

AGENDA

Lynnwood Planning Commission

Meeting

Thursday, September 10, 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. August 13, 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

1. Transportation Concurrency Ordinance (Public Works Dept.)
2. Title 19 – Zoning Code Amendment – Square Footage Computation of Panhandle Access Area (Flag Lots) (CAM-002875-2015)

E. WORK SESSION TOPICS

1. Parking Ratios for Elementary Schools (Edmonds School District)

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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**CITY OF LYNNWOOD
PLANNING COMMISSION MINUTES
August 13, 2015 Meeting**

Commissioners Present:	Staff Present:
Richard Wright, Chair	Todd Hall, Planning Manager
Chad Braithwaite, Vice Chair	Michele Szafran, Associate Planner
George Hurst, Second Vice Chair	Arnold Kay, PW Devt Svs Supervisor
Maria Ambalada	
Doug Jones	
Robert Larsen	
Michael Wojack	
	Other:
Commissioners Absent: None	Councilmember Van AuBuchon

Call to Order

The meeting was called to order by Chair Wright at 7:00 p.m.

Approval of Minutes

1. Approval of minutes of the June 25, 2015 Meeting

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

Citizen Comments

Allen Greathouse discussed a shopping center called Alderwood Flats across from Alderwood Mall. Currently only a monument sign is allowed per city code, but they are interested in installing a multi-tenant sign.

Planning Manager Todd Hall explained Mr. Greathouse had come to staff to consider a proposal to change the zoning code. The subject shopping center is where Ross and the Guitar Center are located across from Alderwood Mall. The zoning map designates this area as PRC, which is the same zoning as Alderwood Mall and the area on the opposite side of the mall where Kohl's and Toys R Us are. In the PRC zone, multi-tenant signage is currently not allowed. He commented that in 2003, the Planning Commission at the time recommended removing language that restricted these properties from having multi-tenant signs, but the Council didn't approve the ordinance change.

1 Commissioner Ambalada suggested that Mr. Greathouse give a presentation
2 regarding his situation. She asked if he has studied the neighborhood to see how
3 a change in signage might impact the neighborhood.

4
5 Chair Wright asked about the area on the other side of the mall where TCBY and
6 Total Wine are located. Planning Manager Hall explained that that area is zoned
7 PCD which allows for multi-tenant signs and other kinds of signs. Basically every
8 type of commercial development in Lynnwood is allowed to have those types of
9 signs with the exception of those in the PRC zone. He explained that one option
10 would be to do either a text amendment or a comprehensive plan amendment to
11 allow the property to change to a PCD zone.

12
13 Commissioner Braithwaite asked about the zoning for the Lynnwood High School
14 site. Planning Manager Hall explained that is zoned Commercial-Residential
15 (CR). It is the only property in the City of Lynnwood that has that designation.

16
17 Commissioner Jones asked if there is a way to grant a temporary permit for a
18 monument sign since the rezoning process could take a year. Planning Manager
19 Hall replied that there is not, but the timeline has been discussed with Mr.
20 Greathouse. He noted that the only temporary signs allowed are banners.

21
22 Commissioner Hurst noted there are three entrances to the subject shopping
23 center and asked where Mr. Greathouse was thinking of locating the sign. Mr.
24 Greathouse explained that the current code (for other zones) allows for one
25 monument sign on each side of the parcel fronting a public right-of-way.

26
27 Commissioner Ambalada recommended keeping it simple to speed up the
28 process.

29
30 Chair Wright spoke in support of moving forward with this.

31
32 Commissioner Larsen recommended a simple footnote in the zoning code in
33 order to speed up the process. He also suggested that this go to the Council for a
34 recommendation by them for the Planning Commission to address this.

35
36 There was consensus to have staff bring back options for the Planning
37 Commission to consider.

38
39 Ted Hikel, 3820 – 191st Place SW, Lynnwood, WA, spoke in support of Mr.
40 Greathouse's request, but recommended taking the time to do it right and come
41 up with something that would apply to all people in the PRC zone instead of
42 rushing it through. He reviewed some of the history of this property. He agreed
43 that a monument sign would be appropriate for this property, but he'd rather see
44 the property change from the PRC zone and allow the Planned Regional Center
45 to continue to have its more restrictive requirements.

46

1 Chair Wright expressed appreciation for Mr. Hikel's historical knowledge of the
2 City and suggested a move to make Ted Hikel the Planning Commission's
3 Historian Emeritus.

4
5 **Public Hearing**

- 6
7 1. Title 19 – Zoning Code Amendment – Increase in Number of Lots under
8 Short Subdivisions (CAM-002838-2015)

9
10 Chair Wright noted that no one had signed up for the public hearing.

11
12 Staff Report: Planning Manager Todd Hall gave the staff report. He explained this
13 would increase the number of lots that would be covered under a short plat/short
14 subdivision from four lots or less to nine lots or less. This has been brought forth
15 by the Master Builders Association in order to make it a less expensive and
16 quicker process for developers to go through. Staff supports this amendment
17 because it would support Comprehensive Plan goals.

18
19 Chair Wright opened the public testimony portion of the public hearing at 7:22
20 p.m. and solicited public testimony. There was none. He solicited comments and
21 questions from the Planning Commissions.

22
23 **Motion** made by Commissioner Ambalada to continue this to a future date in
24 order to have more advertisement for the hearing and hopefully get more public
25 involvement.

26
27 Chair Wright asked staff about the notice for this item. Planning Manager Hall
28 explained that noticing requirements require a 21-day notice, but this was put out
29 even sooner than that. It has been noticed in the Herald and on all the city
30 websites. Staff believes this has been adequately noticed and people have been
31 informed about the amendments.

32
33 Commissioner Ambalada **withdrew her motion**.

34
35 Commissioner Jones asked how many permits would be affected. Planning
36 Manager Hall replied that there are a few hundred parcels that could potentially
37 be redeveloped. Developers would still have to show how they would subdivide
38 the property in a way that there would be adequate access, utilities, and other
39 requirements. This would just give the developer more flexibility. It would also
40 reduce staff time and Council time.

41
42 Chair Wright asked about the process for developers who want to develop
43 adjacent properties. Planning Manager Hall explained the first step would be to
44 do a boundary line adjustment or a lot line elimination. They could also acquire
45 additional properties and put them together into a long plat. He commented that
46 there are just a few short plat developers in Lynnwood and not many new ones.

1 He explained that the same group of developers have been using the four lots or
2 less process for years. This change would be a benefit to them.

3
4 Commissioner Hurst asked for confirmation that this is really just an
5 administrative function; staff is not proposing any changes to lot sizes or
6 requirements. Planning Manager Hall confirmed that. Commissioner Hurst asked
7 about the fee for a short plat. Planning Manager Hall thought it was \$2,000 as
8 opposed to \$7,000 or \$7,500 for a long plat.

9
10 Commissioner Ambalada asked where these lots are geographically. Planning
11 Manager Hall replied that would require further analysis by the GIS department.

12
13 Commissioner Jones asked how much extra time it would take staff to do a 9-lot
14 short plat versus a 4-lot short plat. Planning Manager Hall replied it would take
15 the same amount of time, approximately 12-16 weeks. A long plat takes much
16 longer and costs more because it has to go through the Hearing Examiner
17 process and then go to Council work session and business meeting.

18
19 Commissioner Larsen thought that going through the Hearing Examiner process
20 was supposed to be in lieu of the City Council process. Planning Manager Hall
21 explained that Lynnwood has an extra layer in the process. Commissioner
22 Larsen commented that increasing the limit seems to make a lot of sense, but
23 expressed concern about the potential for losing some sort of public benefit that
24 could be lost by have a careful examination by the Council or the Mayor.

25
26 Commissioner Ambalada stated she would like the issue of what happens when
27 there is an appeal to be cleared up before the Planning Commission takes
28 action.

29
30 Chair Wright solicited public comments.

31
32 Ted Hikel, 3820 – 191st Place SW, Lynnwood, suggested that very few people
33 know what is being addressed tonight. He asserted that the City doesn't do a
34 very good job of publicizing what is going on. He commented that the Master
35 Builders are the ones who know about this. They also fund many politicians'
36 election campaigns. Regarding RS-4, he noted that the only RS-4 properties in
37 the city are the two mobile home parks that are owned by the County Housing
38 Authority off 44th and the Kingsbury West and its annex on the other side of
39 Highway 99 on 176th Street. There is very little remaining land left, and this is
40 probably not going to affect anything major in the neighborhood. He spoke in
41 support of sending this on to the Council for their consideration, but noted they
42 would probably not see much use of it because there isn't a lot of land left.

43
44 Planning Manager Hall referred to LMC 19.20.025 and clarified that the Council
45 does not review preliminary plats; that part of the process has been repealed.
46 The Hearing Examiner alone is responsible for holding a public hearing to review

1 all proposed preliminary long plats. Short plats are an administrative process
2 through staff with the Mayor's signature.

3
4 Commissioner Ambalada requested more information about how this decision
5 might impact any mobile home parks that are not in current agreement with the
6 Housing Authority. Planning Manager Hall replied that would take further
7 analysis.

8
9 The public testimony portion of the public hearing was closed at 7:46 p.m.

10
11 *Motion made by Commissioner Jones, seconded by Commissioner Wojack, to*
12 *recommend the draft as presented.*

13
14 Commissioner Hurst spoke in support of the motion. He noted it doesn't appear
15 this will affect many lots, but will make the process smoother.

16
17 Commissioner Ambalada spoke against the motion and recommended amending
18 it to exclude mobile home parks. Chair Wright thought that there was already
19 prior legislation from the City Council that specifically discusses the need to
20 preserve low income family housing, and especially mobile home parks. Planning
21 Manager Hall agreed that there is language which protects single family
22 residential and mobile home residential and doesn't allow any changes of
23 existing single family residential zones to multifamily.

24
25 Commissioner Wojack spoke in support of the motion because it is an easier
26 process for staff. He said he had previous concerns about smaller lot sizes, but
27 because there aren't many of these he doesn't think it will be a problem.

28
29 Commissioner Braithwaite spoke against the motion. He expressed concern that
30 small incremental changes over time would take the City down a path to creating
31 denser single-family neighborhoods in the future. He also urged caution since the
32 driver of these changes is the industry that it is benefitting from them. This can
33 lead towards regulatory capture where the industry being regulated controls the
34 regulatory process. Additionally, there are very few, if any lots, that would be
35 affected currently so the highest likelihood is that these will come into play in
36 redevelopments where there are lot assemblages. In those situations, he thinks
37 having the additional level of scrutiny, analysis, and public comment would be
38 valuable.

39
40 Chair Wright asked if there were any disclosures from commissioners who might
41 have received funding from the Affordable Housing Council/Master Builders.
42 There were none. Chair Wright disclosed that his wife received a campaign
43 contribution from the Affordable Housing Council this year, but stated it did not
44 impact him directly.

45

1 Commissioner Jones spoke in support of his motion. Regarding mobile home
2 parks, he noted that a lot of them are privately owned although some are run and
3 protected by the Housing Authority. There are very few areas where you could fit
4 nine 8,400 square foot lots while still dealing with all of the other Lynnwood
5 regulations. He emphasized that staff is not talking about rezoning or increasing
6 density. He doesn't perceive this being an issue.

7
8 Commissioner Larsen stated he was undecided. He thought that more
9 information might help him make a better decision. Lacking that information he
10 said he would feel the need to vote no. He commented that there is not a
11 pressing need for this and recommended tabling it for tonight.

12
13 *Motion passed (4-3).*

14
15 **Work Session**

- 16
17 1. Title 19 – Zoning Code Amendment – Square Footage Computation of
18 Panhandle Access Areas – Title 19 LMC (Continuation) (CAM-002875-
19 2015)

20
21 Michele Szafran, Associate Planner, explained this was a discussion of a
22 proposed code amendment to allow the computation of a panhandle lot for
23 access easement when serving no more than one additional lot from a right of
24 way. This was initiated by a request from the Master Builders Association.
25 Currently LMC prohibits the square footage of land contained in a panhandle or
26 private access easement from being counted towards the minimum lot area. Staff
27 has summarized how nearby jurisdictions address the issues in a comparison
28 chart in the packet. Staff found the majority of the cities allow for the areas to be
29 calculated when the access area is being utilized for one lot rather than multiple
30 lots. Staff has provided additional exhibits to help with the discussion. The
31 proposed code amendment would meet the goals of preserving single family
32 neighborhoods by promoting greater flexibility for lot size and short plat design.
33 Ms. Szafran then reviewed some examples and responded to previous
34 questions.

35
36 Commissioner Jones spoke in support of keeping the minimum lot size, but
37 expressed concern about going down the path of Seattle-type development. He
38 commented that he likes bigger lots.

39
40 Chair Wright asked about the fire department's assessment of life safety issues
41 related to the panhandle access. Associate Planner Szafran explained that the
42 code requires a 20-foot minimum access area, but there is a provision which will
43 allow it to be reduced to 15-feet. In that case, certain conditions such as
44 sprinkling the back lot would apply. If it's over 150 feet they would have to
45 provide a turnaround for the trucks. Chair Wright expressed concern about
46 having too many of these around the city.

