the
350 city council to deny, approve or approve with modifications or conditions.
351 The city council may, by reference, adopt some or all of the findings and
352 conclusions recommended by the ~~planning commission or hearing~~
353 examiner.

354 Section 12. LMC 2.22.090 is amended as follows:

355 **2.22.090 Hearing examiner– Powers.**

356 The examiner shall receive and examine available information, conduct
357 public hearings and prepare a record thereof, and enter decisions, ~~as~~
358 ~~provided for in this section.~~

359 ~~A. The decision of the examiner on the following matters shall be final;~~
360 ~~unless such decision is appealed to the city council in writing by an~~
361 ~~aggrieved party:~~

362 ~~1. Applications for variances from the zoning ordinance;~~

363 ~~2. Such other quasi-judicial and administrative determinations as may~~
364 ~~have been delegated to the board of adjustment, including but not limited~~
365 ~~to variances pertaining to the location, size, or dimensional standards of~~
366 ~~secondary or accessory structures such as fences, signs, parking lots and~~
367 ~~landscaping, except as otherwise provided in this code;~~

368 ~~3. Conditional use permits;~~

369 ~~4. Special use permits;~~

370 ~~5. Development plan approvals.~~

371 ~~B. The decision of the hearing examiner on the following matters shall be~~
372 ~~final and the only appeal therefrom shall be to the superior court:~~

373 ~~1. Appeals of administrative determinations of ordinance violations.~~

374 ~~2. Appeals from administrative determinations on interpretations of land~~
375 ~~use regulations, including determinations of the exact location of any~~
376 ~~district boundary if there is uncertainty with respect thereto.~~

377 ~~C. The decision of the hearing examiner on the following matters shall be~~
378 ~~a recommendation to the city council:~~

379 1. ~~Applications for planned unit developments; and/or~~

380 2. ~~Preliminary plat approval in accordance with Chapters 19.05 through~~
381 ~~19.90 LMC.~~

382 DA. In the performance of duties prescribed by this chapter or other
383 ordinances, examiners may:

384 1. Administer oaths and affirmations, examine witnesses, rule upon offers
385 of proof, receive relevant evidence, and conduct discovery procedures
386 which may include propounding interrogatories and taking oral
387 depositions pursuant to Washington State Court rules; provided, that no
388 person shall be compelled to divulge information which he could not be
389 compelled to divulge in a court of law,

390 2. Upon the request of the ~~planning community development~~ department
391 or any party, or upon his own volition, issue and cause to be served
392 subpoenas for the attendance of witnesses and for production for
393 examination of any books, records, or other information in the possession
394 or under the control of any witness; provided, that such subpoena shall
395 state the name and address of the witness sought, and if for the production
396 of books, documents or things, shall specifically identify the same and the
397 relevance thereof to the issues involved;

398 3. Regulate the course of the hearing in accordance with this chapter and
399 other applicable ordinances;

400 4. Hold conferences for the settlement or simplification of the issues by
401 consent of the parties;

402 5. Dispose of procedural requests or similar matters;

403 6. Take any other action authorized by ordinance.

404 In case of failure or refusal without lawful excuse of any person duly
405 subpoenaed to attend pursuant to such subpoena, or to be sworn, or to
406 answer any material and proper question, or to produce upon reasonable
407 notice any material or proper books or records or other information in his
408 possession and under his control, the hearing examiner may invoke the aid
409 of the city attorney who shall apply to the appropriate court for an order or
410 other court action necessary to secure enforcement of the subpoena.

411 ~~E. The examiner is hereby empowered to act in lieu of the board of~~
 412 ~~adjustment, and the planning commission for planned unit developments,~~
 413 ~~conditional use permits, and development plan approvals and preliminary~~
 414 ~~plat approvals, and such other officials, board or commissions as may be~~
 415 ~~assigned. Wherever existing ordinances, codes or policies authorize or~~
 416 ~~direct the board of adjustment, or other officials, boards or commissions to~~
 417 ~~undertake certain activities which the examiner has been assigned, such~~
 418 ~~ordinances, codes or policies shall be construed to refer to the examiner.~~

419 Section 13. LMC 2.22.100 is amended as follows:

420 **2.22.100 Land use issues– Report of community development planning**
 421 **department.**

422 On any land use issue coming before the examiner, the planning community
 423 development department shall coordinate and assemble the reviews of other city
 424 departments, governmental agencies, and other interested parties and shall prepare
 425 a report summarizing the factors involved and the department’s findings and
 426 recommendations. At least seven calendar days prior to the scheduled hearing,
 427 the report shall be filed with the examiner and copies thereof shall be mailed to
 428 the applicant and made available for public inspection. Copies thereof shall be
 429 provided to interested parties upon payment of reproduction costs. In the event
 430 that information to be provided by the applicant or other parties outside of city
 431 control has not been provided in sufficient time for filing seven days in advance
 432 of the hearing, the community development planning department may reschedule
 433 the hearing and notify interested parties.

434 Section 14. LMC 17.02.195 is amended as follows:

435 **17.02.195 Appeals (WAC 173-806-170).**

436 A. The city establishes the following administrative appeal procedures
 437 under RCW 43.21C.075 (a) amended by Chapter 347, Laws of 1995
 438 (ESHB 1724)), WAC 197-11-680 and RCW 43.21C.060: These
 439 administrative appeal procedures supersede procedures for administrative
 440 appeals provided for in Lynnwood Municipal Code Chapter 1.35 of this
 441 Code.

