

AGENDA
Lynnwood Planning Commission
Meeting
Thursday, January 22, 2015 — 7:00 pm
Council Chambers, Lynnwood City Hall
19100 44th Ave. W, Lynnwood, WA 98026

A. CALL TO ORDER – ROLL CALL

B. APPROVAL OF MINUTES

1. December 11, 2014 special meeting
2. December 11, 2014 regular meeting

C. CITIZEN COMMENTS – (on matters not scheduled for discussion or public hearing on tonight's agenda) Note: Citizens wishing to offer a comment on a non-hearing agenda item, at the discretion of the Chair, may be invited to speak later in the agenda, during the Commission's discussion of the matter. Citizens wishing to comment on the record on matters scheduled for a public hearing will be invited to do so during the hearing.

D. PUBLIC HEARINGS

1. Code Amendment: Siting process for essential public facilities (CAM-002370-2014)

E. WORK SESSION TOPICS

1. Code Amendment: Shipping Containers in Residential Zones (CAM-002289-2014)
2. Comprehensive Plan: Draft Implementation Element

F. OTHER BUSINESS

1. 2014 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.

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**CITY OF LYNNWOOD
PLANNING COMMISSION MINUTES
December 11, 2014 Special Meeting**

Commissioners Present:	Staff Present:
Richard Wright, Chair	Paul Krauss, Comm. Dev. Director
Robert Larsen, First Vice Chair	Corbitt Loch, Dep. Director Comm. Dev.
Chad Braithwaite, Second Vice Chair	Gloria Rivera, Senior Planner
Maria Ambalada	Michelle Szafran, Associate Planner
Doug Jones	Shay Davidson, Administrative Asst.
Michael Wojack	Todd Hall, Senior Planner
George Hurst	
	Other:
Commissioners Absent: None	Councilmember Van AuBuchon

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Call to Order

The meeting was called to order by Chair Wright at 6:10 p.m.

Training – Open Public Meetings Act

The Planning Commission participated in training regarding the Open Public Meetings Act, as required by the Open Government Training Act of 2014. The training consisted of review of: 1) PowerPoint presentation created the WA State Attorney General’s Office; and 2) a 16-minute video created by the WA State Attorney General’s Office.

Adjournment

The meeting was adjourned at 7:00 p.m.

Richard Wright, Chair

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**CITY OF LYNNWOOD
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Commissioners Present:	Staff Present:
Richard Wright, Chair	Paul Krauss, Comm. Dev. Director
Robert Larsen, First Vice Chair	Corbitt Loch, Dep. Director Comm. Dev.
Chad Braithwaite, Second Vice Chair	Gloria Rivera, Senior Planner
Maria Ambalada	Michelle Szafran, Associate Planner
Doug Jones	Todd Hall, Senior Planner
Michael Wojack	Shay Davidson, Administrative Asst.
George Hurst	
	Other:
Commissioners Absent: None	Councilmember Van AuBuchon

Call to Order

The meeting was called to order by Chair Wright at 7:12 p.m.

Approval of Minutes

1. Approval of minutes of the November 13, 2014 Meeting

Motion made by Commissioner Ambalada, seconded Commissioner Braithwaite, to approve the minutes as presented. Motion passed unanimously (7-0).

Citizen Comments

None.

Public Hearing

1. Code Amendment: Self Storage in Industrial Zones

Senior Planner Gloria Rivera reviewed the background of the proposed code amendments as contained in the Planning Commission packet. Staff is recommending that the Planning Commission hold a public hearing regarding the code amendments to place self-service storage facilities back in table of permitted uses in industrial zones, and make a recommendation that the City Council approve the correction.

Chair Wright opened the public hearing at 7:18 and solicited public testimony. There was none. Chair Wright solicited questions from the Planning Commission.

1 Commissioner Larsen commented that this is a pretty minor amendment as it
2 involved correction of an inadvertent error. Senior Planner Rivera concurred. She
3 commented that although this was basically procedural, the City Attorney had
4 recommended going through the Planning Commission and City Council hearing
5 process to restore the intended code language.

6
7 Commissioner Braithwaite asked if there is any need to indicate that this would
8 be retroactive back to when the error was made. Director Krauss replied it is not
9 possible to adopt an ordinance that is retroactive, but he didn't think there had
10 been any call for the ordinance in the interim.

11
12 Commissioner Larsen referred to page 6 of the proposed ordinance under
13 Permitted Activities and suggested including a subsection to allow one-time
14 auctions of storage facility contents by the owner in the event of no pays. Chair
15 Wright referred to item c(iii) and noted that auctions are not allowed as the code
16 is written. He thought that the ability for the owners of the facility to have an
17 auction is codified in state law. Director Krauss suggested adding verbiage
18 indicating that the owner/operator of the storage facility may conduct periodic
19 auctions of material from forfeited lockers. There was consensus among the
20 Planning Commission to add this verbiage.

21
22 The public testimony portion of the public hearing was closed at 7:28 p.m.

23
24 *Motion made by Commissioner Braithwaite, seconded by Commissioner Wojack,*
25 *to forward this to the City Council with a recommendation for approval. Motion*
26 *passed unanimously (7-0).*

27 28 **Work Session**

29 30 1. Code Amendment: Shipping Containers in Residential Zones

31
32 Associate Planner Michelle Szafran introduced the proposed code amendment
33 which would prohibit the use of shipping containers in residentially-zoned
34 properties as accessory structures. She explained this amendment is in response
35 to complaints by Lynnwood residents regarding the use of these structures in
36 their neighborhood. Staff feels these structures are not compatible with the
37 residential character as they are more industrial in nature, and amending the
38 current code to prohibit their use would be in the best interest of the residents.

39
40 Commissioner Jones asked about creating design guidelines for shipping
41 containers rather than banning them outright. Associate Planner Szafran stated
42 that currently there are no design guidelines for single family residential
43 structures. This would require creating a new design review process.

44 Commissioner Jones commented that he sees these as economical and he
45 would be supportive of design guidelines such as no visible rust, not allowed in
46 the front yard, etc. In addition to being more affordable than a shed, he feels

1 these are “greener” because they are sturdy and reusable. Director Krauss
2 commented that they did review some design codes, but essentially what they
3 are doing is making it not look like a shipping container. He commented that the
4 only known instance of a shipping container in Lynnwood’s residential areas is
5 two 40-foot containers in the backyard of one property. He added that the use of
6 containers is permitted in commercial zones--with the proper life-safety features
7 addressed. Containers can be approved in commercial areas as part of the
8 existing project design review (PDR) process for commercial development.

9
10 Commissioner Jones asked if aesthetics is the only issue. He thinks they look
11 better than some sheds. Director Krauss noted it is possible to allow them, but
12 they would have to institute a design review function for sheds. That is currently
13 not part of the PDR process.

14
15 Commissioner Ambalada asked how many of these there are around Lynnwood.
16 Associate Planner Szafran said they weren’t aware of many, but the ones they
17 are aware of have generated enough citizen concern that staff felt it was
18 important to address the issue. Director Krauss said they were just aware of the
19 one lot with two containers, but there may be others. He explained that they are
20 only dealing with storage containers being used as accessory buildings. If
21 someone wished to build a house with storage containers and properly engineer
22 it, it could be done. Commissioner Ambalada stated that some people use these
23 for environmental purposes by culturing their waste products to create fertilizers.
24 Director Krauss noted this would be okay on commercial property, but not in
25 somebody’s backyard. Commissioner Ambalada spoke in support of regulating
26 these for safety reasons, but didn’t think they could completely prohibit them. She
27 recommended that permits be required. Director Krauss explained that the
28 known ones, which were used to grow marijuana, were fully permitted. There is
29 still a question about the legality of the marijuana grow operation, but that is a
30 separate issue.

31
32 Commissioner Hurst asked if the dimensional data should be included in the
33 code. Director Krauss stated that the definition being proposed is modeled after
34 one that is fairly common among other jurisdictions. Commissioner Hurst said he
35 didn’t think these belonged in residential areas.

36
37 Chair Wright spoke to the importance of not limiting the ability to have a
38 sustainable resource used for a building material in the future. He reiterated that
39 the intent of the ordinance is to prohibit the use of these as accessory buildings.

40
41 Commissioner Braithwaite spoke in support of the proposed ordinance as most
42 often shipping containers are an eyesore. He commented that the definition
43 might need to be tightened up since technically a cardboard box could fit the
44 definition. He also referred to the Pod shipping containers which he has seen
45 used as extra storage space by some people. He wondered if those would be
46 encompassed by the ordinance. Director Krauss thought those would be covered

1 under the Nuisance code. There was discussion about when a temporary
2 structure becomes an accessory accessory.

3
4 Commissioner Larsen said he likes how Mountlake Terrace handles this issue. If
5 containers are allowed in the future, he is in support of limiting these to the
6 backyard and limiting the height, but expressed concern about rodents living
7 under them.

8
9 Commissioner Jones asked about a hypothetical use of a redesigned shipping
10 container as a storage shed. There was discussion about when a shipping
11 container ceases to be a shipping container and becomes a storage shed.
12 Commissioner Hurst noted that this particular neighborhood referred to by staff
13 has been trying to deal with this issue for months. He spoke to the need for a
14 code in order to prevent this situation from happening again.

15
16 Commissioner Ambalada spoke against prohibiting storage containers in
17 residential areas, but recommended creating regulations in order to allow them.
18 Chair Wright expressed concern that someone could build a whole house out of
19 these, but not a shed. Commissioner Braithwaite clarified that this ordinance is
20 attempting to eliminate eyesores in neighborhoods. Director Krauss replied that it
21 is actually to prevent similar situations from happening in the City. Commissioner
22 Braithwaite recommended putting a maximum height on storage containers in
23 backyards rather than prohibiting them.

24
25 Commissioner Ambalada expressed concern about these being prohibited
26 because they are an eyesore. She related it to the mobile home issue and how
27 people were vulnerable to losing their homes because others considered them
28 eyesores. She stated that an eyesore is only an eyesore in the eye of the
29 beholder. Director Krauss noted that Lynnwood determined it wasn't acceptable
30 to stop mowing your lawn or to have cars parked on your front lawn. There are
31 neighborhood standards that the City has decided to uphold. Where that line is is
32 for the Council to ultimately determine. Ms. Szafran reiterated that this ordinance
33 is only focusing on accessory structures, not residential structures.

34
35 Commissioner Jones commented on the restrictions they had for chicken coops
36 and recommended something similar in terms of maximum size and setbacks.
37 Commissioner Larsen spoke to the importance of preserving home values. He
38 said he would like to see some level of architectural consistency. Commissioner
39 Wojack recommended approving the ordinance as it is and bringing it back in two
40 to three years for reconsideration. He doesn't think that either the shipping
41 container modification industry or Lynnwood is ready to allow these yet.
42 Commissioner Hurst said he liked how Everett or Edmonds handled this. He
43 agrees that residential values need to be protected.

44
45 There was consensus to have staff go back and look at the codes for Edmonds,
46 Everett, and Mountlake Terrace as examples of limited use with less than 120

1 square feet and less than 9 feet in height. Director Krauss recommended that
2 staff rework this and come back in January.

3
4 2. Code Amendment: Essential Public Facilities

5
6 Director Krauss explained that Lynnwood doesn't have a code that adequately
7 provides for handling Essential Public Facilities as defined by state law. This
8 proposed code amendment is based largely on Mukilteo's code but with a new
9 definition. It proposes a two-track review process with a higher level of criteria
10 and findings required for large regional facilities than would be required for
11 smaller facilities designed to serve a local population.

12
13 Commissioner Wojack referred to item C(3) under *Siting or Expansion of Local*
14 *Essential Public Facilities* on page 52 and asked if the City is required to pay for
15 the referenced infrastructure. Director Krauss stated that the idea was that the
16 proponent would handle that. He explained how the City is working with Sound
17 Transit to mitigate traffic impacts.

18
19 Commissioner Braithwaite referred to the last paragraph on page 50, line 89, and
20 recommended that "essential" be inserted before services. He then asked if there
21 will be latitude for the hearing examiner or whoever will be making the
22 determination that there is no mitigation that would allow certain essential
23 facilities to be cited in some locations. Director Krauss explained that the
24 Essential Public Facility process says that the applicant will have to prove why a
25 certain site works and how it will be mitigated. The regional facilities have a
26 higher level of analysis than the smaller, local facilities. Commissioner
27 Braithwaite commented that the overall approach staff has come up with is a
28 sound one.

29
30 Commissioner Larsen said he was mostly comfortable with this, but wondered if
31 in some situations the decision might be referred to the City Council by the
32 Hearing Examiner because of the particulars of the situation. Director Krauss
33 commented that this code properly puts the onus on the applicant to demonstrate
34 how proposed location was an appropriate site. Commissioner Larsen asked
35 Director Krauss if he was aware of any situations where a Hearing Examiner had
36 said they didn't feel like they had the information they needed or they didn't feel
37 like it was their decision to make. Director Krauss wasn't aware of that
38 happening.

39
40 Commissioner Ambalada discussed the need for local services for detoxification
41 and mentally ill people picked up by the police department. She commented that
42 Swedish Hospital had helped to provide that service since Everett was too far
43 away and was often full, but suggested that more facilities could also be put in
44 the proposed justice center. Director Krauss cautioned against getting into
45 specifics.

1 Commissioner Jones spoke in support of the proposed ordinance.

2
3 Commissioner Larsen referred to line 165 and 229 where it talks about significant
4 adverse environmental impacts. He asked if it would be appropriate to add things
5 like lighting, traffic, noise, privacy, etc. Director Krauss noted that it says, “. . .
6 including but not limited to . . .” He pointed out that there are traffic and noise
7 provisions elsewhere, so he is comfortable with the language the way it is.

8
9 *Motion made by Commissioner Jones, seconded by Commissioner Braithwaite,*
10 *to move this item forward for a public hearing. Motion passed unanimously (7-0).*

11 12 3. Draft 2015 Work Plan

13
14 Deputy Director Corbitt Loch presented the proposed calendar and work plan for
15 2015 noting that these are very flexible schedules. He commented that this year
16 is unique in that they will have the 2015 Comprehensive Plan Update which will
17 take a significant amount of time through the end of June. He acknowledged that
18 there has been a lot of interest in having a joint meeting with the City Council. He
19 noted that the Council President is aware of that and indicated he was interested
20 in the idea of the Planning Commission delivering the draft 2015 Comprehensive
21 Plan to the Council in March or April.

22
23 Commissioner Jones said he has been waiting four years to see joint meetings
24 on the Planning Commission’s docket. He was very happy.

25
26 Commissioner Ambalada asked if Essential Public Facilities and other projects
27 are being done in preparation for the Transportation Benefit District that the
28 Council created. Director Krauss replied that there is no connection at all.

29 30 **Other Business**

31 32 **Council Liaison Report**

33
34 Councilmember AuBuchon had the following comments:

- 35 • Thanks to staff for the dinner provided during the preceding special
- 36 meeting.
- 37 • He thanked the Planning Commission for their hard work.
- 38 • He is happy to hear that there is now something in writing concerning a
- 39 joint meeting. He is looking forward to it.
- 40 • He is looking forward to working together next year.
- 41 • The Council passed the Budget on Monday night.
- 42 • Happy Holidays.

1 **Director's Report**

2
3 Director Krauss had the following comments:

- 4 • A lot of the focus next year will be dealing with the mass of new
5 development activity.
- 6 • As time allows staff wants to continue updating the Zoning Code.
- 7 • He reviewed relevant budget highlights including the ability to use one-
8 time money for a revolving fund for code enforcement and funding for
9 online permitting.
- 10 • It has been a pleasure working with the Planning Commission and he is
11 looking forward to a great year next year.

12
13 **Commissioners' Comments**

14
15 Commissioner Wojack thanked staff for dinner and wished everyone a Merry
16 Christmas.

