AGENDA

Lynnwood Planning Commission

Meeting

Thursday, June 25, 2015 — 7:00 pm

Council Chambers, Lynnwood City Hall

19100 44th Ave. W, Lynnwood, WA 98036

A. CALL TO ORDER – ROLL CALL

B. APPROVAL OF MINUTES

1. May 19, 2015 Joint Board & Commission Special Meeting
2. May 28, 2015 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

E. WORK SESSION TOPICS

1. Transportation Concurrency (Public Works Dept.)
2. Title 19 – Zoning Code Amendment – Increase Number or Lots Under Short Subdivisions (Plats)
3. Title 19 – Zoning Code Amendment – Flag lot area

F. OTHER BUSINESS

G. COUNCIL LIAISON REPORT

H. DIRECTOR'S REPORT

I. COMMISSIONERS' COMMENTS

J. ADJOURNMENT

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

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LYNNWOOD WASHINGTON

Joint Board and Commission Special Meeting

Minutes
May 19, 2015 6:00 PM
City Hall, Council Chambers

In attendance:

Mayor Nicola Smith

City Council Members
- Loren Simmonds
- Sid Roberts
- M. Christopher Boyer
- Ruth Ross
- Benjamin Goodwin

Arts Commission
- Elizabeth Lunsford
- Marissa Heringer
- Craig van den Bosch
- Kathleen Moore
- Paul Richards
- Adam Segalla

Civil Service Commission
- Gary Liming
- Ed dos Remedios

Heritage Park Partners Advisory Committee
- Betty Gaeng
- Cheri Ryan
- Gary Ottman

Historical Commission
- Tiffany Villigan
- Steve LaFond

Library Board
- Halley Roberts
- Zewditu Aschenaki

Neighborhoods & Demographic Diversity Commission
- Berel Paltiel

Parks & Recreation Board
- Dave Gilbertson
- Michael Megill
- Monica Thompson
- Kris Hildebrandt
- Christopher Bluford

Planning Commission
- George Hurst
- Bob Larsen
- Michael Wojack
- Doug Jones

Tourism Advisory Committee
- Loren Simmonds
- Nancy Fitch
- Grant Dull
- Amy Spain
- Brenda Klein

Staff Representatives
- David Kleitsch
- Mary Monroe
- Janiene Lambert
- Christy Murray
- Lynn Sordel
- Sarah Olson
- Marielle Harrington
- Elena Flesher
- Bill Franz
- Paul Krauss
- Gloria Rivera
- Corbitt Loch
- Lori Charles
- Michael DeLury, Sno-Isle Libraries
- Grant Dull, Public Facilities District

LYNNWOOD WASHINGTON

Agenda Item	
10. Light Dinner and Networking	All
20. Call to Order	
30. Introduction of Boards & Commissions Mission and Members	Chairs/Vice Chairs
40. Mayor Smith's Welcoming Remarks	Mayor Smith Mayor Smith announced Council and Administration's reaffirmation of the City Vision *to be a regional model for a sustainable, vibrant community with engaged citizens and an accountable government*. Tonight's meeting is inspired by the Vision to further develop community engagement with open communication.
50. Lynnwood Brand Presentation	Mary Monroe, Tourism Manager Manager Monroe shared a video presentation of the City's brand and asked community members to help share Lynnwood's values and story with others. Video Link: https://www.youtube.com/watch?v=u97AgKyJLvk
60. Lynnwood's Future:	
➢ Comprehensive Plan Update	Community Development Director Paul Krauss The City is updating its 20-year old comprehensive plan as required by the State Growth Management Act (GMA) with the purpose to prevent urban sprawl, protect forest and farmland, and develop cities with livable centers. Having an updated plan serves as a way to secure grant funding for major projects. Under the GMA plan, the City has been provided a target population of 55,000 from our current 35,000. A major new component to our planning includes the future Link Light Rail station, for which we now know the approved alignment. This new draft will be reviewed by City Council on Tuesday, May 26, and includes an updated Economic Development Action Plan, new Community Character element, and the City's Vision. The draft plan can be viewed at: http://www.ci.lynnwood.wa.us/City-Services/Planning-and-Development/2015-Comprehensive-Plan-Update.htm
➢ Economic Development Action Plan, City Center & Major Projects	Joint Presentation: Public Works Director Bill Franz, Community Development Director Paul Krauss, and Economic Development Director David Kleitsch Link to Presentation: http://www.ci.lynnwood.wa.us/Assets/Departments/Parks/Documents/Joint+Board+and+Commission+Meeting+Presentation.pdf
70. Adjourn 9:00pm	

CITY OF LYNNWOOD
PLANNING COMMISSION MINUTES
May 28, 2015 Meeting

Commissioners Present:	**Staff Present:**
Richard Wright, Chair	Corbitt Loch, Dep. Director Comm. Devt.
George Hurst, Second Vice Chair	Gloria Rivera, Senior Planner
Maria Ambalada	Jeff Elekes, Dep. Public Works Director
Doug Jones	Ngan Ha Yang, Project Manager
Robert Larsen	
Michael Wojack	
Chad Braithwaite, Vice Chair[1]	
	Other:
Commissioners Absent: None	Councilmember Van AuBuchon

Call to Order/Roll Call

The meeting was called to order by Chair Wright at 7:00 p.m. Deputy Director Loch called the roll.

Approval of Minutes

1. Approval of minutes of the April 23, 2015 Meeting

Motion made by Commissioner Jones, seconded by Commissioner Ambalada, to approve the minutes as presented. Motion passed unanimously (6-0).

Citizen Comments

None.

Public Hearing

1. Code Amendment: Prohibition of Retail Sale, Processing and Production of Recreation Marijuana and Marijuana-Infused Products

Senior Planner Gloria Rivera reviewed the background and previous actions on this item as contained in the Staff Report. She also shared an article discussing cities that have banned marijuana operations. She requested that the Commission hold the public hearing on this Ordinance and then make a recommendation to the City Council.

[1] Commissioner Braithwaite arrived at 7:06 p.m.

Chair Wright opened the public testimony portion of the public hearing at 7:08 p.m. and solicited public testimony.

Ted Hikel, 3820 – 191st Place SW, Lynnwood, WA, stated that although he doesn't drink or use marijuana, he does not support the government prohibiting the sale of those items against the will of the community's voters. He noted that Lynnwood residents voted in favor of having marijuana sales. He doesn't understand why the city leaders are not recognizing that. He expressed frustration at the City Council's lack of willingness to take action on this matter. He urged the Planning Commission to make a decision and take into consideration what the people of community have said.

Chris Frizzell, 6710 – 193rd Street SW, Lynnwood, WA, commented that the State hasn't even figured out what to do with marijuana taxes, how to differentiate between recreational and medicinal marijuana, or what to do about banking regulations. She felt that until the State is willing to share tax revenues with local governments, the City should prohibit marijuana businesses.

Seeing no further public testimony, the public testimony portion of the public hearing was closed at 7:13 p.m.

Commissioner Comments and Questions:

Commissioner Wojack noted that medical marijuana is not taxed, but recreational marijuana is. He asked if people are taxed when they buy prescriptions at the drugstore. Staff replied that they are not.

Commissioner Braithwaite apologized for his tardiness. He noted that some communities in other states do tax pharmaceuticals.

Commissioner Hurst commented that his understanding is that under the legislation the governor recently signed, medical marijuana patients will not pay sales tax, but they still will pay the excise tax. He referred to the issue with the marijuana grow operation in the shipping container in Lynnwood and asked why the plants were allowed to remain if the City has a moratorium in place. Deputy Director Loch replied that he could not speak to the specifics about that particular law enforcement case. He commented that, in general, Washington State law authorizes medical marijuana patients to grow and possess a certain number of plants. This is still lawful today for people who are an authorized user by way of the approval of their medical care provider. The City's moratorium applies to the dispensing, selling, or production of marijuana for profit. It does not preclude an authorized medical marijuana patient from possessing marijuana for his/her own use.

Commissioner Jones commented that under the state law there are limitations about the proximity of retail facilities to schools, parks, public transportation

centers, etc. He believes allowing retail sales of marijuana could be a fantastic tax gain for the City of Lynnwood. He would hate to lose out on the tax benefits of this. He commented that the adults of Washington State have spoken. He recommended using the State's guidelines to create our own guidelines to make sure we're not influencing children, and not prohibiting marijuana because of personal biases.

Chair Wright asked if this hearing was noticed as recreational marijuana ban or as both medical and recreational marijuana ban. Senior Planner Rivera replied it was noticed broadly without specific reference to medical or recreational. Chair Wright expressed concern about that type of public notice because there is a significant difference in community opinion about the two types of marijuana regulations. He also wondered why this was called an alternate ordinance since the packet contained only one ordinance. Senior Planner Rivera replied the original ordinance in 2014 allowed retail sales, production and processing in select zones. This new ordinance would prohibit those activities altogether. Chair Wright noted that the alternate ordinance was proposed by staff and the city attorney. He asked if there was Council direction on this alternate ordinance. Senior Planner Rivera replied that there was Council direction for the staff to look at an ordinance that would prohibit it. Chair Wright commented that the information in Exhibit A and Exhibit B looks seems like it was selected to support a certain position regarding marijuana. He expressed concern that he doesn't see anything that recognizes what the public vote was on I-502 or medical marijuana.

Commissioner Ambalada spoke in support of a complete ban so that the police can deal with it and make money by issuing tickets. Chair Wright clarified that this is not a criminal ordinance they are dealing with. He noted that the police can currently stop and cite anyone for driving under the influence of marijuana or other intoxicants regardless of what the Planning Commission does.

Commissioner Jones commented that even with this ordinance it would not be illegal to possess or use marijuana in your own residence. It is, however, illegal to use marijuana in public or to be intoxicated in public. This ordinance would just make it more difficult for law-abiding citizens to go to a store to purchase marijuana as they would need to travel beyond the City limits to do so.

Commissioner Braithwaite noted marijuana is still illegal under federal law. He asked staff and the Commission to consider what the ramifications might be if the next U.S. President has a different view and enforces the Controlled Substance Act differently. He clarified that of the 9.5% sales tax the City only receives about 1%. He commented that the State does not share any of the other excise tax revenue or other taxes on marijuana. Senior Planner Rivera affirmed they do not at this time. Revenue sharing is one of the items still under discussion in Olympia.