442 1. Any agency or person may appeal the city’s procedural compliance
 443 with Chapter 197-11 WAC for issuance of the following:

- 444 a. Determination of non-significance;
- 445 b. Mitigated determination of non-significance;
- 446 c. Determination of significance;
- 447 d. Adequacy of an FEIS.
- 448

449 Appeal of intermediate steps under SEPA (e.g., lead agency
450 determination, scoping, draft EIS adequacy) shall not be allowed.

451 2. Appeals must be filed within the following timelines:

452 a. Appeals of Aa final determination of nonsignificance (DNS) or
453 mitigated DNS. The appeal must be filed in writing with the community
454 development/planning department within 14 calendar days of the date that
455 the DNS or mitigated DNS becomes final. Any and all appeals of a final
456 DNS or mitigated DNS shall be heard simultaneously with the underlying
457 application for a city permit of approval. If processing the underlying
458 application does not include a public hearing, the appeal shall be heard by
459 the hearing examiner, pursuant to Process VI, LMC 1.35.600 et seq.

460 b. Appeals of aA final determination of significance (DS). The appeal
461 must be filed in writing with the planning community development
462 department within 14 calendar days of the issuance of the determination of
463 significance by the city. Any such appeal shall be processed according to
464 Process VI, LMC 1.35.600 et seq.

465 2. Any person or agency may appeal to the city council (pursuant to RCW
466 43.21C.060) any substantive action take by the city pursuant to SEPA and
467 Chapter 197-11 WAC (for example: requiring particular mitigation
468 measures or denying a project) except for actions by the city council by
469 filing a written appeal with the finance director within 14 calendar days of
470 final action on the underlying project. Any such appeal shall be processed
471 according to Process VII, LMC 1.35.700 et seq.

472 c. Appeals of a final EIS must be filed in writing with the community
473 development department within 14 days of the issuance of the Final EIS
474 by the city.

475 3. The appeal of a determination under SEPA shall be considered with the
476 decision on the underlying governmental action in the following manner.

477 a. If the initial decision on the underlying governmental action is made by
478 the hearing examiner (e.g. conditional use permit), the SEPA appeal shall
479 be heard by the hearing examiner at the same time as the public hearing on
480 the underlying action. The hearing examiner shall render a decision on
481 both the SEPA appeal and the underlying action.

482 b. If the initial decision on the underlying governmental action is made by
483 a city employee or official with a right of appeal to the hearing examiner,
484 the SEPA appeal shall be heard by the examiner at the same time as the
485 hearing on the appeal of the underlying action, if the underlying action is
486 appealed. The hearing examiner shall render a decision on both appeals.

487 In cases where the underlying action is not appealed, the hearing examiner
488 shall render the decision on the SEPA appeal and any time frame for filing
489 an action under the Land Use Petition Act (LUPA) for the underlying
490 action shall be suspended pending conclusion of the city’s SEPA appeal
491 process.

492 c. If the initial decision on the underlying governmental action is made by
493 the city council after a public hearing, the SEPA appeal shall be heard and
494 decided by the city council at the same time.

495 d. If the proposal is a non-project action (i.e. legislative or other actions
496 not meeting the definition of a Project Permit pursuant to LMC 1.35.005
497 “Project permit– Definition”), then the hearing examiner shall render a
498 decision on the SEPA appeal (prior to the planning commission public
499 hearing.)

500
501 B. The decision on a SEPA appeal shall be final, with no additional
502 administrative appeal.

503 C. As provided in RCW 43.21C.075(3)(d), the environmental
504 determination of the responsible official shall be entitled to substantial
505 weight.

506 D. The appellant shall have the burden of establishing that the
507 environmental determination is clearly erroneous.

508 E. Only one appeal of an environmental determination made by the
509 responsible official shall be allowed on a proposal. If more than one
510 person files an appeal of an environmental determination on a proposal,
511 such appeals shall be consolidated.

512 BF. The city shall give official notice under WAC 197-11-680(5)
513 whenever it issues a permit or approval for which a statute or ordinance
514 establishes a time limit for commencing judicial appeal.

515 Note: see also LMC 17.02.200(E).

516 Section 15. LMC 19.15.007 is amended as follows:

517 **19.15.007 Procedure.**

518 The city will process an application for a preliminary plat in accordance
519 with the provisions of this Title. through Process IV, LMC 1.35.400
520 through 1.35.480.

521 Section 16. LMC 19.15.010 is amended as follows:

522 **19.15.010 Plat process functions.**

523 The functions and responsibilities for processing plat applications for the
524 city of Lynnwood shall be as generally outlined below:

525 A. Hearing Examiner. The hearing examiner is authorized to hold a
526 public hearing~~an informal public meeting~~ on all preliminary plats and to
527 render a decision~~make recommendations to the city council~~. In making
528 the decision~~its recommendation to the city council~~, the hearing examiner
529 shall make ~~proposed~~ findings of fact and conclusions of law to indicate
530 that the proposed subdivision is in conformance with the zoning ordinance
531 and other applicable land use controls, this title and state law;

532 B. Community Development Department. The community development
533 department shall coordinate all activities concerning the preliminary plat
534 including routing departmental and outside agency reviews and
535 recommendations and consolidating staff recommendations to the hearing
536 examiner ~~and city council and conducting the public hearings and~~
537 meetings. This provision shall not be construed to conflict with the duties
538 of other named city officials as mentioned in this title;

539 C. City Council. The Lynnwood city council ~~shall hold a public hearing~~
540 ~~on all preliminary plats; further, the city council~~ shall have sole authority
541 to approve final plats. No plat may be approved unless the city council
542 makes a formal finding of fact that the proposed final plat is in
543 conformance with the zoning code and all other applicable land use
544 regulations, this title and state law.