1
2 Commissioner Ambalada brought up concerns about the previous item on the
3 agenda and said she wanted to make sure her comments about protecting
4 mobile home parks were noted. Chair Wright indicated it could be addressed
5 under Commissioner Comments. Commissioner Ambalada disagreed and stated
6 her comments were relevant to this item.
7

8 Commissioner Braithwaite expressed concern about an apparent conflict in the
9 code. He referred to section 3, 19.35.010, section 9, which completely excludes
10 panhandles to be used in computation and section 4, 19.50.020, number 4,
11 where panhandles *may* be used in certain situations. Ms. Szafran explained that
12 the first example was referring to long plats; the second example refers to short
13 plats. Commissioner Braithwaite asked about the minimum lot width. Ms. Szafran
14 replied that it is 70 feet. Commissioner Braithwaite calculated that with the 20-
15 foot driveway width and 5-foot setback on all sides, this would leave only 40-feet
16 for the house.
17

18 Commissioner Wojack referred to new regulations regarding additional curb cuts
19 in the Highway 99 zoning and asked if this was also a concern in single family
20 residential zones. Arnold Kay, Public Works Development Services Supervisor,
21 explained there is an access policy which tries to limit the closest of the
22 driveways to each other with a minimum of 10 feet. Ideally they are either located
23 at opposite ends of the lot or combined. Commissioner Wojack asked about
24 ownership issues with the easement strip. Ms. Szafran explained that the lot
25 owners would have an equal and undivided $\frac{1}{2}$ interest in the ownership and
26 maintenance.
27

28 Commissioner Hurst referred to the color-coded map and asked if the blue lots
29 are the ones that could potentially fall into the flag situation. Ms. Szafran
30 confirmed this and noted that they were over 16,800 square feet. He asked how
31 many lots could potentially be impacted. Planning Manager Hall mighthought the
32 total number was around 400, but some of those would be removed because of
33 other restrictions.
34

35 Commissioner Larsen spoke in support of waiting until just before the next
36 Comprehensive Plan update to address this. He expressed concern about public
37 access, the lack of parking, code enforcement, and social impacts. He noted
38 there is no reason to rush into this.
39

40 Commissioner Braithwaite shared Commissioner Larsen's concerns. He also
41 spoke in support of waiting on this. He noted there are other ways to look at
42 having these larger lots redevelop such as parcel assemblage and plotting them
43 out in a different manner. He suggested that they try to make it work well, and not
44 just make it work.
45

1 Chair Wright generally agreed with Commissioner Braithwaite and Commissioner
2 Larsen; however, he believes they need public testimony on it so he was
3 supportive of taking it forward to a public hearing. There was general consensus
4 to move this forward to a public hearing.

5 6 2. Parking Lot Ratios for Elementary Schools 7

8 Associate Planner Michele Szafran stated that the proposed code amendment
9 would reduce the parking ratio requirements for elementary schools. Edmonds
10 School District has provided a traffic study and collected parking data from
11 several schools in the district which is included in the packet. Currently the City of
12 Lynnwood requires one parking space per four students. Staff has researched
13 how nearby jurisdictions address elementary school parking ratios and has
14 summarized the findings in the attached comparison chart. Staff feels it is
15 reasonable to consider a code amendment to reduce the parking requirements.
16

17 Chair Wright asked if there was anything in staff's report or the study that said
18 the school district has taken into consideration the fact that they changed busing
19 from ½ mile to a mile. This theoretically more than doubles the amount of
20 students that have to commute by vehicle as opposed to walking. Ms. Szafran
21 was not sure. Chair Wright commented that for Lynndale Elementary most of the
22 parents park at Lynndale Park. He noted that this information also does not
23 appear to address parents who are volunteering at school during the day. He
24 asked what is actually driving the desire to reduce the amount of parking.
25

26 Planning Manager Hall replied there are jurisdictions nearby that have a lesser
27 requirement for the parking for their schools than the City of Lynnwood does. The
28 school district wants to have a similarity between the three jurisdictions that they
29 serve. Planning Manager Hall referred to the Lynndale Elementary
30 redevelopment project and noted that the school was approved for a shared
31 parking agreement with Lynndale Park. The school district is hopeful that this will
32 occur at other sites they are planning on redeveloping in the future.
33

34 Commissioner Larsen wondered what the ITE manual says. He acknowledged
35 that Lynnwood's requirements are high, but spoke in support of erring on the side
36 of more parking rather than less especially since there are many overflow event
37 situations.
38

39 Commissioner Braithwaite asked what the rationale was for the current ratio of
40 one spot per four students and when it changed. Planning Manager Hall replied
41 that to his knowledge there hasn't been any change to the school parking ratios
42 in quite some time. As far as how the standards are developed it's generally
43 based on the community's best judgment. Commissioner Braithwaite noted that
44 he drives his kids back and forth during the day and has noted that the parking
45 lots at Beverly and Lynnwood Elementary are all full on a regular day. If there is a
46 special event cars overflow to the neighborhoods and surrounding areas. Maybe

1 1 to 4 is a little aggressive, but the current ratios of 1 to 9 or 10 are not adequate
2 either. He wondered if different metrics ought to be used to determine the ratio.
3 He also noted that adequacy of drop off/pick up areas also impact the traffic and
4 parking areas.

5
6 Commissioner Jones asked what the school district serves to gain by passing
7 this. Staff was not sure, but suggested it could have to do with cost or better
8 utilization of existing properties for school space versus parking. Planning
9 Manager Hall suggested they invite the school district to come address this.
10 Commissioner Jones replied that would be helpful.

11
12 Chair Wright emphasized the idea that our schools also serve as special event
13 centers. To have less parking at the schools has a definite impact on the
14 neighborhoods.

15
16 Commissioner Hurst commented on the safety impact of too few parking spots in
17 areas that are also lacking adequate sidewalks. Planning Manager Hall explained
18 that the City works with the school district to get sidewalks in place where they
19 are lacking.

20
21 Commissioner Wojack also requested more information from the school district.
22 He noted that the study looks at the first hour of school, but volunteers aren't
23 usually even allowed at school at that time. He also agreed that schools are
24 important for hosting community events.

25
26 There was consensus to invite the school district in to explain why this is
27 important to them.

28 29 3. Proposed Five-Year Work Plan

30
31 Planning Manager Hall presented the list of projects planned for the next five
32 years.

33
34 Commissioner Hurst suggested the Planning Commission look at the fee simple
35 code for townhouses since the housing market is so hot.

36
37 Commissioner Ambalada said she would like to see the 17 neighborhood districts
38 be lowered to at least 10. She thinks this will help with the parking situation at the
39 schools.

40 41 **Other Business**

42
43 None

44 45 **Council Liaison Report**

1 Councilmember AuBuchon had the following comments:

- 2 • The Council is currently on vacation.
- 3 • On Monday night the Council adopted an Ordinance implementing shorter
4 terms for the Planning Commission and implementing a mandatory
5 removal if a commissioner misses more than six meetings a year. He
6 discussed why he had objected to both of those items.

7 8 **Director's Report**

9
10 Planning Manager Todd Hall had the following comments:

- 11 • Directors and the Mayor had the opportunity to meet with Senator Patty
12 Murray today to hear updates on the City. It was nice to meet with her.
- 13 • The Council approved the reorganization of the Community Development
14 Department staff including a promotion for him to Planning Manager.
- 15 • The City is currently interviewing for Senior Planner.

16 17 **Commissioners' Comments**

18
19 Commissioner Wojack pointed out that several years ago there was a
20 councilmember who missed an awful lot of Council meetings without any pay cut.
21 He expressed frustration about singling out the Planning Commission on this
22 issue, especially since they are a volunteer commission that works very hard.
23 Commissioner AuBuchon clarified that there was a pay cut put into place; the
24 Council is now paid by meeting.

25
26 Chair Wright asked staff what needs to be done to aptly notify the citizenry of
27 public hearings. Planning Manager Hall stated that every city has their own policy
28 in place on how they choose to advertise. There is a state law that states how
29 soon you have to give a public hearing notice, which is generally 21 days. He
30 thought there was a section in the LMC that states how soon, how often, and
31 where it has to be posted. For land use applications, staff gives at least 14 days'
32 notice. They notify people within 600 feet versus what the code says at 300 feet.
33 Notices are posted at all the locations in the campus row – the fire station, the
34 recreation center, the senior center, library and city hall as well as the permit
35 center. A notice is also placed in *The Herald*. He commented that in his
36 experience it is common for planning commissions to not get much participation
37 from the public unless it is an issue that immediately affects people. Chair Wright
38 asked if it is the Planning Commission's job to reach out and educate the public
39 on what they do. Planning Manager Hall thought that was a good idea.

40
41 Ted Hikel, 3820 – 191st Place SW, Lynnwood, commented that for many years
42 he proposed that the City Council put \$70,000 into the budget for permanent
43 television equipment in city hall so that every Council, Planning Commission, or
44 other commission that meets in Council Chambers is televised. The City has a
45 free city channel available by Comcast and Frontier. He believes allocating

1 \$70,000 for this purpose is important. He urged everyone to let the City Council
2 know that is a priority.

3
4 Commissioner Jones commented that the City's online and social media
5 presence is lacking tremendously. He thinks there are more things the City can
6 do to publicize what is happening here more.

7
8 Chair Wright said he's noticed a much more active presence on Facebook by the
9 City, but he's never seen a public hearing or an announcement of a Council
10 meeting. He thanked Mr. Hikel for bringing up the television cameras and
11 channel.

12
13 Commissioner Wojack said he heard of a city that made its city council meetings
14 a potluck, and now they're packed. He recommended that the Planning
15 Commission increase its M&M supplies to draw people in.

16
17 Commissioner Hurst said he has brought this up a couple times to the City
18 Council. They have changed the front page of the city website to put public
19 hearings there. He also suggested putting out a reader board in front of city hall
20 when there is a public hearing. He then addressed changes that happened to the
21 Planning Commission as a result of the vote of the Council on Monday. He said
22 he was amazed that the Council made these moves without even talking to the
23 Planning Commission or getting their input.

24
25 Commissioner Braithwaite noted that according to Councilmember AuBuchon the
26 Council was concerned that the Comprehensive Plan was a 4-0 vote. He said he
27 was struck by that concern because that was probably the fewest people they've
28 had in the Commission for a long time, and it was not representative of the work
29 that went into Comprehensive Plan. This was the final approval, but the
30 Commission spent a year working on it. He hopes this was relayed to the
31 Council.

32
33 **Adjournment**

34
35 The meeting was adjourned at 9:28 p.m.

36
37
38
39 _____
Richard Wright, Chair

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Transportation Concurrency

Agenda Item: D.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 conduct a public hearing on the proposed Transportation Concurrency Ordinance. At their June 25, 2015 meeting, the Commission was asked to provide feedback and guidance regarding the content, organization, and appearance of the draft ordinance. Since that meeting, staff has made some refinements to the draft ordinance and also has provided a proposed fee schedule. Staff will make a presentation on these items at the public hearing.

Action

Receive public input on the proposed ordinance. Deliberation by the Commission will follow the public hearing.

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 one or more new peak hour vehicle trips to pay a concurrency fee. The fee would be used by the city to conduct a periodic traffic analysis to determine if adequate transportation facilities exist to serve the additional trips generated by near term developments.

Previous Planning Commission / City Council Action

The Planning Commission discussed the item at their June 25, 2015 meeting and recommended that a public hearing be held at their next meeting.

Adm. Recommendation

1. Receive public input on the proposed ordinance.
2. Upon closure of the public testimony portion of the hearing, begin deliberation.
3. At the conclusion of the Commission's deliberation, either:
 - a. Recommend approval of the proposed ordinance as written; or
 - b. Recommend approval of the proposed ordinance as amended by the Commission; or
 - c. Direct staff to prepare revisions for the Commission's review at a future meeting. If the changes desired are substantive, it would be appropriate to continue the public hearing to allow public comment on those forthcoming edits.

Suggested motion:

"I move that the Planning Commission recommend approval of the proposed Transportation Concurrency Ordinance."

Attachments

1. Proposed Ordinance and Fee Schedule

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CITY OF LYNNWOOD

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO LAND DEVELOPMENT, TRANSPORTATION IMPACTS AND CONCURRENCY MANAGEMENT; ADDING A NEW CHAPTER 12.22 ENTITLED TRANSPORTATION CONCURRENCY MANAGEMENT TO THE LYNNWOOD MUNICIPAL CODE; AMENDING LMC 3.104.010; 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 June 19, 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 12.22 of the Lynnwood Municipal Code, entitled "Transportation Concurrency Management," to read as follows:

1
2 **TRANSPORTATION CONCURRENCY MANAGEMENT**

3 Sections:

- 4 12.22.005 Title.
5 12.22.010 Definitions.
6 12.22.020 Purpose.
7 12.22.030 Authority and General Procedure.
8 12.22.040 Applicability.
9 12.22.050 Capacity Evaluation Required For New Development.
10 12.22.060 Capacity Evaluation Required For Redevelopment or Change Of Use.
11 12.22.070 Capacity Reservation Certificate Required.
12 12.22.080 Exempt Development.
13 12.22.090 Level of Service Standards.
14 12.22.100 Application for a Capacity Reservation Certificate.
15 12.22.110 Issuance of Capacity Reservation Certificate.
16 12.22.120 Amendments to Capacity Reservation Certificates.
17 12.22.130 Use of Reserved Capacity.
18 12.22.140 Transfer of Reserved Capacity.
19 12.22.150 Concurrency Denial Letter.
20 12.22.160 Appeals.
21 12.22.170 Concurrency Administration – Procedure.
22 12.22.180 Site Access Evaluation.