Commissioner Braithwaite commented that the City was allocated up to two retail businesses, which he understands are enormously valuable. He asked if the City has any procedures in place to address how those franchises are awarded and to ensure that there won't be any irregularities in how those franchises are awarded. Also, what revenue can the City gain from providing those franchises? He thinks they should be charging way more than the standard business license fee, noting they would be authorizing a virtual monopoly on the retail sale of marijuana. Senior Planner Rivera said the City hasn't received any information regarding people who had applied for licensing.

Commissioner Braithwaite noted that there are a lot of restrictions on the areas where marijuana businesses could potentially be allowed. He asked if staff has looked to see if there is actually any place in the City where they could be allowed. Senior Planner Rivera replied there is a map showing the specific areas of the City where retail operations could go. Commissioner Braithwaite noted that other locations in Washington have had perpetual moratoriums that have resulted in legal challenge. He asked if there are any legal ramifications to a ban. Senior Planner Rivera replied that the State Attorney General and the courts have upheld the ability for cities to enforce their police powers not to have facilities. The City of Kent's prohibition was upheld. Commissioner Braithwaite spoke in support of continuing the existing moratoriums until more questions get resolved. He believes the City needs to get prepared for allowing retail because it will eventually happen.

Chair Wright asked if there is any plan to revisit this after July when anyone over the age of 21 can grow four plants for their own personal use. Deputy Director Loch stated that this ordinance is focused on the production, processing, or transfer of marijuana from one person to another.

Commissioner Larsen expressed concern that as a public official he is being asked to set aside the will of the electorate, and instead in order to state that he knows what is best. He recommended that the City allow retail sales in industrial zones and regulate it.

Commissioner Jones asked if the City has determined what the business license cost would be. Senior Rivera thought the business license fee would be issued as any other business--based on the number of employees. Deputy Director Loch replied staff and Council have not gotten to that topic yet. If there were a different rate it would need to be based upon fact that differentiates marijuana businesses from other types of business. Commissioner Jones echoed Chair Wright's comments.

Commissioner Hurst noted that they have not even discussed the production facilities, of which there are no limits in the city. He expressed concern that these facilities are energy hogs and do not fit the vision of a sustainable city.

Commissioner Ambalada proposed that the City completely ban the production and sale of marijuana. If there is already production in the City of Lynnwood it should be banned or at least regulated. She also recommended that the police department should be prepared and helped by the attorneys to draw up some new laws for vehicles that pass through Lynnwood. She stated that it has been proven that ingesting marijuana-infused candy can be dangerous, especially to children. It has been proven that collisions and fatalities on the highways have increased since marijuana has been approved.

Commissioner Wojack commented that he asked eight sets of younger voters today about their opinion on this. They all said it should be allowed, but when he asked if it would be okay for their children, even if they were 21, most of them replied that they wouldn't want it. He noted that Pierce County did a raid on the first retail marijuana stores. 18% of those stores failed the evaluation by not following proper procedures such as asking for identification. When they reviewed medical marijuana stores, none of them asked for a prescription. Out of eight stores, three of them didn't ask for identification.

Commissioner Braithwaite commented that this is more of a political question than a planning or land use question. He thinks political questions are best handled by the City Council.

Chair Wright asked how long it has been since the City zoned for adult entertainment. Deputy Director Loch thought it was around 1990. Chair Wright asked how long it has been since an applicant has applied to put an adult entertainment facility in the City. Deputy Director Loch replied he was not aware of any. Chair Wright noted that years ago there were similar moratoriums around that. He suggested that is what happens when they try to zone for morality. He reiterated that the moral question has been answered by the electorate. In the case of medical marijuana, it has been answered at least twice. In the case of both medical and recreational marijuana, it has been answered not only by the electorate, but also by the state legislature.

Motion made by Chair Wright, seconded by Commissioner Jones, to forward on a recommendation to the Council to work within the current zoning allowed by the state or decide what additional standards need to be put in place.

Commissioner Braithwaite asked how Chair Wright's proposal would be different than not forwarding any recommendation. Chair Wright replied there were many options available to the Commission. This was one of them.

Motion passed (5-2) with Commissioner Braithwaite and Commissioner Hurst voting against the motion.

2. Zoning Code Corrections – Omnibus Amendments

Deputy Director Loch explained that this public hearing involves several administrative, non-substantive amendments to the zoning code that have been identified by staff to make the zoning code work as intended. The amendments are summarized on page 39 of the packet. The City Council will conduct a hearing on June 8, 2015.

Public Testimony:

Chair Wright solicited public testimony. Seeing none, the public testimony portion of the public hearing was closed.

Commissioner Comments and Questions:

Commissioner Ambalada asked if what they were amending would affect the intent of the original zoning. Deputy Director Loch stated that the zoning code dates back to 1960. It is important and necessary that zoning regulations evolve over time based on new land uses, public opinion, types of housing, types of businesses, etc. The proposed amendments are correct manifest errors staff has found in the code.

Commissioner Larsen referred to line 902 and noted that saying, “A height variance may be obtained,” does not seem like a bad thing because height is a sensitive issue. The next sentence is added language and not merely correction of a scrivener’s error. It is a change in the stance of the City to have the community development director authorize a minor increase in maximum building height. He recommended striking the addition and keeping the original language. Deputy Director Loch noted that staff has found this difficult to administer in terms of achieving the property owners’ goals. He commented it is not about approving additional floors or much taller buildings than what is allowed; it is about authorizing minor variation where there is a practical, commonsense reason. Commissioner Larsen asked about adding some language for clarification. Deputy Director Loch noted that the community development director generally has a 10% level of discretion in adjusting codes. As it is written now the applicant has to get a variance which goes to the hearing examiner after the scheduling of a public hearing. Commissioner Larsen retracted his recommendation.

Commissioner Braithwaite referred to page 42, lines 83 and 84 where the planning commission and/or city council is changed to the hearing examiner. His understanding is that the hearing examiner’s job is to interpret the code, but this is getting into an area of modification. He wondered if it might be appropriate for this to be handled by the planning commission or city council as opposed to the hearing examiner. Deputy Director Loch replied that as long as there is well-

written and clear criteria, he would recommend that the hearing examiner make permit-based decisions. In this case, there are clear criteria.

Motion made by Commissioner Wojack, seconded by Commissioner Ambalada, that the Planning Commission recommend approval of the zoning code correction Omnibus Amendments. Motion passed unanimously (7-0).

Work Session

1. Six-Year Transportation Improvement Plan (TIP)

Deputy Public Works Director/City Engineer Jeff Elekes introduced Project Manager Ngan Ha Yang who reviewed the Transportation Improvement Plan. She listed the significant transportation projects that the City has completed over the past ten years, projects that are currently in design, and projects that are currently in construction as listed on pages 71 and 72. Due to prioritization, project completion, new grant funding, and/or budgetary constraints, the following projects were removed: 33rd Avenue West/Lynnwood High School Ring Road; 204th Street SW/68th Avenue W to SR-99; and Interurban Trail Improvements (vicinity of 208th Street SW and 52nd). Staff is requesting the Planning Commission consider the 2016-2021 TIP list and forward a recommendation to the City Council.

Commissioner Larsen noted that the previous administration had a push going to try all different kinds of traffic calming devices around the city to determine what works best. He asked whatever happened to that. Deputy Director Elekes explained they tested a variety of treatments and kept data on the results. Additionally the city budgets in 2006, 2007, and 2008 were significantly higher than they are today. Staff uses the information today to evaluate situations as they come up. He noted that staff is very limited in funding to implement anything new in the city.

Commissioner Hurst referred to the Overlay Program for $3.5 million/year. He asked if staff has ever gotten that much in a budget. Deputy Director Elekes replied they have not. Right now they are relying on about $1 million/year which is a combination of stormwater utility funds for maintenance. The Transportation Benefit District generates roughly about $500,000 a year with the current $20 license tab fees. What is needed on a sustainable, long-term basis is to be spending $3.5 million/year, if not more. Commissioner Hurst asked if 36th Avenue has been fully funded. Deputy Director Elekes replied it has not. The City received a grant in 2009 for that project. Lynnwood is in partnership with Snohomish County for their segment north of 164th to 48th. 90% of the design phase of the project has been completed, and they are about to embark on the City's segment on the right-of-way phase. In order to fund that they moved stormwater improvement dollars from the construction phase to the right-of-way acquisition.

Commissioner Jones asked if there is a way of getting a further breakdown of the actual budget. Deputy Director Elekes replied that staff has project estimate sheets for each of the projects which break it down to design, right-of-way, utility relocation, construction, contingencies, etc. For overlay work, they have unit pricing for different types of pavement. He offered to bring that information back at a later date or to provide a presentation if desired by the Planning Commission. Commissioner Jones asked if emergency repairs would be part of the Overlay Fund. Deputy Director Elekes replied that would be part of the Street Fund as Operation and Maintenance.

Commissioner Ambalada thanked Deputy Director Elekes for attending the meeting and for the good work he does. She asked if there is a project or issue in the community that needs to be addressed, but cannot be done because of funding. Deputy Director Elekes replied that the most imminent one is 36th Avenue West from Maple to 164th because it is falling apart. After that maintenance is the next priority. Following that priorities would be capacity projects such as the Poplar Way project and the City Center/196th Street project. Additionally, sidewalks and bicycle lanes require more funding. He summarized that the list is huge, but the dollars are just not there.

Commissioner Ambalada noted the Mayor has hired a lobbyist and spent money with other alliance lobbyists. She asked if this is helping. Deputy Director Elekes replied it is. The 196th Street/City Center project made it in a State Transportation Bill with the possibility of obtaining as much as $14 million towards that project.

Commissioner Jones asked how much the City generally gets from grants. Deputy Director Elekes replied that they average $4-5 million annually, but it is very competitive. Commissioner Jones referred to the area in front of H-Mart and asked if there was any money allotted from the development of the school property that went toward that. Deputy Director Elekes replied that staff works very closely with the Planning Department and Economic Development to look for partnerships. The redevelopment of the Lynnwood High School site was a multi-stakeholder partnership. The road was approximately a $10 million project. Of that, the General Fund contribution was about $1.2 million. The rest was covered by grants, developer participation, and school district participation. The City Center is a series of partnership projects waiting to come to fruition as well. He added that the grant funding has unique criteria. In the last go around for the paving dollars, the 184th Street project scored best even though there are other streets that really bad. Additionally, there is a traffic impact fee program to help growth pay for growth as new developments come on board. He summarized that the City takes advantage of every opportunity possible.