17
18 Commissioner Ambalada wished everyone Merry Christmas. She has enjoyed
19 working with everyone this year.

20
21 Commissioner Braithwaite concurred with the previous comments and wished
22 everyone Happy Holidays. Thanks to staff for all the hard work during the year.
23 He is looking forward to next year. He asked for an update on activity he has
24 seen at Perrinville. Director Krauss explained that the new building is under new
25 ownership.

26
27 Commissioner Hurst congratulated Commissioner Braithwaite who will be serving
28 for another six years on the Planning Commission.

29
30 Chair Wright thanked everyone for their service. He wished everyone Happy
31 Holidays.

32
33 Commissioner Ambalada asked about the status of the North Lynnwood
34 annexation efforts. Director Krauss replied they are waiting until the economy
35 settles down and some stability returns to city budgets. That is slowly occurring.
36 They also need to resolve service issues with Fire District 1.

37
38 **Adjournment**

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40 The meeting was adjourned at 8:12 p.m.

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43 _____
44 Richard Wright, Chair

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3 **January 13, 2015**

4 **TO: Lynnwood Planning Commission**

5 **FROM: Paul Krauss, Director**

6 **RE: Essential Public Facilities (EPF), Ordinance Amendment**
7
8

9 **BACKGROUND AND SUMMARY**

10 Last fall staff became aware that Lynnwood City Code's (LMC) provisions for dealing with
11 Essential Public Facilities (EPF's) were inadequate and possibly non-compliant with the State
12 Growth Management Act (GMA). The issue arose when the City was approached by a use that
13 met the EPF definition and staff found LMC did not have a mechanism to effectively process
14 the application. The issue was discussed at a City Council Work Session. The Council discussed
15 two options. The first was to amend the code to allow the specific use under a Conditional Use
16 Permit. The second was to draft and adopt a comprehensive EPF code amendment that could
17 be used do deal with the issue at hand and any other EPF use that the City may be asked to
18 consider in the future. The Council elected to pursue adoption of a comprehensive EPF code.

19 The Planning Commission discussed EPF's, similar codes adopted by a number of other area
20 cities and staff's first draft of the code, at their December meeting. The Commission
21 scheduled a Public Hearing on the Code for January 22, 2015. Staff informed the Commission
22 that Sound Transit had approached staff to discuss their concerns about the draft and how it
23 might impact City processing of the Lynnwood Link Light Rail extension but would be unable to
24 meet until January. Staff and Sound Transit did meet and useful input was offered and has
25 since been incorporated. While many of the edits were minor the most significant deals with
26 the City process for handling what are defined as "Local" EPF's as opposed to "Regional" EPF's.
27 The draft code proposes that local EPF's be processed as Conditional Uses where a public
28 hearing would be held before the City Hearing Examiner. Regional EPF's would require that
29 the City and proponent enter into a Development Agreement which under State law requires a
30 public hearing before the City Council.

32 Staff is recommending that the Planning Commission votes to recommend approval of the
33 draft EPF code and forward it to the City Council for final adoption.

34

35 GROWTH MANAGEMENT ACT REQUIREMENTS

36 The State Growth Management Act was adopted in the early 1990's. One of the statutes
37 mandates cities and counties to accept facilities that are deemed "essential" for society but
38 which may be difficult to locate. The following is taken from the State Municipal Research and
39 Services Center (MRSC) website):

40 ***Essential Public Facilities***

41 *Essential public facilities (EPFs) include those facilities that are typically difficult to site, such as*
42 *airports, state education facilities and state or regional transportation facilities as defined*
43 *in [RCW 47.06.140](#), state and local correctional facilities, solid waste handling facilities, and in-*
44 *patient facilities including substance abuse facilities, mental health facilities, group homes, and*
45 *secure community transition facilities as defined in [RCW 71.09.020](#).*

46 *Both cities and counties must develop criteria for the siting of EPFs as per [RCW](#)*
47 *[36.70A.200](#), [WAC 365-196-550](#), [WAC 365-196-560](#), and [WAC 365-196-570](#). [RCW 36.70A.103](#)*
48 *requires that "state agencies shall comply with the local comprehensive plans and development*
49 *regulations and amendments thereto adopted pursuant to this chapter." On the other*
50 *hand, [RCW 36.70A.200](#) states that "no local plan or development regulation may preclude the*
51 *siting of essential public facilities". Also, GMA county comprehensive plan rural elements "shall*
52 *provide for a variety of rural densities, uses, essential public facilities, and rural governmental*
53 *services needed to serve the permitted densities and uses" as per [RCW 36.70A.070\(5\)\(b\)](#).*

54 *Taken together, it appears that a city does have zoning control over EPFs, but may not, through*
55 *zoning, prevent siting of facilities which meet the definition of "essential public facilities." Some*
56 *zoning restrictions apparently are possible, but not if the effect of these restrictions is to*
57 *effectively preclude any EPFs from locating within the city.*

58 *The Growth Management Hearings Boards have addressed issues related to EPFs. Each of the*
59 *three boards has a Digest of Decisions posted on their respective Web pages. Each Digest of*
60 *Decisions contains a keyword directory section that lists cases by category, including essential*
61 *public facilities. The Digests also contain an Appendix with a list of hearing board cases that*
62 *have been appealed to the courts. The main [Growth Management Hearings Boards Website](#)*
63 *has links to Web pages for each of the three regional hearings boards where Digest of*
64 *Decisions are posted.*

65

66 To date, the City apparently has only partly complied with the GMA’s requirements relating to
67 EPFs in general. See attached City Comprehensive Plan provisions. The City has adopted
68 Comprehensive Plan provisions that contain a “common site review” process for siting state-
69 wide and county-wide EPFs, consistent with the County-wide Planning Policies. However, the
70 Comprehensive Plan does not provide for siting other types of EPFs. Further, even under the
71 “common site review” process for state-wide and county-wide EPFs, the EPF proposal is
72 reviewed under the City’s land use regulations. And, the existing Comprehensive Plan policies
73 contemplate that the City will adopt development regulations “to implement the siting of
74 state, regional and local essential public facilities.” Currently, the City’s development
75 regulations do not specifically address EPFs, and the City’s zoning code does not provide at all
76 for certain types of EPFs, such as in-patient treatment facilities.

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CITY OF LYNNWOOD

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LYNNWOOD,
WASHINGTON, RELATING TO IDENTIFICATION AND
SITING OF ESSENTIAL PUBLIC FACILITIES, ADDING
NEW DEFINITIONS TO CHAPTER 21.02 LYNNWOOD
MUNICIPAL CODE (LMC), ADDING A NEW CHAPTER
21.73 LMC, AND PROVIDING FOR SEVERABILITY, AN
EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, under Chapters 35A.11 and 35A.63 RCW, the City Council of the City of Lynnwood has the authority to adopt ordinances relating to the use of real property located within the City; and

WHEREAS, from time to time, it is in the public's interest to amend the City's land use and development regulations to ensure those provisions are consistent with and implement the comprehensive plan and support the public's general health, safety, and welfare; and

WHEREAS, the City Council finds these provisions are in the best interest of the health, safety and welfare of the community; and

WHEREAS, the Washington State Growth Management Act (specifically RCW 36.70A.200) requires that cities and counties establish a process for the identification and siting of essential public facilities (EPFs); and

WHEREAS, the Capital Facilities and Utilities Element of the Lynnwood Comprehensive Plan contains policies relating to the identification and siting of EPFs, while Lynnwood's Zoning Code lacks concise regulations for EPFs; and

WHEREAS, the Washington State Growth Management Act [specifically RCW 36.70A.040(4)] requires that Lynnwood's development regulations be consistent with and implement the Lynnwood Comprehensive Plan; and

WHEREAS, on the 2nd day of January, 2015, the City of Lynnwood SEPA Responsible Official issued a Determination of Non-Significance (DNS) on the proposal; and

WHEREAS, on the 16th day of December, 2014, notice of the proposed code amendment was sent to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

46 WHEREAS, on the 22nd day of January, 2015, the Lynnwood Planning
47 Commission held a public hearing on proposed amendments to the Lynnwood
48 Municipal Code provided by this ordinance, and all persons wishing to be heard were
49 heard; and

50
51 WHEREAS, following the public testimony portion of the public hearing, the
52 Planning Commission deliberated on the draft legislation and by regular motion voted to
53 recommend that the Lynnwood City Council adopt the amendments to the Lynnwood
54 Municipal Code as provided herein; and

55
56 WHEREAS, on the ___th day of _____, 2015, the Lynnwood City Council held
57 a public hearing on proposed amendments to the Lynnwood Municipal Code provided
58 by this ordinance, and all persons wishing to be heard were heard; now, therefore:

59
60 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO
61 ORDAIN AS FOLLOWS:

62
63 **Section 1. Findings.** Upon consideration of the provisions of this Ordinance in light of
64 the decision criteria specified by LMC 21.20.500, the City Council finds that the
65 amendments contained herein are: a) consistent with the comprehensive plan; and b)
66 substantially related to the public health, safety, or welfare; and c) not contrary to the
67 best interest of the citizens and property owners of the city of Lynnwood.

68
69 **Section 2. Amendment.** Chapter 21.02 LMC is hereby amended by adding the
70 following definitions for “essential public facility”, “essential public facility, local”, and
71 “essential public facility, state and regional”, and by codifying such definitions in a
72 manner that maintains alphabetical order, and by renumbering of sections within
73 Chapter 21.02 LMC to maintain alphabetical order.

74
75 **Essential public facility.**
76 “Essential public facility” or “EPF” means a facility that is typically difficult to site,
77 such as an airport, a state education facility, a state or regional transportation facility as
78 defined in RCW 47.06.140, regional transit authority facilities as defined by RCW
79 81.112.020, a state or local correctional facility, a solid waste handling facility, or an
80 inpatient facility, including substance abuse facilities, mental health facilities, group
81 homes, and secure community transition facilities as defined in RCW 71.09.020. The
82 term “essential public facility” includes all facilities listed in RCW 36.70A.200, all
83 facilities that appear on the list maintained by the State Office of Financial Management
84 pursuant to RCW 36.70A.200(4).

85
86 **Essential public facility, local.**
87 “Essential public facility, local” means an EPF that is owned, operated, or
88 sponsored by the City of Lynnwood, a special purpose district, Snohomish County, or
89 another unit of local government. A local EPF may also be sponsored by a non-
90 governmental entity with the primary purpose of providing services to residents of
91 Lynnwood and surrounding communities. An EPF is “sponsored” by a local government

92 when it is to be owned or operated by a nongovernmental entity pursuant to a contract
93 with the local government to provide the EPF.

94
95 **Essential public facility, state and regional.**

96 “Essential public facility, state and regional” means an EPF that is owned,
97 operated, or sponsored by Snohomish County or a regional governmental or private
98 sector agency or corporation (including non-profit) whose service boundaries
99 encompass an area that is greater than Lynnwood and surrounding communities in
100 Snohomish County.

101
102 **Section 3. Amendment.** Title 21 LMC is hereby amended by adding a new chapter
103 21.73 LMC to read as follows:

104
105 **21.73.010 Purpose—Applicability.**

106 A. Essential public facilities are necessary and important in the provision of
107 public systems and services. The city of Lynnwood already hosts, is planning to host, or
108 borders on a number of essential public facilities, including, but not limited to, the
109 following:

- 110 1. I-5
- 111 2. Sound Transit/ Community Transit – Transit Center
- 112 3. Sound Transit Light Rail stations, parking facilities, tracks and related
113 facilities
- 114 4. State Route 525

115 B. The purpose of this chapter is to implement the Growth Management Act and
116 the Lynnwood comprehensive plan by establishing processes for the siting and
117 expansion of essential public facilities in the City of Lynnwood as necessary to support
118 orderly growth and delivery of public services. The City’s goal in promulgating the
119 regulations under this chapter is to ensure the timely, efficient and appropriate siting of
120 EPFs while simultaneously identifying, analyzing, and mitigating adverse community
121 and environmental impacts that may be created by such facilities. Nothing in this
122 chapter should be construed as an attempt by the city to preclude the siting of essential
123 public facilities in contravention of applicable state law.

124
125 **21.73.020 Siting or Expansion of Local Essential Public Facilities.**

126 A. A Conditional use permit shall be required as provided in this section before
127 any local essential public facility may be located or expanded within the City of
128 Lynnwood, regardless of the zoning district in which such facility is or is proposed to be
129 located.

130 B. A complete application for a Conditional Use Permit for a local essential
131 public facility shall include all items set forth under Chapter 21.24 LMC.

132 C. A Conditional use permit for a local essential public facility shall be approved
133 upon a determination that:

- 134 1. The project sponsor has demonstrated a need for the project, as
135 supported by a detailed written analysis of the projected service population, an
136 inventory of existing and planned comparable facilities, and the projected demand for
137 the type of facility proposed;

138 2. The project sponsor has reasonably investigated alternative sites, as
139 evidenced by a detailed explanation of site selection methodology, as verified by the city
140 and reviewed by associated jurisdictions and agencies;

141 3. Necessary infrastructure is or will be made available to ensure safe
142 transportation access and transportation concurrency;

143 4. Necessary infrastructure is or will be made available to ensure that
144 public safety responders have the capacity to handle increased calls and expenses that
145 will occur as the result of the facility, including but not limited to insurance costs, public
146 awareness and public education costs. The facility will not adversely affect public safety;

147 5. The project sponsor has the ability to pay for all capital costs
148 associated with on-site and off-site improvements;

149 6. The facility will not unreasonably increase noise levels in residential
150 and commercial areas and school zones;

151 7. Visual screening will be provided that will mitigate the visual impacts
152 from streets and adjoining properties;

153 8. The local essential public facility is not located in any residential zoning
154 districts, except as provided in this subsection. If the land on which a local essential
155 public facility is proposed is located in a residential zoning district, the applicant must
156 demonstrate that there is no other feasible location for the facility and that the exclusion
157 of the facility from the residential districts of the city would preclude the siting of all
158 similar facilities anywhere within the city. If the applicant is able to make such a
159 demonstration, the hearing examiner shall authorize the essential public facility to be
160 located in the residential zoning district.

161 9. The local essential public facility meets all provisions of this code for
162 development within the zoning district in which it is proposed to be located. If a local
163 essential public facility does not meet all such provisions, the applicant must
164 demonstrate that compliance with such provisions would preclude the siting of all similar
165 facilities anywhere within the city. If the applicant is able to make such a demonstration,
166 the hearing examiner shall authorize the essential public facility to deviate from the
167 provisions of this code to the minimum extent necessary to avoid preclusion; and

168 10. Any and all probable significant adverse environmental impacts
169 including but not limited to air quality, habitat, soil quality and soil stability of neighboring
170 properties and light pollution are mitigated.

171 D. If the hearing examiner determines that any one or more of the decision
172 criteria set forth in this chapter are not met by the proposal, the hearing examiner shall
173 impose such reasonable conditions on approval of the special use permit as may be
174 necessary in order to enable the facility to meet the decision criteria.

175 E. The decision criteria set forth herein shall not be applied in such a manner as
176 to preclude the siting or expansion of any local essential public facility in the City of
177 Lynnwood. In the event that a local essential public facility cannot, by the imposition of
178 reasonable conditions of approval, be made to meet the decision criteria this section on
179 the preferred site described in the proposal, the hearing examiner shall either:

180 1. Require the local essential public facility to be located on one of the
181 investigated alternative sites, if the proposal can be reasonably conditioned to meet the
182 decision criteria at the alternative site; or

183 2. Approve the siting or expansion of the local essential public facility at
184 the proposed site with such reasonable conditions of approval as may be imposed to
185 mitigate the impacts of the proposal to the maximum extent practicable, if there is no
186 available alternative site on which the decision criteria can be met.