545 Section 17. LMC 19.20.022 is amended as follows:

546 **19.20.022 Notice requirements.**

547 The community development director shall provide ~~notifications (notice of~~
548 ~~informal meeting and~~ notice of public hearings) when appropriate in
549 accordance with the notification requirements set forth in LMC 1.35.440.

550 Section 18. LMC 19.20.025 is amended as follows:

551 **19.20.025 Hearing examiner ~~informal~~ public hearing and**
552 **decisionmeeting.**

553 A. Hearing Examiner Public Hearing and Decision~~Recommendation~~. The
554 hearing examiner shall be responsible for holding ~~an informal~~ a public
555 hearing~~meeting~~ to review all proposed preliminary plats together with

556 accompanying materials and documents, land use applications, staff
 557 reports and public testimony. Based on the comments and testimony
 558 established at the ~~informal~~ public hearing meeting, the hearing examiner
 559 shall ~~render a decision~~ make a recommendation on the preliminary plat and
 560 other related land use applications ~~to the city council~~ or return the plat to
 561 the applicant with a request for additional information. ~~If~~ The hearing
 562 examiner ~~makes a recommendation, such recommendation~~ decision shall
 563 be for approval, disapproval, or approval with conditions. In issuing a
 564 decision on recommending any proposed plat, the hearing examiner shall
 565 prepare ~~propose~~ written findings of fact and conclusions of law which shall
 566 state the hearing examiner's reasons for the decision. ~~to the city council~~
 567 ~~which shall state fully its reasons to the city council.~~

568 REPEALER. Section 19. LMC 19.20.030 is repealed.

569 ~~19.20.030 City council action:~~

570 ~~A. The hearing examiner recommendation, findings and all supporting documents shall be~~
 571 ~~forwarded to the city council. The community development department shall set a date and time~~
 572 ~~for a public hearing before the city council to review the recommendation of the hearing~~
 573 ~~examiner. The city council shall then make its own decision supported by written findings of fact~~
 574 ~~and conclusions of law and approve, approve with conditions, or disapprove the preliminary plat.~~

575 ~~B. Prior to making a decision the city council may refer the plat back to the hearing examiner for~~
 576 ~~further consideration or may require the applicant to modify the plat, or require more information~~
 577 ~~to be submitted.~~

578 Section 20. Section 19.20.035 is amended as follows:

579 **19.20.035 Factors to be considered in the preliminary plat process.**

580 Hearing examiner ~~recommendations and city council~~ action on
 581 preliminary plats shall be based on review of Chapter 58.17 RCW and the
 582 following factors:

583 A. The preliminary plat shall conform to and it shall be the applicant's
 584 burden to demonstrate conformance to the following factors as they now
 585 exist or as they may be amended:

- 586 1. The goals, policies and objectives of the Lynnwood comprehensive
- 587 plan;
- 588 2. The Lynnwood comprehensive parks and recreation plan;
- 589 3. The Lynnwood zoning code;
- 590 4. The standards of this title and Chapter 58.17 RCW;
- 591 5. The Lynnwood comprehensive street and arterial plan;
- 592 6. The standards of Title 17 LMC, Environment;

- 593 7. The Lynnwood water system comprehensive plan;
- 594 8. The Lynnwood comprehensive flood and drainage management plan,
- 595 and Chapter 13.40 LMC, Drainage Plans;
- 596 9. The compatibility of the plat to the existing neighborhoods;
- 597 10. Other plans and programs as the city of Lynnwood may adopt.

598 B. A proposed subdivision and dedication shall not be approved unless
 599 the hearing examiner~~city council~~ makes written findings that:

- 600 1. Appropriate provisions are made for, but not limited to:
 - 601 a. The public health, safety, and general welfare;
 - 602 b. Open spaces, drainage ways, streets, roads, alleys, other public ways
 - 603 and transit stops;
 - 604 c. Potable water supplies, and sanitary wastes;
 - 605 d. Parks and recreation, playgrounds, schools and school grounds;
 - 606 e. All other relevant facts, including sidewalks and other planning
 - 607 features that assure safe walking conditions.
- 608 2. The public use and interest will be served by the platting of such
- 609 subdivision and dedication.
- 610 3. The proposed subdivision and dedication is in conformity with the
- 611 Lynnwood zoning code and land use controls.

612 Section 21. LMC 19.20.040 is amended as follows:

613 **19.20.040 Time limits, extensions and effect of preliminary plat**
 614 **approval.**

615 A. The ~~city council~~ hearing examiner shall approve, approve with
 616 conditions, disapprove or return to the applicant for modification all
 617 preliminary plats of proposed subdivisions within the timeframe specified
 618 by RCW 58.17.140. 90 days from the date of filing thereof unless the
 619 applicant consents to an extension of time; provided, that if an
 620 environmental impact statement (EIS) is required pursuant to Chapter
 621 43.21C RCW, the 90-day period shall not include time spent preparing
 622 and circulating a required EIS.