Commissioner Wojack referred to page 74 under the bike lanes where it goes into a negative number. He asked the reason for this. Deputy Director Elekes thought it reflected phases of the project based on a grant from Verdant.

Commissioner Wojack commented that residents in Portland are required to pay for the maintenance of their own sidewalks. He said he was glad that Lynnwood still pays to maintain the sidewalks here. Deputy Director Elekes commented that the code technically says that the sidewalks are the responsibility of the adjacent private property owner, but this has been very difficult to implement due to the expense. Lynnwood is also trying to work through those issues.

Commissioner Braithwaite asked about limiting the scope of 36th Avenue West in order to address critical maintenance. Ha reviewed the current scope of the project. Deputy Director Elekes explained one way they have limited the scope in the plans is going from a five-lane signalized intersection to a roundabout; however, all of the wheelchair ramps need to be upgraded and those are very expensive. 36th Avenue is a classic example of failed maintenance as can be seen by the roadway which has gotten all the way down to the subgrade. It has to be completely reconstructed in the same way that Olympic View Drive was. This is why the overlay and maintenance program is so critical to avoid more situations like this.

Commissioner Braithwaite commented that it would be useful on the chart to see more details about funding. Deputy Director Elekes commented that next time staff will show the projects in terms of their funding components. Commissioner Braithwaite then referred to the Non-Motorized projects on page 73 and expressed concern about prioritization of the projects. He commented that the pedestrian signal at 180th is a critical safety project versus the Interurban Trail improvements which would just be really nice to have. He asked how they balance those two. Deputy Director Elekes replied this is a classic example of what grant funding fits which project. The Interurban Trail fit the criteria of a grant funding source so that was moved up as a priority. Also, the pedestrian signal at SR99 and 180th Street SW has design challenges. The right thing to do is put a signal in, but the neighbors to the east don't like that idea. Another idea would be to improve 180th all the way from SR99 over to 64th to provide pedestrian connections. Chair Braithwaite encouraged staff to look for ways to move this up in priority in order to save lives.

Chair Wright echoed Commissioner Braithwaite's concerns about this area as well as the area by QFC before it results in a casualty or fatality.

Commissioner Jones asked what input the neighbors have about the type of improvements that happen there. Deputy Director Elekes replied that in the 80's or 90's that particular intersection received a grant to do a fully signalized intersection. Unfortunately, the situation with the neighbors blew up before the Council. The project got shelved, and the City had to return the grant. The City wants to hear from the citizens to try to find better solutions. He noted, however, that safety projects have an override possibility if the City deems it necessary.

Commissioner Ambalada asked how much money staff needs to address all the projects they need to. Deputy Director Elekes replied that just for the SR-99/180th Street SW area, the signalized intersection would cost $500,000-600,000. Arterial widening would cost several more millions of dollars. Commissioner Ambalada asked if Public Works is budgeted by the mayor. Deputy Director Elekes replied that every department develops its own budget working together with the mayor's office and then taken to the City Council.

Motion made by Commissioner Braithwaite, seconded by Commissioner Jones, that the Planning Commission forward the 2016-2021 TIP with a recommendation for approval to the City Council. Motion passed unanimously (7-0).

Other Business

None

Council Liaison Report

Councilmember AuBuchon had the following comments:

- He expressed appreciation for all the input by the Planning Commission on the two public hearing items as well as the TIP.
- Council held a public hearing on the Comprehensive Plan and passed it along with no further comment. He expects it will be approved at the next business meeting. Thanks to staff and the Planning Commission for all their hard work.

Director's Report

Deputy Director Loch stated that staff has a long list of more-substantive code amendments that are being worked on to bring to the Planning Commission in the near future.

Commissioners' Comments

Commissioner Jones thanked staff for all their work. He recognized that all of this takes a tremendous amount of time. He spoke in support of replacing paper packets with electronic packets in the future as this would save a lot of time and money. He asked Councilmember AuBuchon about the possibility of a joint meeting with the Planning Commission and Council. Councilmember AuBuchon replied that they will see it, but it may take an election cycle before they do.

Commissioner Braithwaite said he read an interesting article about drones and local zoning regulations for the air space above local communities. Cities are

starting to implement regulations from zero to 500 feet for drones because they have become inexpensive and full of capabilities.

Adjournment

The meeting was adjourned at 9:09 p.m.

_____

Richard Wright, Chair

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LYNNWOOD WASHINGTON

Planning Commission
Meeting of June 25, 2015

Transportation Concurrency

Agenda Item: E.1

Staff Report

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

Staff Contact: David Mach, Resident Capital Project Engineer

Summary

The purpose of this agenda item is to introduce a "working draft" of the Transportation Concurrency Ordinance for the Commission's initial review. The Commission is asked to provide feedback and guidance regarding the content, organization, and appearance of the draft ordinance. It is expected that a public hearing will be held by the Commission on this matter. The hearing is tentatively scheduled for July 23rd 2015.

Policy Question(s)

Is the content and organization of the proposed ordinance generally consistent with the Commission's preferences?

Action

Provide direction to staff regarding content and organization.

Background

The Growth Management Act (GMA) requires local cities and counties to provide transportation improvements concurrently with land development. Transportation concurrency refers to providing adequate transportation infrastructure in a timely manner (concurrently) as new development occurs. To maintain concurrency means that adequate public facilities are in place to serve new development as it occurs.

The current action is for City Council to adopt new city code to better administer this process. The proposal will require new developments which generate a certain amount of new vehicle trips to pay a concurrency fee. The fee would be used by the city to conduct a traffic analysis of the proposed development to determine if adequate transportation facilities exist to serve the additional trips generated by the development. If they don't exist, various alternatives would be considered before the development is allowed to proceed with construction. These alternatives may include: 1) delaying the project until additional

transportation facilities are constructed (either by the city or the developer) or 2) revise the scope/scale of the development.

Previous Planning Commission / City Council Action

N/A

Adm. Recommendation

Unless the Planning Commission instructs otherwise, staff will schedule a public hearing for this matter.

Attachments

1. Draft Ordinance
2. Concurrency Process

CITY OF LYNNWOOD

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO LAND DEVELOPMENT, TRANSPORTATION IMPACTS AND CONCURRENCY MANAGEMENT, AMENDING THE LYNNWOOD MUNICIPAL CODE TO ENACT A NEW CHAPTER 12.22 ENTITLED TRANSPORTATION CONCURRENCY MANAGEMENT; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, the Growth Management Act requires that the City of Lynnwood adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the Transportation Element of the City's Comprehensive Plan, unless transportation improvements or strategies to accommodate the impacts of development are made "concurrent with the development" [RCW 36.70A.070(6)]; and

WHEREAS, the Growth Management Act specifies that "concurrent with the development" means improvements or strategies are in place at the time of development, or a financial commitment is in place to complete the improvements or strategies within six years [RCW 36.70A.070(6)]; and

WHEREAS, on _____, 2015, the Community Development Director, acting as the SEPA Responsible Official, reviewed this proposed non-project action and the related SEPA checklist and subsequently issued a determination of non-significance; and

WHEREAS, the City Council finds the provisions of this Ordinance to be in the best interest of the health, safety and welfare of the community, now therefore

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

Section 1. Purpose. The purpose of this ordinance is to implement the concurrency provisions of the Transportation Element of the City's Comprehensive Plan, in accordance with RCW 36.70A.070(6)(e), consistent with WAC 365-196-840.

Section 2. Findings. The recitals of this ordinance are hereby adopted as findings in support of the ordinance's adoption.

Section 3. Creation of New City Code Chapter Providing for Establishment of Transportation Concurrency Management Procedures. The City of Lynnwood adopts a new chapter of the Lynnwood Municipal Code 12.22 "Transportation Concurrency Management" which is set forth as follows:

DRAFT

TRANSPORTATION CONCURRENCY MANAGEMENT

Sections:

12.22.005 Title.
12.22.010 Definitions.
12.22.020 Purpose.
12.22.030 Authority and General Procedure.
12.22.040 Applicability.
12.22.050 Capacity Evaluation Required For New Development.
12.22.060 Capacity Evaluation Required For Change Of Use.
12.22.070 Capacity Reservation Certificate Required.
12.22.080 Exempt Development.
12.22.090 Level of Service Standards.
12.22.100 Road Improvements Required.
12.22.110 Application for a Capacity Reservation Certificate.
12.22.120 Amendments to Capacity Reservation Certificates.
12.22.130 Use of Reserved Capacity.
12.22.140 Transfer of Reserved Capacity.
12.22.150 Concurrency Denial Letter.
12.22.160 Appeals.
12.22.170 Concurrency Administration – Procedure.

12.22.005 Title.

This chapter shall be known as the City of Lynnwood Transportation Concurrency Management Code.

12.22.010 Definitions.

For the purpose of this chapter the terms, phrases, words and their derivations have the following definitions. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "may" is permissive. The Public Works Director shall have the authority to resolve questions of interpretation or conflicts between definitions.

1. "Adopted LOS standards" means the level of service (LOS) standards specified by the Transportation Element of the Lynnwood Comprehensive Plan as amended.

2. "Affected intersection" means any intersection within the City for which an LOS has been identified in this chapter.

3. "Applicant" means a person who applies for a Capacity Reservation Certificate (CRC) and who is the owner of the subject property or the authorized agent of the property owner.

4. "Available transportation facilities" means that the necessary road facilities are in place or that a financial commitment is in place to provide the road facilities within six years of the time of development, consistent with WAC 365-196-840.

5. "Pipeline traffic" means existing traffic volumes and the forecasted traffic volumes from proposals for which a Capacity Reservation Certificate has been issued.

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6. "Build-out year conditions" means the volume of traffic that is projected to occur on the roadway system as of the anticipated date of occupancy of a proposal. Traffic conditions include regional traffic and the anticipated traffic from all proposals for which capacity has been reserved under the provisions of this chapter.

7. "Capacity" means the availability of an affected intersection or intersections to accommodate increased traffic resulting from a development without causing the delay at the intersection or intersections to fall below the LOS standards established in this chapter.