187
188 **21.73.030 Siting and expansion of state and regional essential public facilities.**

189 A. A development agreement shall be required as provided in this section before
190 any state or regional essential public facility may be located or expanded within the City
191 of Lynnwood. Any proposal for the siting or expansion of a state or regional essential
192 public facility shall follow the procedures established by LMC for the underlying land use
193 permit, e.g., short subdivision, binding site plan, project design review, etc.; prior to the
194 public hearing for the development agreement. If the underlying permit ordinarily
195 requires a public hearing, the public hearing required by this section shall be
196 consolidated with the public hearing for the development agreement. Notice of the
197 application and the required public hearing shall be given as required for the underlying
198 permit and for development agreements. The siting process for a secure community
199 transition facility is as provided by LMC 21.24.410.

200 B. If the land on which a state or regional essential public facility is proposed is
201 located in a residential zoning district, the applicant shall have the burden to
202 demonstrate that there is no other feasible location for the facility and that the facility is
203 not expected to result in unmitigated significant adverse impacts. If the applicant is able
204 to make such a demonstration, the hearing examiner shall authorize the essential public
205 facility to be located in the residential zoning district.

206 C. State and regional essential public facilities shall meet all applicable
207 provisions of LMC. If a proposed state or regional essential public facility does not meet
208 all such provisions, the applicant shall have the burden to demonstrate that compliance
209 with such provisions would either preclude the siting of such facilities in the city, or
210 would not result in the public benefit related to the provision. If the applicant is able to
211 make such a demonstration, the development agreement may authorize the essential
212 public facility to deviate from the provisions of this code to the minimum extent
213 necessary.

214 D. The City may approve, or approve with modifications, and impose reasonable
215 conditions upon the state or regional essential public facility in order to ensure that:

216 1. Necessary infrastructure is or will be made available to ensure safe
217 transportation access and transportation concurrency;

218 2. Adequate service capacity is or will be made available to ensure that
219 public agencies have the capacity to handle changes in the demand for public services
220 that may occur as the result of the facility, including but not limited to insurance costs,
221 public awareness and public education costs and that the facility will not adversely
222 affect public safety;

223 3. Any and all probable significant adverse environmental impacts
224 including but not limited to, noise, air quality, habitat, soil quality and soil stability of
225 neighboring properties and light pollution are adequately mitigated.

226 E. The City may not preclude the siting or expansion of a state or regional
227 essential public facility, but may impose reasonable conditions in order to mitigate
228 adverse impacts that may otherwise occur.

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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 _____ day of _____, 2015.

APPROVED:

Nicola Smith, Mayor

ATTEST/AUTHENTICATED:

Finance Director

APPROVED AS TO FORM:

Rosemary Larson
City Attorney

FILED WITH ADMINISTRATIVE SERVICES: _____

PASSED BY THE CITY COUNCIL: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

ORDINANCE NUMBER: _____

Lynnwood Comp Plan EPF Section

ESSENTIAL PUBLIC FACILITIES SITING PROCESS

Goal:

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

Objectives:

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

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

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

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

Policies:

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

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

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

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

The regulation of local essential public facilities may require a Conditional Use Permit, which may include the possibility of denial of the permit.

Regulation of such local facilities shall not be a means for regulation of or denial of siting state or regional essential public facilities.

39 **Purpose:**

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

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

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

61 **Definition of Essential Public Facility:**

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

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

69 Essential public facilities of a countywide nature are those which serve a population base
70 extending beyond the host community. This may include several local jurisdictions within
71 Snohomish County or a significant share of the total County population. Such facilities may
72 include, but are not limited to, the following examples: airports, state education facilities, state
73 or regional transportation facilities, state or local correctional facilities, solid waste handling
74 facilities, in-patient facilities including substance abuse facilities, mental health facilities, and
75 group homes.¹ Other facilities meeting the basic definition above and whose sponsor desires to
76 utilize this siting process may be qualified as essential public facilities by completing the
77 designation procedure described below.

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

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

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

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

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

96 **Common Site Review Process:**

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

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

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

110 1 The application of this definition for group homes and similar facilities, as well as of the siting
111 process for these facilities, will be within the legal parameters of fair housing laws.

- 112 • Site Search Consultation. As an optional service to project sponsors, the Planning Advisory
113 Committee (PAC) and/or the Infrastructure Coordinating Committee (ICC) will, upon request,
114 provide a forum for project sponsors prior to the initiation of the formal siting review process.

115 Sponsors will have the opportunity to present proposed projects involving essential public
116 facilities for the purpose of seeking information on potential sites within Snohomish County and
117 about potential concerns related to siting. Sponsors may also propose possible incentives for
118 host communities.

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

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

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

134 1. Advisory Review Process. The local land use authority's decision, as it relates to matters
135 encompassed by the site evaluation criteria described below, is subject to an advisory review
136 process as provided herein. This process, if utilized, would occur prior to any appeal processes
137 already provided by local ordinance. Within 21 days following the decision by the local land use
138 authority required to approve the proposal, and advisory review process may be utilized by the
139 sponsor involving a three member advisory review board appointed by the Snohomish County
140 Tomorrow Executive Board. Qualifications for board members, as well as procedures for board
141 creation and conduct of board business shall be governed by written guidelines to be
142 established by Snohomish County Tomorrow, provided that no official or employee of
143 Snohomish County or any local jurisdiction within Snohomish County shall be a board member.

144 The advisory review board shall not have the authority to overturn a local decision.

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

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

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

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

158 **Site Evaluation Criteria:**

159 The following criteria will be utilized by all county and city review authorities in evaluating siting
160 proposals made by sponsoring agencies seeking to site an essential public facility (EPF) in
161 Snohomish County. The sponsor shall provide the information needed for the reviewing body to
162 evaluate a site(s) and make a recommendation or decision on a specific proposal.

163 These criteria encompass an evaluation of regional need and local site suitability for the
164 proposed and designated essential public facility. Findings concerning the proposal's
165 conformance with each criterion shall be included in the documentation of the local authority's
166 decision.

167 1. Documentation of Need. Project sponsors must demonstrate the need for their proposed
168 EPF's. Included in the analysis of need should be the projected service population, an inventory
169 of existing and planned comparable facilities and projected demand for this type of essential
170 public facility.

171 2. Consistency with the Sponsor's Plans. The proposed project should be consistent with the
172 sponsor's own long-range plans for facilities and operations.

173 3. Consistency with Other Plans. The proposal must demonstrate the relationship of the project
174 to local, regional, and state plans. The proposal should be consistent with the comprehensive
175 plan and other adopted plans of the prospective host community. In evaluating this consistency,
176 consideration shall be given to urban growth area designations and critical area designations,
177 population and employment holding capacities and targets, and the land use, capital facilities
178 and utilities elements of these adopted plans.

179 4. Relationship of Service Area to Population. The facility's service area population should
180 include a significant share of the host community's population, and the proposed site should be
181 able to reasonably serve its overall service area population. [Note: Linear transmission facilities
182 are exempt from this criterion.]

183 5. Minimum Site Requirements. Sponsors shall submit documentation showing the minimum
184 siting requirements for the proposed facility. Site requirements may be determined by the
185 following factors: minimum size of the facility, access, support facilities, topography, geology,
186 and mitigation needs. The sponsor shall also identify future expansion needs of the facility.

187 6. Alternative Site Selection. In general, the project sponsor should search for and investigate
188 alternative sites before submitting a proposal for siting review. Additionally, the proposal should
189 indicate whether any alternative sites have been identified that meet the minimum site
190 requirements of the facility. The sponsor's site selection methodology will also be reviewed.
191 Where a proposal involves expansion of an existing facility, the documentation should indicate
192 why relocation of the facility to another site would be infeasible.

193 7. Concentration of Essential Public Facilities. In considering a proposal, the local review agency
194 will examine the overall concentration of essential public facilities within Snohomish County to
195 avoid placing an undue burden on any one community.

196 8. Public Participation. Sponsors should encourage local public participation, particularly by any
197 affected parties outside of the host community's corporate limits, in the development of the
198 proposal, including mitigation measures. Sponsors should conduct local outreach efforts with
199 early notification to prospective neighbors to inform them about the project and to engage local
200 residents in site planning and mitigation design prior to the initiation of formal hearings.

201 The sponsor's efforts in this regard should be evaluated.

202 9. Consistency with Local Land Use Regulations. The proposed facility must conform to local
203 land use and zoning regulations that are consistent with the Countywide Planning Policies.

204 Compliance with other applicable local regulations shall also be required.

205 10. Compatibility with Surrounding Land Uses. The sponsor's documentation should
206 demonstrate that the site, as developed for the proposed project, will be compatible with
207 surrounding land uses.

208 11. Proposed Impact Mitigation. The proposal must include adequate and appropriate mitigation
209 measures for the impacted area(s) and community(ies). Mitigation measures may include, but

210 are not limited to, natural features that will be preserved or created to serve as buffers, other
211 site design elements used in the development plan, and/or operational or other programmatic
212 measures contained in the proposal. The proposed measures should be adequate to
213 substantially reduce or compensate for anticipated adverse impacts on the local environment.

214 **Amendments:**

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

218

219

220 Redmond EPF Code

221

222 **20F.40.80 Essential Public Facilities.**

223 **20F.40.80-010 Purpose.**

224 The purpose of this section is to provide a process to site necessary public uses that may
225 otherwise be difficult to site. This process involves the community and identifies and minimizes
226 adverse impacts. Essential public facilities are defined in RCDG 20A.20.50, Definitions.
227 Examples include schools, water transmission lines, sewer collection lines, fire stations,
228 hospitals, jails, prisons, airports, solid waste transfer stations, highways, and storm water
229 treatment plants. Secure community transition facilities as defined in RCDG [20A.20.190](#) are
230 also included.

231 **20F.40.80-020 Scope.**

232 This section establishes the criteria that the City will use in making a decision upon an
233 application for an essential public facility. The City Council shall develop a list of essential
234 public facilities. These facilities meet the definition of essential public facilities or are based on
235 a list maintained by the State of Washington Office of Financial Management.

236 (1) A use or facility may be added to the list of essential public facilities based on one of the
237 following criteria:

238 (a) The use meets the definition of an essential public facility; or

239 (b) The use is identified on the State list of essential public facilities maintained by the State
240 of Washington Office of Financial Management.

241 (2) This regulation shall serve to establish an alternative process for permitting those uses
242 which meet the applicability criteria of RCDG [20F.40.80-040](#). The Director of Planning and
243 Community Development shall determine whether a proposed facility shall be reviewed
244 according to the essential public facilities review process instead of the review process
245 indicated on the appropriate use chart.

246 **20F.40.80-030 Procedure.**

247 Applications that seek approval for an essential public facility as defined by RCDG 20A.20.50
248 shall follow the procedures established in RCDG [20F.30.45](#) for a Type IV permit process.
249 Applications that seek approval for a secure community transition facility as defined in
250 RCDG [20A.20.190](#) shall follow the procedures established in RCDG [20F.30.40](#) for a Type III
251 permit process. In addition to the decision criteria described in RCDG [20F.40.80-040](#) and
252 20F.40.80-050, secure community transition facilities shall also be consistent with
253 RCDG [20D.170.55](#), Secure Community Transition Facilities.

254 **20F.40.80-040 Decision Criteria – Determination of Applicability.**

255 (1) Essential public facilities may be reviewed through the essential public facility review
256 process. An applicant may make a written request or the Director of Planning and Community
257 Development may require a proposal to be reviewed through Redmond's essential public
258 facility review process. An applicant may use this process if the facility meets the definition of

259 an essential public facility. If the facility is on the list of qualifying facilities, it automatically
260 meets the definition.

261 (2) The Director of Planning and Community Development, or the current position having the
262 duties of this office, shall make a determination that a facility be reviewed through Redmond's
263 essential public facilities review:

264 (a) The facility is on the City's list of essential public facilities or may be added to the list
265 according to RCDG [20F.40.80-020](#);

266 (b) The facility is a type difficult to site because of one of the following:

267 (i) The facility needs a type of site of which there are few sites,

268 (ii) The facility can locate only near another public facility,

269 (iii) The facility has or is generally perceived by the public to have significant adverse impacts
270 that make it difficult to site, or

271 (iv) The facility is of a type that has been difficult to site in the past;

272 (c) It is likely this facility will be difficult to site; or

273 (d) There is need for the facility and Redmond is in the facility service area.

274 **20F.40.80-050 Decision Criteria – Review Process.**

275 (1) An applicant may have one or more alternative sites considered at the same time during
276 this process.

277 (2) The Director has the authority to require the consideration of sites outside the City of
278 Redmond. Alternative sites shall cover the service area of the proposed essential facility. This
279 criteria is not applicable to secure community transition facilities.

280 (3) An amplified public involvement process shall be required. The purpose of the public
281 involvement process is to involve the persons within the zone of likely and foreseeable impacts
282 if the involvement process has the potential to lead to a more appropriate design/location. The
283 public involvement process could also lead to development of incentives or to address
284 modifications to the facility which would make siting of that facility more acceptable.

285 (a) The applicant shall propose an acceptable public involvement process to be reviewed and
286 approved by the Director.

287 (b) Public involvement activities shall be conducted by and paid for by the applicant.

288 (c) The public involvement process shall be initiated by the applicant as early as feasibly
289 possible.

290 (4) The Director may require a multi-jurisdictional review process if the facility serves a
291 regional, Countywide, Statewide, or national need. If this process is required, the applicant
292 shall design an acceptable process to be reviewed and approved by the Director. Applicants
293 shall be required to pay for this process. This requirement is not applicable to secure
294 community transition facilities.

295 (5) An analysis of the facility's impact on City finances shall be undertaken. Mitigation of
296 adverse financial impacts shall be required.

297 (6) The following criteria shall be used to make a determination on the application:

298 (a) Whether there is a public need for the facility;

- 299 (b) The impact of the facility on the surrounding uses and environment, the City and the
300 region;
- 301 (c) Whether the design of the facility or the operation of the facility can be conditioned, or the
302 impacts otherwise mitigated, to make the facility compatible with the affected area and the
303 environment;
- 304 (d) Whether a package of incentives can be developed that would make siting the facility
305 within the community more acceptable;
- 306 (e) Whether the factors that make the facility difficult to site can be modified to increase the
307 range of available sites or to minimize impacts on affected areas and the environment;
- 308 (f) Whether the proposed essential public facility is consistent with the Redmond
309 Comprehensive Plan;
- 310 (g) If a variance is requested, the proposal shall also comply with the variance criteria;
- 311 (h) Essential public facilities shall comply with any applicable State siting and permitting
312 requirements.
- 313

314

315 **SeaTac EPF Code**

316 **15.22.035 Siting of Essential Public Facilities**

317 A. Purpose. The purpose of this section is to establish a formal process for identifying and
318 siting of essential public facilities (EPFs) as defined in SMC [15.10.249](#).

319 B. Included Essential Public Facilities. EPFs subject to this section include, but are not limited to,
320 those facilities identified in SMC [15.10.249](#), the Seattle-Tacoma International Airport,
321 Interstate 5, State Route 509 (both current and proposed extensions), State Route 518, the
322 Federal Detention Center, the King County Bow Lake Solid Waste Transfer Station, and Sound
323 Transit’s “Link” light rail system.

324 C. Threshold Review. During or within forty-five (45) days subsequent to the mandatory
325 preapplication Development Review Committee meeting required by SMC [16A.05.020](#), the
326 Director of Community and Economic Development shall make a threshold determination, and
327 advise the potential applicant in writing of such determination, whether the proposed project is
328 an EPF and, if so, whether it is difficult to site. In making said determinations, the Director shall
329 broadly and liberally apply the definition of an EPF in consideration of the full range of
330 proposed and potential services to be provided to the public, whether provided directly by,
331 funded by, or contracted for by a governmental agency, or provided by a private entity or
332 entities subject to public service obligations. The determination of whether an EPF will be
333 difficult to site shall be made by the Director, upon known or reasonably perceived and
334 articulable facts. Proposed projects determined not to be EPFs, and proposed projects
335 determined to be EPFs but also determined to be not difficult of siting, shall be reviewed and
336 processed as any other similar project pursuant to the City Development Code without regard
337 to this section.