23
24
25 **12.22.005 Title.**

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

28
29 **12.22.010 Definitions.**

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

- 36
37 1. "Adopted LOS standards" means the level of service (LOS) standards specified by the
38 Transportation Element of the Lynnwood Comprehensive Plan as amended.
39
40 2. "Affected intersection" means any intersection within the City for which an LOS has
41 been identified in this chapter.
42
43 3. "Applicant" means a person who applies for a Capacity Reservation Certificate (CRC)
44 and who is the owner of the subject property or the authorized agent of the property
45 owner.
46
47 4. "Available transportation facilities" means that the necessary road facilities are in place
48 or that a financial commitment is in place to provide the road facilities within six years of
49 the time of development, consistent with WAC 365-196-840.
50

1 5. "Build-out year conditions" means the volume of traffic that is projected to occur on
2 the roadway system as of the anticipated date of occupancy of a proposal. Traffic
3 conditions include regional traffic and the anticipated traffic from all proposals for which
4 capacity has been reserved under the provisions of this chapter.
5

6 6. "Capacity" means the availability of an affected intersection or intersections to
7 accommodate increased traffic resulting from a development without causing the delay at
8 the intersection or intersections to fall below the LOS standards established in this chapter.
9

10 7. "Capacity, available" means capacity that can be encumbered, reserved, or committed
11 to future users, expressed in an appropriate unit of measure, such as peak hour trips.
12

13 8. "Capacity, reserved" means capacity that has been allocated to a particular property
14 through issuance of a Capacity Reservation Certificate reserving capacity for a set period
15 of time.
16

17 9. "Capacity Reservation Certificate (CRC)" means a written determination of the Public
18 Works Director pursuant to the terms and conditions of this chapter that confirms adequate
19 capacity for each affected intersection has been reserved to serve specific land
20 development.
21

22 10. "City" means the City of Lynnwood, Washington.
23

24 11. "Concurrency evaluation" means technical analysis in accordance with standard
25 engineering practices to determine impacts upon transportation facilities, with
26 documentation of impacts relative to adopted LOS standards.
27

28 12. "Concurrency denial letter" means a written decision by the Director that summarizes
29 the results of the concurrency evaluation and the reason for denying the request for a
30 Concurrency Reservation Certificate.
31

32 13. "Concurrency management" means the process the city uses to ensure necessary
33 roadway improvements are made concurrent with proposed development activity, pursuant
34 to RCW 36.70A.070.
35

36 14. "Development activity" means any proposal or action for which a Development
37 Permit is required, including short plats, preliminary plats, rezone/reclassifications,
38 Zoning Permits, Shoreline Substantial Development Permits, Conditional Use Permits,
39 design review, change in use, or any other permit or approval required under the City of
40 Lynnwood development regulations. For the purposes of this chapter, development activity
41 does not include legislative proposals that may increase the potential for development.
42 Exempt permits are set forth in LMC 12.22.080.
43

44 15. "Development approval" means written authorization from the City authorizing the
45 commencement of development activity.
46

47 16. "Development Permit" means any document granting, or granting with conditions, an
48 application for a land use designation or re-designation, zoning or rezoning, subdivision,
49 site plan, building permit, variance or any other official action of the City having the effect
50 of authorizing the development of land.

1
2 17. "Development trips" means the total number of net new peak hour vehicle trips
3 generated by the development.
4

5 18. "Direct traffic impact" means any net increase in vehicle traffic generated by a
6 proposed development.
7

8 19. "Director" means the Director of the Department of Public Works of the City of
9 Lynnwood or her/his designee.
10

11 20. "Financial commitment" means public and/or private funds sufficient to finance
12 transportation improvements necessary to support development and that there is reasonable
13 assurance that such funds shall be timely used. Grants, loans and bond funds shall be
14 considered to be committed only if they have been fully approved by the appropriate body.
15

16 21. "Frontage" means that boundary of property abutting a public street or right-of-way.
17

18 22. "Frontage improvement" means those improvements required to be constructed within
19 or along existing or dedicated street right-of-way according to development regulations or
20 permit conditions applicable to project development. Generally, frontage improvements
21 may include, but not be limited to: clearing, grading, subgrade preparation, pavements,
22 curbs, gutters, sidewalks, landscaping, signage, lighting, street furniture and fixtures,
23 utilities. Additional improvements to be located within adjacent easements may be required
24 in addition to frontage improvements.
25

26 23. "Impact fee" or "transportation impact fee" is as defined by Chapter 3.105 LMC.
27

28 24. "Inadequate road condition" means any road condition, whether existing on the road
29 system or created by a new development's access, that jeopardizes the safety of road users,
30 including nonautomotive users, due to substandard sight distance, substandard geometric
31 alignment, substandard roadway cross-section or insufficient traffic control as determined
32 by applicable City design standards and specifications as defined in the Lynnwood Road
33 Standards. Appropriate mitigation shall be required when a CRC is issued.
34

35 25. "Level of service (LOS)" means a qualitative measure describing operational
36 conditions within a traffic stream, described with alphabetical representations of "A"
37 through "F" as defined in the 2000 Highway Capacity Manual prepared by the
38 Transportation Research Board of the National Research Council, to indicate the amount of
39 congestion and delay at particular locations. Level of service "A" represents little or no
40 congestion and delay, while level of service "F" represents over-capacity conditions with
41 long delays.
42

43 26. "Lynnwood Road Standards" means those standards included in Chapter 12.12.020
44 LMC.
45

46 27. "Net new trips" means the trip generation of the development activity less any
47 allowable credit for existing activity that will be replaced, demolished or abandoned as part
48 of the proposal.
49

1 28. "Off-site road improvement" means an improvement, except a frontage improvement,
2 to an existing or proposed City road outside the boundaries of a development, that
3 improvement is required or recommended in accordance with this title.
4

5 29. "Owner" means the owner of record of real property, although when real property is
6 being purchased under a real estate contract, the purchaser is considered the owner of the
7 real property if the contract is recorded.
8

9 30. "Peak hour" means the highest volume of traffic for a continuous hour between 4:00
10 p.m. and 6:00 p.m.
11

12 31. "Pipeline traffic" means existing traffic volumes and the forecasted traffic volumes
13 from proposals for which a Capacity Reservation Certificate has been issued.
14

15 32. "Project improvements" means site improvements and facilities that are planned and
16 designed to provide service for a particular development project that are necessary for the
17 use and convenience of the occupants or users of the project, and are not system
18 improvements.
19

20 33. "Proportionate share" means that portion of the cost of public facility improvements
21 that is reasonably related to the service demands and needs of new development.
22

23 34. "Six-Year Transportation Improvement Program (TIP)" means the annually updated
24 transportation improvement program that identifies all the City's transportation needs over
25 the next six years and beyond, including the total project costs.
26

27 35. "Standards" means the adopted Lynnwood Road Standards.
28

29 36. "Total project cost" means the total cost for the transportation projects, as defined in
30 the current TIP. This cost includes, but is not limited to, studies, design, right-of-way
31 acquisition, utility relocation, grading, and construction.
32

33 37. "Traffic study" means a study prepared by a qualified professional according to the
34 format and content established by the City of Lynnwood Public Works Department.
35

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

40 40. "Trip generation credit" means a reduction in the number of new peak hour trips
41 attributed to an application, equal to the number of peak hour trips currently being
42 generated on the site from uses that will not continue if the development permit is granted.
43

44 **12.22.020 Purpose.**

45 The purpose of this chapter is to implement the concurrency provisions of the
46 Transportation Element of the City's Comprehensive Plan, in accordance with RCW
47 36.70A.070(6)(e), consistent with WAC 365-196-840.
48

49 **12.22.030 Authority and General Procedure.**

1 The Director shall be responsible for implementing and enforcing this chapter, including
2 making determinations regarding concurrency and issuing Capacity Reservation
3 Certificates (CRC) according to the procedures in this chapter.
4

5 The Director's determination of concurrency and the issuance or nonissuance of a CRC
6 shall be integrated, insofar as possible, with any applicable decision making processes on
7 permits, applications, and proposals submitted to the City for review and decision. For
8 each application subject to concurrency evaluation and the requirement for a Capacity
9 Reservation Certificate, the Director shall determine how the review can be best integrated
10 with the decision making process.
11

12 A. Applicant applies for a CRC prior to submittal of a Development Permit
13 application.
14

15 B. Capacity Reservation Certificates shall be processed in the order in that the
16 applications for concurrency evaluation are received.
17

18
19 C. The CRC is included as part of associated Development Permit Application.
20

21 **12.22.040 Applicability.**

22 A. Except for development exempt under LMC 12.22.080, this chapter shall apply to
23 all applications for Development Permits, if the proposal or use will generate one (1) or
24 more net new trips during the peak hour.
25

26 B. All construction or change in use initiated pursuant to a Development Permit for
27 which a CRC was issued prior to the effective date of the ordinance codified in this chapter
28 shall be continued. However, if the City determines that a previously issued Development
29 Permit for which the CRC was issued has lapsed or expired, pursuant to the applicable
30 development regulations, then no subsequent Development Permit shall be issued except in
31 accordance with this chapter.
32

33 **12.22.050 Capacity Evaluation Required for New Development.**

34 A. Any new development that will generate one (1) or more net new trips in the peak
35 hour shall require a CRC.
36

37 B. The Director may, at his/her discretion, require completion of a supplemental
38 traffic study prior to issuance of a CRC.
39

40 C. The development shall be deemed not concurrent if more than 20% of the City's
41 signalized intersections would fall below the City's adopted LOS as a result of a proposed
42 development activity, privately initiated Comprehensive Plan amendment, or Zoning Map
43 amendment. Otherwise, the development shall be deemed to be concurrent.
44

45 **12.22.060 Capacity Evaluation Required for Redevelopment or Change of Use.**

46 A. Any change, redevelopment, relocation, or modification of use that will generate
47 one (1) or more net new trips in the peak hour shall require a Capacity Reservation
48 Certificate.
49

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

7
8 C. Increased impact on affected intersections. If a redevelopment or change of use
9 shall have a greater impact on affected intersections than the previous use, then a CRC
10 shall be required for the net increase only; provided, that the applicant provides reasonably
11 sufficient evidence, to the satisfaction of the Director, that the previous use has been
12 continuously maintained on the site during the five-year period prior to the date of
13 application, or since the previous use was permitted, if that period is less than five years,
14 for the concurrency evaluation.

15
16 D. Decreased impact on affected intersections. If the Director determines that a
17 redevelopment or change of use shall have a lesser impact on affected intersections than
18 the previous use, then no concurrency evaluation shall be required. For the purpose of this
19 paragraph, "previous use" shall mean the most recent use of the site that can be evidenced
20 by the applicant and is deemed acceptable by the Director. If the Director deems that
21 sufficient evidence was not provided then the previous use will be considered undeveloped
22 land and no trip generation credit shall be granted pursuant to this chapter.

23
24 E. Demolition or Termination of Use. In the case of a demolition or termination of an
25 existing structure or use, a trip generation credit shall apply to the calculated trip
26 generation for the use prior to the demolition or termination. The number of trips allowed
27 in the credit shall be as estimated using the ITE Trip Generation Manual, latest edition.

28
29 **12.22.070 Capacity Reservation Certificate Required.**

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

37
38 B. A CRC will be issued only after a capacity evaluation indicating that capacity is
39 available on all applicable road facilities is performed.

40
41 C. In no event shall the Director determine concurrency for a greater amount of
42 capacity than is needed for the development proposed in the underlying Development
43 Permit application.

44
45 **12.22.080 Exempt Development.**

46 A. Any development activity or Development Permit shall be exempted from this
47 chapter if the development activity or Development Permit is deemed by the Director to
48 generate less than one (1) net new trip in the peak hour, including rezoning applications
49 and privately initiated Comprehensive Plan amendments.