8. "Capacity, available" means capacity that can be encumbered, reserved, or committed to future users, expressed in an appropriate unit of measure, such as p.m. peak hour trips.

9. "Capacity, reserved" means capacity that has been allocated to a particular property through issuance of a Capacity Reservation Certificate reserving capacity for a set period of time.

10. "Capacity Reservation Certificate (CRC)" means a written determination of the Public Works Director pursuant to the terms and conditions of this chapter that confirms adequate capacity for each affected intersection has been reserved to serve specific land development.

11. "City" means the City of Lynnwood, Washington.

12. "Concurrency evaluation" means technical analysis in accordance with standard engineering practices to determine impacts upon transportation facilities, with documentation of impacts relative to adopted LOS standards.

13. "Concurrency denial letter" means a written decision by the Director that summarizes the results of the concurrency evaluation and the reason for denying the request for a Concurrency Reservation Certificate.

14. "Concurrency management" means the process the city uses to ensure necessary roadway improvements are made concurrent with proposed development activity, pursuant to RCW 36.70A.070.

15. "Development activity" means any proposal or action for which a Development Permit is required, including short plats, preliminary plats, rezone/reclassifications, Zoning Permits, Shoreline Substantial Development Permits, Conditional Use Permits, design review, change is use, or any other permit or approval required under the City of Lynnwood development regulations. For the purposes of this chapter, development activity does not include legislative proposals that may increase the potential for development. Exempt permits are set forth in LMC 12.22.080.

16. "Development approval" means written authorization from the City authorizing the commencement of development activity.

17. "Development Permit" means any document granting, or granting with conditions, an application for a land use designation or redesignation, zoning or rezoning, subdivision,

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site plan, building permit, variance or any other official action of the City having the effect of authorizing the development of land.

18. "Development trips" means the total number of net new p.m. peak hour vehicle trips generated by the development.

19. "Direct traffic impact" means any net increase in vehicle traffic generated by a proposed development.

20. "Director" means the Director of the Department of Public Works of the City of Lynnwood or her/his designee.

21. "Financial commitment" means public and/or private funds sufficient to finance transportation improvements necessary to support development and that there is reasonable assurance that such funds shall be timely used. Grants, loans and bond funds shall be considered to be committed only if they have been fully approved by the appropriate body.

22. "Frontage" means that boundary of property abutting a public street or right-of-way.

23. "Frontage improvement" means those improvements required to be constructed within or along existing or dedicated street right-of-way according to development regulations or permit conditions applicable to project development. Generally, frontage improvements may include, but not be limited to: clearing, grading, subgrade preparation, pavements, curbs, gutters, sidewalks, landscaping, signage, lighting, street furniture and fixtures, utilities. Additional improvements to be located within adjacent easements may be required in addition to frontage improvements.

24. "Impact fee" or "transportation impact fee" is as defined by Chapter 3.105 LMC. means a payment of money imposed upon development approval to pay for public streets and roads needed to serve new growth and development and that is reasonably related to the new development that creates additional demand and need for public streets and roads, that is a proportionate share of the cost of the public streets and roads, and that is used for public streets and roads that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee otherwise established by City Council ordinance.

25. "Inadequate road condition" means any road condition, whether existing on the road system or created by a new development's access, that jeopardizes the safety of road users, including nonautomotive users, due to substandard sight distance, substandard geometric alignment, substandard roadway cross-section or insufficient traffic control as determined by applicable City design standards and specifications as defined in the Lynnwood Road Standards. Appropriate mitigation shall be required when a CRC is issued.

26. "Level of service (LOS)" means a qualitative measure describing operational conditions within a traffic stream, described with alphabetical representations of "A" through "F" as defined in the 2000 Highway Capacity Manual prepared by the Transportation Research Board of the National Research Council, to indicate the amount of congestion and delay at particular locations. Level of service "A" represents little or no congestion and delay, while level of service "F" represents over-capacity conditions with long delays.

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27. "Lynnwood Road Standards" means those standards included in Chapter 12.12.020 LMC.

28. "Net new trips" means the trip generation of the development activity less any allowable credit for existing activity that will be replaced, demolished or abandoned as part of the proposal.

29. "Off-site road improvement" means an improvement, except a frontage improvement, to an existing or proposed City road outside the boundaries of a development, that improvement is required or recommended in accordance with this title.

30. "Owner" means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser is considered the owner of the real property if the contract is recorded.

31. "Peak hour" means the highest volume of traffic for a continuous hour between 4:00 p.m. and 6:00 p.m.

32. "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements.

33. "Proportionate share" means that portion of the cost of public facility improvements that is reasonably related to the service demands and needs of new development.

34. "Six-Year Transportation Improvement Program (TIP)" means the annually updated transportation improvement program that identifies all the City's transportation needs over the next six years and beyond, including the total project costs.

35. "Standards" means the adopted Lynnwood Road Standards.

36. "Total project cost" means the total cost for the transportation projects, as defined in the current TIP. This cost includes, but is not limited to, studies, design, right-of-way acquisition, utility relocation, grading, and construction.

37. "Traffic study" means a study prepared by a qualified professional according to the format and content established by the City of Lynnwood Public Works Department.

38. "Transportation impact fee" means those fees authorized in Chapter 3.105 LMC.

39. "Trip generation" means the number of peak hour vehicle trips estimated to be produced by the development activity using Institute of Traffic Engineers (ITE) Trip Generation Manual, current edition.

40. "Trip generation credit" means a reduction in the number of new p.m. peak hour trips attributed to an application, equal to the number of p.m. peak hour trips currently being generated on the site from uses that will not continue if the development permit is granted.

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12.22.020 Purpose.
The purpose of this chapter is to implement the concurrency provisions of the Transportation Element of the City's Comprehensive Plan, in accordance with RCW 36.70A.070(6)(e), consistent with WAC 365-196-840.

12.22.030 Authority and General Procedure.
The Director shall be responsible for implementing and enforcing this chapter, including making determinations regarding concurrency and issuing Capacity Reservation Certificates (CRC) according to the procedures in this chapter.

The Director's determination of concurrency and the issuance or nonissuance of a CRC shall be integrated, insofar as possible, with any applicable decision making processes on permits, applications, and proposals submitted to the City for review and decision. For each application subject to concurrency evaluation and the requirement for a Capacity Reservation Certificate, the Director shall determine how the review can be best integrated with the decision making process.

A. Applicant applies for a CRC prior to submittal of a Development Permit application.

B. Capacity Reservation Certificates shall be processed in the order in that the applications for concurrency evaluation are received.

C. Upon issuance of a CRC, the capacity becomes reserved, unless the Development Permit lapses.

D. The CRC is included as part of associated Development Permit Application.

12.22.040 Applicability.
A. Except for development exempt under LMC 12.22.080, this chapter shall apply to all applications for Development Permits, if the proposal or use will generate 10 or more net new trips during the peak hour.

B. All construction or change in use initiated pursuant to a Development Permit for which a CRC was issued prior to the effective date of the ordinance codified in this chapter shall be continued. However, if the City determines that a previously issued Development Permit for which the CRC was issued has lapsed or expired, pursuant to the applicable development regulations, then no subsequent Development Permit shall be issued except in accordance with this chapter.

12.22.050 Capacity Evaluation Required for New Development.
A. Any new development that will generate 10 or more net new trips in the peak hour shall require a CRC.

B. The Director may, at his/her discretion, require completion of a supplemental traffic study prior to issuance of a CRC.

C. Mitigation shall be sought from any development activity where more than 20% of the City's signalized intersections would fall below the City's adopted LOS as a result of a

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proposed development activity, privately initiated Comprehensive Plan amendment, or Zoning Map amendment.

12.22.060 Capacity Evaluation Required for Redevelopment or Change of Use.

A. Any change, redevelopment, relocation, or modification of use that will generate 10 or more net new trips in the peak hour shall require a Capacity Reservation Certificate.

B. For the purposes of this chapter, application for a Development Permit shall include consideration of the cumulative impacts of all Development Permit applications for the same or contiguous properties that are owned or under the control of the same person, firm or corporation, when one or more Development Permits would be issued within two years of the date of issuance of a Development Permit for the same or contiguous property.

C. Increased impact on affected intersections. If a redevelopment or change of use shall have a greater impact on affected intersections than the previous use, then a CRC shall be required for the net increase only; provided, that the applicant provides reasonably sufficient evidence, to the satisfaction of the Director, that the previous use has been continuously maintained on the site during the five-year period prior to the date of application, or since the previous use was permitted, if that period is less than five years, for the concurrency evaluation.

D. Decreased impact on affected intersections. If the Director determines that a redevelopment or change of use shall have a lesser impact on affected intersections than the previous use, then no concurrency evaluation shall be required. For the purpose of this paragraph, "previous use" shall mean:

1. The use existing on the site when a concurrency evaluation is applied for; or

2. The most recent use on the site, within the one-year period prior to the date of application for development activity.

E. If no use existed on the site for a ten-year period prior to the date of application, no trip generation credit shall be granted pursuant to this chapter.

F. Demolition or Termination of Use. In the case of a demolition or termination of an existing structure or use, a trip generation credit shall apply to the calculated trip generation for the use prior to the demolition or termination for a period of ten years from the date of demolition or termination of use. The number of trips allowed in the credit shall be as estimated using the ITE Trip Generation Manual, latest edition.

12.22.070 Capacity Reservation Certificate Required.

A. Prior to the issuance of any permit for a nonexempt development activity, the Director shall determine if the proposal is covered by an existing CRC or if capacity exists on the road facilities to permit the proposed development activity. Permits for the development activity shall be issued only if the Director finds that the activity is covered by an existing CRC or capacity exists in accordance with level of service standards contained in this chapter. Where such capacity exists, the Director shall issue a CRC to the applicant for the development activity.

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B. A CRC will be issued only after a capacity evaluation indicating that capacity is available on all applicable road facilities is performed.

C. In no event shall the Director determine concurrency for a greater amount of capacity than is needed for the development proposed in the underlying Development Permit application.

12.22.080 Exempt Development.

A. Any development activity or Development Permit shall be exempted from this chapter if the development activity or Development Permit is deemed by the Director to generate fewer than 10 net new trips in the peak hour, including rezoning applications and privately initiated Comprehensive Plan amendments.