623 B. The subdivider shall submit to the city a final plat meeting all
 624 requirements of this title within the timeframe specified by RCW
 625 58.17.140 have five years from the date of preliminary approval to submit
 626 to the city a final plat meeting all requirements of this title. Failure to do
 627 so will result in the expiration of preliminary plat approval; provided,
 628 however, that upon written application to the community development
 629 department at least 30 days prior to the expiration of the five-year time

630 period and upon satisfactory showing that a good faith effort has been
631 made to submit the final plat within the five-yeartime period, the
632 community development director or designee may grant a single, one-year
633 extension of time ~~the applicant an additional period of one year~~ in which
634 to submit the final plat for approval. ~~No extension of time beyond six~~
635 ~~years from the date of final approval of the preliminary plat shall be~~
636 ~~granted.~~

637 C. Approval of a preliminary plat by the hearing examinercity council is
638 approval of the proposed subdivision's design, and relationship with
639 adjoining property. The engineering, construction and installation of
640 improvements and final platting detail shall be subject to approval of the
641 public works director. Approval of the preliminary plat shall authorize the
642 subdivider to proceed with the preparation of the final plat in conformance
643 with the approved preliminary plat and the conditions stipulated. Upon
644 the approval of detailed construction plans by the public works director,
645 construction and installation of the improvements may proceed.

646 Section 22. LMC 19.20.045 is amended as follows:

647 **19.20.045 Methods and procedure for carrying out improvements.**

648 A. If the preliminary plat is approved by the hearing examinercity
649 council, the city may accept a bond or other secure method providing for
650 and securing to the city the actual construction and installation of
651 minimum improvements in accordance with the provisions of LMC
652 19.20.042 within one year by any of the following methods:

653 1. By furnishing the city of Lynnwood with a performance bond
654 satisfactory to the public works director and city attorney, in which
655 guarantee is given the city that the installation of the minimum
656 improvements will be carried out as provided in LMC 19.20.042 and
657 according to the specifications of the public works director within one
658 year;

659 2. By actual installation of improvements in accordance with the
660 installation requirements and under the supervision of the public works
661 director and furnishing a bond approved by the city attorney securing
662 successful operation of the improvements for a period of 24 months
663 following completion and acceptance thereof by the city;

664 3. By formation of a local improvement district;

665 4. By a cash deposit with the city or suitable escrow;

666 5. By a combination of these methods; and

667 6. By such other reasonable guarantee acceptable to the public works
668 director and approved by the city attorney.

669 B. The subdivider may then make application for such permits from the
670 local officers, officials and authorities as are necessary to proceed with the
671 installation of the plat improvements.

672 C. After completing all minimum improvements, the subdivider shall
673 make written request to the public works director for inspection. After
674 finding that all improvements have been completed or provided for in
675 accordance with the installation standards, the public works director shall
676 so notify the community development director.

677 D. Upon receipt of this notification, the community development director
678 shall advise the subdivider that a final plat may be submitted for that
679 portion of the area contained in the proposed plat, subdivision, or
680 dedication in which minimum improvements have been installed or
681 concerning which a performance bond or other acceptable surety has been
682 posted. The subdivider may then submit the final plat in accordance with
683 Chapter 19.25 LMC.

684 Section 23. LMC 19.25.005 is amended as follows:

685 **19.25.005 Application.**

686 A. Submittal to the Community Development Department. After
687 approval of the preliminary plat and the detailed construction plans and
688 within the time limits set forth in LMC 19.20.040, the subdivider shall
689 prepare a final plat and the supplementary materials required by this
690 chapter. The final plat shall be submitted to the community development
691 department along with the supplementary materials as per LMC
692 19.25.010.

693 B. Conformance with Preliminary Plat. The final plat shall conform to
694 the preliminary plat approved by the hearing examiner~~city council~~ and to
695 any conditions that may have been part of the approval. Slight deviations
696 from the approved preliminary plat may be allowed if the community
697 development director and/or public works director determine such
698 deviations are necessary because of unforeseen technical problems.

699 C. Submittal Requirements. The final plat shall be prepared on mylar or
700 other similar material, 18 inches by 24 inches in size, allowing one-half
701 inch for border, by a registered land surveyor in accordance with the
702 requirements of the public works director surveying standards and shall
703 contain the following information:

704 1. All documents, maps, and survey notes shall contain the name of the
705 subdivision or be clearly referenced to it, and shall contain the name and
706 address of the subdivider and his surveyors or engineer, or be clearly
707 referenced to it.

708 2. The legal description of the plat and the following information shall
709 appear in the following sequences on the final plat, lettered in ink either by
710 hand or mechanical device:

711 Know all men by these presents that _____, the
712 undersigned owner(s) in fee simple, and encumbrances of the land hereby
713 platted, hereby declare this plat and dedicate(s) to the use of the public
714 forever, all streets and easements or whatever public property there is
715 shown on the plat and the use thereof for any and all public purposes; also,
716 the right to make all necessary slopes for cuts or fills upon the lots, blocks,
717 tracts, etc., shown on this plat in the reasonable original grading of all
718 streets, shown hereon.

719 Signed & Sealed _____

State of Washington)

)ss

County of Snohomish)

720 This is to Certify that on this ___ day of _____, 20___, before me the
721 undersigned, a Notary Public, personally appeared _____ to me
722 | known to the the person(s) who executed the foregoing dedication and
723 acknowledged to me that _____ signed and sealed the same
724 as _____ free and voluntary act and deed for the uses and
725 purposes mentioned.