338 D. Applications for EPF Projects. All proposed projects determined to be EPFs and
339 determined to be difficult to site or expand shall be reviewed and conditioned in accordance
340 with all requirements of this code and, in addition, with the conditional use permit procedure,
341 herein referred to as the CUP-EPF review procedure. All applications shall contain the
342 following information:

- 343 1. A detailed written description of the proposed and potential public services to be provided,
344 the source or sources of funding, and identification of any applicable public regulatory
345 agencies;
- 346 2. A written statement of the need, in statistical or narrative form, for the proposed project
347 currently and over the following ten (10) year period;
- 348 3. An inventory of known, existing or proposed facilities, by name and address, within King
349 County, or within the region, serving the same or similar needs as the proposed project;
- 350 4. An explanation of the need and suitability for the proposed facility in the proposed City
351 location(s);
- 352 5. Information regarding the number of jurisdictions affected or served by the proposed EPF;
- 353 6. An analysis of the environmental, social, economic, financial and infrastructure impacts of
354 the proposed EPF, including an assessment of the proportionate financial impacts on affected
355 jurisdictions, and consideration copies of agreements which allocate the financial burdens of
356 the proposed project on the City and other jurisdictions;

- 357 7. An analysis of the proposal's consistency with the City of SeaTac Comprehensive Plan
358 and development regulations, and plans and policies of other affected jurisdictions, including
359 but not limited to the King County Countywide Planning Policies;
- 360 8. Documentation of public involvement efforts to date, including public and agency
361 comments received, and plans for future public participation;
- 362 9. Such information as requested by staff to complete the preliminary analysis and/or
363 information to assist the Ad Hoc Committee, City staffs and City Council in making the final
364 determination on the CUP-EPF.
- 365 E. CUP-EPF Review Process. All EPFs shall be subject to the following CUP-EPF review
366 procedure:
- 367 1. Project Notification. The applicant, after a preapplication meeting, shall notify the City as
368 soon as possible of intent to submit a CUP-EPF review application. If the applicant does not
369 notify the City of a pending EPF review application, the City may make an initial determination
370 of whether the proposed project is subject to CUP-EPF review, and shall notify the project
371 proponent, in writing, of the City's determination.
- 372 2. Environmental Review. The EPF project shall comply with all applicable SEPA/NEPA
373 requirements and the proponent shall mitigate identified environmental impacts as conditions of
374 CUP-EPF approval.
- 375 3. Formation of Ad Hoc Committee. The City Council shall establish an Ad Hoc Committee by
376 appointing up to seven (7) members and the Planning Commission appointing one (1) member,
377 for each CUP-EPF application. The Ad Hoc Committee may include representatives of the
378 Planning Commission or other persons with detailed knowledge of City land use or
379 transportation issues. The Ad Hoc Committee shall be appointed by the City Council within
380 seventy-five (75) days of the determination by the Director of Community and Economic
381 Development that the proposed project is an EPF, pursuant to subsection (C) of this section.
- 382 a. The City Council will establish a time frame of not more than sixty (60) days, unless a
383 longer time frame is necessary due to an EPF project timeline, in which the Ad Hoc Committee
384 must review, consult and issue recommended conditions for the EPF. This time frame may be
385 extended only by the authority of the City Council, and shall not be extended more than a
386 maximum of three (3) such time periods, unless the applicant agrees that more time is needed.
- 387 b. Prior to accepting an appointment on the Ad Hoc Committee, an appointee must divulge
388 any vested interest in any properties or businesses, the value of which could be substantially
389 affected by the committee's recommendations, if any.
- 390 4. Ad Hoc Committee Review and Coordination. The Ad Hoc Committee shall make
391 recommendations to the designated hearing body, regarding the appropriate conditions to
392 mitigate the impacts of the proposed EPF under the authority of the City's SEPA regulations,
393 Comprehensive Plan and development regulations. City staff shall prepare an analysis of the
394 CUP-EPF application for use by the Ad Hoc Committee. The Ad Hoc Committee shall review
395 the staff analysis of the proposed EPF project and prepare written recommendations on each
396 of the following:
- 397 a. Any criteria identified in subsection (F) of this section that was reviewed by the Ad Hoc
398 Committee; and
- 399 b. Whether the project should include a special district overlay zone (defined in
400 Chapter [15.28](#) SMC); and

- 401 c. Any recommended conditions for mitigating the impacts of the proposed EPF under the
402 authority of the City's SEPA ordinances, Comprehensive Plan and development regulations.
- 403 The Ad Hoc Committee shall present its draft recommendations to the Planning Commission
404 and, upon receiving input of the Planning Commission, shall prepare final written
405 recommendations to the designated hearing body.
- 406 5. Designated Hearing Body. The Hearing Examiner shall hear an essential public facility
407 application. However, the City Council may determine that the application should be heard by
408 the City Council, and in that case, the City Council will be the designated hearing body. The
409 City Council's determination should be based on the following criteria:
- 410 a. Size of project;
- 411 b. Area of City affected by proposed project;
- 412 c. Environmental impact on sensitive areas;
- 413 d. Timing of project.
- 414 6. Staff Report. The Department of Community and Economic Development shall prepare a
415 staff report, which shall include Planning Commission comments, as well as the final
416 recommendations of the Ad Hoc Committee. The staff report shall also include an evaluation of
417 the consistency of the proposed EPF, as recommended by the Ad Hoc Committee, with the
418 City's adopted Comprehensive Plan and development regulations, and shall include proposed
419 findings, proposed conclusions, and proposed recommendations for disposition of the
420 proposed CUP-EPF to the designated hearing body for a public hearing.
- 421 7. Public Hearing and Decision. The designated hearing body shall hold a public hearing
422 pursuant to SMC [16A.13.020](#) to make findings and issue a decision. The notice of such public
423 hearing shall be consistent with SMC [16A.13.010](#). A final decision shall be rendered by the
424 designated hearing body in accordance with Chapter [16A.15](#) SMC.
- 425 F. Ad Hoc Committee Review Criteria. In making its recommendations, the Ad Hoc
426 Committee should consider the following:
- 427 1. Whether the proposed site is adequate in size and shape for the proposed project and the
428 use conforms, or can aesthetically conform, to the general character of the neighborhood.
- 429 2. The proportionate financial burdens of the proposed EPF on the City and other affected
430 jurisdictions, and whether they are reasonably mitigated as provided in an inter-jurisdictional
431 agreement, or by other means.
- 432 3. Whether the proposed EPF is compatible with the following:
- 433 a. Availability and physical constraints of land.
- 434 b. Compatibility with adjacent and nearby land uses.
- 435 c. Mitigation of likely adverse environmental impacts, including but not limited to erosion,
436 sensitive areas, noise, odor, traffic, and air and water quality.
- 437 d. Basic infrastructure standards, such as vehicular traffic, and the availability of necessary
438 utilities and services.
- 439 e. The City of SeaTac's Comprehensive Plan, development regulations, and SEPA
440 regulations.
- 441 f. Any existing and applicable City inter-jurisdictional agreements.

442 g. Siting of secure community transition facilities must be in accordance with the siting criteria
443 of Chapter [71.09](#) RCW, and regulations adopted pursuant thereto. In addition, no secure
444 community transition facility shall be sited closer than three hundred thirty (330) feet from any
445 residentially zoned property.

446 G. Designated Hearing Body Review Criteria. The designated hearing body, giving
447 substantial weight to the recommendations of the Ad Hoc Committee and the staff report, shall
448 review the application under the following criteria:

449 1. Whether the proposed action is consistent with the criteria under subsection (F) of this
450 section;

451 2. Whether modifications to recommended conditions or restrictions, if any, are needed to
452 mitigate impacts in a manner which meets the standards of this code and any related
453 development agreement;

454 3. Any conditions or restrictions shall be consistent with any development agreements that
455 are in existence at the time of the hearing; and

456 4. Whether project conditions cumulatively are reasonable and would not preclude
457 development of the EPF.

458 Should the recommendation of staff conflict with the recommendation of the Ad Hoc
459 Committee, the recommendation of staff shall be given greater weight.

460 H. Development Agreements. The terms and conditions of a development agreement
461 completed after the decision of the designated hearing body shall supersede the conditions
462 and restrictions imposed by the designated hearing body.

463 **15.22.050 Zone Reclassification (Rezone)**

464 A. The purpose of a rezone is to provide a change of zoning to allow a new or different land
465 use which conforms with the City Comprehensive Plan. A rezone may be approved when there
466 has been a change in conditions, and/or is necessary to implement the Comprehensive Plan.

467 B. The applicant must show that the proposed development satisfies the following minimum
468 criteria for approval by the Hearing Examiner:

469 1. The proposal conforms with the Comprehensive Plan policies and land use map;

470 2. The requested reclassification is in the public interest;

471 3. The requested reclassification is not hazardous or will not have adverse impacts on
472 adjacent properties;

473 4. The requested reclassification does not pose undue burdens on public facilities; and

474 5. For sites located within the designated urban center, the requested reclassification has, or
475 will potentially have, an adequate link to a high-capacity transit mode.

476

477

478 **Mukilteo EPF Code**

479

480

481

Chapter 17.18
ESSENTIAL PUBLIC FACILITIES

482 Sections:

483 [17.18.010](#) Purpose—Applicability.

484 [17.18.020](#) Siting or expansion of local essential public facilities.

485 [17.18.030](#) Siting and expansion of state and regional essential public facilities.

486 [17.18.040](#) Secure community transition facilities.

487 **17.18.010 Purpose—Applicability.**

488 A. Essential public facilities and transportation facilities of statewide significance are
489 necessary and important in the provision of public systems and services. The city of Mukilteo
490 already hosts or borders on a number of essential public facilities, including, but not limited to,
491 the following:

- 492 1. The Mukilteo lighthouse and foghorn;
- 493 2. The Washington State Ferries Mukilteo-Clinton ferry terminal;
- 494 3. The Sound Transit Mukilteo station;
- 495 4. The Port of Everett rail barge facility;
- 496 5. The Snohomish County mental health evaluation facility;
- 497 6. Snohomish County Paine Field Airport;
- 498 7. Burlington Northern Railroad tracks;
- 499 8. State Route 525; and
- 500 9. State Route 526.

501 B. The purpose of this chapter is to implement the Growth Management Act and the Mukilteo
502 comprehensive plan by establishing processes for the siting and expansion of essential public
503 facilities in the city of Mukilteo as necessary to support orderly growth and delivery of public
504 services. The city's goal in promulgating the regulations under this chapter is to ensure the
505 timely, efficient and appropriate siting of EPFs while simultaneously acknowledging and
506 mitigating the significant community impacts often created by such facilities. Nothing in this
507 chapter should be construed as an attempt by the city to preclude the siting of essential public
508 facilities in contravention of applicable state law.

509 **17.18.020 Siting or expansion of local essential public facilities.**

510 A. A special use permit shall be required as provided in this section before any local essential
511 public facility (other than a secure community transition facility as defined in RCW 71.09.020)
512 may be located or expanded within the city of Mukilteo, regardless of the zoning district in
513 which such facility is or is proposed to be located.

514 B. A complete application for a special use permit for a local essential public facility shall
515 include all items set forth under the General Application, Site/Building Plans, Civil/Engineering,

516 and Environmental categories in Table 3 adopted by Section [17.13.040](#), with the exception of a
517 plat map. The planning director shall develop a supplemental application form which addresses
518 and provides sufficient information to judge the application's compliance with each of the
519 approval criteria set forth in subsection D of this section.

520 C. A special use permit for a local essential public facility shall be processed as a Type II
521 permit under the process set forth in Table 6 adopted by Section [17.13.070](#). Notice of the
522 application and the required public hearing shall be given as provided in Section [17.13.050](#).
523 Notices shall be posted on-site, posted at the city's designated posting places, advertised in
524 the city's official newspaper, and mailed to property owners within three hundred feet.

525 D. A special use permit for a local essential public facility shall be approved upon a
526 determination that:

527 1. The project sponsor has demonstrated a need for the project, as supported by a detailed
528 written analysis of the projected service population, an inventory of existing and planned
529 comparable facilities, and the projected demand for the type of facility proposed;

530 2. The project sponsor has reasonably investigated alternative sites, as evidenced by a
531 detailed explanation of site selection methodology, as verified by the city and reviewed by
532 associated jurisdictions and agencies;

533 3. Necessary infrastructure is or will be made available to ensure safe transportation access
534 and transportation concurrency;

535 4. Necessary infrastructure is or will be made available to ensure that public safety
536 responders have the capacity to handle increased calls and expenses that will occur as the
537 result of the facility, including but not limited to insurance costs, public awareness and public
538 education costs. The facility will not adversely affect public safety;

539 5. The project sponsor has the ability to pay for all capital costs associated with on-site and
540 off-site improvements;

541 6. The facility will not unreasonably increase noise levels in residential and commercial areas
542 and school zones;

543 7. Visual screening will be provided that will mitigate the visual impacts from streets and
544 adjoining properties;

545 8. The local essential public facility is not located in any residential zoning district identified in
546 Table 17.16.040, except as provided in this subsection. If the land on which a local essential
547 public facility is proposed is located in any such residential zoning district, the applicant must
548 demonstrate to the hearing examiner that there is no other feasible location for the facility and
549 that the exclusion of the facility from the residential districts of the city would preclude the siting
550 of all similar facilities anywhere within the city. If the applicant is able to make such a
551 demonstration, the hearing examiner shall authorize the essential public facility to be located in
552 the residential zoning district.

553 9. The local essential public facility meets all provisions of this code for development within
554 the zoning district in which it is proposed to be located, including but not limited to the bulk
555 regulations of Chapter [17.20](#), except as provided in this subsection. If a local essential public
556 facility does not meet all such provisions, the applicant must demonstrate that compliance with
557 such provisions would preclude the siting of all similar facilities anywhere within the city. If the
558 applicant is able to make such a demonstration, the hearing examiner shall authorize the
559 essential public facility to deviate from the provisions of this code to the minimum extent
560 necessary to avoid preclusion; and

561 10. Any and all probable significant adverse environmental impacts including but not limited
562 to air quality, habitat, soil quality and soil stability of neighboring properties and light pollution
563 are mitigated.

564 E. If the hearing examiner determines that any one or more of the decision criteria set forth in
565 subsection D of this section is not met by the proposal, the hearing examiner shall impose such
566 reasonable conditions on approval of the special use permit as may be necessary in order to
567 enable the facility to meet the decision criteria.

568 F. The decision criteria set forth in subsection D of this section shall not be applied in such a
569 manner as to preclude the siting or expansion of any local essential public facility in the city of
570 Mukilteo. In the event that a local essential public facility cannot, by the imposition of
571 reasonable conditions of approval, be made to meet the decision criteria set forth in subsection
572 D of this section on the preferred site described in the proposal, the hearing examiner shall
573 either:

574 1. Require the local essential public facility to be located on one of the investigated
575 alternative sites, if the proposal can be reasonably conditioned to meet the decision criteria at
576 the alternative site; or

577 2. Approve the siting or expansion of the local essential public facility at the preferred site
578 with such reasonable conditions of approval as may be imposed to mitigate the impacts of the
579 proposal to the maximum extent practicable, if there is no available alternative site on which
580 the decision criteria can be met.