B. The following types of Development Permits are typically exempt from the requirements of this chapter because they do not create additional long-term impacts on road facilities. However, if any Development Permit from the list below generates 10 or more net new trips in the peak period, it shall not be exempt from concurrency evaluation.

1. Access Permit;
2. Demolition Permit;
3. Driveway or Street Permit;
4. Excavation/Clearing Permit;
5. Excavation Permit;
6. Fire Code Permit;
7. Grading Permit;
8. Interior alterations with no change of use;
9. Mechanical Permit;
10. Plumbing Permit;
11. Right-of-Way Permit;
12. Sign Permit;
13. Single-family remodeling with no change of use;
14. Street Use Permit;
15. Street Vacation Permit;
16. Utility Permit (waste, sewer, storm).

Notwithstanding the exemptions provided in this section, the trip generation resulting from an exempt use shall be included in computing background traffic for any nonexempt project, and any exemptions provided in this section shall not be construed as an exemption from any applicable transportation impact fee requirements.

12.22.090 Level of Service Standards.

The level of service for streets in Lynnwood is generally determined by the intersections that control through travel; however, this presumes compliance with design standards to assure that the full potential of the street between intersections is maintained to serve traffic through major intersections, and to provide appropriately for pedestrian, bicycle, and transit modes.

The Growth Management Act only requires cities to manage level of service on arterials (including collector arterials) and not local streets. The City may however establish additional standards for local streets for its own purposes. In order to minimize traffic

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disturbance within neighborhoods, the LOS for local streets in Lynnwood is established as LOS "C" during the PM Peak Hour.

The LOS for the majority of the City arterials takes into consideration the need to protect neighborhoods from excessive pass through traffic. The level of service for non-City Center arterials and non-State Highways is established as LOS "D" during the PM peak hour.

The City Center is expected to operate with more congestion. Not only are there more trip ends per acre in the City Center, there are more opportunities to move about without a car. Businesses are closer together, making walking easier, and transit service is more frequent. The LOS for City Center arterials is LOS "E" for the City Center during the PM peak hour.

In order to make the Lynnwood Transportation Concurrency system more flexible, and to not allow one congested intersection to stop all development in an area, the City's LOS standard allows 20% of the City's intersections to be below their associated LOS standard before concurrency is considered to be failed, and for this purpose only signalized intersections will be considered.

12.22.100 Road Improvements Required.

A. Even where a CRC may be issued using the LOS standards established in LMC 12.22.090, the Director shall examine the impact of the proposal on other City roadways to determine if off-site road improvements other than those contained in the Six-Year Transportation Improvement Program and the project's frontage improvements are required to address inadequate road conditions.

B. To the extent such improvements are required as a result of an increase in the number of p.m. peak hour trips of 10 or more over the number of existing trips at the time of application, the Director shall identify such improvements, including off-site improvements and improvements needed to correct inadequate road conditions. Required mitigation to address inadequate road conditions shall be stated in the CRC.

12.22.110 Application for a Capacity Reservation Certificate.

An application for a CRC shall be on a form provided by the Director. The application shall be submitted and accompanied by the fee stated in Chapter 3.104 of the City code. The application shall include all of the information requested for a concurrency finding including the allocation of capacity, by legal description, if applicable.

12.22.120 Amendments to Capacity Reservation Certificates.

Even if the CRC is based on an estimation of impact, the applicant shall be bound by its estimation of impact, and any upward deviation from the estimated traffic impact shall require at least one of the following:

A. A finding that the additional capacity sought by the developer through a revised application is available to be reserved by the project or can be made available through mitigation of the additional impact; or

B. A finding that the CRC must be revoked unless a revised proposal is submitted limiting the trip generation to the number reserved in the Capacity Reservation Certificate.

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12.22.130 Use of Reserved Capacity.
When a valid Development Permit is issued for a project for which a CRC has been issued, the CRC shall continue to reserve the capacity unless the Development Permit expires, is withdrawn, or is cancelled without the issuance of a final plat approval or similar action by the City.

12.22.140 Transfer of Reserved Capacity.
Reserved capacity shall not be transferred to property not included in the legal description provided by the applicant in the application for a CRC. The applicant may, as part of a Development Permit application, designate the amount of capacity to be allocated to portions of the property, such as lots, blocks, parcels, or tracts included in the application if the property is to be subdivided. Capacity may be reassigned or allocated within the boundaries of the original CRC by application to and decision by the Director. At no time may capacity or any CRC be sold or transferred to another party or entity to apply to a site other than that described in the original application.

12.22.150 Concurrency Denial Letter.
If the Director determines that one or more road facilities are not concurrent, the Director shall issue a concurrency denial letter to the applicant advising that available capacity does not exist. If the applicant is not the property owner, the concurrency denial letter shall also be sent to the property owner. The concurrency denial letter shall identify the application and include the following information:

A. The level of service prior to the proposed development activity;
B. The level of service including the proposed development activity;
C. An estimate of the level of the deficiency of the road facilities; and
D. The options available to the applicant, such as the applicant's agreement to construct the necessary facilities at the applicant's cost.

12.22.160 Appeals.
Appeals of the concurrency denial letter shall be included in any appeal of a decision on the underlying Development Permit application. If there is no appeal of any decision on any underlying Development Permit, the appeal of the concurrency denial letter shall follow the process for an appeal under Process 2, as set forth in LMC 1.35.200 through LMC 1.35.260.

12.22.170 Concurrency Administration – Procedure.
A. The city shall develop and maintain a concurrency monitoring system based upon a computer traffic forecasting model to monitor the level of service of classified arterial streets and the level of service of signalized intersections of classified streets.

1. The monitoring system shall consider existing and proposed capacities of arterial streets and intersections. Development proposals shall be evaluated on a case by case basis and the cumulative impact on level of service shall be monitored for every development activity subject to concurrency.
2. The most recent concurrency analysis will be the beginning point for each succeeding concurrency analysis.
3. The cost of developing and maintaining the concurrency monitoring system shall be funded through development review fees based upon the trip generation of the development activity.

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4. The concurrency monitoring system may be administered by city staff or a consultant.

5. The applicant is not required to submit a traffic impact analysis from an independent traffic engineer. Instead, the applicant shall pay to the city a deposit equal to the estimated fee for the city's preparation of a concurrency evaluation.

6. The amount of the fee shall be the fee stated in Chapter 3.104 of the City code and shall be paid at the time of transportation concurrency application submittal, typically before application for the associated Development Permit.

7. The fee shall vary based on the number of new p.m. peak hour trips produced by the development. The applicant shall be subject to payment of additional fees for any subsequent revisions to the concurrency analysis

8. Additional fees may be required for revisions as an additional proportion of the original fee depending on the effort involved to revise the concurrency analysis. Even if the traffic report is based on an estimate of impact, the applicant will still be bound by its estimate of impact, and any upward deviation from the estimated traffic impact shall require at least one of the following:

a. A finding that the additional concurrency sought by the developer through A revised application is available to be reserved by the project;

b. Mitigation of the additional impact under SEPA;

c. Revocation of the concurrency approval.

B. In performing the concurrency evaluation, the city shall determine the impact of the traffic generated by the proposed development activity on the City's transportation system. The evaluation shall be based on data generated by the City, by professional associations, by the applicant, and if needed, by independent analysis. The City shall examine the data to verify that:

1. The density assumptions for the proposed project are consistent with the underlying zoning.

2. Existing and projected trip generation is consistent with the latest version of the ITE Trip Generation Manual or documented trip generation for uses not typical of uses in the Manual.

C. Level of service calculations for all signalized arterial intersections affected by the development are accurate and based upon build-out year conditions with and without the proposed development. The City shall determine if the capacity on the City's road facilities, plus the capacity that is or shall be generated by all existing, reserved, and approved development, can be provided while meeting the LOS standards set forth in this chapter.

D. Technical provisions for each concurrency evaluation shall be prepared in the following format:

1. Project description will be provided by the applicant in enough detail to accurately determine the scope of analysis required.

2. Analysis scope will be determined by City after consultation with affected departments.

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3. The City, based on the information supplied by the applicant, will determine project trip generation. If the applicant provides a detailed trip generation study, that data will be used for concurrency analysis at the discretion of the Director.

4. Project traffic distribution will be determined by the City, consistent with the most current and updated city traffic-forecasting model.

5. Traffic volumes at existing intersections that include background traffic will be maintained by the City.

6. The City will include appropriate background and pipeline traffic to each affected intersection to obtain a revised traffic assignment for affected roadways and intersections.

7. The City, in compliance with the 2010 version of the Highway Capacity Manual (as amended), will complete capacity analysis, using its chosen software.

9. After verification of the capacity analysis, the City shall prepare the final concurrency evaluation.

Section 4. Fees and Charges. LMC 3.104.010 and Table 3.104.010 are hereby amended to include the fees and charges as shown on Exhibit A, attached hereto and incorporated by this reference. The fees and charges established on Exhibit A shall take effect on the date this ordinance goes into effect.