1 B. The following types of Development Permits are typically exempt from the
2 requirements of this chapter because they do not create additional long-term impacts on
3 road facilities. However, if any Development Permit from the list below generates one (1)
4 or more net new trips in the peak hour, it shall not be exempt from concurrency
5 evaluation.
6

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

23
24 C. Alteration or replacement of an existing residential or nonresidential structure that
25 does not expand the usable space or add any residential units.
26

27 Notwithstanding the exemptions provided in this section, the trip generation resulting from
28 an exempt use shall be included in computing background traffic for any nonexempt
29 project, and any exemptions provided in this section shall not be construed as an
30 exemption from any applicable transportation impact fee requirements.
31

32 **12.22.090 Level of Service Standards**

33 The level of service for streets in Lynnwood is generally determined by the intersections
34 that control through travel; however, this presumes compliance with design standards to
35 assure that the full potential of the street between intersections is maintained to serve
36 traffic through major intersections, and to provide appropriately for pedestrian, bicycle,
37 and transit modes.
38

39 The Growth Management Act only requires cities to manage level of service on arterials
40 (including collector arterials) and not local streets. The City may however establish
41 additional standards for local streets for its own purposes. In order to minimize traffic
42 disturbance within neighborhoods, the LOS for local streets in Lynnwood is established as
43 LOS "C" during the PM peak hour.
44

45 The LOS for the majority of the City arterials takes into consideration the need to protect
46 neighborhoods from excessive pass through traffic. The level of service for non-City
47 Center arterials and non-State Highways is established as LOS "D" during the PM peak
48 hour.
49

1 The City Center is expected to operate with more congestion. Not only are there more trip
2 ends per acre in the City Center, there are more opportunities to move about without a car.
3 Businesses are closer together, making walking easier, and transit service is more
4 frequent. The LOS for City Center arterials is LOS "E" for the City Center during the
5 PM peak hour.
6

7 In order to make the Lynnwood Transportation Concurrency system more flexible, and to
8 not allow one congested intersection to stop all development in an area, the City's LOS
9 standard allows 20% of the City's intersections to be below their associated LOS standard
10 before concurrency is considered to be failed, and for this purpose only signalized
11 intersections will be considered.
12

13 **12.22.100 Application for a Capacity Reservation Certificate.**

14 An application for a CRC shall be on a form provided by the Director. The application
15 shall be submitted and accompanied by the fee stated in Chapter 3.104 of the City code.
16 The application shall include all of the information requested for a concurrency finding
17 including the allocation of capacity, by legal description, if applicable.
18

19 **12.22.110 Issuance of Capacity Reservation Certificate.**

20 If the Director determines that the transportation facilities meet City LOS standards
21 established in LMC 12.22.050C with the addition of the development's trips, the Director
22 shall issue a Capacity Reservation Certificate, with or without conditions, to the applicant
23 advising that available capacity exists to support the development. If the applicant is not
24 the property owner, the Capacity Reservation Certificate shall also be sent to the property
25 owner. The Capacity Reservation Certificate shall identify the proposed development
26 application and include the following information:
27

- 28 A. A description of the land use to which the Capacity Reservation Certificate applies.
- 29 B. A description of any transportation improvements or programs proposed by the
30 applicant and necessary to maintain the City's LOS standards, and any other conditions
31 necessary for the issuance of the Capacity Reservation Certificate.
32

33 **12.22.120 Amendments to Capacity Reservation Certificates**

34 Even if the CRC is based on an estimation of impact, the applicant shall be bound by its
35 estimation of impact, and any upward deviation from the estimated traffic impact shall
36 require at least one of the following:
37

- 38 A. A finding that the additional capacity sought by the developer through a revised
39 application is available to be reserved by the project or can be made available through
40 mitigation of the additional impact; or
- 41 B. A finding that the CRC must be revoked unless a revised proposal is submitted
42 limiting the trip generation to the number reserved in the Capacity Reservation Certificate.
43

44 **12.22.130 Use of Reserved Capacity.**

45 When a valid Development Permit is issued for a project for which a CRC has been
46 issued, the CRC shall continue to reserve the capacity unless the Development Permit
47 expires, is withdrawn, or is cancelled.
48

49 **12.22.140 Transfer of Reserved Capacity.**

1 Reserved capacity shall not be transferred to property not included in the legal description
2 provided by the applicant in the application for a CRC. The applicant may, as part of a
3 Development Permit application, designate the amount of capacity to be allocated to
4 portions of the property, such as lots, blocks, parcels, or tracts included in the application
5 if the property is to be subdivided. Capacity may be reassigned or allocated within the
6 boundaries of the original CRC by application to and decision by the Director. At no time
7 may capacity or any CRC be sold or transferred to another party or entity to apply to a site
8 other than that described in the original application.
9

10 **12.22.150 Concurrency Denial Letter.**

11 If the Director determines that one or more road facilities are not concurrent, the Director
12 shall issue a concurrency denial letter to the applicant advising that available capacity does
13 not exist. The concurrency denial letter shall identify the application and include the
14 following information:
15

- 16 A. The level of service prior to the proposed development activity;
- 17 B. The level of service including the proposed development activity;
- 18 C. An estimate of the level of the deficiency of the road facilities; and
- 19 D. The options available to the applicant, such as the estimated reduction in project
20 trips necessary to meet LOS standards or the potential improvements necessary to meet
21 LOS standards.
22

23 **12.22.160 Appeals**

24 Appeals of the concurrency issuance or denial letter shall be included in any appeal of a
25 decision on the underlying Development Permit application. If there is no appeal of any
26 decision on any underlying Development Permit, the appeal of the concurrency issuance or
27 denial letter shall follow the process for an appeal under Process 2, as set forth in LMC
28 1.35.200 through LMC 1.35.260.
29

30 **12.22.170 Concurrency Administration – Procedure.**

31 A. The city shall develop and maintain a concurrency monitoring system based upon a
32 computer traffic forecasting model and intersection operations model to monitor the level
33 of service of signalized intersections of classified streets.
34

- 35 1. The monitoring system shall consider existing and proposed capacities of
36 arterial streets and intersections.
- 37 2. The most recent concurrency analysis will be the beginning point for each
38 succeeding concurrency analysis.
- 39 3. The cost of developing and maintaining the concurrency monitoring system
40 shall be funded through development review fees based upon the trip generation of
41 the development activity.
- 42 4. The concurrency monitoring system may be administered by city staff or a
43 consultant.
- 44 5. The applicant shall pay to the city a fee for the city's preparation of a
45 concurrency evaluation.
- 46 6. The amount of the fee shall be as established in Chapter 3.104 of the City
47 code and is to be paid at the time of transportation concurrency application
48 submittal. The fee shall vary based on the number of new peak hour trips produced
49 by the development. The applicant shall be subject to payment of additional fees for
50 any subsequent revisions to the concurrency analysis

1 7. Additional fees may be required for revisions as an additional proportion of
2 the original fee depending on the effort involved to revise the concurrency analysis.
3 Any upward deviation from the estimated traffic impact shall require at least one of
4 the following:

- 5 a. A finding that the additional concurrency sought by the developer
6 through a revised application is available to be reserved by the project;
- 7 b. Mitigation of the additional impact under SEPA;
- 8 c. Revocation of the concurrency approval.

9
10 B. In performing the concurrency evaluation, the city shall determine the impact of the
11 traffic generated by the proposed development activity on the City's transportation system.
12 The evaluation shall be based on data generated by the City, by professional associations,
13 by the applicant, and if needed, by independent analysis. The City shall examine the data
14 to verify that:

15
16 1. The density assumptions for the proposed project are consistent with the
17 underlying zoning.

18
19 2. Existing and projected trip generation is consistent with the latest version of
20 the ITE Trip Generation Manual or documented trip generation for uses not typical
21 of uses in the Manual.

22
23 C. Level of service calculations for all signalized arterial intersections affected by the
24 development are based upon the cumulative trip generation of previously approved
25 applications, the City's current Six-Year TIP and trips generated by the proposed
26 development. The City shall determine if the capacity of the City's road facilities, plus the
27 capacity that is or shall be used by all existing, reserved, and approved development, can
28 be provided while meeting the LOS standards set forth in this chapter.

29
30 D. Technical provisions for concurrency evaluations shall be prepared in the following
31 format:

32
33 1. Project description will be provided by the applicant in enough detail to
34 accurately determine the scope of analysis required.

35
36 2. Analysis scope will be determined by City after consultation with affected
37 departments.

38
39 3. The City, based on the information supplied by the applicant, will determine
40 project trip generation. If the applicant provides a detailed trip generation study,
41 that data may be used for concurrency analysis at the discretion of the Director.

42
43 4. Project traffic distribution will be determined by the City, consistent with
44 the most current and updated city traffic-forecasting model.

45
46 5. Traffic volumes at existing intersections that include background traffic will
47 be maintained by the City.
48

1 6. The City will include appropriate background and pipeline traffic at each
2 affected intersection to obtain a revised traffic assignment for affected roadways
3 and intersections.
4

5 7. The City may at its discretion issue concurrency certificates based upon
6 estimated available capacity and combine multiple concurrency evaluations into a
7 single test for updating the city traffic-forecasting and operational models.
8

9 8. The City, in compliance with the 2000 version of the Highway Capacity
10 Manual, will complete capacity analysis, using its chosen software.
11

12 9. After completion of the capacity analysis, the City shall prepare the final
13 concurrency certificate.
14

15 **12.22.180 Site Access Evaluation.**

16 A. In addition to the application for a Capacity Reservation Certificate developments
17 generating greater than 50 peak hour trips shall prepare a site access evaluation to include
18 the site access to the arterial street system and any intersections on the arterial system
19 within ¼ mile of the site access. The purpose of this analysis is to determine site specific
20 access impacts and potential mitigation.
21

22 B. The city will provide the applicant with traffic counts for use in the analysis.
23

24 C. The applicant will prepare a LOS analysis for the required intersections and a
25 traffic signal warrant analysis for any intersection impacted by greater than 100 peak hour
26 trips.
27

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

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

37 Section 6. Effective Date. This ordinance or a summary thereof consisting of the title and
38 key provisions shall be published in the official newspaper of the City, and shall take effect
39 and be in full force on and after January 1, 2016.
40

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

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APPROVED:

Nicola Smith, Mayor

ATTEST/AUTHENTICATED:

Sonja Springer, Finance Director

APPROVED AS TO FORM:

Rosemary Larson, City Attorney

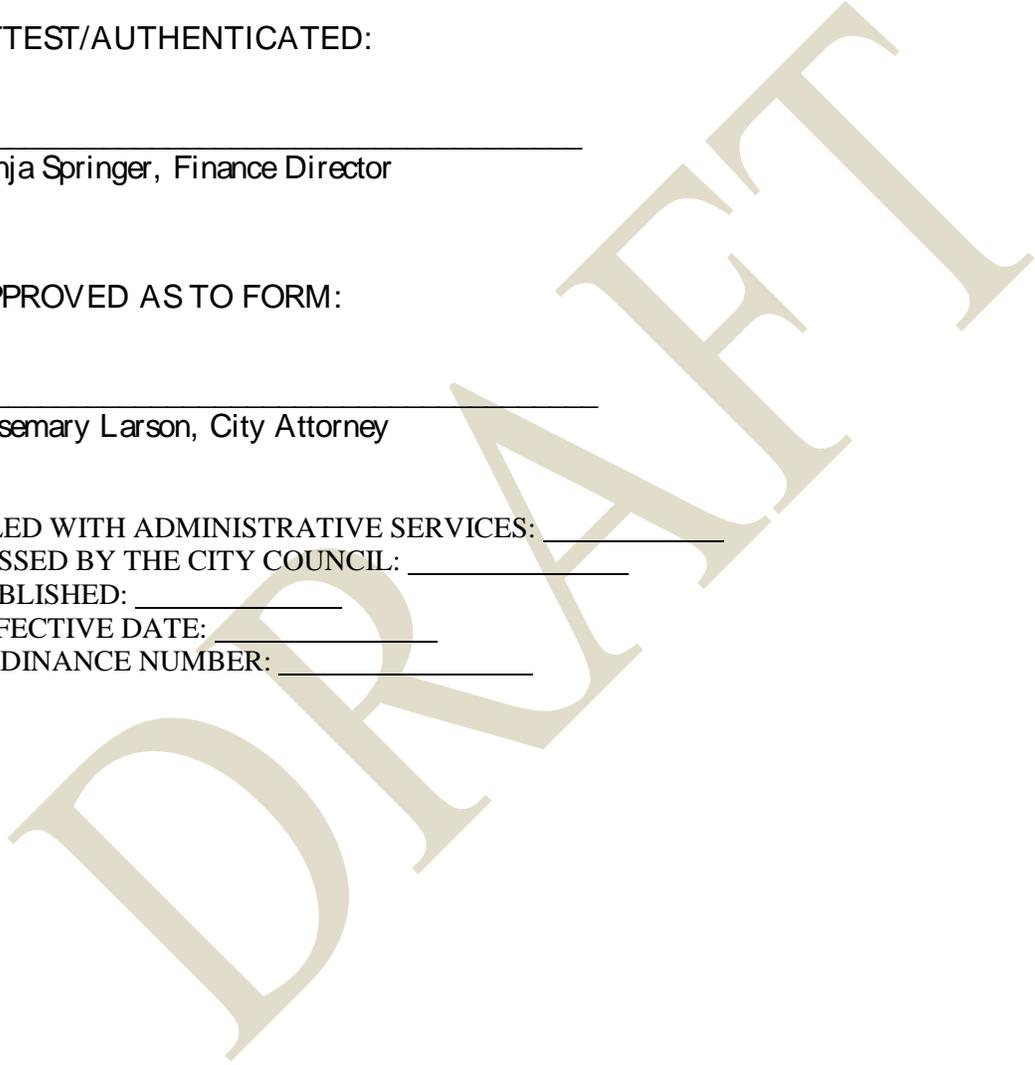
FILED WITH ADMINISTRATIVE SERVICES: _____

PASSED BY THE CITY COUNCIL: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

ORDINANCE NUMBER: _____



**Exhibit A
Concurrency Fees and Charges**

Review Fee Calculation

\$200 base fee plus \$7.50 times the estimated trip generation of the development based upon the following table:

Trip Generation

Land Use Group	ITE Code ¹	ITE Land Use Category ¹	ITE Trip Rate ²	Dev. Unit ⁴	% Pass By Trips ³	Net New Trips per Dev. Unit
Dwelling	210	Single-Family Detached Housing	1.00	DU	0%	1.000
Dwelling	220	Apartment	0.62	DU	0%	0.620
Dwelling	231	Low-Rise Condo / Townhouse	0.78	DU	0%	0.780
Dwelling	240	Mobile Home Park	0.59	DU	0%	0.590
Dwelling - Group	251	Sr. Housing Detached	0.27	DU	0%	0.270
Dwelling - Group	252	Sr. Housing Attached	0.25	DU	0%	0.250
Dwelling - Group	253	Congregate Care Facility	0.17	DU	0%	0.170
Dwelling - Group	254	Assisted Living	0.22	Bed	0%	0.220
Dwelling - Group	620	Nursing Home	0.22	Bed	0%	0.220
Education	520	Public Elementary School	1.21	SF	0%	1.210
Education	522	Public Middle/Junior High School	1.19	SF	0%	1.190
Education	530	Public High School	0.97	SF	0%	0.970
Education	534	Private School K-8 (limited data)	3.27	SF	0%	3.270
Education	536	Private School K-12 (limited data)	2.75	SF	0%	2.750
Industrial	110	General Light Industrial	0.97	SF	0%	0.970
Industrial	130	Industrial Park	0.85	SF	0%	0.850
Industrial	140	Manufacturing	0.73	SF	0%	0.730
Institutional	566	Cemetery	0.84	SF	0%	0.840
Medical	610	Hospital	0.93	SF	0%	0.930
Medical	630	Clinic (limited data)	5.18	SF	0%	5.180
Medical	720	Medical/Dental Office	3.57	SF	0%	3.570
Office	710	General Office	1.49	SF	0%	1.490
Office	715	Single Tenant Office	1.74	SF	0%	1.740
Park and Ride	090	Park and Ride with Bus Service	0.62	Stall	0%	0.620
Recreation	411	City Park	3.50	Acre	25%	2.625
Recreation	430	Golf Course	0.30	Acre	25%	0.225
Recreation	437	Bowling Alley	1.51	SF	25%	1.133
Recreation	441	Live Theater (limited data)	0.02	SF	25%	0.015
Recreation	444	Movie Theater	3.80	SF	25%	2.850

Recreation	491	Racquet/Tennis Club	0.84	SF	25%	0.630
Recreation	492	Health Fitness Club	3.53	SF	25%	2.648
Recreation	493	Athletic Club	5.96	SF	25%	4.470
Recreation	495	Recreational Community Center	2.74	SF	25%	2.055
Retail – Automotive	853	Convenience Market w/Gas Pumps	19.07	VSP	66%	6.484
Retail – Automotive	941	Quick Lubrication Vehicle Stop	5.19	VSP	42%	3.010
Retail – Automotive	944	Gasoline/Service Station	13.87	VSP	42%	8.045
Retail – Automotive	945	Gas Station w/Convenience Market	13.51	VSP	56%	5.944
Retail – Automotive	946	Gas Station w/Convenience Market and Car Wash	13.86	VSP	56%	6.098
Retail – Automotive	947	Self-Serve Car Wash	5.54	VSP	42%	3.213
Retail - Large	814	Variety Store	6.82	SF	34%	4.501
Retail - Large	815	Free Standing Discount Store	4.98	SF	17%	4.133
Retail - Large	850	Supermarket	9.48	SF	36%	6.067
Retail - Large	854	Discount Supermarket	8.34	SF	23%	6.422
Retail - Small	590	Library	7.30	SF	0%	7.300
Retail - Small	816	Hardware/Paint Store	4.84	SF	26%	3.582
Retail - Small	826	Specialty Retail Center	2.71	SF	34%	1.789
Retail - Small	841	Automobile Sales	2.62	SF	0%	2.620
Retail - Small	843	Automobile Parts Sales	5.98	SF	43%	3.409
Retail - Small	848	Tire Store	4.15	SF	28%	2.988
Retail - Small	851	Convenience Market	52.41	SF	61%	20.440
Retail - Small	876	Apparel Store	3.83	SF	34%	2.528
Retail - Small	879	Arts and Crafts Store	6.21	SF	34%	4.099
Retail - Small	880	Pharmacy/Drug Store w/o Drive-Thru	8.40	SF	53%	3.948
Retail - Small	881	Pharmacy/Drug Store w/Drive- Thru	9.91	SF	49%	5.054
Retail - Small	890	Furniture Store	0.45	SF	53%	0.212
Retail - Small	896	DVD/Video Rental Store	13.60	SF	49%	6.936
Retail - Small	911	Walk-in Bank (limited data)	12.13	SF	47%	6.429
Retail - Small	912	Drive-in Bank	24.30	SF	47%	12.879
Retail - Small	925	Drinking Place	11.34	SF	0%	11.340
Retail - Small	931	Quality Restaurant	7.49	SF	44%	4.194
Retail - Small	932	High Turnover Restaurant	9.85	SF	43%	5.615
Retail - Small	933	Fast Food w/o Drive-Thru	26.15	SF	49%	13.337
Retail - Small	934	Fast Food w/Drive-Thru	32.65	SF	50%	16.325
Retail - Small	936	Coffee/Donut Shop w/o Drive- Thru	40.75	SF	49%	20.783
Retail - Small	942	Automobile Care Center	3.11	VSP	28%	2.239
Services	151	Mini Warehouse	0.26	SF	0%	0.260
Services	310	Hotel	0.60	SF	0%	0.600

Services	320	Motel	0.47	SF	0%	0.470
Services	560	Church	0.55	SF	0%	0.550
Services	565	Day Care Center	12.34	SF	75%	3.085
Services	732	US Post Office	11.22	SF	47%	5.947

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1. Institute of Transportation Engineers, Trip Generation Manual (9th Edition)
2. Trip generation rate per development unit, for PM Peak Hour of the adjacent street traffic (4-6 pm). DU = Dwelling Unit, Note: Sq. Ft. rate expressed per 1000 SF.
3. Average Pass-by Rates, per Trip Generation Manual (9th edition) User's Guide and Handbook: an ITE Recommended Practice, 2012. Additional pass-by rate adjusted based on local conditions and engineering judgment.
4. Sq. Ft. = Square Feet, VSP = vehicle servicing position

DRAFT

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

Agenda Item: D.2

- 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 conduct a public hearing on proposed 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) additional lot (Title 19 LMC).

Action

Receive public input on the proposed text amendments. Deliberation by the Commission will follow the public hearing.

Background

The purpose of this agenda item is to reconsider 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) additional lot. 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 a panhandle and/or private access easements from being counted towards the minimum lot area leaving limited flexibility for lot size configuration in lots currently in excess of the minimum lot size for the respective residentially zoned area.

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 being consistent with other neighboring cities.

Previous Planning Commission / City Council Action

Planning Commission discussion on June 25, 2015 & August 13, 2015.

Planning Commission recommended that a public hearing be held at their next meeting.

Adm. Recommendation

1. Receive public input on draft amendments.
2. Upon closure of the public testimony portion of the hearing, begin deliberation.
3. At the conclusion of the Commission's deliberation, either:
 - a. Recommend approval of the draft amendments as written; or
 - b. Recommend approval of the draft amendments—as amendment by the Commission; or
 - c. Direct staff to prepare revisions for the Commission's review at a future meeting. If the changes desired are substantive, it would be appropriate to continue the public hearing to allow public comment on those forthcoming edits.

Attachments

1. Draft Ordinance
2. Comparison Chart
3. Flag Lot and Access Easement Diagrams
4. Lot Configuration examples
5. Submitted Short Plat Examples
6. Map Showing Lots over 16,800 in the RS-8 zone
7. Meeting Minutes 6-25-2015 & 8-13-15

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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 19.50.020, LMC 19.50.040, AND 19.50.050 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, notice of the proposed code amendment was sent to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

46 WHEREAS, on the ___th day of August, 2015, the City of Lynnwood SEPA
47 Responsible Official issued a Determination of Non-Significance (DNS) on the proposal;
48 and
49

50 WHEREAS, on the ___ day of September, 2015, the Lynnwood Planning
51 Commission held a public hearing on proposed amendments to the Lynnwood
52 Municipal Code provided by this ordinance, and all persons wishing to be heard were
53 heard; and
54

55 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO
56 ORDAIN AS FOLLOWS:
57

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

64 **Section 2. Amendment.** Chapter 19.10 LMC is hereby amended by adding the
65 following definition for “Panhandle”, and codifying such definition in a manner that
66 maintains alphabetical order.
67

68 **19.10.136 “Panhandle”**

69 “Panhandle” is a lot configured with a narrow extension of land connecting the main
70 buildable area of the lot to a public street. The narrow extension of land in a panhandle
71 lot provides for vehicular and potentially utility access to the main buildable area of the
72 lot, but is not wide enough for development and does not meet minimum lot width
73 requirements, panhandle are also known as “Flag lots” or “pipe stem” lots.
74

75 **Section 3. Amendment.** LMC 19.50.020 is hereby amended as follows:
76 **19.50.020 Preliminary short subdivision application.**

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

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

- 84 1. The name, address and telephone number of the owner(s);
- 85 2. A written statement by the owner showing the entire contiguous ownership of
86 land in which there is an interest by reason of ownership, contract for purchase,
87 earnest money agreement or option by any person, firm or corporation in any
88 manner connected with the development, and the names and addresses and
89 telephone numbers of all such persons, firms or corporations;
- 90 3. The existing zoning classifications;

- 91 4. The square footage computation of each lot or parcel. The square footage of
92 land contained in access panhandles and/or private roads may shall not be
93 included in the lot size computation when serving no more than one (1)
94 additional lot from a right-of-way. Building area shall be demonstrated at time of
95 preliminary review/approval;
- 96 5. The source of water supply;
- 97 6. The method of sewage disposal;
- 98 7. A survey prepared by a licensed surveyor registered in the state of
99 Washington. However, if the community development director determines that
100 existing conditions so warrant because of previous development, construction or
101 subdividing, the requirement of a survey of the property to be subdivided may be
102 waived for the preliminary short plat, but a survey shall be required for the final
103 short plat;
- 104 8. For the same reasons as stated in subsection (A)(7) of this section, a current
105 ownership certificate from a recognized title company at the preliminary short
106 plat stage may be waived for the preliminary short plat; however, it shall be
107 required for final short plat approval.

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

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

119

120 **Section 4. Amendment.** LMC 19.50.040 is hereby amended as follows:

121 **19.50.040 Final short plat application.**

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

- 123 1. The square footage computation of each lot or parcel. The square footage of
124 land contained in access panhandles and/or private roads may shall not be
125 included in the lot size computation when serving no more than one (1)
126 additional lot from a right-of-way. Building area shall be demonstrated at time of
127 preliminary review/approval;
- 128 2. The source of water supply;
- 129 3. The method of sewage disposal;
- 130 4. A survey prepared by a licensed surveyor registered in the state of

131 Washington.

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

- 134 1. A legal description of the property to be subdivided and legal descriptions of
135 lots, tracts, or parcels therein together with the legal description of private roads
136 and easements therein, if any, all prepared or approved and sealed by a

- 137 licensed surveyor registered in the state of Washington. The community
138 development director may substitute the map for several narrative legal
139 descriptions if it provides as good or better description of property lines;
140 2. The date, scale and north arrow;
141 3. The boundary lines, to scale, of the tract to be subdivided and each lot
142 contained therein;
143 4. The number assigned to each lot;
144 5. The location, names, widths and auditor's file number of any existing
145 easements, existing and proposed roads, existing and proposed rights-of-way
146 for public services utilities within the area contained within the short subdivision,
147 and within 100 feet thereof, and location of the nearest city streets;
148 6. The boundaries of all lands reserved in the deeds for the common use of the
149 property owners of the short subdivision;
150 7. The location of permanent and topographic features which will have an impact
151 upon the short subdivision, such as all existing or platted streets adjacent to the
152 short subdivision, easements, tracts, buildings, watercourses, rights-of-way, all
153 utility rights-of-way, township lines and section lines;
154 8. Statement. Land within this short subdivision shall not be further subdivided
155 for a period of five years unless a final plat is filed pursuant to Chapter 19.25
156 LMC and Chapter 58.17 RCW;
157 9. Signature block for approval by the mayor;
158 10. Storm water system maintenance requirements as approved by the public
159 works director;
160 11. A certificate as per RCW 58.17.165.

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

- 163 1. A vicinity map clearly identifying the location of the property being short
164 subdivided, having a scale of not more than 400 feet to the inch;
165 2. Copies of restrictions, if any, proposed to be imposed upon the use of the
166 land. Such restrictions must be recorded either prior to or simultaneously with
167 the short plat;
168 3. In any short subdivision where lots are served or to be served by a private
169 street, the subdivider shall furnish copies of such further covenants or
170 documents that will result in:
171 a. Each lot owner having access thereto having responsibility for
172 maintenance of any private street contained within the short subdivision;
173 b. Such covenants or documents shall obligate any seller to give actual
174 notice to any prospective purchaser of the method of maintenance of the
175 private street which notice shall be caused to be included in any deeds or
176 contracts relating to such sale, and such covenants or documents shall be
177 recorded either prior to or simultaneously with the moment the short
178 subdivision becomes effective;
179 4. A current title certificate consisting of a report prepared by a recognized title
180 company, showing interest of the persons signing the final short plat and showing
181 restrictions encumbering the land. All parties of interest shall sign the plat map.
182

183 **Section 5. Amendment.** LMC 19.50.050 is hereby amended as follows:

184 **19.50.050 General requirements.**

185 In addition to the design standards of Chapter 19.35 LMC, the following are
186 applicable to all short subdivisions:

187 A. Private Roads.

188 1. Any road surface not open to general public use shall be retained permanently
189 as a privately owned and privately maintained road. This may be accomplished
190 by creating a private tract or easement for ingress and egress purposes.