581 **17.18.030 Siting and expansion of state and regional essential public facilities.**

582 A. Any proposal for the siting or expansion of a state or regional essential public facility shall
583 follow the procedures established by Chapter [17.13](#) for the underlying permit, e.g., building
584 permit, subdivision, binding site plan, etc.; provided, that a public hearing shall be held prior to
585 the issuance of any such permit in order to obtain public input on the permit criteria and
586 conditions of approval. If the underlying permit ordinarily requires a public hearing, the public
587 hearing required by this section shall be consolidated with the required public hearing and
588 heard by the same hearing body or officer. If the underlying permit does not ordinarily require a
589 public hearing, the hearing examiner shall conduct the public hearing and shall thereafter be
590 the approval authority for such underlying permit. Notice of the application and the required
591 public hearing shall be given as provided in Section [17.13.050](#). Notices shall be posted on-site,
592 posted at the city's designated posting places, advertised in the city's official newspaper, and
593 mailed to property owners within three hundred feet.

594 B. State and regional essential public facilities shall not be located in any residential zoning
595 district identified in Table 17.16.040 except as provided in this subsection. If the land on which
596 a state or regional essential public facility is proposed is located in any such residential zoning
597 district, the applicant must demonstrate to the hearing examiner that there is no other feasible
598 location for the facility and that the exclusion of the facility from the residential districts of the
599 city would preclude the siting of all similar facilities anywhere within the city. If the applicant is
600 able to make such a demonstration, the hearing examiner shall authorize the essential public
601 facility to be located in the residential zoning district.

602 C. State and regional essential public facilities shall meet all provisions of this code for
603 development within the zoning district in which they are proposed to be located, including but
604 not limited to the bulk regulations of Chapter [17.20](#), except as provided in this subsection. If a
605 state or regional essential public facility does not meet all such provisions, the applicant must
606 demonstrate to the hearing examiner that compliance with such provisions would preclude the
607 siting of all similar facilities anywhere within the city. If the applicant is able to make such a

608 demonstration, the hearing examiner shall authorize the essential public facility to deviate from
609 the provisions of this code to the minimum extent necessary to avoid preclusion.

610 D. The hearing examiner shall impose reasonable conditions upon the state or regional
611 essential public facility in order to ensure that:

612 1. Necessary infrastructure is or will be made available to ensure safe transportation access
613 and transportation concurrency;

614 2. Necessary infrastructure is or will be made available to ensure that public safety
615 responders have the capacity to handle increased calls and expenses that will occur as the
616 result of the facility, including but not limited to insurance costs, public awareness and public
617 education costs. The facility will not adversely affect public safety;

618 3. The project sponsor has the ability to pay for all capital costs associated with on-site and
619 off-site improvements;

620 4. The facility will not unreasonably increase noise levels in residential and commercial areas
621 and school zones;

622 5. Visual screening will be provided that will mitigate the visual impacts from streets and
623 adjoining properties; and

624 6. Any and all probable significant adverse environmental impacts including but not limited to
625 air quality, habitat, soil quality and soil stability of neighboring properties and light pollution are
626 mitigated.

627 E. The hearing examiner shall not impose conditions in such a manner as to preclude the
628 siting or expansion of any state or regional essential public facility in the city of Mukilteo. In the
629 event that a state or regional essential public facility cannot, by the imposition of reasonable
630 conditions of approval, be made to mitigate the impacts described in subsection D of this
631 section, the hearing examiner shall approve the siting or expansion of the state or regional
632 essential public facility with such reasonable conditions of approval as may mitigate such
633 impacts to the maximum extent practicable. (Ord. 1149 § 2 (part), 2006)

634 **17.18.040 Secure community transition facilities.**

635 RCW 71.09.342 preempts any and all local regulations on the siting of secure community
636 transition facilities as defined in RCW 71.09.020. Such facilities are therefore exempt from the
637 provisions of this chapter and shall be sited as provided in Chapter 71.09 RCW.

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2 **Agenda Item E.1**
3
4

5 DATE: January 14, 2014
6

7 TO: Lynnwood Planning Commission
8

9 FROM: Paul Krauss, Community Development Director
10 Michele Q. Szafran, Associate Planner
11

12 RE: Draft Code Amendment: Shipping Containers in Residential Zones (LMC
13 21.42.400, LMC 21.43.400, and Chapter 21.02 LMC)
14

15 The purpose of this agenda item is allow continued review of draft legislation that would allow
16 the use of shipping containers as accessory structures in residentially-zoned properties, but
17 restrict them by size, location, appearance and number. The draft Ordinance attached has been
18 modified from our previous discussion on December 11, 2014. Meeting minutes are attached as
19 item B.2.
20

21 Currently in the City of Lynnwood, shipping containers may be used as accessory structures as
22 long as minimum building code requirements are satisfied. Shipping containers are designed to
23 stand up to the rigors of intercontinental and intermodal transport. From a structural standpoint
24 they are typically more rugged than most accessory buildings. As long as they are not used as
25 habitable space, the only real issues from a Building Code standpoint are securing them to a
26 foundation and providing electric service if desired. The primary issue is whether their bulky,
27 industrial appearance is consistent with the visual character of residential properties.
28

29 On November 17, 2014, the City Council authorized the preparation of draft legislation for
30 shipping containers within residential areas. On December 11, 2014 staff presented a draft
31 ordinance to Planning Commission to prohibit those structures upon residentially-zoned
32 properties.
33

34 This new iteration of the draft ordinance allows one shipping container per residential property,
35 and limits the maximum size to 10' x 20'. The draft ordinance also requires that the shipping
36 container be retrofitted with features commonly found in residential areas, such as architectural
37 siding and a sloped roof.
38

39 Per the direction of the Planning Commission, staff has considered both the City of Mountlake
40 Terrace and the City of Edmonds' regulations of shipping containers. The City of Edmonds
41 requires a Design Review process and Mountlake Terrace does not require Design Review, but
42 requires that any structure in excess of 12 feet in height or 200 square feet in area shall feature
43 exterior siding similar in appearance to and compatible with the building materials of the primary
44 structure. (see attached)

1 Staff feels that the revised draft Ordinance would be more restrictive than the City of Mountlake
2 Terrace as they only require similar appearance if structure is in excess of 200 square feet in size
3 and less restrictive than the City of Edmonds by not requiring a full design review process. Staff
4 feels that the current proposal achieves a reasonable balance regarding the use of shipping
5 containers upon residential property.

6 Staff seeks the Commission's concurrence that the draft legislation (as written or as amended by
7 the Commission) is appropriate for a public hearing during February 2015.
8

Table 1. Summary of Selected Cities' Regulation of Shipping Containers in Residential Areas

Jurisdiction	Permitted Use	Notes	Code Citation
City of Edmonds	No	Cargo or shipping container regardless of structural modifications not allowed without design review process.	17.70.035(B) Temp. Storage Units
City of Mukilteo	No	Recognizes them as temp. structure and therefore does not permit them unless with a CUP good for 1 yr. Requires Architectural consistency with primary bldg.	17.16 Temporary Structures. Does not require permanent attachment to the ground. 17.20.025 – Accessory buildings shall be designed with a pitched roof.
City of Bothell	No	Accessory structures shall have similar siding, roofing and detailing as primary structure. Metal buildings that are clearly of different style than the primary shall not be allowed for accessory building over 120 sq. ft.	12.14.130
City of Everett	No	Shipping containers or other similar storage units do not qualify as accessory buildings under this section and shall be prohibited in residential zones.	EMC 19.7.020
City of Mountlake Terrace	Maybe	If less than 250 sq.ft. and less than 12' in height shall meet setbacks and requires standard building permit application. If over 12 feet in height or 200 sq.ft. shall have architectural consistency.	19.30.030(B)(7): Residential Character means appearance and use that are similar to typical residential use, scale, building form, and building materials. Does not include uses or exterior appearances that are industrial or commercial in nature. 19.120.130
City of Shoreline	Yes	Does not address compatibility of accessory structures and regulates based on setback standards.	20.50.100

1 **City of Edmonds**

2 **17.70.035 Temporary storage units.**

3 A. Defined.

4 2. “Cargo or shipping container” means a standardized container designed without
5 an axle or wheels, which was originally, specifically, or formerly designed for or
6 used in the packing, shipping, movement or transportation of freight, articles, goods
7 or commodities.

8 B. Cargo or Shipping Containers. No person shall place or cause to be placed any
9 cargo or shipping container, regardless of structural modifications, on any area or
10 any property in a residentially zoned district that is not subject to the design review
11 process. Property or projects subject to the design review process may apply for this
12 use per ECDC [20.10.010](#). Administrative waivers shall not apply.

13 The temporary placement of a portable storage container on a residentially zoned
14 lot for the purpose of loading and unloading household contents shall be permitted
15 for a period of time not exceeding 30 days in a calendar year.

16 D. Temporary storage units do not require a conditional use permit. [Ord. 3742 § 1,
17 2009].

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26 **City of Mountlake Terrace**

27 **19.120.130 Accessory buildings.**

28 The following regulations apply to detached accessory buildings such as sheds and garages
29 associated with single-household residences in all zone districts.

30 A. An accessory building that is both less than 80 square feet in size and with each side wall
31 less than six feet in height does not require an approved building permit; however, such
32 structures must meet the minimum front yard setback requirement in the applicable zone
33 district.

34 B. An accessory building that does not meet the criteria described in subsection A of this
35 section for area and building wall height shall meet the minimum front and side yard
36 setbacks in the applicable zone district with the exception of corner lots where the minimum
37 side yard setback from the interior lot line shall be five feet.

38 C. An accessory building that does not meet the criteria described in subsection A of this
39 section for area and building wall height shall meet a minimum rear yard setback of 15 feet,
40 except that if the accessory building is less than 250 square feet in area and less than 12 feet
41 in height, it shall meet a minimum five-foot setback in the rear yard.

42 D. The maximum building footprint of an accessory building shall be no greater than the
43 building footprint of the principal structure, not to exceed 800 square feet.

44 E. The maximum height of an accessory building shall be 25 feet.

45 F. An accessory building shall not be designed, constructed, or used as a habitable structure
46 for eating, cooking, or sleeping, except as otherwise provided by this title.

47 G. An accessory building in excess of 12 feet in height or 200 square feet in area shall
48 feature exterior siding similar in appearance to and compatible with the building materials
49 of the primary structure. (Ord. 2393 § 1, 2005; Ord. 2074 § 9.2(B), 1995).
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CITY OF LYNNWOOD

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LYNNWOOD,
WASHINGTON, RELATING TO SHIPPING CONTAINER'S
AS ACCESSORY STRUCTURES IN RESIDENTIAL
ZONES, AMENDING CHAPTER 21.02 LYNNWOOD
MUNICIPAL CODE (LMC), LMC 21.42.400, AND LMC
21.43.400, AND PROVIDING FOR SEVERABILITY, AN
EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, under Chapters 35A.11 and 35A.63 RCW, the City Council of the City of Lynnwood has the authority to adopt ordinances relating to the use of real property located within the City; and

WHEREAS, from time to time, it is in the public's interest to amend the City's land use and development regulations to ensure those provisions are consistent with and implement the comprehensive plan and support the public's general health, safety, and welfare; and

WHEREAS, the City Council finds these provisions are in the best interest of the health, safety and welfare of the community; and

WHEREAS, the Lynnwood Comprehensive Plan directs that residential areas be protected from incompatible land development that may diminish the desirability and livability of Lynnwood's neighborhoods; and

WHEREAS, Lynnwood does not utilize aesthetic design standards for single family residential structures and structures ancillary to single family dwellings; and

WHEREAS, adaptation of used shipping containers for use as dwellings and other structures is an emergent industry without established standards to ensure that shipping containers will be modified to include architectural design features that promote compatibility with conventional single family dwellings; and

WHEREAS, the reuse of industrial shipping containers as an accessory structure can result in an industrial, non-residential structure within residential areas; and

WHEREAS, the reuse of shipping containers as an accessory structure to a residence may be a cost-effective means of creating additional building area with minimal use of new resources and materials; and

WHEREAS, until such time when visual compatibility between shipping containers and conventional residences can be predicted through the application of

47 industry standards, it is appropriate to limit the industrial presence and appearance of
48 shipping containers in residential areas by limiting container size; and

49
50 WHEREAS, the City Council finds that the use of shipping containers as
51 accessory structures in residential zones is inconsistent with City policies and
52 regulations and should be restricted in size, location, appearance and number in order
53 to promote compatibility between and amongst residential properties; and

54
55 WHEREAS, on the ___th day of November, 2014, the City of Lynnwood SEPA
56 Responsible Official issued a Determination of Non-Significance (DNS) on the proposal;
57 and

58
59 WHEREAS, on the _20th day of November, 2014, notice of the proposed code
60 amendment was sent to the Washington State Department of Commerce in accordance
61 with RCW 36.70A.106; and

62
63 WHEREAS, on the ___ day of _____, 2015, the Lynnwood Planning
64 Commission held a public hearing on proposed amendments to the Lynnwood
65 Municipal Code provided by this ordinance, and all persons wishing to be heard were
66 heard; and

67
68 WHEREAS, following the public testimony portion of the public hearing, the
69 Planning Commission deliberated on the draft legislation and by regular motion voted to
70 recommend that the Lynnwood City Council adopt the amendments to the Lynnwood
71 Municipal Code as provided herein; and

72
73 WHEREAS, on the ___th day of _____, 2015, the Lynnwood City Council held
74 a public hearing on proposed amendments to the Lynnwood Municipal Code provided
75 by this ordinance, and all persons wishing to be heard were heard; now, therefore:

76
77 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO
78 ORDAIN AS FOLLOWS:

79
80 **Section 1. Findings.** Upon consideration of the provisions of this Ordinance in light of
81 the decision criteria specified by LMC 21.20.500, the City Council finds that the
82 amendments contained herein are: a) consistent with the comprehensive plan; and b)
83 substantially related to the public health, safety, or welfare; and c) not contrary to the
84 best interest of the citizens and property owners of the city of Lynnwood.

85
86 **Section 2. Amendment.** Chapter 21.02 LMC is hereby amended by adding the
87 following definition for “Shipping Container”, and codifying such definition in a manner
88 that maintains alphabetical order and with a subsequent renumbering of LMC 21.02.664
89 – 830.

90
91 **21.02.664 Shipping Container.**

92 “Shipping Container” means an item of equipment designed for repeated use to store
93 goods during shipping or hauling, such as by vessel, rail car, semi-truck, etc.
94

95 **Section 3. Amendment.** LMC 21.42.400 is hereby amended as follows:
96

97 **21.42.400 Accessory Structures and uses.**

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

- 111 1. That the solar energy system has a net energy gain;
- 112 2. That the solar energy system is designed to minimize glare towards vehicular
113 traffic and adjacent properties;
- 114 3. That the solar energy system not adversely affect solar access to adjacent
115 properties;
- 116 4. That the solar energy system comply with all other city zoning, engineering,
117 building, and fire regulations; and
- 118 5. That the solar energy system is found to not have any adverse impacts on the
119 area, which impacts shall include, but not be limited to, the effects of such system upon
120 the views from neighboring properties and public ways.

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

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

130 C. Keeping Small Animals as Pets.

- 131 1. The keeping of small animals as pets shall be permitted as an accessory use.
- 132 2. Livestock, Except Chickens and Miniature Goats. The keeping of livestock
133 (except chickens and miniature goats; see subsections (C)(3) and (C)(4) of this section)
134 shall not be permitted except that an occupant shall be able to keep one animal, i.e.,
135 horse, cow or sheep, on a lot having a minimum of 20,000 square feet and an additional
136 animal for each 20,000 square feet additional lot area. The entire square footage of
137 roaming area shall be fenced. Fences must be of such a type and size as to prevent

138 encroachment on adjacent property. Encroachment shall be defined as reaching over,
139 under or through, as well as trespassing or intruding upon, the property of another.
140 Accessory buildings used for housing animals shall be provided, and shall be a
141 minimum of 200 square feet and a maximum of 250 square feet in area per animal,
142 except as allowed by variance, and shall not be closer than 25 feet to a property line,
143 except for those provisions provided for chickens and goats, below. An accessory
144 building for the housing of small animals or fowl (except chickens, see below) shall not
145 exceed 36 square feet in floor area when located on a residential lot and neither the
146 building nor the fenced area for their roaming shall be closer than 25 feet to a property.