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

Section 6. 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:

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_____
Sonja Springer
Finance Director

APPROVED AS TO FORM:

_____
Rosemary Larson
City Attorney

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

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City of Lynnwood Concurrency Management Process

Applicant Submits Concurrency Application and Fee to Development Permit Application

- One page form with site plan attached
- Concurrency evaluation fee is calculated and paid at the time of application
- Applicant does not prepare a traffic study for city review, rather the concurrency evaluation proves the necessary information to review the traffic impacts of the development

City/Consultant Prepares Concurrency Evaluation

- Proposed development is added to citywide pipeline traffic forecasting model
    - Pipeline model incudes existing land use plus all previously completed concurrency applications
- Pipeline traffic forecast is updated to include proposed development
- Updated pipeline traffic volumes are transferred to citywide intersection LOS model
    - Includes all arterial intersections
- Citywide intersection LOS is calculated and compared to adopted LOS standard
    - LOS D/E with 20% of intersections allowed to operate worse than standard
- Concurrency determination made – Meet LOS standard within 6-years of impact
    - Pass
    - Pass with Conditions
        - Conditions could include:
            - Change in project scope of phasing
            - Accelerated construction of TIP improvements by developer
            - Project specific improvements (new signalized intersection/access)
            - Travel demand management strategies
            - Transit enhancements
- Transportation Impact Fees are calculated
    - Base Fee
    - Adjustments for mixed use and/or Transit Oriented Development
    - Credits for improvements
        - Construction of project frontage if an impact fee eligible project
        - Construction of required off-site improvements if an impact fee eligible project
    - Impact Fees are paid of the completed application or building permit per LMC
    - Applicant is aware of Estimated Transportation Impact Fee before filing for permits

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- Additional SEPA Mitigation Recommendations
    - Project specific improvements (new signalized intersection/access)
    - Safety improvements
    - Street standard improvements
    - Non-motorized connections
    - Other
- Concurrency Certificate Issued with attachments
    - Supporting traffic analysis
    - Concurrency evaluation
    - Impact Fee Calculation
    - SEPA Conditions

Developer Benefits

- No traffic study or traffic engineer required
    - Typically a cost savings even after paying for concurrency evaluation
- Concurrency evaluation, impact fee calculation and potential SEPA mitigation estimated before final permit application
- Process is complete in weeks vs. months

City Benefits

- System provides an ongoing rolling forecast of future traffic
    - Staff can plan for future traffic changes
- Rolling Traffic forecast informs project scheduling in the TIP and CIP
- Citywide model is kept up to date as Development is proposed

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LYNNWOOD WASHINGTON

Planning Commission
Meeting of June 25, 2015

Topic: Increase Number of Lots Allowed Under Short Subdivisions – Title 19 LMC

Agenda Item: E.2

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

Staff Report

Staff Contacts: Todd Hall, Planning Manager, Community Development

Summary

The purpose of this agenda item is to introduce draft legislation that increases the total number of lots under a short subdivision, currently at 4 lots or less. The proposed amendment would increase the number of lots to 9 lots or less. (Title 19 LMC).

Action

None required.

Background

State law makes provisions for cities to increase the number of lots permitted in a short subdivision ("plat") to nine (9) lots or fewer. RCW 58.17.020(6) states:

> "Short subdivision" is the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership. <u>However, the legislative authority of any city or town may by local ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine</u>. The legislative authority of any county planning under RCW 36.70A.040 that has adopted a comprehensive plan and development regulations in compliance with chapter 36.70A RCW may by ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine in any urban growth area. (emphasis added).

Based on this allowance the city proposes the following code changes to allow a short plat to consist of up to nine (9) lots and a subdivision to be ten (10) or more lots. This will allow for simplification of the plat approval process by reducing the number of plats that will have to be reviewed by City Council, thus streamlining the permit process and saving time and money for the developer. The amendment is also supported by the Master Builders of King and Snohomish Counties.

The attached draft ordinance provides the proposed amendment language.

Previous Planning Commission / City Council Action

NA.

Adm. Recommendation

Unless the Planning Commission instructs otherwise, staff will schedule a public hearing for this matter.

Attachments

1. Draft Ordinance

CITY OF LYNNWOOD

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, INCREASING THE NUMBER OF LOTS FOR A SHORT SUBDIVISION, AMENDING SECTIONS 19.10.190, 19.10.200, 19.50.50.005, 19.50.020, 19.50.070 AND 3.104.010 OF THE LYNNWOOD MUNICIPAL CODE (LMC), AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION.

WHEREAS, Lynnwood Municipal Code (LMC) formerly allowed for short subdivisions ("plats") up to four lots to coincide with the State Environmental Policy Act (SEPA) categorical exemptions; and

WHEREAS, the SEPA exemption limit on plats was raised to include a SEPA categorical exemption for land division up to nine (9) lots and to apply the same exemption to binding site plans up to the same number of lots allowed as a short subdivision; and

WHEREAS, the City Council wishes to raise the limits on short plats to up to nine (9) lots to coincide with the raised SEPA categorical exemption threshold; and

WHEREAS, the SEPA Responsible Official issued a threshold decision for this draft ordinance on (insert date), 2015, which was not appealed; and

WHEREAS, the Washington State Department of Commerce received this draft amendment meeting the procedural requirement under RCW 36.70.A.106 and granted expedited review; and

WHEREAS, on (insert date), 2015, the Planning Commission held a public hearing on the draft ordinance and recommended approval of the draft ordinance to the City Council; and

WHEREAS, on (insert date), 2015, the City Council held a hearing on the draft ordinance, after proper notice, during its regular meeting; and

WHEREAS, the City Council after due consideration has determined that the amendments to the City's Subdivision Code (Title 19) stated in this ordinance are in the best interests of the public health, safety and general welfare; now, therefore

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

Section 1. Findings. Upon consideration of the provisions of this Ordinance, the City Council finds that the amendments contained herein are: a) consistent with the comprehensive plan; and b) substantially related to the public health, safety, or welfare; and c) not contrary to the best interest of the citizens and property owners of the city of Lynnwood.

Section 2. Amendment. LMC 19.10.190 and LMC 19.10.200 are hereby amended to read as follows:

19.10.190 Short Subdivision.

"Short subdivision" means the division or redivision of land into ~~four~~ nine (9) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership; provided, any boundary line adjustment is deemed to be a short subdivision when such boundary line adjustment reconfigures lot lines of property to facilitate future subdivision of that property when such subdivision results in a total of more than ~~four~~ nine (9) lots, tracts, parcels, sites, or division of the property including the lots reconfigured by the boundary line adjustment. Should the future subdivision occur more than five years after the boundary line adjustment or result in ~~four~~ nine (9) or fewer lots, tracts, parcels, sites, or division of property including the reconfigured lots, such boundary line adjustment shall not be deemed a short subdivision.

19.10.200 Subdivision.

"Subdivision" means the division or redivision of land into 10 or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, except as provided for in LMC 19.10.190.

Section 3. Amendment. LMC 19.50.005, LMC 19.50.020 and LMC 19.50.070 are hereby amended to read as follows:

19.50.005 Applicability.

Every division of land into ~~four~~ nine (9) or less lots, tracts, parcels, sites of subdivisions for the purpose of sale, lease, or transfer of ownership shall proceed in compliance with this chapter; provided, that any land contained within a short subdivision shall not be further divided for a period of five years from the date of filing of a short plat without the filing of a final plat. Contiguous parcels of land in the same ownership and having boundaries in common shall be presumed to be a single parcel in determining whether or not the division of land comprises a short subdivision.

19.50.020 Preliminary short subdivision application.

Any person desiring to divide land under the provisions of this title situated in the city of Lynnwood into ~~four~~ nine (9) or fewer lots shall submit an application for short subdivision approval to the community development director together with payment of

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related fees and costs as set forth in Chapter 3.104 of the City code. ~~Resolution 2005-20 adopted by the city council.~~

A. Applications for a preliminary short plat subdivision shall be submitted on forms prescribed by the community development director. All applications submitted to the community development director shall be complete and contain the following material:

1. The name, address and telephone number of the owner(s);
2. A written statement by the owner showing the entire contiguous ownership of land in which there is an interest by reason of ownership, contract for purchase, earnest money agreement or option by any person, firm or corporation in any manner connected with the development, and the names and addresses and telephone numbers of all such persons, firms or corporations;
3. The existing zoning classifications;
4. The square footage computation of each lot or parcel. The square footage of land contained in access panhandles and/or private roads shall not be included in the lot size computation;
5. The source of water supply;
6. The method of sewage disposal;
7. A survey prepared by a licensed surveyor registered in the state of Washington. However, if the community development director determines that existing conditions so warrant because of previous development, construction or subdividing, the requirement of a survey of the property to be subdivided may be waived for the preliminary short plat, but a survey shall be required for the final short plat;
8. For the same reasons as stated in subsection (A)(7) of this section, a current ownership certificate from a recognized title company at the preliminary short plat stage may be waived for the preliminary short plat; however, it shall be required for final short plat approval.

B. Map. A map shall be prepared on a sheet of reproducible material, having dimensions of eight and one-half inches by 14 inches, and containing the following information:

1. The date, scale and north arrow;
2. The boundary lines, to scale, of the tract to be subdivided and each lot contained therein;
3. The dimensions, square footage and number assigned to each proposed lot;
4. All existing structures;
5. All setback dimensions for existing structures; and

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6. The location of any sensitive areas as defined by LMC Title 17 as known to the applicant at time of submittal.

19.50.070 Violation – Injunctive relief.

Wherever any parcel of land is divided into ~~four~~ nine (9) or less lots, tracts, or parcels of land and any person, firm, corporation, or association or any agent of any person, firm, corporation, or association sells or transfers or offers or advertises for sale or transfer any such lot, tract, or parcel without having a short plat of such subdivision approved pursuant to this title then such action is hereby declared to be unlawful and a public nuisance and the city attorney may commence an action to restrain and enjoin further subdivisions, sales or transfers, or offers of sale or transfer and compel compliance with all provisions of this title. The costs of such action shall be taxed against the persons, firm, corporation, association, or agent of such entities selling or transferring the property.

Section 4. LMC 3.104.010 and Table 3.104.010, Title 19 – Subdivision Fees are amended as follows:

Title 19 – Subdivision Fees

All Deposits are to trust accounts to cover hourly processing charges, actual cost of services, plus posting and mailing costs.

Binding site plan	Deposit	2,000.00
Boundary line adjustment	Deposit	1,250.00
Lot combination	Deposit	1,250.00
Subdivision ~~(5 lots or more)~~	Deposit	7,500.00
Short subdivision ~~(4 lots or less)~~	Deposit	2,000.00
City Attorney Support	Actual cost	
Hearing Examiner	Actual cost	
Public Notice Requirements		
Posting costs	Hourly rate (posting notification on proposed project site and civic sites)	
Mailing costs	Actual cost of postage plus staff hourly rate	
Publication in newspaper	Actual cost	

Section 5. 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 6. 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.

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

APPROVED:

_____
Nicola Smith, Mayor

ATTEST/AUTHENTICATED:

_____
Sonja Springer
Finance Director

APPROVED AS TO FORM:

_____
Rosemary Larson
City Attorney

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

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On the _____ day of _____, 2015, the City Council of the City of Lynnwood, Washington, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

> AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, INCREASING THE NUMBER OF LOTS FOR A SHORT SUBDIVISION, AMENDING SECTIONS 19.10.190, 19.10.200, 19.50.50.005, 19.50.020, 19.50.070 AND 3.104.010 OF THE LYNNWOOD MUNICIPAL CODE (LMC), AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION.