726 Witness my hand and official seal the day and year last above written.

727 _____
728 Notary Public in and for the State of Washington, residing at

729 _____
730 Commission expires _____

731 I hereby certify that the plat of _____ is based on actual survey
732 and subdivision of Section _____, Township _____, North, Range
733 _____ E.W.M., that the distances and courses and angles are shown
734 thereon correctly, that proper monuments have been set and lot block
735 corners staked on the ground.

736 Signed _____ (Seal)

737 Licensed Land Surveyor

738 Examined & Approved this ___ day of _____, A.D., 20__.

739 _____

740 Mayor, City of Lynnwood

741 Examined & Approved this ___ day of _____, A.D., 20__.

742 _____

743 Community Development Director

744 Examined & Approved this ___ day of _____, A.D., 20__.

745 _____

746 Public Works Director

747 Attest:

748 _____

749 Administrative Services Director

750 Filed for record at the request of the city of Lynnwood this ___ day of
751 _____, A.D., 20__ , at _____ minutes past _____ o'clock, __.M.,
752 and recorded in Volume _____ of Plats, on Page _____, records of
753 Snohomish County, Washington.

754 _____

755 Snohomish County Auditor

756 _____

757 Deputy County Auditor

758 I, _____, Treasurer of Snohomish County,
759 Washington, do hereby certify that all taxes on the above described tract
760 have been fully paid up to and including the year of 20__.

761 _____

762 Snohomish County Treasurer

763 3. The boundary lines with accurate distances and bearings, location, and
764 width of all existing previously recorded public highways approaching and
765 intersecting the boundaries of the subdivision shall be shown on the map
766 and referenced to the United States Coast and Geodetic Survey datum or
767 the plain coordinate system for the state of Washington, and/or acceptable
768 data prescribed by the public works director.

769 4. The map shall accurately show the boundary lines of all parks and
770 playgrounds and the rights-of-way of all public streets contained in the
771 plat, subdivision, or dedication, and shall contain thereon, suitably
772 inscribed, and described, a statement of dedication of these rights-of-way,
773 playgrounds, parks, and other necessary areas.

774 5. The final plat shall clearly show the following information:

- 775 a. The lines and names of all streets or other public ways, parks,
776 playgrounds, tracts and easements intended to be dedicated for public use,
777 or granted for use of inhabitants of the subdivision;
- 778 b. The lines and names of all existing or platted streets or other public
779 ways, parks, playgrounds, and easements adjacent to the final plat,
780 subdivision or dedication, including municipal boundaries, township lines,
781 and section lines;
- 782 c. The lengths and bearings of all straight lines, curve radii, arcs and
783 semi-tangents of all curves;
- 784 d. All dimensions along the lines of each lot, with the true bearings plus
785 any other data necessary for the location of any lot lines or corners in the
786 field;
- 787 e. Suitable primary control points, approved by the public works director
788 or descriptions and ties to such control points, to which all dimensions,
789 angles, bearings and similar data given on the plat shall be referred;
- 790 f. The name of all subdivisions immediately adjacent thereof;
- 791 g. The date, true north point, scale and date of survey;
- 792 h. The boundary of the tract, with courses and distances marked thereon,
793 as determined by a field survey made by a registered land surveyor of the
794 state of Washington and to close with an error of not more than one foot in
795 5,000; and
- 796 i. Storm water system maintenance requirements as approved by the
797 public works director.

798 6. The subdivider shall submit complete field and computation notes
799 showing original or re-established corners, with description of the same;
800 showing true bearings and distances to established street lines and
801 monuments, turning angles, points of curvature, length of tangents, and the
802 actual traverse showing error of enclosure and method of balancing with
803 sketches showing all distances, angles and calculations required to
804 determine corners and distances of the plat, subdivision, or dedication.

805 The final plat as submitted to the city council shall contain a certificate
806 from the county treasurer indicating that all taxes on said property
807 included in the proposed plat, subdivision, or dedication, have been paid
808 and a certificate from the county assessor and city treasurer indicating that
809 all assessments on this property have been paid in accordance with
810 Chapter 200, Section 1, Laws, 1909, as hereafter amended (RCW

811 58.08.040) and Chapter 188, Section 1, Laws, 1927, as hereafter amended
812 (RCW 58.08.030).

813 Section 24. CODIFICATION. LMC 1.35.800 shall be re-codified as LMC 1.35.090.

814
815 Section 25. CODIFICATION. LMC 1.35.810 shall be re-codified as LMC 1.35.095.
816

817 Section 26. If any section, sentence, clause or phrase of this Ordinance should be held to
818 be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or
819 unconstitutionality shall not affect the validity or constitutionality of any other section, sentence,
820 clause or phrase of this Ordinance.

821 Section 27. This Ordinance or a summary thereof consisting of the title shall be
822 published in the official newspaper of the City, and shall take effect and be in full force five (5)
823 days after publication.