147 3. Chickens. The keeping of chickens for personal use of the household (eggs
148 shall not be sold) shall be permitted subject to the following:

149 a. A maximum of five chickens may be kept per lot associated with a single-
150 family residential dwelling unit.

151 b. A suitable structure to provide shelter from the elements and an outdoor
152 pen shall be provided. The shelter and pen shall be built and maintained to prevent the
153 chickens from breaking through, out, over, or under the same. The shelter and pen shall
154 be kept in good working condition, shall not cause odor or noise nuisances, and must
155 be kept in a clean and well maintained condition at all times.

156 i. The enclosed shelter shall provide a floor, walls, and roof and shall
157 be a minimum of four square feet per chicken.

158 ii. The outdoor pen (a ground level roaming area) shall be a minimum
159 of eight square feet per chicken.

160 iii. Pens and shelters shall be constructed so as to discourage
161 predators.

162 iv. The outer edge of the shelter or pen shall be set back a minimum of
163 15 feet from side and rear property lines. Pens and shelters are not permitted in the
164 area between the primary dwelling unit and the front property line. The side of the pen
165 facing an adjacent residence shall be sight obscuring through the use of a solid fence.

166 v. Electricity provided to the shelter will require an electrical building
167 permit.

168 c. Bedding/manure shall be composted or bagged and tied and placed
169 within garbage dumpsters.

170 d. Roosters shall be prohibited.

171 e. Chickens shall not be processed on premises. Infected chickens with
172 diseases harmful to humans shall be removed.

173 4. Goats. The keeping of miniature goats for personal use of the household (no
174 commercial uses) shall be permitted subject to the following:

175 a. Miniature breeds of goats include the following: pygmy, Nigerian dwarf
176 and pygora or similar breeds (based on height and weight). Adult goats shall not exceed
177 30 inches measured from the withers or weigh more than 100 pounds. The wither is the
178 ridge between the shoulder blades of the goat.

179 b. A maximum of three miniature goats may be kept per lot associated with
180 a minimum of 7,200 square foot lot area of a single-family residential dwelling unit.
181 Nursing offspring may be kept until weaned, no longer than 12 weeks after birth.

182 c. Male goats must be neutered.

183 d. All goats must be dehorned.

184 e. A suitable structure to provide shelter from the elements and an outdoor
185 pen shall be provided. The shelter and pen shall be built and maintained to prevent the
186 goats from breaking through, out, over, or under the same. The shelter and pen shall be
187 kept in good working condition, shall not cause odor nuisances, and must be kept in a
188 clean and well maintained condition at all times.

189 i. The shelter shall provide walls, a roof and a door.

190 ii. The outer edge of the shelter or pen shall be set back a minimum of
191 15 feet from side and rear property lines. Pens and shelters are not permitted in the
192 area between the primary dwelling unit and the front property line. The side of the pen
193 facing an adjacent residence shall be sight obscuring through the use of a solid fence.

194 iii. Electricity provided to the shelter will require an electrical building
195 permit.

196 iv. No confinement area shall be located within a critical (sensitive)
197 area or their buffers.

198 f. Goats shall not be slaughtered on premises.

199 g. Goats over 12 weeks old shall be annually licensed per the current fee
200 schedules adopted for dogs in the city of Lynnwood.

201 5. The keeping of mink, goats (with the exception of miniature breeds permitted
202 under subsection (C)(4) of this section), foxes, or hogs is prohibited.

203 D. Carnivals, Circuses, and Other Temporary Special Events. These uses are
204 permitted if accessory to a school, church, park, or other facility of a similar nature.
205 Such activities shall not be subject to regulation by Chapter [5.30](#) LMC.

206 E. Electric Vehicle Charging Stations. Level 1 and Level 2 electric vehicle charging
207 stations are allowed as an accessory use but shall be privately owned with restricted
208 access (e.g., occupants of a single-family home, employees and members of the
209 congregation in the case of a religious institution). The electric vehicle charging station
210 shall not be open for use to the general public.

211 ~~F. F. Shipping Container or other similar storage units as defined in Chapter 21.02 LMC~~
212 ~~are not permitted as accessory structures in residential zones. A shipping container or~~
213 ~~other similar storage unit is permitted as an accessory structure in residentially zoned~~
214 ~~properties. The shipping container shall not exceed 20 feet by 10 feet in size, and meet~~
215 ~~other accessory structure dimensional standards per LMC 21.42.420 and 21.42.440.~~
216 ~~The shipping container shall feature architectural consistency such as, exterior siding~~
217 ~~and a roof that is similar in appearance to, and compatible with the building materials of~~
218 ~~the primary structure. Only one such structure shall be permitted per lot.~~

219
220 **Section 4. Amendment.** LMC 21.43.400 is hereby amended as follows:
221

222 **21.43.400 Accessory Structures and uses.**

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

228 B. Solar Energy Systems. The use of solar energy systems (for example, attached
229 solar greenhouses, attached solar sunspaces, and solar collectors) can be an effective
230 and efficient method for producing energy and reducing energy consumption. The
231 majority of residential structures within Lynnwood were constructed before solar energy
232 systems became a viable means for producing energy, thus lot yard setbacks and
233 height restrictions do not take such systems into account. The city of Lynnwood finds
234 that it is in the best public interest to encourage solar energy systems. If it is found that
235 a solar energy system would have a positive impact on energy production and
236 conservation while not having an adverse environmental impact on the community, but
237 the placement of such system requires violation of city setback or maximum height
238 limitations, allowance of such systems may be permitted through the variance process
239 and shall be encouraged. In viewing such variance request, the following shall be
240 considered in making a determination:

- 241 1. That the solar energy system has a net energy gain;
- 242 2. That the solar energy system is designed to minimize glare towards vehicular
243 traffic and adjacent properties;
- 244 3. That the solar energy system not adversely affect solar access to adjacent
245 properties;
- 246 4. That the solar energy system comply with all other city zoning, engineering,
247 building, and fire regulations; and
- 248 5. That the solar energy system is found to not have any adverse impacts on the
249 area, which impacts shall include, but not be limited to, the effects of such system upon
250 the views from neighboring properties and public ways.

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

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

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

262 E. Carnivals, Circuses, and Other Temporary Special Events. These uses are
263 permitted if accessory to a school, church, park, or other facility of a similar nature.
264 Such activities shall not be subject to regulation by Chapter [5.30](#) LMC.

265 F. Electric Vehicle Charging Stations. Level 1 and Level 2 electric vehicle charging
266 stations are allowed as an accessory use but shall be privately owned with restricted
267 access (e.g., renters of a multiple-family dwelling complex, employees and members of
268 the congregation in the case of a religious institution). The electric vehicle charging
269 station shall not be open for use to the general public.

270 ~~G. G. Shipping Container or other similar storage units as defined in Chapter 21.02~~
271 ~~LMC are not permitted as accessory structures in residential zones. A shipping~~
272 ~~container or other similar storage unit is permitted as an accessory structure in~~

273 residentially zoned properties. The shipping container shall not exceed 20 feet by 10
274 feet in size, and meet other accessory structure dimensional standards for single family
275 properties per LMC 21.42.420 and 21.42.440. The shipping container shall feature
276 architectural consistency such as, exterior siding and a roof that is similar in appearance
277 to, and compatible with the building materials of the primary structure. Only one such
278 structure shall be permitted per lot.

279 **Section 5. Severability.** If any section, sentence, clause or phrase of this ordinance
280 should be held to be invalid or unconstitutional by a court of competent jurisdiction, such
281 invalidity or unconstitutionality shall not affect the validity or constitutionality of any other
282 section, sentence, clause or phrase of this ordinance.
283

284 **Section 6. Effective Date.** This ordinance or a summary thereof consisting of the title
285 shall be published in the official newspaper of the City, and shall take effect and be in
286 full force five (5) days after publication.
287

288 PASSED BY THE CITY COUNCIL, the _____ day of _____, 2015.
289

290 APPROVED:
291

292 _____
293
294 Nicola Smith, Mayor
295

296 ATTEST/AUTHENTICATED:
297

298 _____
299
300 _____
301
302 Finance Director
303

304 APPROVED AS TO FORM:
305

306 _____
307
308 Rosemary Larson
309 City Attorney
310

311 FILED WITH ADMINISTRATIVE SERVICES: _____

312 PASSED BY THE CITY COUNCIL: _____

313 PUBLISHED: _____

314 EFFECTIVE DATE: _____

315 ORDINANCE NUMBER: _____
316
317

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Implementation Element Update

Agenda Item: E.2

Staff Report

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

Staff Contacts: Corbitt Loch, Community Development

1

2 **Summary**

3 The purpose of this agenda item is to initiate the Commission's review and
4 discussion of the draft Implementation Element of the Comprehensive Plan. This
5 project is part of the 2015 Update of the Comprehensive Plan.

6

7 **Action**

8 Review the draft Element and provide direction to staff.

9

10 **Background**

11 The existing Implementation Element of the Comprehensive Plan has been
12 revised as part of the 2015 update of the Comprehensive Plan. This Element
13 contains procedures and decision-making guidance for a variety of matters.

14

15 In general, staff's amendments are intended to promote clarity and technical
16 accuracy. Staff has provided an annotated, "track changes" version that readily
17 identifies all edits proposed. Also provided is a "clean" version with changes
18 incorporated and new formatting applied.

19

20 **Previous Planning Commission / City Council Action**

21 None specific to the Implementation Element.

22

23 **Adm. Recommendation**

24 Review the draft Element and provide direction.

25

26 **Attachments**

27

1. Draft Implementation Element (track-change and annotated version)

28

2. Draft Implementation Element (clean version)

Comprehensive Plan Review History

As of 1/8/15

	Element/Topic	Planning Commission		City Council	
		Date	Description	Date	Description
	Cover & Title Pages				
1.	Introduction	10/23/14	First review.		
2.	Land Use	6/26/14 7/24/14 8/28/14 9/11/14	Deferred to future meeting. Deferred to future meeting. First review. Second review.		
3.	Community Character	10/23/14	First review.		
4.	Economic Development				
5.	Transportation				
6.	Parks, Recreation & Open Space	11/13/14	First review.		
7.	Housing	11/13/14 1/8/15	Review of Housing Profile. First review.		
8.	Environment	2/27/14 8/28/14	First review. Second review. One additional review requested.		
9.	Capital Facilities and Utilities				
10.	Implementation				
	Appendices				
A.1	City Center Subarea Plan				
A.2	Highway 99 Subarea Plan				
A.3	ACCTA Subarea Plan				
	General	12/19/13 1/23/14	Project scope and overview. Public participation plan	2/3/14	Project scope and overview.

IMPLEMENTATION

INTRODUCTION

While implementation is not one of the mandatory comprehensive plan elements under the Growth Management Act, implementation is an essential part of the planning process. Just like airplanes, ideas need wheels as well as wings. Implementation is the follow-through and the completion of the process. This implementation element will help describe how planning proposals will be carried out and provide the means to do so.

The essence of city planning is understanding the linkages between a community’s vision and policy and then making of spatial and land allocation decisions concerning various human activities and land uses. While the space allocation decision-making process is determined by governmental action, land development, construction, and the selection of specific land uses are mostly determined by the private sector. So, physical realization of much of the Comprehensive Plan is achieved in by the private sector, under governmental guidance.

The public sector is also a significant user of land and provider of essential public services. The decisions on use of public land and the delivery of public services have a significant impact on private development decisions. So, assuring consistency of public investments in essential public services and public land uses with the Comprehensive Plan is essential to effective Plan implementation.

While there are many factors involved in implementing a Comprehensive Plan, there are two basic tools available to government – regulation and public investment and incentives. Through a variety of legal instruments, government regulates the development and use of private property. And, through various public investments (streets, transit, water system, sewer system, storm drainage, parks, public buildings, etc.) government influences and makes possible private development opportunity.

The Implementation Element deals with the foregoing two basic tools of implementation and subparts thereof. In the following pages, the Implementation Element is described. First, the goals and objectives of implementation are presented. Then certain aspects of the implementation program are described in some detail.

This Implementation Element summarizes many activities, some currently in place and others new, that will work in a coordinated and integrated process to achieve implementation of the Comprehensive Plan. As required by the GMA, Lynnwood’s development regulations must be consistent with and implement this Plan. Zoning adjustments are usually necessary following adoption of a new Plan to ensure that changes in the Plan will be implemented through zoning.

GOALS, POLICIES & STRATEGIES

GOAL

A coordinated action program that integrates a full range of activities and results in achievement of the Vision, Goals, Policies, and Strategies of the Comprehensive Plan.

DEVELOPMENT REGULATIONS

Policy I-1. Ensure that Lynnwood’s development regulations are comprehensive, integrated, clear, user-friendly, and consistent with this Comprehensive Plan.



Strategy I-A. Community Development, Public Works Departments, Fire and Economic Development Departments, with assistance from legal counsel, shall ensure that all development regulations of the City are in compliance with Federal, State and local environmental regulations.

Strategy I-B. Continually improve and refine the permit review process and requirements so that it is: highly accessible and responsive to the public; consistent with City plans and policies; protects the environment; and encourages investment in the community.

DEVELOPMENT REGULATIONS

Policy I-2. Ensure that a program of assistance is provided to the general public and the development community that provides effective guidance from the concept stage of development through the decision and implementation stage.

Policy I-3. Continue the economic development program and continue to provide information and assistance needed to attract and retain local businesses and employment.

Policy I-4. Continue to improve the effectiveness of pre-application development assistance.



Strategy I-C. Continue to improve the operation of the City's Permit Center, composed of staff from various City departments.

Strategy I-D. Prepare a series of brief and easy to read development guides that summarize the important parts of the development regulations and the steps through the development review process.

Strategy I-E. Provide development assistance 24 hours a day and 7 days a week (24/7) by making all plans, ordinances, zoning maps, guides, and applications available on the City’s internet website.

Strategy I-F. Provide computer terminals or access to Wi-Fi at key service counters for use by the public in accessing City information.

URBAN REDEVELOPMENT

Policy I-5. Ensure that the City takes full advantage of all redevelopment techniques available under current state law and work to expand the list of techniques.



Strategy I-G. Work cooperatively with the Public Facilities District to assist in the review of proposals and alternatives, project selection, and design for future redevelopment projects within the District’s jurisdiction.

Strategy I-H. Continue to assess all legal mechanisms available to encourage redevelopment and determine what more the City could be doing.

Strategy I-I. Continue to offer and innovate redevelopment assistance programs for inclusion in the Economic Development Element of the Comprehensive Plan.

1 **CAPITAL INVESTMENTS**

2 **Policy I-6.** Ensure that all capital investments made by the City are consistent with the
3 Comprehensive Plan.



5 **Strategy I-J.** Continue the annual preparation of six-year Capital Facilities Plan updates and ensure
6 consistency with the Comprehensive Plan.

7 **Strategy I-K.** Continue to develop the process of performance budgeting and ensure that the City’s
8 annual budget is consistent with, and helps implement, the Comprehensive Plan.

9 **SERVICE PROGRAMS**

10 **Policy I-7.** Ensure that all City service programs are consistent with the Comprehensive Plan.



12 **Strategy I-L.** Review City service programs for consistency with the Comprehensive Plan through
13 the biennial budgeting process and at the time of periodic program review and
14 modification.