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

DATED this _____ day of _____, 2015.

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LYNNWOOD WASHINGTON

Planning Commission
Meeting of June 25, 2015

Topic: Square Footage Computation of Panhandle Access Areas – Title 19 LMC

Agenda Item: E.3

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

Staff Report

Staff Contacts: Michele Szafran, Associate Planner, Community Development

Summary

The purpose of this agenda item is to introduce draft legislation allowing the square footage computation of a panhandle and access easements within the total lot area when serving no more than one (1) lot not abutting a right-of-way. (Title 19 LMC).

Action

None required.

Background

The purpose of this agenda item is to consider draft legislation that would allow for the computation of the land area held within a panhandle or access easement when serving no more than one (1) lot not abutting a right-of-way. The proposed code amendment comes following a request initiated by the Master Builders Association of King and Snohomish Counties.

Currently the City of Lynnwood Municipal Code prohibits the square footage of land contained in panhandle and/or private access easements from being counted towards the minimum lot area leaving limited flexibly for lot size.

Staff has researched how and if nearby jurisdictions address the issue and has summarized the findings in the attached comparison chart which includes, Kenmore, Kirkland, Edmonds, Mukilteo, Bothell, and Shoreline. Staff found that the majority of the cities would allow for the area to be calculated when the access area is being utilized for one lot rather than multiple lots.

The proposed code amendment would meet the goals of preserving single family neighborhoods by promoting greater flexibility for lot size and short plat design while be consistent with other neighboring cities.

Previous Planning Commission / City Council Action

NA.

Adm. Recommendation

Unless the Planning Commission instructs otherwise, staff will schedule a public hearing for this matter.

Attachments

1. Draft Ordinance
2. Comparison Chart
3. Diagrams

CITY OF LYNNWOOD

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO SQUARE FOOTAGE COMPUTATION OF PANHANDLE AND/OR PRIVATE ACCESS EASEMENTS WITHIN THE TOTAL LOT AREA, AMENDING CHAPTER 19.10 LYNNWOOD MUNICIPAL CODE (LMC), LMC 19.35.010, LMC 19.50.020, AND LMC 19.50.040, 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, the existing Lynnwood Municipal Code prohibits the square footage of land contained in panhandle and/or private access easements from being counted towards minimum lot area; and

WHEREAS, Lynnwood has adopted goals of preserving single family home neighborhoods and where possible increasing the number of single family homes, and

WHEREAS, it is desirable to promote greater flexibility for lot size and short plat design that will encourage the development of single family homes while also helping to increase property values ; and

WHEREAS, the City Council finds that the inclusion of the square footage of a panhandle lot as defined in Chapter 19.10 LMC or private access easement for use by one (1) lot not abutting a right-of-way is consistent with other neighboring cities; and

WHEREAS, with the application of appropriate development standards the City will be able to insure that adequate buildable areas, setbacks and yards for single family homes will be required, and

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

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

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WHEREAS, on the __th day of June, 2015, notice of the proposed code amendment was sent to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

WHEREAS, on the __ day of July, 2015, the Lynnwood Planning Commission held a public hearing on proposed amendments to the Lynnwood Municipal Code provided by this ordinance, and all persons wishing to be heard were heard; and

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

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

Section 2. Amendment. Chapter 19.10 LMC is hereby amended by adding the following definition for "Panhandle", and codifying such definition in a manner that maintains alphabetical order.

19.10.136 "Panhandle"

"Panhandle" is a lot configured with a narrow extension of land connecting the main buildable area of the lot to a public street, The narrow extension of land in a panhandle lot provides for vehicular and potentially utility access to the main buildable area of the lot, but is not wide enough for development and does not meet minimum lot width requirements, panhandle are also known as "Flag lots" or "pipe stem" lots.

Section 3. Amendment. LMC 19.35.010 is hereby amended as follows:

19.35.010 Lot and block design.

In order to ensure a functional and efficient design, reduce conflicts with transportation facilities, and create desirable lots for development, all activities regulated under this title shall comply with the following requirements:

A. Lot Design.

1. All lots shall meet the minimum requirements of the zoning ordinance, LMC Title 21, for the zone in which the property is located with respect to area, depth, width at street right-of-way, width at building line, yards, percentage of coverage, and, if applicable, parking and loading.

2. All lots shall be provided direct access from a dedicated public street by means of minimum frontage on a public street right-of-way or by a private road as specified by LMC 19.50.050(A), Private Roads.

3. In general, lots and streets should be designed so that no residential property has direct driveway access to a principal arterial. Direct driveway access to minor arterials and collectors shall be minimized. Where driveway access from a principal, minor, or collector arterial may be necessary for two or more adjoining

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lots, said lots may be required to be served by a common driveway in order to limit possible traffic hazards.

4. Where lots are more than double the minimum size required for the zone, the subdivider may be required to arrange lots so as to allow further subdivision and the opening of future streets to serve potential lots.

5. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless variation from this rule will provide a better street or lot pattern.

6. Lots shall be laid out to provide drainage away from all buildings, and individual lot drainage shall be coordinated with the storm drainage pattern for the area. In general, drainage shall be designed to avoid concentration of storm water from one lot onto an adjacent lot.

7. In general, the ratio of the depth of any lot to its width shall not be greater than two and one-half to one.

8. Lots having frontage on two streets shall be avoided wherever possible.

9. The area within the private roads, or access areas such as “panhandles” and “flag lots” shall not be included in the computation of the lot area or be used to meet any dimensional requirement of the lot <u>when serving more than one (1) lot not abutting a right-of-way.</u>

B. Blocks shall meet the following requirements:

1. The length of blocks shall not exceed 1,320 feet;

2. In any block exceeding 500 feet in length, walks or pedestrian ways at a mid-block point shall be required in order to encourage walking in between residential subdivisions. Pedestrian walkways may be required to provide circulation or access to schools, playgrounds, shopping centers, etc. The walks or pedestrian ways shall be provided in a public easement of which shall be at least 10 feet in width and designed to the specifications of the public works director;

3. Lots and blocks intended for commercial and industrial use shall be designed specifically for such purposes, with adequate space provided for off-street parking, loading, and delivery. In order to assist review of the proposed development, the city council may require a preliminary site plan, a preliminary floor plan, or a preliminary landscaping plan to ensure that the platted area is adequate and will not create a need for future variances;

4. The city council may grant an exception to the requirements of this subsection if it finds that complying with these requirements would result in improved traffic calming and/or pedestrian circulation.

<u>Section 4. Amendment</u>. LMC 19.50.020 is hereby amended as follows:

19.50.020 Preliminary short subdivision application.

Any person desiring to divide land under the provisions of this title situated in the city of Lynnwood into four or fewer lots shall submit an application for short subdivision approval to the community development director together with payment of related fees and costs as set forth in Resolution 2005-20 adopted by the city council.

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A. Applications for a preliminary short plat subdivision shall be submitted on forms prescribed by the community development director. All applications submitted to the community development director shall be complete and contain the following material:

1. The name, address and telephone number of the owner(s);
2. A written statement by the owner showing the entire contiguous ownership of land in which there is an interest by reason of ownership, contract for purchase, earnest money agreement or option by any person, firm or corporation in any manner connected with the development, and the names and addresses and telephone numbers of all such persons, firms or corporations;
3. The existing zoning classifications;
4. The square footage computation of each lot or parcel. The square footage of land contained in access panhandles and/or private roads may ~~shall not~~ be included in the lot size computation when serving no more than one (1) lot not abutting a right-of-way, and when not utilizing lot size averaging. Building area shall be demonstrated at time of preliminary review/approval;
5. The source of water supply;
6. The method of sewage disposal;
7. A survey prepared by a licensed surveyor registered in the state of Washington. However, if the community development director determines that existing conditions so warrant because of previous development, construction or subdividing, the requirement of a survey of the property to be subdivided may be waived for the preliminary short plat, but a survey shall be required for the final short plat;
8. For the same reasons as stated in subsection (A)(7) of this section, a current ownership certificate from a recognized title company at the preliminary short plat stage may be waived for the preliminary short plat; however, it shall be required for final short plat approval.

B. Map. A map shall be prepared on a sheet of reproducible material, having dimensions of eight and one-half inches by 14 inches, and containing the following information:

1. The date, scale and north arrow;
2. The boundary lines, to scale, of the tract to be subdivided and each lot contained therein;
3. The dimensions, square footage and number assigned to each proposed lot;
4. All existing structures;
5. All setback dimensions for existing structures; and
6. The location of any sensitive areas as defined by LMC Title 17 as known to the applicant at time of submittal.

Section 5. Amendment. LMC 19.50.040 is hereby amended as follows:

19.50.040 Final short plat application.

A. The final short plat application shall contain the following information:

1. The square footage computation of each lot or parcel. The square footage of land contained in access panhandles and/or private roads may ~~shall not~~ be included in the lot size computation when serving no more than one (1) lot not

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abutting a right-of-way, and when not utilizing lot size averaging. Building area shall be demonstrated at time of preliminary review/approval;

2. The source of water supply;

3. The method of sewage disposal;

4. A survey prepared by a licensed surveyor registered in the state of Washington.

B. Map. A map shall be prepared on a sheet of reproducible material, having dimensions of 18 inches by 24 inches, and containing the following information:

1. A legal description of the property to be subdivided and legal descriptions of lots, tracts, or parcels therein together with the legal description of private roads and easements therein, if any, all prepared or approved and sealed by a licensed surveyor registered in the state of Washington. The community development director may substitute the map for several narrative legal descriptions if it provides as good or better description of property lines;

2. The date, scale and north arrow;

3. The boundary lines, to scale, of the tract to be subdivided and each lot contained therein;

4. The number assigned to each lot;

5. The location, names, widths and auditor's file number of any existing easements, existing and proposed roads, existing and proposed rights-of-way for public services utilities within the area contained within the short subdivision, and within 100 feet thereof, and location of the nearest city streets;

6. The boundaries of all lands reserved in the deeds for the common use of the property owners of the short subdivision;

7. The location of permanent and topographic features which will have an impact upon the short subdivision, such as all existing or platted streets adjacent to the short subdivision, easements, tracts, buildings, watercourses, rights-of-way, all utility rights-of-way, township lines and section lines;

8. Statement. Land within this short subdivision shall not be further subdivided for a period of five years unless a final plat is filed pursuant to Chapter 19.25 LMC and Chapter 58.17 RCW;

9. Signature block for approval by the mayor;

10. Storm water system maintenance requirements as approved by the public works director;

11. A certificate as per RCW 58.17.165.

C. Supporting Documents. The following documentation shall accompany each application for approval of a final short plat:

1. A vicinity map clearly identifying the location of the property being short subdivided, having a scale of not more than 400 feet to the inch;

2. Copies of restrictions, if any, proposed to be imposed upon the use of the land. Such restrictions must be recorded either prior to or simultaneously with the short plat;

3. In any short subdivision where lots are served or to be served by a private street, the subdivider shall furnish copies of such further covenants or documents that will result in:

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a. Each lot owner having access thereto having responsibility for maintenance of any private street contained within the short subdivision;
b. Such covenants or documents shall obligate any seller to give actual notice to any prospective purchaser of the method of maintenance of the private street which notice shall be caused to be included in any deeds or contracts relating to such sale, and such covenants or documents shall be recorded either prior to or simultaneously with the moment the short subdivision becomes effective;

4. A current title certificate consisting of a report prepared by a recognized title company, showing interest of the persons signing the final short plat and showing restrictions encumbering the land. All parties of interest shall sign the plat map.