824 PASSED BY THE CITY COUNCIL, this _____ day of _____, 2012

825
826 APPROVED:

827
828
829 _____
830 DON GOUGH, MAYOR

831
832
833 ATTEST/AUTHENTICATED:

834
835
836 _____
837 LORENZO HINES, FINANCE DIRECTOR, CITY CLERK

838
839
840 APPROVED AS TO FORM:

841
842
843 _____
844 ROSEMARY LARSON, CITY ATTORNEY

845

846 On the ____ day of _____, 2012, the City Council of the City of Lynnwood,
847 Washington, passed Ordinance No. _____. A summary of the content of said ordinance,
848 consisting of the title, provides as follows:

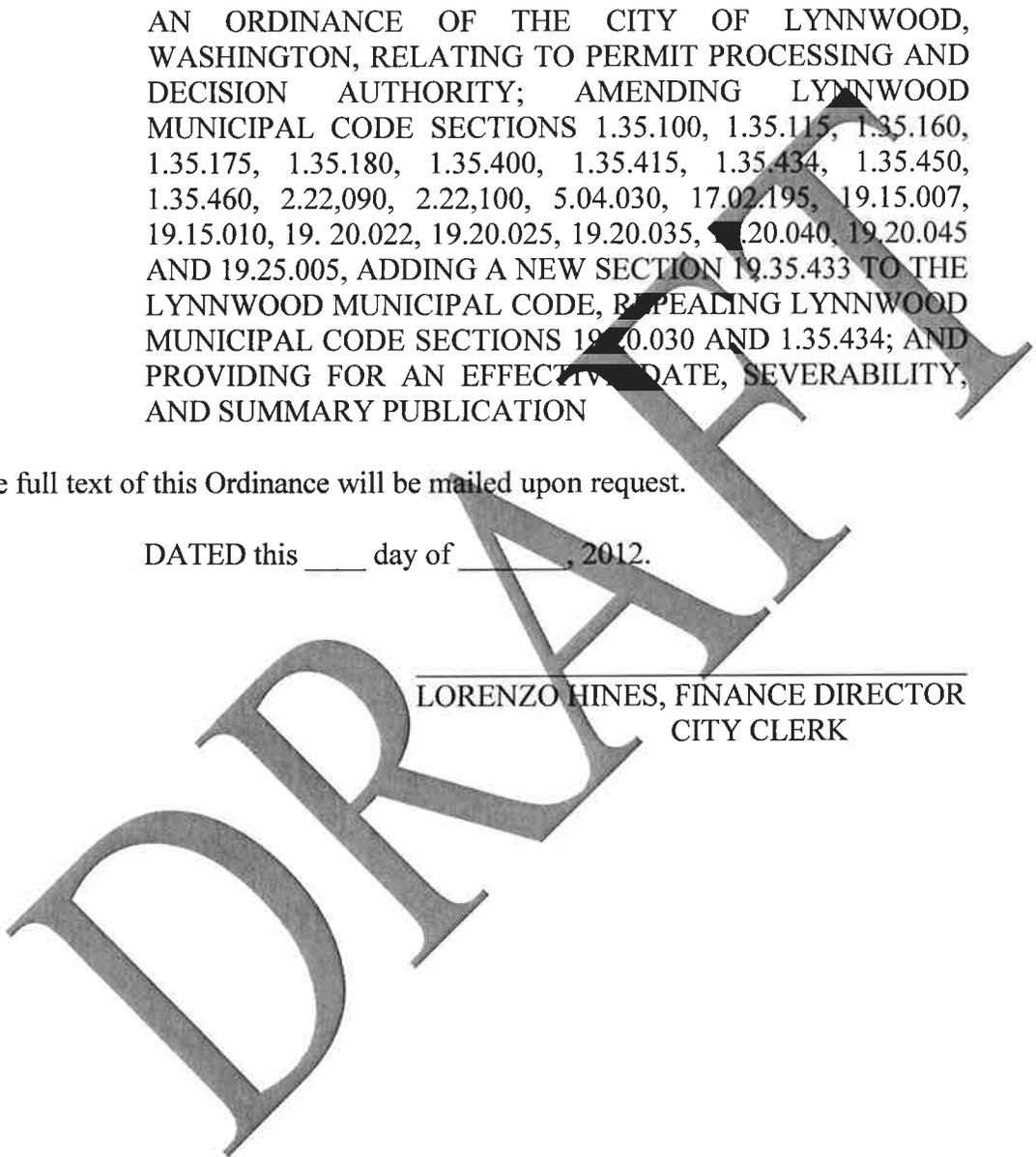
849 AN ORDINANCE OF THE CITY OF LYNNWOOD,
850 WASHINGTON, RELATING TO PERMIT PROCESSING AND
851 DECISION AUTHORITY; AMENDING LYNNWOOD
852 MUNICIPAL CODE SECTIONS 1.35.100, 1.35.115, 1.35.160,
853 1.35.175, 1.35.180, 1.35.400, 1.35.415, 1.35.434, 1.35.450,
854 1.35.460, 2.22.090, 2.22.100, 5.04.030, 17.02.195, 19.15.007,
855 19.15.010, 19.20.022, 19.20.025, 19.20.035, 19.20.040, 19.20.045
856 AND 19.25.005, ADDING A NEW SECTION 19.35.433 TO THE
857 LYNNWOOD MUNICIPAL CODE, REPEALING LYNNWOOD
858 MUNICIPAL CODE SECTIONS 19.20.030 AND 1.35.434; AND
859 PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY,
860 AND SUMMARY PUBLICATION

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

862 DATED this ____ day of _____, 2012.

863
864
865
866
867

LORENZO HINES, FINANCE DIRECTOR
CITY CLERK



**Lynnwood Planning Commission
Meeting of June 28, 2012**

Staff Report

Agenda Item:

Transportation Improvement Plan

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

Staff Contact: David Mach, Public Works

Introduction: The City of Lynnwood is required annually to amend and adopt a **Six Year Transportation Improvement Plan**, which lists anticipated street projects and their costs for the six year period. This requirement is set out in RCW 35.77.010, RCW 36.81.121 and modified by HB 1525.