15 **COORDINATION**

16 **Policy I-8.** Ensure that implementing actions and programs are well coordinated internally
17 (intra-city) and externally (inter-jurisdictional) and are consistent with the
18 Comprehensive Plan.



20 **Strategy I-M.** Community Development and other Departments will continuously monitor the key
21 plans and programs of the State, Snohomish County, and surrounding jurisdictions
22 and continue to coordinate implementation actions and programs in ways that will
23 ensure Plan compliance with minimal conflict.

24 **ANNEXATION AND GROWTH MANAGEMENT**

25 **Policy I-9.** Ensure that annexation and growth management are consistent with the
26 Comprehensive Plan.



28 **Strategy I-N.** Affected City departments will continue to comment on development proposals
29 within the unincorporated Lynnwood MUGA and encourage their compliance with
30 City standards and guidelines.

31 **Strategy I-O.** The City will move forward with annexations of the MUGA. The City will be
32 **receptive** to working with MUGA residents and property owners interested in
33 annexation into the City.

34 **Strategy I-P.** The Annexation Evaluation Guidelines, as set forth by Lynnwood Resolution 96-21,
35 shall guide decisions on annexation proposals. The Annexation Evaluation
36 Guidelines call for assessment of factors such as: community identity; delivery of
37 government **services**; fiscal impacts; economic development opportunities; parks;
38 streets; and utilities.

PLAN MONITORING AND AMENDMENT

Policy I-10. Ensure effective Plan implementation through continuous monitoring of the progress and performance in achieving the measurable objectives of the Plan, and through adjustments thereto, as may be necessary, through the annual Plan amendment process.



Strategy I-Q. Utilize an interdepartmental staff team that will evaluate the progress of Plan implementation, during the annual Plan Amendment process, and report the results to the Planning Commission, Mayor and City Council.

Strategy I-R. Ensure that the Comprehensive Plan is updated and kept in conformance with the requirements of the Growth Management Act.

Strategy I-S. Ensure that all requested amendments to the Comprehensive Plan and Zoning Map are consistent with each other and with applicable State and local requirements.

Strategy I-T. Track key benchmarks that can measure and describe socio-economic and environmental conditions over time, so as to guide City decision-making in support of community wellbeing.

Strategy I-U. Except as authorized by the GMA, the Comprehensive Plan may be amended no more frequently than once per calendar year. Lynnwood's schedule and process for amending the Comprehensive Plan is as specified by the LMC.

Strategy I-V. The following guidelines will assist the City in processing Plan Amendments:

- A. State law requires that all Plan amendment proposals be considered and acted upon concurrently (in a package) so that their cumulative effects can be ascertained.
- B. The Comprehensive Plan is intended to be a 20-year Plan. There should be no need for extensive amendments other than during major updates.
- C. Amendments processed outside of major updates should only consist of relatively minor site specific land use adjustments, text/policy revisions, etc.
- D. Major changes to visions, goals, land use designations, or other aspects that might have citywide impacts usually require more extensive study and public input and, therefore, should be placed on a docket for the next major update.
- E. Requested amendments that pose substantial financial implications should be coordinated with City's budget process.

Strategy I-W. Each component of a Comprehensive Plan Amendment package shall be reviewed and approved only if it meets all of the following criteria:

- A. The proposal is consistent with the provisions of the Growth Management Act and will not result in Plan or regulation conflicts; and
- B. The proposal will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, or residents; and
- C. The proposed amendment can be accommodated by all applicable public services and facilities, including transportation; and

- D. The proposal will help implement the goals and policies of the Lynnwood Comprehensive Plan; and
- E. If the proposal could have significant impacts beyond the Lynnwood City Limits, it has been sent to the appropriate Snohomish County officials for review and comment.

PLAN/ZONE CONSISTENCY

Policy I-11. The following table provides policy guidance regarding achieving and maintaining consistency between the Future Land Use Map and the Official Zoning Map. The table can be used as a guide when applying zoning to implement the Comprehensive Plan and when reviewing a proposed change in zoning.

Table I-1. Plan and Zone Consistency

Plan Land Use Designation	Consistent Zoning
SF-1 – Low-density Single-family	RS-8 – Low-density Single-family MHP – Mobile Home Park
SF-2 – Medium-density Single-family	RS-7 – Medium-density Single-family MHP – Mobile Home Park
SF-3 – High-density Single-family	RS-4 – High-density Single-family MHP – Mobile Home Park
MF-1 – Low-density Multi-family	RML – Low-density Multi-family MHP – Mobile Home Park
MF-2 – Medium-density Multi-family	RMM – Medium-density Multi-family MHP – Mobile Home Park
MF-3 – High-density Multi-family	RMH – High-density Multi-family MHP – Mobile Home Park
MU – Mixed Use	MU – Mixed Use CDM – College District Mixed Use CR – Commercial-Residential PCD – Planned Commercial Development
LC – Local Commercial	B-3 – Neighborhood Commercial
CC – Community Commercial	B-2 – Limited Business
RC – Regional Commercial	B-1 – Community Business CG – General Commercial PCD – Planned Commercial Development PRC – Planned Regional Center
City Center	CC-W – City Center West CC-C – City Center Core CC-N – City Center North
BT – Business/Technical Park	BTP – Business/Technical Park
I – Industrial	LI – Light Industrial
PF – Public Facilities	P-1 – Public Use
PRO – Parks, Recreation, and Open Space	P-1 – Public Use
H99 – Highway 99 Corridor	HMU – Highway 99 Mixed Use CG – General Commercial
Alderwood – City Center Transition Area	ACC – Alderwood-City Center Transition Area
SF4 – High Density Single Family MUGA	TBD
WFB – Waterfront Beach	TBD
MUCTR – Mixed Use Urban Center	TBD

The Plan designations provide general long-range guidance for land use and development. Zones are tools for specific area implementation. In some cases, such as a mixed-use Planned Unit Development,

1 different zones may be used in combination within a single Plan designation, such as "Mixed Use" in this
2 example. Some zones may be consistent with more than one Plan designation, depending on their
3 applications.

DRAFT

IMPLEMENTATION ELEMENT

Introduction	1
Goals, Objectives & Policies	2
Plan Amendments	5
Plan/Zone Consistency	6
Urban Growth Policies	8
Annexation Policies	8

Explanation of proposed change: Edits for clarity and readability.

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INTRODUCTION

While implementation is not one of the mandatory comprehensive plan elements under the Growth Management Act, implementation is an essential part of the planning process. Ideas, like airplanes, need wheels as well as wings. ~~It makes no sense to make plans with no thought given to making those plans become reality.~~ Implementation is the follow-through and the completion of the process. This implementation element will help describe how planning proposals will be carried out and provide the means to do so.

The essence of city planning is understanding the linkages between a community's vision and policy and then ~~the~~ making of spatial and land ~~space~~-allocation decisions concerning various human activities and land uses. While the space allocation decision-making process is ~~regulated-determined~~ by governmental action, ~~the actual~~land development, construction, and the selection of specific land-~~actions and~~ uses are ~~predominantly within~~mostly determined by the private sector. So, physical realization implementation of much of the Comprehensive Plan is achieved in ~~large measure~~ by the private sector, under governmental guidance.

The public sector is also a significant user of land ~~space~~-and provider of essential public services. The decisions on use of public land ~~space-use~~-and the delivery of public services ~~delivery~~ have a significant impact on private development decisions. So, assuring consistency of public investments in essential public services and public land uses with the Comprehensive Plan is essential to effective Plan implementation.

While there are many factors involved in implementing a Comprehensive Plan, there are two basic tools available to government – regulation and public investment and incentives. Through a variety of legal instruments, government regulates the development and use of private property. And, through various public investments (streets, transit, water system, sewer system, storm drainage, parks, public buildings, etc.) government influences and makes possible private development opportunity.

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3 implementation of the Comprehensive Plan. As required by the GMA, Lynnwood's
4 development regulations must be consistent with and implement this Plan. Zoning
5 adjustments are usually necessary following adoption of a new Plan to ensure that
6 changes in the Plan will be implemented through zoning.

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7  Explanation of proposed change: This text was moved from
8 its original location below to promote clarity and continuity.

9
10
11  Explanation of proposed change: Per other elements,
12 "subgoal" and "objective" categories eliminated. Text
13 organized as "goal", "policy" and "stragegy".

14 **GOALS, OBJECTIVES & POLICIES & STRATEGIES**

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15 **GOAL:**

16
17 **A coordinated action program that integrates a full range of activities**
18 **and results in achievement of the Vision, Goals, ~~Subgoals~~ Policies, and**
19 **~~Objectives~~ Strategies of the Comprehensive Plan.**

20
21  Explanation of proposed change: Text change for clarity,
22 accuracy, and readability.

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23 **~~Subgoal~~ Policy I-1: Development Regulation**

24
25 **~~Assure~~ Ensure that the system of Lynnwood's development regulations**
26 **are comprehensive, integrated, clear, user-friendly, and consistent**
27 **with this integrates a full range of methods in an understandable and**
28 **user friendly way and is consistent with the Comprehensive Plan.**

29 **~~Objectives:~~**

30
31 **Strategy I-1.4: ~~(Ongoing)~~ The Community Development, and Public**
32 **Works Departments, Fire and Economic Development Departments, with**
33 **assistance from legal counsel, ~~will shall assure ensure~~ that all**
34 **development regulations of the City are in compliance with Federal, State**
35 **and local environmental regulations.**

36 **Strategy I-1.6: ~~(Ongoing)~~ Achieve and maintain a process for review**
37 **and action on development applications that is shorter than the average**
38 **for all central Puget Sound cities. Continually improve and refine the**
39 **permit review process and requirements so that it is: highly accessible**
40 **and responsive to the public; consistent with City plans and policies;**
41 **protects the environment; and encourages investment in the community.**

42 **~~Subgoal~~ Policy I-2: Development Assistance**

1 | ~~Assure~~ **Ensure** that a program of assistance is provided to the general
2 | public and the development community that provides effective
3 | guidance from the concept stage of development through the decision
4 | and implementation stage.

5 |
6 | ~~Objectives:~~

7 | **Strategy I-2.1:** Continue the economic development program and enhance
8 | its function to include the provision of information and assistance needed
9 | to attract and retain local businesses and employment.

10 |
11 | **Policy I-2.2:** Continue to improve the effectiveness of pre-application
12 | development assistance.

13 | **Policy Strategy I-2.2.1** Continue to improve the operation of the City's
14 | Permit Center ~~Development Assistance team~~, composed of staff
15 | from various City departments.

16 | **Policy Strategy I-2.2.2** Prepare a series of brief and easy to read
17 | development guides that summarize the important parts of the
18 | development regulations and the steps through the development
19 | review process.

20 | **Policy Strategy I-2.2.3** Provide development assistance 24 hours a day
21 | and 7 days a week (24/7) by making all plans, ordinances,
22 | zoning maps, guides, and applications available on the City's
23 | internet website.

24 | **Policy Strategy I-2.2.4** Provide computer terminals or access to WiFi at
25 | key service counters for use by the public in accessing City
26 | information.

27 |
28 | **Subgoal Policy I-3: Urban Redevelopment**

29 | ~~Assure~~ **Ensure** that the City takes full advantage of all redevelopment
30 | techniques available under current state law and work to expand the
31 | list of techniques.

32 |
33 | ~~Objectives:~~

34 | **Strategy I-3.2:** Work cooperatively with the Public Facilities District to
35 | assist in the review of proposals and alternatives, project selection, and
36 | design for future redevelopment projects within the District's jurisdiction.

37 | **Strategy I-3.4:** Continue to assess all legal mechanisms available to
38 | encourage redevelopment and determine what more the City could be
39 | doing.

40 | **Strategy I-3.5:** ~~Propose~~ Continue to offer and innovate an enhanced
41 | ~~program of~~ redevelopment assistance programs for inclusion in the
42 | Economic Development Element of the Comprehensive Plan.

43 |
44 | **Subgoal Policy I-4: Capital Investments**

1 ~~Assure~~Ensure that all capital investments made by the City are
2 consistent with the Comprehensive Plan's ~~Goals, Objectives, and~~
3 ~~Policies.~~

4
5 ~~Objectives:~~

6
7 Strategy I-4.1: Continue the annual preparation of ~~annual~~ six-year Capital
8 Facilities Plan updates and ~~assure~~ensure consistency with the
9 Comprehensive Plan.

10
11 Strategy I-4.2: Continue to develop the process of performance budgeting
12 and ~~assure~~ensure that the City's annual budget is consistent with, and
13 helps implement, the Comprehensive Plan.

14
15 Subgoal Policy I-5: Service Programs

16 ~~Assure~~Ensure that all City service programs are ~~in compliance with~~
17 ~~and consistent with the Comprehensive Plan's Goals, Objectives, and~~
18 ~~Policies.~~

19
20 ~~Objectives:~~

21 Strategy I-5.1: Review City service programs for ~~Plan~~ consistency with the
22 Comprehensive Plan through the ~~annual~~ biennial budgeting process and
23 at the time of periodic program review and modification.

24
25 Subgoal Policy I-6: Coordination

26 ~~Assure~~Ensure that implementing actions and programs are well
27 coordinated internally (intracity) and externally (interjurisdictional)
28 and are ~~in compliance with and~~ consistent with the Comprehensive
29 Plan.

30
31 ~~Objectives:~~

32 Strategy I-6.1: ~~The~~ Community Development and other Departments will
33 continuously monitor the key plans and programs of the State,
34 Snohomish County, and surrounding jurisdictions and continue to
35 coordinate implementation actions and programs in ways that will
36 ~~assure~~ensure Plan compliance with minimal conflict.

37
38 Subgoal Policy I-7: Annexation and Growth Management

39 ~~Assure~~Ensure that annexation and growth management are consistent
40 with the Comprehensive Plan.

41
42 ~~Objectives:~~

43 Strategy I-7.4: Affected City departments will continue to comment on
44 development proposals within the unincorporated Lynnwood MUGA and
45 encourage their compliance with City standards and guidelines.

1 Strategy I-7.5: The City will move forward with annexations of the MUGA.
2 The City will be receptive to working with MUGA residents and property
3 owners interested in annexation into the City.

4
5 Strategy I-7.6: The Annexation Evaluation Guidelines, as set forth by
6 Lynnwood Resolution 96-21, shall guide decisions on annexation
7 proposals. The Annexation Evaluation Guidelines call for assessment of
8 factors such as: community identity; delivery of government services;
9 fiscal impacts; economic development opportunities; parks; streets; and
10 utilities.

11
12  Explanation of proposed change: Text from Annexation
13 narrative below moved and incorporated here for clarity and
14 continuity.

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15
16 **Subgoal Policy I-8: Plan Monitoring and Amendment**

17 **Assure**~~Ensure~~ effective Plan implementation through continuous
18 monitoring of the progress and performance in achieving the
19 measurable objectives of the Plan, and through adjustments thereto,
20 as may be necessary, through the annual Plan amendment process.

21 **Objectives:**

22
23 Strategy I-8.1: Establish an interdepartmental staff team that will evaluate
24 the progress of Plan implementation, during the annual Plan Amendment
25 process, and report the results to the Planning Commission, Mayor and
26 City Council.

27 Strategy I-8.4: ~~Assure~~**Ensure** that the Comprehensive Plan is updated and
28 kept in conformance with the requirements of the Growth Management
29 Act.

30 Strategy I-8.5: ~~Assure~~**Ensure** that all requested amendments to the
31 Comprehensive Plan and Zoning Map are consistent with each other and
32 with applicable State and local requirements.

33  Explanation of proposed change: Revised to
34 reference existing data and indices, versus the creation of a
35 new index.