Section 6. 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 7. 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: _____

DRAFT

On the _____ day of _____, 2015, the City Council of the City of Lynnwood, Washington, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

> AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO SQUARE FOOTAGE COMPUTATION OF PANHANDLE AND/OR PRIVATE ACCESS EASEMENTS WITHIN THE TOTAL LOT AREA, AMENDING CHAPTER 19.10 LYNNWOOD MUNICIPAL CODE (LMC), LMC 19.35.010, LMC 19.50.020, AND LMC 19.50.040, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.
> .

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

DATED this _____ day of _____, 2015.

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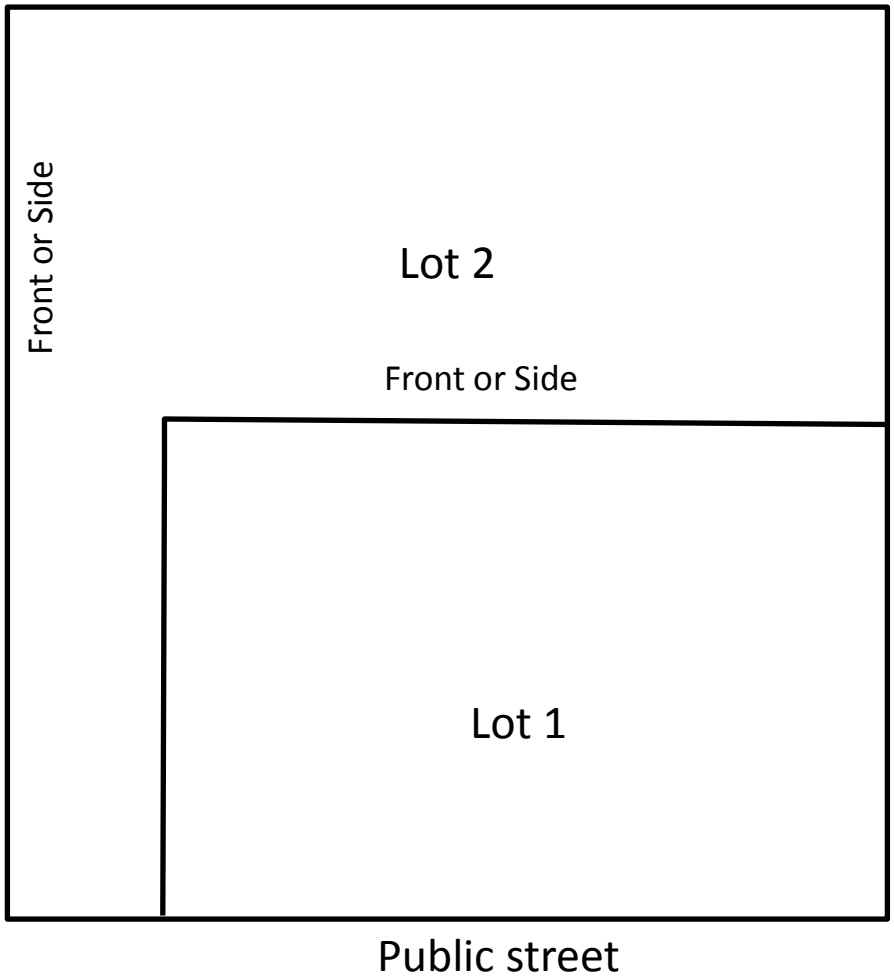
Jurisdiction Comparisons – Lot Area of Panhandle/Access Easement

Kenmore	KMC 18.21.030 Residential zones R-1, R-4 and R-6 – Development standards	(17) This excludes any area required for public or private streets, access easements, access tracts, and access panhandles
Kirkland	Chapter 5 Definitions .482	"Lot Size" The total area of the subject property minus the area of vehicular access easements or tracts serving more than one (1) lot not abutting a right-of-way. Note: Shared access over two (2) requires a tract which would exclude the lot area.
Edmonds	21.55.020 Definition:	"Lot area" means the total horizontal area within the boundary lines of a lot. Lot area shall normally exclude any street rights-of-way and access easements. If additional right-of-way has been required in accordance with the provisions of ECDC 18.80.010, note 4, as the same exists or is hereafter amended, lot area shall be calculated to include the additional right-of-way required over and above the standard established by that section. Note: Dependent on vehicular access. Calculation of access area for private use of one user may be included in the overall lot area. If a shared access easement is utilized (more than 1 user) area may not be counted towards the overall lot area.
Mukilteo	Chapter 17.08 Definition:	"Lot area" means the total horizontal area within the boundary lines of a lot. Where public right-of-way easements are located within or bordering a parcel, lot area computation shall not include that area contained within the easement. Note: If the access area is private, regardless of the number of lots, area within the panhandle or access easement may be calculated into the lot square footage. For public access, areas would be subtracted from the overall lot area.

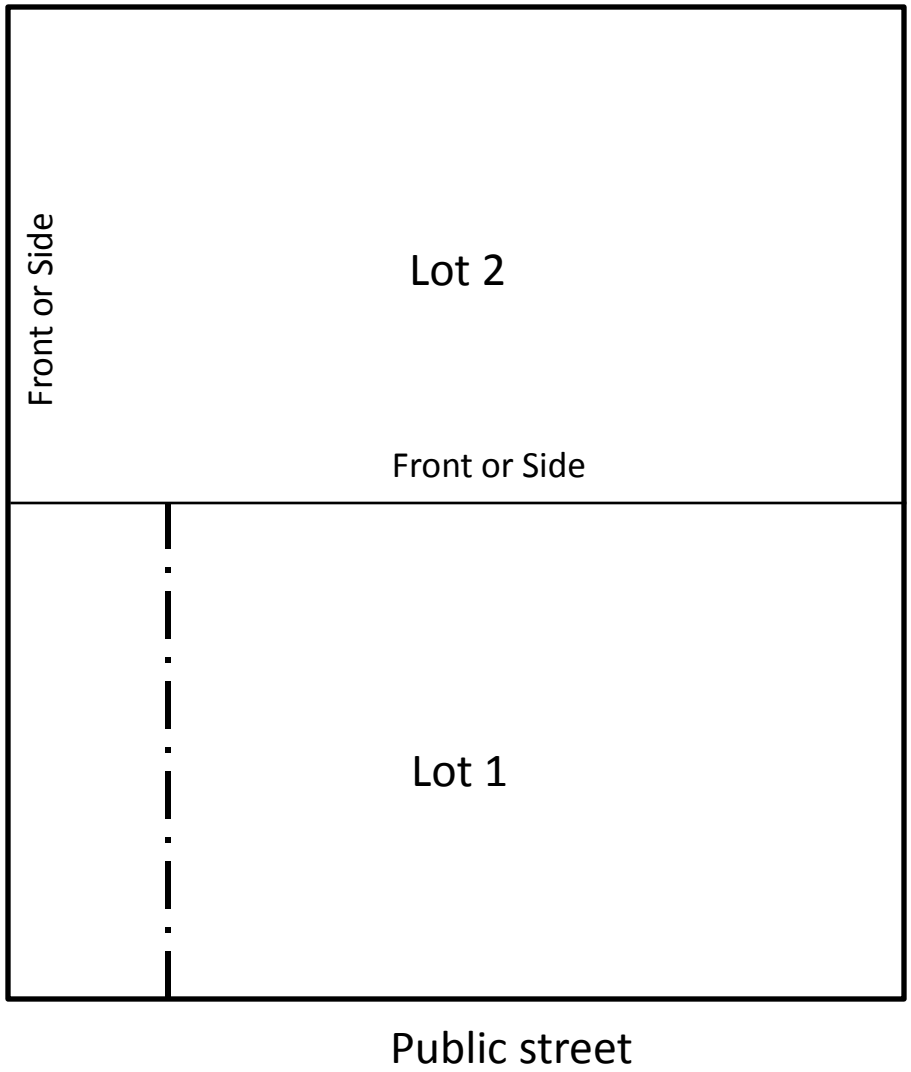
Bothell		Does not allow easements- due to fire access and maintenance concerns of those easements. Allows flag lots or tracts only. Flag lots can be calculated in the land area serving 1 lot. Adopted in Title 17 Public Works construction standards.
Shoreline	20.50.030 Lot width and lot area – Measurements.	A. Lot width shall be measured by scaling a circle within the boundaries of the lot; provided, that any easement shall not be included within the circle. B. The lot area is the total horizontal land area contained within the boundaries of the lot. The minimum lot area is required to qualify as a building site.

Flag Lots



- **Each lot must meet min. lot size of applicable zone**
- **Can only include panhandle in lot size when not more than one lot accessing ROW**
- **Access widths must comply with fire & PW standards and other applicable codes**

Access easements



- **Each lot must meet min. lot size of applicable zone**
- **Lots 1 would be able to count the entirety of the lot, including easement.**
- **If third lot proposed, easement would have to be shared and cannot be included in lot area**
- **Access widths must comply with fire & PW standards and other applicable codes**