191 2. The covenants of any short plat containing a private road shall bear the
192 following language: "Warning: Lynnwood has no responsibility to build, improve,
193 maintain, or otherwise service the private roads contained within or providing
194 service to the property described in this short plat."

195 3. Privately owned roads shall be open for necessary public use (emergency and
196 utility access) as determined by the city of Lynnwood.

197 4. Private roads shall meet the following:

198 a. The tract or easement and driving surface shall be a minimum of 20 feet
199 wide, except as provided in LMC 9.06.020. Where a lot is served by a
200 private road with a reduced width, under LMC 9.06.020, fire suppression
201 sprinklers shall be installed at any residence built at such lot. The design
202 of the sprinklers shall be subject to approval of the fire marshal;

203 b. No parking shall be permitted on the private road serving two or more
204 lots. A "No Parking" sign shall be posted in accordance with city standards
205 and at the owner's expense;

206 c. Addresses of all residences shall be posted at the intersection of the
207 private road and the public street, subject to staff approval.

208 5. All roads within a short plat shall meet city construction standards for private
209 roads.

210 6. Private roads shall serve no more than four lots and not exceed 300 feet in
211 length unless approved by the public works director and fire marshal.

212 7. The area within the access panhandle and/or private road shall not may be
213 included in the computation of the lot area or be used to meet any dimensional
214 requirement of the lot when serving no more than one (1) additional lot from a
215 right-of-way and when held in a separate easement or panhandle. When serving
216 more than one (1) additional lot from a right-of-way, or when served by a
217 separate tract, this area within the access panhandle and/or private road shall
218 not be included in the computation of the lot area.

219 ~~regardless of whether the private road is within a separate tract or access~~
220 ~~easement for a single-family zoned parcel.~~

221 8. A workable turnaround shall be provided in conformance to the standards of
222 the fire department and public works department.

223 9. A private maintenance agreement shall be required for any private road
224 serving two or more lots.

225 B. Lots.

226 1. All lots shall provide for the minimum depth, width, width at the building line
227 and area as required by the zoning code, LMC Title 21.

228 2. The community development director shall designate the yard designations for
229 lots within short plats to ensure that the location of buildings will be compatible to
230 the existing development in the area. In determining setbacks, under no
231 circumstance shall a house be allowed to be constructed within five feet of a
232 private road whether held in a separate tract or access easement, as required by
233 the zoning code for an interior lot in a single-family residential zone. The
234 determined setbacks shall be indicated on the final short plat map.

235 C. Utilities.

- 236 1. All utility improvements shall be prepared and certified by a licensed
237 professional engineer, registered in the state of Washington.
238 2. All utility improvements shall be designed in conformance with the standards
239 of the public works department. (Ord. 2671 § 1, 2007; Ord. 2463 § 12, 2003; Ord.
240 1314 § 12, 1983)

241
242 **Section 6. Severability.** If any section, sentence, clause or phrase of this ordinance
243 should be held to be invalid or unconstitutional by a court of competent jurisdiction, such
244 invalidity or unconstitutionality shall not affect the validity or constitutionality of any other
245 section, sentence, clause or phrase of this ordinance.

246
247 **Section 7. Effective Date.** This ordinance or a summary thereof consisting of the title
248 shall be published in the official newspaper of the City, and shall take effect and be in
249 full force five (5) days after publication.

250
251 PASSED BY THE CITY COUNCIL, the _____ day of _____, 2015.

252
253 APPROVED:

254
255
256 _____
257 Nicola Smith, Mayor

258 ATTEST/AUTHENTICATED:

259
260
261 _____
262 Finance Director

263
264 APPROVED AS TO FORM:

265
266
267 _____
268 Rosemary Larson
269 City Attorney

270
271 FILED WITH ADMINISTRATIVE SERVICES: _____

272 PASSED BY THE CITY COUNCIL: _____

273 PUBLISHED: _____

274 EFFECTIVE DATE: _____
275 ORDINANCE NUMBER: _____

276
277

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

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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 19.50.020, LMC 19.50.040, AND
19.50.050 AND PROVIDING FOR SEVERABILITY, AN
EFFECTIVE DATE AND SUMMARY PUBLICATION.

290

291
292 The full text of this Ordinance will be mailed upon request.

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294

DATED this ____ day of _____, 2015.

DRAFT

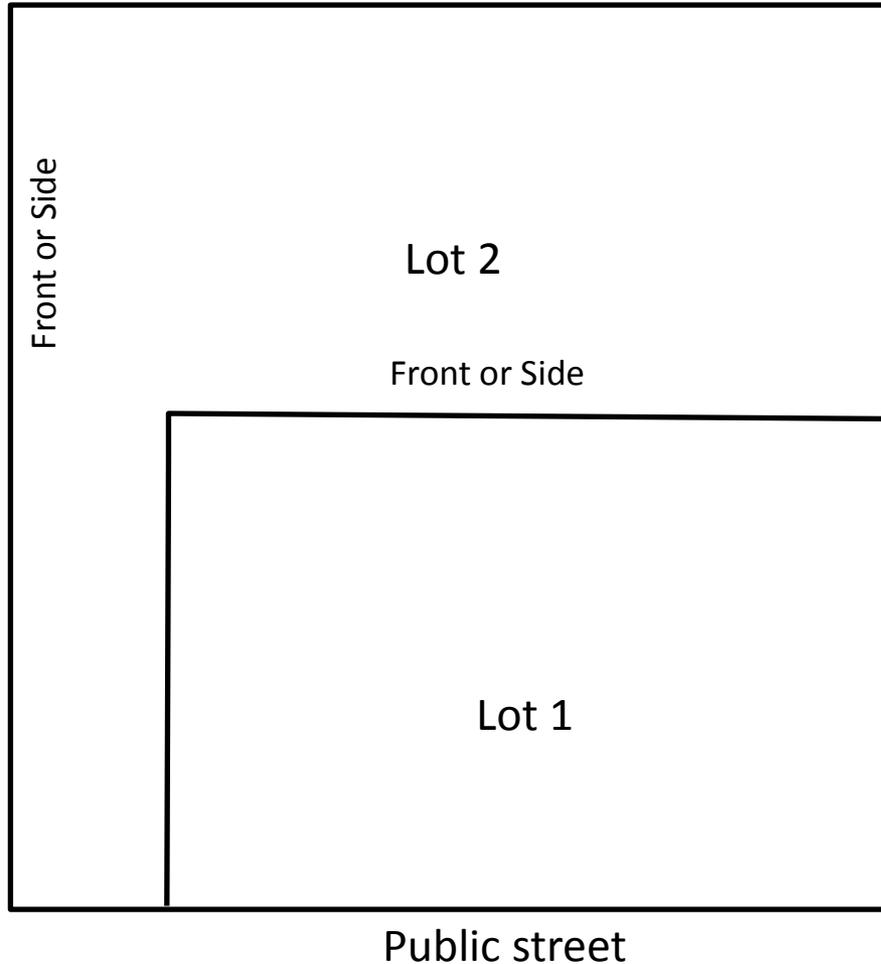
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Jurisdiction Comparisons – Lot Area of Panhandle/Access Easement

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	<p>“Lot Size” The total area of the subject property minus the area of <u>vehicular access easements</u> or tracts serving more than one (1) lot not abutting a <u>right-of-way</u>.</p> <p>Note: Shared access over two (2) requires a tract which would exclude the lot area.</p>
Edmonds	21.55.020 Definition:	<p>“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 <u>18.80.010</u>, 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.</p> <p>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.</p>
Mukilteo	Chapter 17.08 Definition:	<p>“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.</p> <p>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.</p>

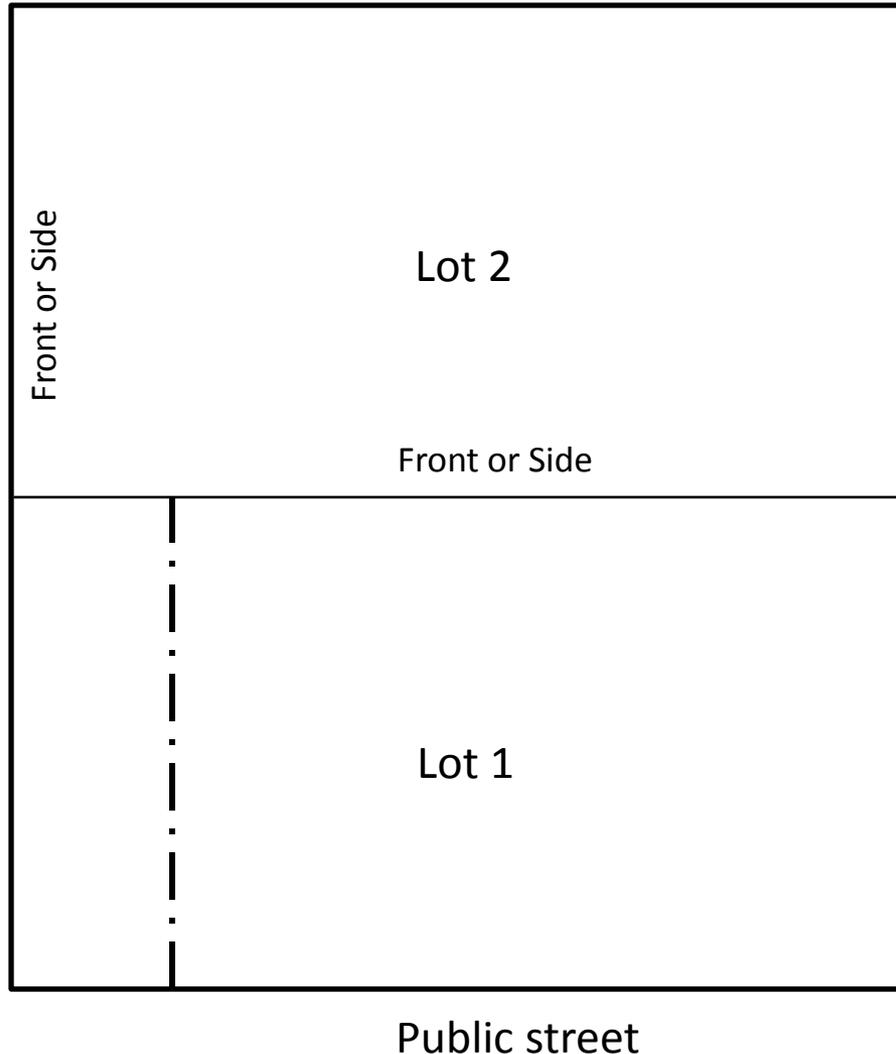
Bothell		Does not allow easements- due to fire access and maintenance concerns of those easements. Allows flag lots or tracts only. Flag lots can be calculated in the land area serving 1 lot. Adopted in Title 17 Public Works construction standards.
Shoreline	20.50.030 Lot width and lot area – Measurements.	<p>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.</p> <p>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.</p>

Flag Lots



- Each lot must meet min. lot size of applicable zone unless utilizing lot size averaging.
- 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 unless utilizing lot size averaging.
- Lot 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



Total Lot Size: 17,256 sq. ft.

Zoning: RS-8 (8,400 sq. ft. Min. lot size)



Lot utilizing a 20 foot access easement

Lot 1:
Lot Area: 124'D x 70' W (8,680 sq. ft.)
Building lot area: 40'W x 63'D (2,520 sq. ft.)

Lot2:
Lot Area: 122.5'D x 70'W (8,576 sq. ft.)
Building lot area: 54'W x 80'D (4,320 sq. ft.)



Panhandle Lot not utilizing lot size averaging.
 20 foot access panhandle

Lot 1:
 Lot Area: 171.5'D x 50'W(8,575 sq. ft.)
 Building lot area: 38'W x 121'D (4,598 sq. ft.)