Attached is a summary project list for the 2013 – 2018 Six-Year TIP. There are 7 programs, 2 studies, and 34 projects on this year's list, for a six-year total of \$180,881,500. The programs/projects are grouped into six categories:

1. Recurring Annual Programs
2. New/Expanded Roads
3. Non-Motorized
4. Intersection Improvements
5. City Center
6. Miscellaneous

The Proposed TIP covers the years 2013 - 2018. The projects in the TIP are derived directly from the 2011 – 2016 Capital Facilities Plan with very minor modifications. Scheduling is determined by need and probable funding sources. All of these projects are based on the policies set forth in the City of Lynnwood Comprehensive Plan.

State of the Transportation System: The annual updating of the Six Year TIP is an opportunity to look at how far we have come over the last few years and to look where we are headed in the future. Changes from last year reflect progress in completing projects as the addition of a few new projects.

Recent Past: Over the last 10 years the City has seen the completion of several significant transportation projects:

1. Completion of the I-5/196th St SW interchange improvements
2. Completion of the widening of 44th Ave W from 196th St SW to I-5
3. Completion of the widening of 176th St SW from Olympic View Drive to SR 99
4. Completion of SR-99 improvements
5. Completion of the Regional Transit Center

6. Completion of the I-5 HOV direct access ramp to the Transit Center
7. Completion of the widening of Olympic View Drive, Phases 1 & 2
8. Lynnwood Traffic Management Center at City Hall
9. Interurban Trail/44th Ave W Pedestrian Bridge and Trail
10. I-5/196th St SW Pedestrian Improvements

Under Construction: Projects under construction include:

- WSDOT Braided Ramp Project on southbound I-5

In Design: Projects in design include:

- 36th Ave W, Maple Road to SR-99
- 204th St SW, 68th Ave W to SR-99
- 196th St SW, 48th Ave W to 37th Ave W
- 48th Ave W Sidewalks, 183rd Pl SW to 180th St SW
- Poplar Extension Bridge
- Interurban Trail, 212th St SW to 52nd Ave W

Changes in the proposed 2013-2018 TIP: Due to prioritization, project completion, new grant funding, and/or budgetary constraints, the following projects were either removed or added:

- Added: 176th Street SW Road Diet – 52nd Avenue W to 44th Avenue W
- Added: SR-99/SR-524 Safety Improvements
- Added: SR-99/SR-524 Adaptive Traffic Signal Control
- Added: Citywide Safety Improvements

Action and Scheduling: The Planning Commission is requested to consider the proposed the proposed 2013 – 2018 TIP and forward a recommendation on to the City Council. The Commission’s recommendation will be forwarded to the City Council for consideration and discussion at a future City Council Work Session. A City Council Public Hearing will also be scheduled followed by adoption of an ordinance at a City Council Business Meeting.

Attachment(s): Proposed Six Year Transportation Improvement Plan (TIP) 2013 – 2018 and associated map.