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36 Strategy I-8.6: ~~Establish a Quality of Life Index for the monitoring of~~
37 Track key benchmarks that can ~~be used to~~ measure and describe socio-
38 economic and environmental conditions over time, so as to guide City
39 decision-making in support of community wellbeing. ~~the improvement~~
40 ~~and/or deterioration of Lynnwood as a place to live, and which will~~
41 ~~include the health of our natural environment.~~

42
43 **PLAN AMENDMENTS**
44

1 **Timing of Amendments:**

2 Strategy I-8.7: Except as authorized by the GMA, the Comprehensive
3 Plan may be amended no more frequently than once per calendar year.
4 Lynnwood's schedule and process for amending the Comprehensive Plan
5 is as specified by the LMC. ~~in accordance with the City's established~~
6 ~~process (see Municipal Code). Since some Plan amendments may have~~
7 ~~financial implications, the City's Plan amendment process should be~~
8 ~~coordinated with City's budget process.~~

9 Strategy I-8.8: The following guidelines will assist the City in processing
10 Plan Amendments:

- 11 1. State law requires that all Plan amendment proposals be considered
12 and acted upon concurrently (in a package) so that their cumulative
13 effects can be ascertained.
- 14 2. The Comprehensive Plan is intended to be a 20-year Plan. There
15 should be no need for extensive amendments other than during
16 major updates.
- 17 3. Amendments processed outside of major updates should only
18 consist of relatively minor site specific land use adjustments,
19 text/policy revisions, etc.
- 20 4. Major changes to visions, goals, land use designations, or other
21 aspects that might have citywide impacts usually require more
22 extensive study and public input and, therefore, should be placed on
23 a docket for the next major update.
- 24 5. Requested amendments that pose substantial financial implications
25 should be coordinated with City's budget process.



26 Explanation of proposed change: Incorporated above.

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27 **Off-schedule Plan Amendments:**

28 ~~The Comprehensive Plan may be amended outside of this schedule under certain~~
29 ~~circumstances, as provided in the Growth Management Act.~~

30
31 **Criteria for Approval of Plan Amendment Requests:**

32 Strategy I-8.9: Each component of a Comprehensive Plan Amendment
33 package shall be reviewed and approved only if it meets all of the
34 following criteria:

- 35 1. The proposal is consistent with the provisions of the Growth
36 Management Act and will not result in Plan or regulation conflicts; and
- 37 2. The proposal will change the development or use potential of a site or
38 area without creating significant adverse impacts on existing sensitive
39 land uses, businesses, or residents; and
- 40 3. The proposed amendment can be accommodated by all applicable
41 public services and facilities, including transportation; and

4. The proposal will help implement the goals and policies of the Lynnwood Comprehensive Plan; and
5. If the proposal could have significant impacts beyond the Lynnwood City Limits, it has been sent to the appropriate Snohomish County officials for review and comment.



Explanation of proposed change: Language below deleted as it applies to amendment cycles that have occurred in the past.

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~~2014-2015 PLAN UPDATE~~

~~The Growth Management Act requires cities in the central Puget Sound region to: "... review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of ..." the Act no later than June 30, 2015 (RCW 36.70A.130). Originally, GMA had required completion of this Update by December 1, 2011; however, the 2010 session of the Legislature extended the deadline to 2014 and the 2011 session extended it to June 30, 2015. The City is programming a substantial effort — involving staff, elected and appointed officials and the community — to complete this review by 2015. Major components of this effort will include (but not be limited to):~~

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



Explanation of proposed change: Text from Annexation narrative below incorporated here for clarity.

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~~PLAN/ZONE CONSISTENCY~~

~~The Comprehensive Plan is the City's plan for the next twenty years. To work properly, other development regulations must be consistent with the Plan, as required by the Growth Management Act. Zoning adjustments are usually necessary following adoption of a new Plan to ensure that changes in the Plan will be implemented through zoning.~~

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Strategy I-8.10: The following table ~~is intended to provide~~ assistance in ~~regarding~~ achieving and maintaining Plan/Zone Consistency. ~~The table~~ can be used as a guide when applying zoning to implement the Comprehensive Plan and when reviewing a rezone request for Plan consistency.

PLAN/ZONE CONSISTENCY

Comprehensive Plan	Consistent Zoning
SF-1 – Low-density Single-family	RS-8 – Low-density Single-family MHP – Mobile Home Park
SF-2 – Medium-density Single-family	RS-7 – Medium-density Single-family MHP – Mobile Home Park
SF-3 – High-density Single-family	RS-4 – High-density Single-family MHP – Mobile Home Park
MF-1 – Low-density Multi-family	RML – Low-density Multi-family MHP – Mobile Home Park
MF-2 – Medium-density Multi-family	RMM – Medium-density Multi-family MHP – Mobile Home Park
MF-3 – High-density Multi-family	RMH – High-density Multi-family MHP – Mobile Home Park
MU – Mixed Use	MU – Mixed Use CDM – College District Mixed Use CR – Commercial-Residential PCD – Planned Commercial Development
LC – Local Commercial	B-4 – Restricted Business B-3 – Neighborhood Business Commercial
CC – Community Commercial	B-2 – Limited Business
RC – Regional Commercial	B-1 – Community Business CG – General Commercial PCD – Planned Commercial Development PRC – Planned Regional Center
City Center	CC-W – City Center West CC-C – City Center Core CC-N – City Center North
BT – Business/Technical Park	BTP – Business/Technical Park
I – Industrial	LI – Light Industrial
PF – Public Facilities	P-1 – Public Use
PRO – Parks, Recreation, and Open Space	P-1 – Public Use
H99 – Highway 99 Corridor	H99MU – Highway 99 Mixed Use CG – General Commercial

Comprehensive Plan	Consistent Zoning
Alderwood – City Center Transition Area	ACCTA – Alderwood-City Center Transition Area
SF4 – High Density Single Family MUGA	TBD
WFB – Waterfront Beach	TBD
MUCTR – Mixed Use Urban Center	TBD

The Plan designations provide general long-range guidance for land use and development. Zones are tools for specific area implementation. In some cases, such as a mixed-use Planned Unit Development, different zones may be used in combination within a single Plan designation, such as "Mixed Use" in this example. Some zones may be consistent with more than one Plan designation, depending on their applications.



Explanation of proposed change: The language below deleted as it is no longer current or accurate.

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URBAN GROWTH POLIGIES

~~In the mid-1990s, Lynnwood amended its Land Use Element to include a map depicting a two-tier urban growth strategy:~~

~~• **Priority #1 Planning & Annexation Area:**~~

~~This includes an area extending northward to 148th Street, eastward across I-5 and I-405 to Larch Way and Martha Lake, and southeast to Larch Way. This is the area within which the City anticipated most annexation activity within the first ten years of the initial planning period.~~

~~• **Priority #2 Planning & Annexation Area:**~~

~~A much larger area, and possibly the City's ultimate UGA, was represented by the second phase. It extended to Mill Creek on the east and Everett and Mukilteo on the north and included approximately 17 square miles of area, about 2.5 times the size of Lynnwood today. A 1992 population estimate for this UGA was 43,225. That estimate included the unincorporated areas but not the City of Lynnwood.~~

~~Snohomish County has the responsibility of establishing Urban Growth Areas, with input from the cities. However, the process of assigning specific areas in the Southwest Urban Growth Area to each city in the UGA was not completed. The result was that several cities were occupying the same UGA. This resulted in confusion in planning for growth and the provision of utilities and services.~~

~~Lynnwood's growth plans overlapped those of Mill Creek, Everett, Mukilteo, Edmonds and Brier. Bothell also had an interest in a portion of the disputed territory. In an effort to end the confusion, the City of Lynnwood joined other cities of Southwest Snohomish~~

1 County in a "Municipal Urban Growth Area" (MUGA) study to determine the most
2 appropriate urban growth area for each city, based on a number of criteria.

3 Following a two-year study of municipal urban growth areas (MUGA), the Lynnwood City
4 Council decided to adopt its Priority #1 Planning and Annexation Area as the City's
5 MUGA boundary. [2002 amendment] In 2007, the City Council revised the MUGA
6 boundary; see Land Use Element for current MUGA map.
7



8 **Explanation of proposed change:** Text from Annexation
9 narrative below incorporated above in Policy I.7 for clarity
10 and continuity.

11 **ANNEXATION POLICIES**

13 On December 23, 1996, the Lynnwood City Council passed Resolution No. 96-21,
14 adopting guidelines for evaluating proposed annexations, as directed by 1995
15 Comprehensive Plan Policy 17.2.

16 The "Annexation Evaluation Guidelines" include specific criteria within the following
17 major categories:-

- 18 •—General
- 19 •—Community Identity and Support
- 20 •—City Services
- 21 •—Costs and Revenues
- 22 •—Economic Development
- 23 •—Housing
- 24 •—Parks, Recreation and Open Space
- 25 •—Community Development and Land Use
- 26 •—Public Safety
- 27 •—Streets and Transportation
- 28 •—Capital Facilities and Utilities
29

Annual Report

Agenda Item: F.1

Staff Report

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

Staff Contacts: Corbitt Loch, Community Development

Summary

This agenda item allows for the Commission's review of the draft 2014 Annual Report.

Policy Questions

NA

Action

Approve the 2014 Annual Report as written or as amended.

Background

The Lynnwood Municipal Code calls for an annual report from the Planning Commission to the City Council.

Previous Planning Commission / City Council Action

NA

Adm. Recommendation

Approve the 2014 Annual Report as written.

Attachments

1. Draft 2014 Annual Report

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2014 Annual Report of the Lynnwood Planning Commission

Introduction

9 This Annual Report provides a summary of the Planning Commission’s work during 2014,
10 including significant discussion issues, actions and recommendations. This is a report to the
11 Mayor and City Council, but may also be of interest to others. LMC 2.24.020 provides that each
12 of Lynnwood’s boards and commissions prepare an annual report.

13 The Lynnwood Planning Commission operates under the authority specified by Chapter 35A.63
14 RCW. Chapter 2.29 LMC outlines the general organization and procedural provisions for the
15 Commission.

16 The Commission provides a forum (public meetings, work sessions and hearings) for public
17 comment and discussion of growth, development, land use and urban design matters. Its work
18 also supports implementation of the City’s Comprehensive Plan. Section 3 of the Planning
19 Commission’s Scope & Rules includes the following description of the work of the Commission:

20 The Planning Commission shall serve as an ‘advisory body’ to the City of Lynnwood and may act
21 as the research and fact-finding agency for the municipality. To that end it may make such
22 surveys, analyses, research and reports as are generally authorized or requested by its Mayor or
23 City Council, or by the State of Washington with the approval of the City Council.

24 The Planning Commission shall undertake the following:

- 25 A. Annually review the Comprehensive Plan of the City as specified by the Growth
26 Management Act of the State of Washington and suggest plan amendments, as appropriate.
- 27 B. Annually, review all applications and suggestions for plan amendments to the Comprehensive
28 Plan and Zoning Map.
- 29 C. Annually, review its portion of the City budget and suggest desired amendments, as relates to
30 comprehensive plan, capital facilities plan, and policy matters.
- 31 D. Review and perform extraterritorial planning for Urban Growth Areas as defined by
32 Snohomish County and for annexation areas under consideration by the City.
- 33 E. Conduct neighborhood and community hearings and meetings, both formal and informal in
34 nature, regarding its studies, recommendations and proposals.
- 35 F. Participate in preparing an annual report showing achievement toward fulfilling goals,
36 policies and objectives of the Planning Commission.
- 37 G. Prepare an annual work plan for the ensuing year.
- 38 H. Present major policy advisories to the Mayor and City Council.
- 39 I. Meet with the Mayor, City Council and the Hearing Examiner, on an annual basis and other
40 advisory boards, as required.

- 1 J. Examine and respond to referrals from the City Council, Mayor or staff, including public
 2 meetings or formal hearings.
- 3 K. Perform other advisory duties as may be provided by ordinance or as may be assigned to it by
 4 the City Council or Mayor.

5 The Community Development Department provides administrative and technical support to the
 6 Commission. Other City departments provide support to the Commission on an as-needed basis.
 7 In most cases, the Commission’s work culminates in recommendations for final action by the
 8 City Council.

9 **Regular Commission Meetings:**

- 10 ▪ 2nd and 4th Thursdays of each month - January through October¹.
- 11 ▪ 2nd Thursday of each month - November and December (due to holidays).

12
 13 **Major Projects of 2014**

14 During 2014, the Planning Commission focused its attention on preparation of the 2015 update
 15 of the Comprehensive Plan. This update of the Comprehensive Plan is required by the Growth
 16 Management Act by June 2015 (and every eight years thereafter).

17 The staff time needed for the rewrite of the Comprehensive Plan (which dates back to 1994) has
 18 been substantial. The Commission’s work during 2014 can be summarized as follows:

Name	Location	Summary Description	Outcome
2014 Comprehensive Plan Amendment	Hwy 99 corridor	Aligned land use policies for residential development with regulations adopted previously by the City Council.	Approved by the City Council.
2015 Comprehensive Plan Update	Citywide	A major update of the Comprehensive Plan. During 2014, the Commission provided guidance regarding the public participation program, housing profile, introduction, land use element, community character element, parks element, and environment element.	In progress.
Transition Area Plan and Regulations	Transition Area	A subarea plan, a new zoning district, and special development regulations for the Alderwood-City Center Transition Area. (Planning Commission’s work was completed in 1993)	Approved by the City Council.
Code amendment: mixed use near Mall	PRC and PCD zones	Refinement of development regulations for mixed use for properties near Alderwood Mall.	Approved by the City Council.
Code amendment: essential public facilities	Citywide	Initial discussion of siting regulations for essential public facilities.	In progress.
Code amendment: storage containers	Citywide	Initial discussion of regulations for use of shipping containers in residential areas.	In progress.
Code amendment: goats	Citywide	Regulation of miniature goats in residential areas.	Approved by the City Council.
Code amendment: exterior lighting	Citywide	Regulation of exterior lighting.	In progress.
Code amendment: marijuana	Citywide	Regulations for land uses associated with recreational marijuana and medical marijuana.	Interim controls and moratoriums adopted by City Council.

¹ As a result of: a) high permit volumes for new construction; and b) staffing levels within Community Development, staff has typically convened one Planning Commission meeting per month.

Name	Location	Summary Description	Outcome
Transportation Improvement Plan	Citywide	Review of annual 6-year Transportation Improvement Plan.	Approved by the City Council.
City Center Streetscape Plan	City Center	Design standards for new construction in and adjacent to public right-of-way.	Approved by the City Council.
Open Public Meetings Act	NA	Training on the OPMA as required by the Open Government Training Act of 2014.	

1

2

Officers for 2014

3 The following officers were elected to terms for 2014:

- 4 Chair – Richard Wright
- 5 1st Vice Chair – Bob Larson
- 6 2nd Vice Chair – Chad Braithwaite

7

Membership Changes in 2014

8 On February 10, 2014, George Hurst was appointed to the vacant, unexpired term for Position 2.

9

2014 Attendance

Date	Ambalada	Braithwaite	Hurst	Jones	Larsen	Wojack	Wright
Jan 23	✓	✓	vacant	✓	✓	✓	✓
Feb 27	✓	✓	✓	✓	✓	✓	✓
Mar 27	✓	✓	✓	✓		✓	✓
Apr 24	✓	✓	✓	✓	✓	✓	✓
May 22	✓	✓	✓		✓	✓	
June 26	✓		✓	✓		✓	
July 24	✓	✓	✓		✓		
Aug 28	✓	✓	✓	✓	✓	✓	
Sept. 11	✓	✓	✓		✓	✓	✓
Oct 23	✓		✓	✓	✓		✓
Nov 13		✓	✓	✓	✓	✓	
Dec 11	✓	✓	✓	✓	✓	✓	✓
Percent	92%	83%	100%	75%	83%	83%	58%

10

11 Respectfully submitted,

12

13

14

15

16 Richard Wright, 2014 Chair

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