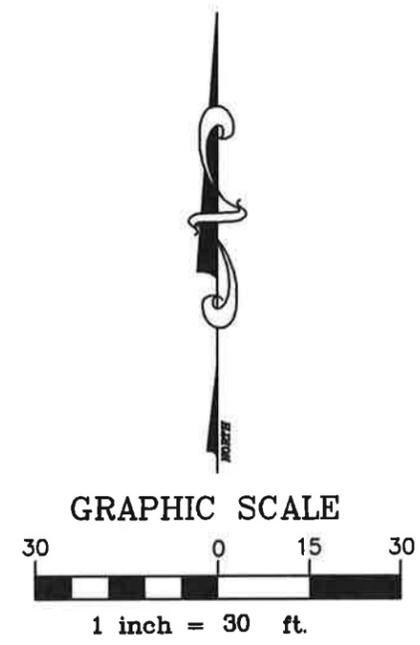
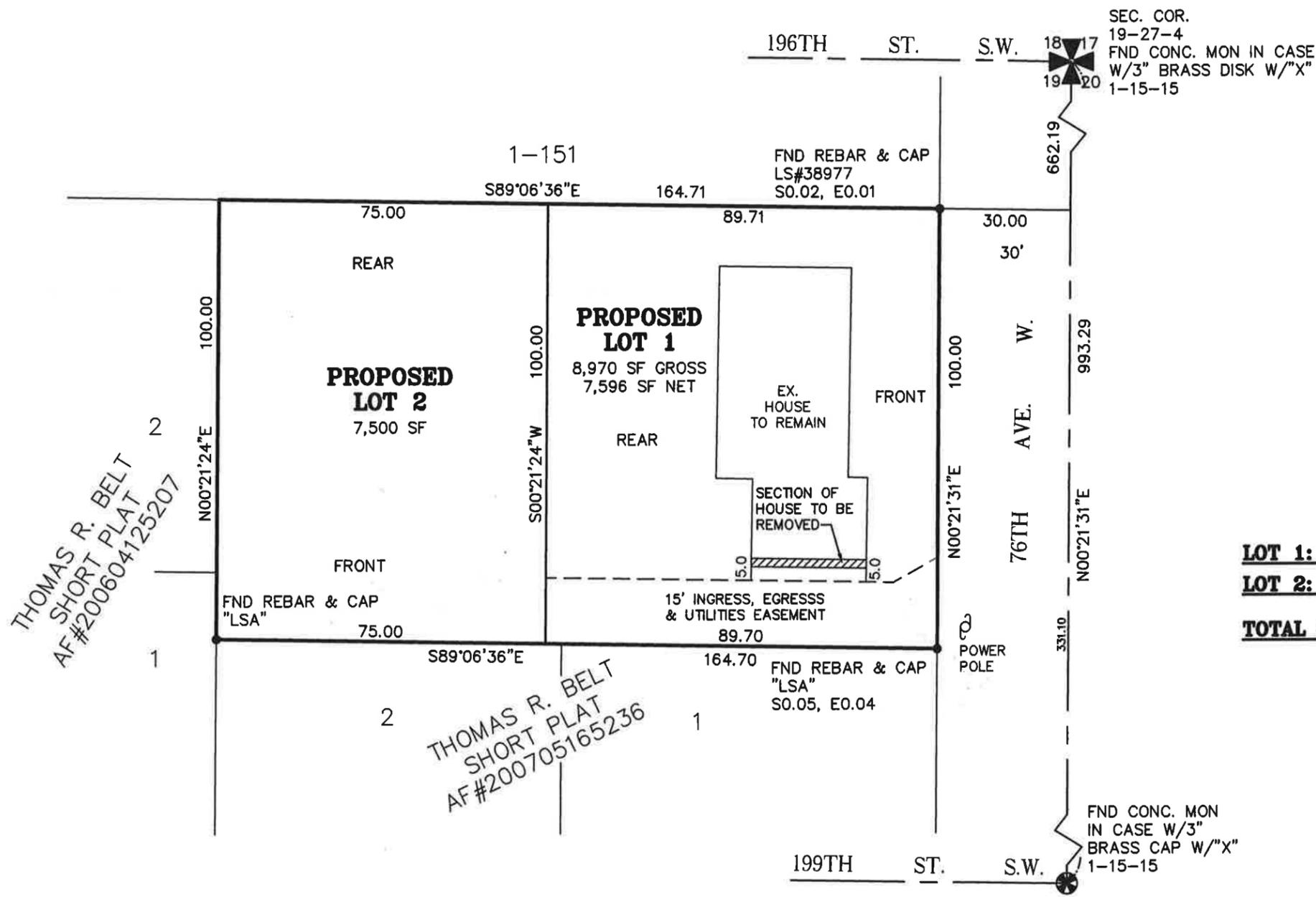
Lot2:
 Lot Area: (8,681 sq. ft.)
 Building lot area: 53'W x 33'D (1,749 sq. ft.)



Panhandle Lot utilizing lot size averaging. 20 foot access panhandle.

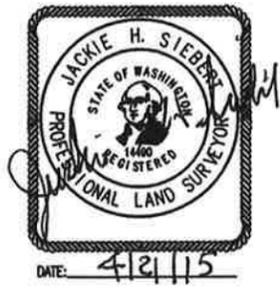
Lot 1:
Lot Area: 151.5'D x 50'W (7,575 sq. ft.)
Building lot area: 35'W x 98'D (3,430 sq. ft.)

Lot2:
Lot Area: (9,681 sq. ft.)
Building lot area: 55'W x 56'D (3,080 sq. ft.)



LOT 1:	8,970 SF GROSS	7,596 SF NET
LOT 2:	7,500 SF	
TOTAL SITE AREA:	16,470 SF (0.38 ACRES)	

LEGAL DESCRIPTION:
 THE NORTH 100 FEET OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 27 NORTH, RANGE 4 EAST, W.M., RECORDS OF SNOHOMISH COUNTY, WASHINGTON;
 EXCEPT THE WEST 1143 FEET;
 AND EXCEPT ROADS.
 SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.
 SUBJECT TO CONDITIONS, RESTRICTION AND EASEMENTS OF RECORD.



Tri-County Land Surveying Company
 4610 200th St. S.W. Suite A
 Lynnwood, Wa. 98036 (425)776-2926 Fax: 776-2850

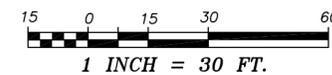
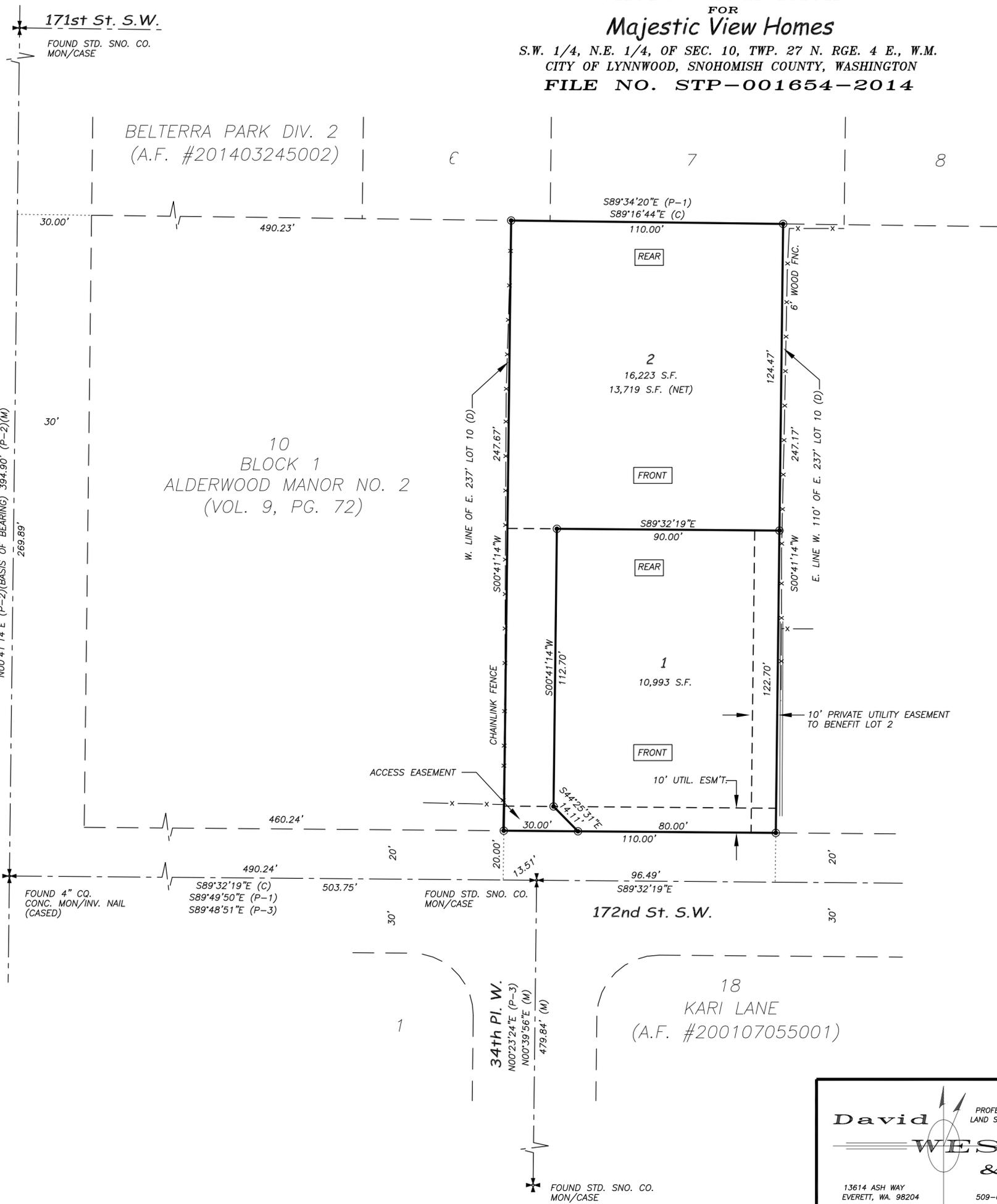
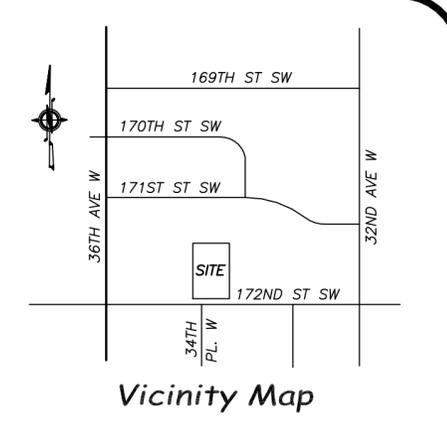
PROPOSED SHORT PLAT
 PARCEL NO. 27041900115200
 ZONING: RS-7
 WATER & SEWER: CITY OF LYNNWOOD
 DATE: JANUARY, 2015

Short Subdivision

FOR

Majestic View Homes

S.W. 1/4, N.E. 1/4, OF SEC. 10, TWP. 27 N. RGE. 4 E., W.M.
CITY OF LYNNWOOD, SNOHOMISH COUNTY, WASHINGTON
FILE NO. STP-001654-2014



Basis of Bearing:

NAD 83/91
BELTERRA PARK DIV. 2
(A.F. #201403245002)

Legend:

- ✦ EXISTING MONUMENT (AS SHOWN)
- SET 1/2" x 24" REBAR/CAP STAMPED "30442"
- (P-1) ALDERWOOD MANOR NO. 2 (V. 9/PG. 72)
- (P-2) BELTERRA PARK DIV. 2 (A.F. #201403245002)
- (P-3) KARI LANE (A.F. #200107055001)
- (C) CALCULATED DATA
- (M) MEASURED DATA
- (D) DEED DATA

Notes:

1. SOURCE OF WATER SUPPLY: ALDERWOOD WATER AND SEWER DISTRICT.
2. SOURCE OF SEWAGE DISPOSAL: ALDERWOOD WATER AND SEWER DISTRICT.

Equipment & Procedure:

LEICA TC 1100, 3 SECOND TOTAL STATION FOR FIELD TRAVERSE.
MONUMENTS VISITED AUG. 2014
PRECISION EXCEEDS STATE STANDARDS.
PER: W.A.C. 332-130-090.



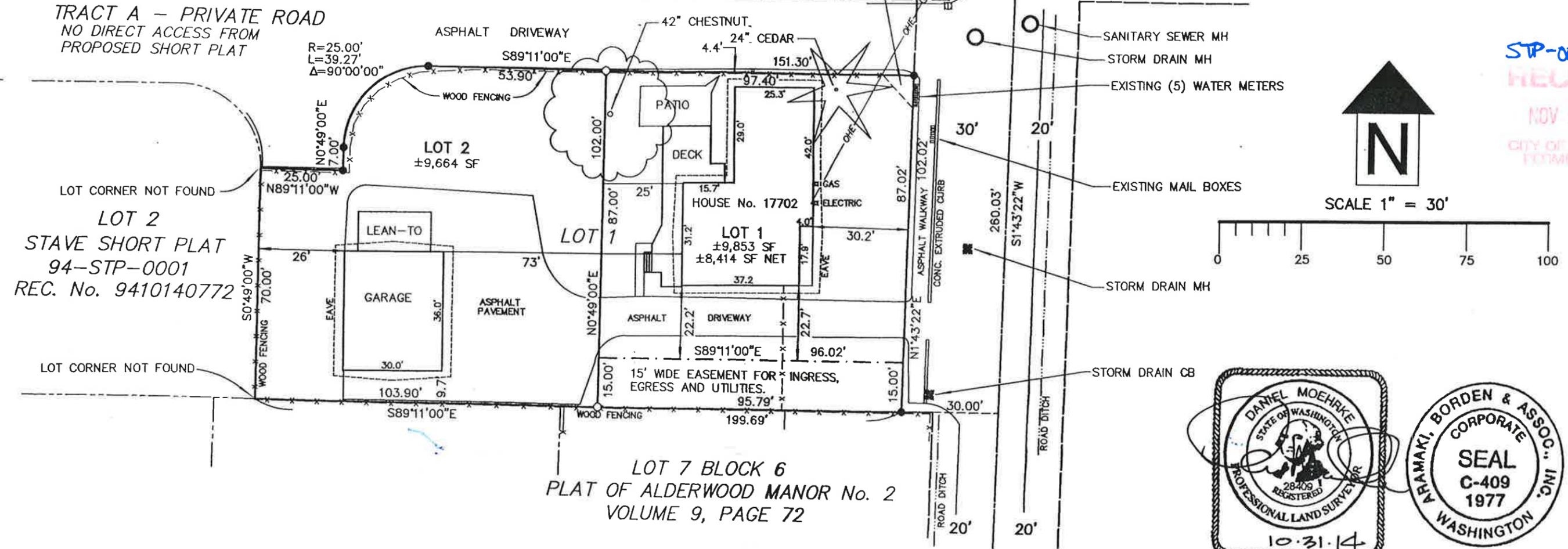
David WEST & Co.
PROFESSIONAL LAND SURVEYORS
13614 ASH WAY
EVERETT, WA. 98204
509-630-0783