City of Lynnwood Six Year TIP 2013-2018

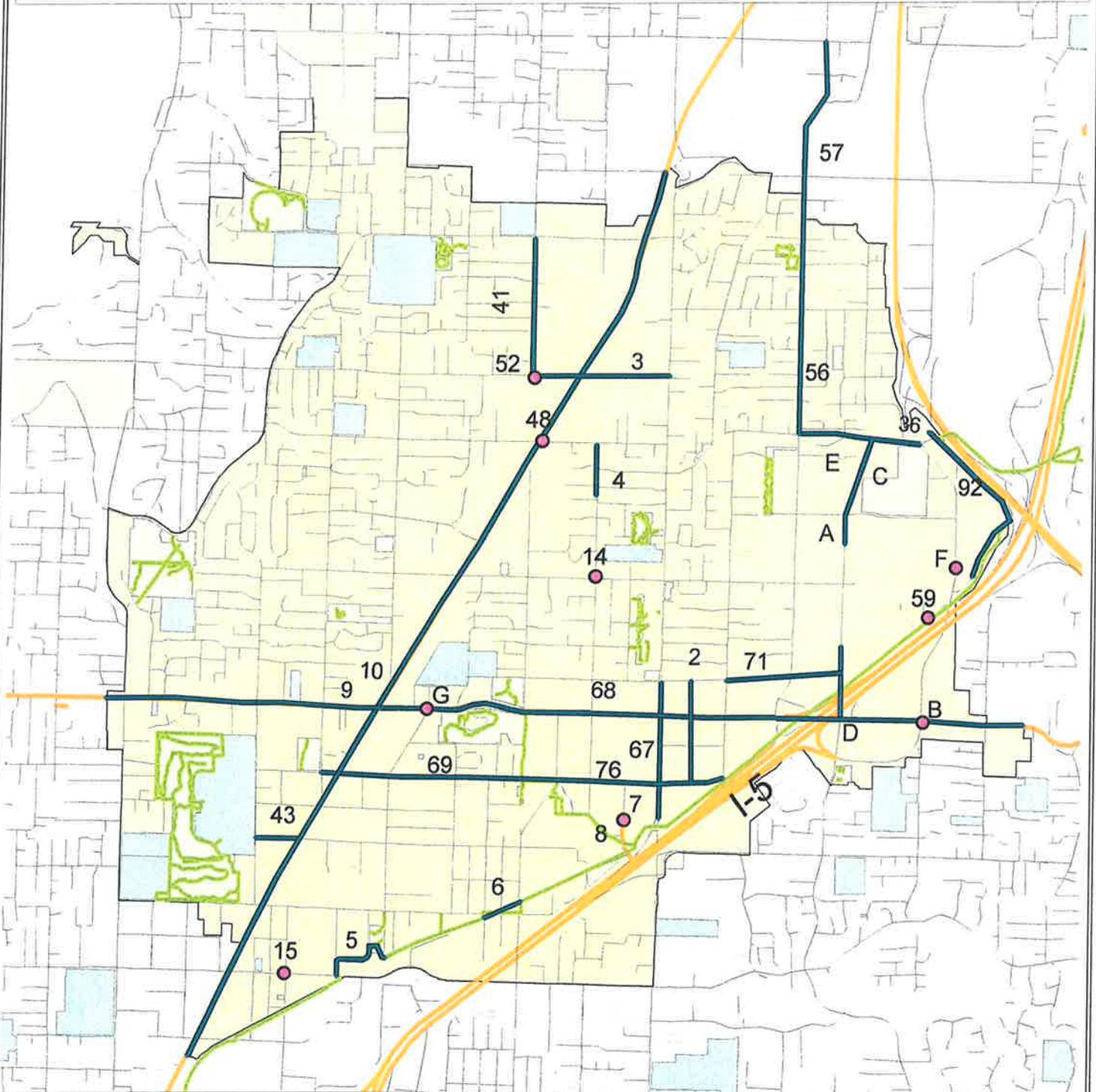
Project Type	Map ID #	Project Title	Funded	Six Year Total	2013	2014	2015	2016	2017	2018	Project Total
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		Overlay Program	P	11,980,000	1,750,000	1,800,000	2,000,000	2,030,000	2,190,000	2,210,000	NA
		Traffic Signal Rebuild Program	N	2,000,000		400,000	400,000	400,000	400,000	400,000	NA
		Transportation Business Plan	N	375,000		75,000	75,000	75,000	75,000	75,000	NA
		Sidewalk and Walkway Program - ADA Ramps	N	370,000		100,000	90,000	80,000	70,000	30,000	NA
		Sidewalk and Walkway Program - Maintenance	N	500,000		100,000	100,000	100,000	100,000	100,000	NA
		Neighborhood Traffic Calming Program	N	250,000		50,000	50,000	50,000	50,000	50,000	NA
		Sidewalk and Walkway Program	N	1,875,000		375,000	375,000	375,000	375,000	375,000	NA
		Subtotal		17,350,000	1,750,000	2,900,000	3,090,000	3,110,000	3,260,000	3,240,000	

New/Expanded Roads												
43		204th St SW	68th Ave W	SR 99	Y	2,898,000	2,297,000	601,000				3,580,000
56		36th Ave W	Maple Road	164th St SW	P	11,665,000	265,000	400,000	5,000,000	6,000,000		12,890,000
57		36th Ave W	164th St SW	SR 99	P	11,665,000	265,000	400,000	5,000,000	6,000,000		12,890,000
D		Poplar Extension Bridge	196th St SW	AMB	P	28,398,000	1,328,000	1,323,000	1,308,000	9,369,000	12,056,000	3,014,000
36		Maple Road Extension	AMP	32nd Ave W	P	1,937,000		173,000	1,764,000			1,937,000
C		33rd Ave W Extension	184th St SW	AMP	Y	7,620,000		620,000	3,000,000	4,000,000		7,620,000
41		52nd Ave W	168th St SW	176th St SW	N	2,949,000			236,000	176,000	2,537,000	2,949,000
A		33rd Ave W Extension	33rd Ave W	184th St SW	N	11,445,000			355,000	6,085,000	5,005,000	11,445,000
E		33rd Ave W Extension	Maple Road	Asst Way	N	3,200,000			220,000	550,000	2,430,000	3,200,000
92		Beech Road Extension	AMP	Underpass	N	3,970,000			320,000	210,000	3,440,000	3,970,000
69		200th St SW	64th Ave W	48th Ave W	N	500,000					500,000	25,821,000
		Subtotal				86,247,000	4,155,000	3,517,000	16,308,000	26,440,000	21,438,000	116,503,000

Non-Motorized												
4		48th Ave W Sidewalk	183rd Pl SW	180th St SW	Y	650,000	650,000					1,005,000
5		Interurban Trail Imp.	Vic. of 212th St SW		Y	1,480,000	1,480,000					1,100,000
6		Interurban Trail Imp.	Vic. of 208th St SW & 52nd		Y	372,000	372,000					412,000
3		176th St SW Road Diet	52nd Ave W	44th Ave W	Y	95,000	24,000	71,000				95,000
48		Pedestrian Signal	SR-99	180th St SW	N	587,000		69,000	518,000			587,000
		Subtotal				3,184,000	2,526,000	140,000	518,000	0	0	3,199,000

2013-2018 Transportation Improvement Plan (TIP)



Legend:

- Project
- Project
- Parks
- Schools