A.F. #		
S.W. 1/4, N.E. 1/4, OF SEC. 10, TWP. 27 N. RGE. 4 E., W.M.		
Short Subdivision for Majestic View Homes		
DRAWN BY:	D.G.W. Jr.	DATE: 3/01/15
CHECKED BY:	D.G.W. Jr.	SCALE: 1" = 30'
		SHEET/OF: 3/3

LEGAL DESCRIPTION

LOT 1 OF CITY OF LYNNWOOD SHORT PLAT NUMBER SP 94-STP-0001, AS RECORDED OCTOBER 14, 1994 UNDER RECORDING NUMBER 9410140772, BEING A PORTION OF LOT 7, BLOCK 6 OF ALDERWOOD MANOR NUMBER 2, RECORDED IN VOLUME 9 OF PLATS, PAGE 72, RECORDS OF SNOHOMISH COUNTY AUDITOR;

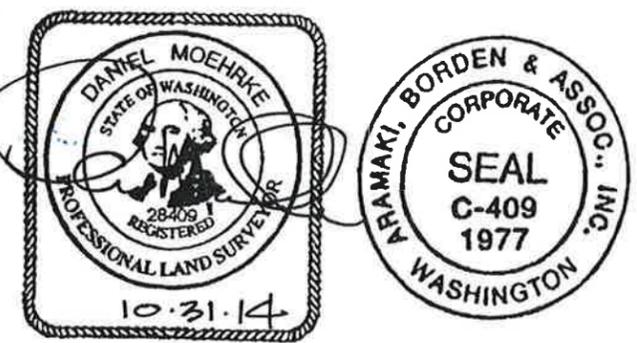
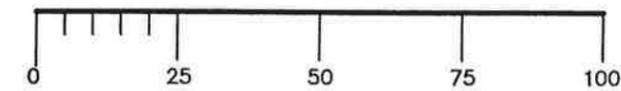
SITUATE IN THE CITY OF LYNNWOOD, COUNTY OF SNOHOMISH, STATE OF WASHINGTON.



STP-002263-2014
RECEIVED
NOV 18 2014
CITY OF LYNNWOOD
PERMIT CENTER



SCALE 1" = 30'



LAND SURVEYOR'S NOTES:

- MERIDIAN: STAVE SHORT PLAT 94-STP-0001
- BASIS OF BEARINGS: EXISTING LOT CORNERS PER SHORT PLAT
- TAX PARCEL NUMBER: 00372700600706
- LOT AREA: ±19,517 SQUARE FEET
- LYNNWOOD ZONING DESIGNATION: RS 8
- COMPREHENSIVE PLAN DESIGNATION: SF 1
- SEWER AND WATER PROVIDER: CITY OF LYNNWOOD

- INDICATES FOUND LOT CORNER
- INDICATES LOT CORNER TO BE SET UPON APPROVAL

PREPARED FOR DAVID COOPER PO BOX 55894 SHORELINE, WA 98155		ARAMAKI BORDEN AND ASSOCIATES, INC. 6141 NE BOTHELL WAY SUITE #304 KENMORE, WA 98028 TEL: 425-485-9711
DRAWN: DRM	DATE: 10-28-2014	PROJECT: 3414
CHECKED: TCS	SCALE: 1" = 30'	SHEET 2 OF 2

204TH ST. S.W.

01

N89°04'15"W 95.13

REAR

PROPOSED LOT 2
8,585 SF

FND CONC. MON
IN CASE W/BRASS
DISK & PUNCH
5-5-15

90.07

90.08

FRONT

S89°04'30"E 94.98

REAR

PROPOSED LOT 1
10,439 SF GROSS
8,237 SF NET

S01°21'20"E

200.16

110.09

N01°26'41"W

200.17

110.09

20'

20' INGRESS, EGRESS &
UTILITIES EASEMENT

40'

20

60TH AVE. W.

N01°15'51"W

1323.40

N89°04'15"W 94.81

FRONT

30'

FND CONC. MON
IN CASE W/BRASS
DOME W/"X"
5-5-15

S89°04'15"E 461.78

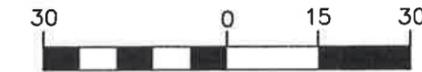
208TH ST. S.W.

RECEIVED

JUN 22 2015

CITY OF LYNNWOOD
PERMIT CENTER

GRAPHIC SCALE



1 inch = 30 ft.

LEGEND

- ⊗ FOUND MONUMENT AS DESCRIBED
- SET REBAR & CAP LS#14490



DATE:

BEST HARBOUR DEVELOPMENT LLC
SHORT PLAT NO.

ZONING: RS-8

WATER & SEWER: CITY OF LYNNWOOD

DATE: JUNE, 2015

LEGAL DESCRIPTIONS:

THE SOUTH 200 FEET OF TRACT 15, SANDER'S FIVE ACRE TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 6 OF PLATS, PAGE 50, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

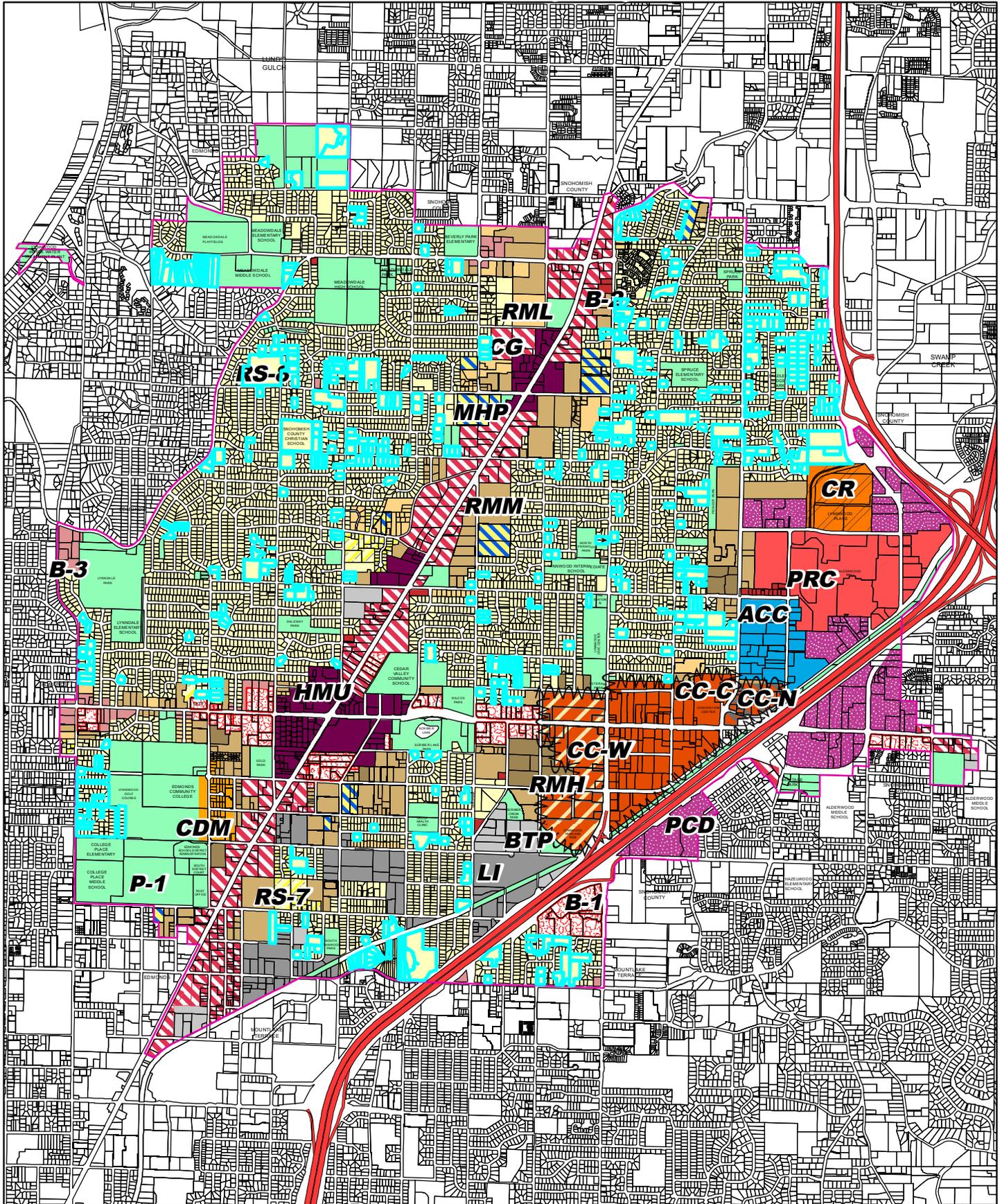
EXCEPT THE WEST 191.98 FEET AND THE EAST 40 FEET THEREOF. SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

NOTES:

1. THE 20 FOOT INGRESS, EGRESS AND UTILITIES EASEMENT IS FOR THE BENEFIT OF LOT 2 OF THIS SHORT SUBDIVISION. EACH LOT OWNER(S) WILL HAVE AN EQUAL AND UNDIVIDED ONE HALF INTEREST IN THE OWNERSHIP AND MAINTENANCE OF SAID EASEMENT.

LOT 1:	10,439 SF
LOT 2:	8,585 SF
TOTAL SITE AREA:	19,024 SF (0.44 ACRES)
AVERAGE LOT SIZE:	19,024 SF/2 9,512 SF

Tri-County Land Surveying Company
 4610 200th St. S.W. Suite A
 Lynnwood, Wa. 98036 (425)776-2926 Fax: 776-2850



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Excerpt – Planning Commission Meeting Minutes, June 25, 2015

Work Session 1. Code Amendment: Flag Lot Area Computation (CAM-002875-2015)

Title 19 – Zoning Code Amendment – Flag lot area

Associate Planner Michele Szafran introduced the proposed code amendment to allow greater flexibility with regard to the computation of a panhandle lot or access easement when serving no more than one lot not abutting a right-of-way. The proposed code amendment comes following a request initiated by the Master Builders Association. Currently Lynnwood Municipal Code prohibits the square feet of land contained in the panhandle or private access easements from being counted towards the minimum lot area. The majority of the remaining subdividable lands in Lynnwood are in these types of lots. There is a need for flexibility in order to allow for an increase of single family homes. Staff has researched how nearby jurisdictions (Kenmore, Kirkland, Edmonds, Mukilteo, Bothell, and Shoreline) address the issues and has summarized the findings in a comparison chart. Kirkland, Edmonds, and Bothell allow the computation for one additional user. Kenmore does not allow the area to be included in calculations. Mukilteo allows computation of panhandle as long as it's for private access. Shoreline allows it as long as the buildable site is provided outside of the easement area. She concluded that staff found the majority of cities allowed for the area to be calculated when the access area is being utilized for one lot. The proposed code amendment would meet the goal of preserving single family neighborhoods.

Commissioner Hurst asked if there is a pressing need for this. Director Krauss replied there are a significant number of lots that come in with this concern.

Commissioner Wojack expressed some concern that Master Builders was influential on the previous item too which increases the number of lot sizes. Director Krauss pointed out that this exception is for only one house. He explained that staff has met with Master Builders and others as part of business development efforts in the city and has compiled recommendations from staff as well as various entities. Now that the Comprehensive Plan is done staff has started working through the extensive fix-it list that Community Development has. This is why there are two on the same night from Master Builders.

Commissioner Braithwaite asked about a hypothetical situation where there would be adjacent panhandle lots. Director Krauss replied that conceivably they could have that situation, but dimensional requirements and other requirements would still come into play. He noted that these things tend to be self-limiting because of the size and shape of the lots. Commissioner Braithwaite also expressed concern about Master Builders' influence. He asked for staff comment about "regulatory capture" where the industry that is being regulated is driving the regulatory process. Director Krauss replied that anybody can make a proposal for staff to consider, but each idea has to stand on its own.

Commissioner Ambalada asked if the grandfather clause could be raised in any of these instances and property owners could not agree to them. Director Krauss said he didn't see how that would apply because these would be new applications. Commissioner Ambalada asked about potential objections by neighbors. Director Krauss commented that the City doesn't change codes just because neighbors don't like it. The objection would have to be substantial.

Commissioner Larsen commented that this could be the start of a lot of changes they will see in Lynnwood. He suggested they might systematically consider packages of changes that are tailored to the areas that make sense, aren't going to be very controversial, and would allow for higher density, without ending up like Seattle or San Francisco. Director Krauss commented that Lynnwood lots are two or three times the size of Seattle lots. He agreed that having an overall picture is a good idea. He noted that there is a large number of incremental changes that staff will be recommending in all aspects of the code. He stated he would bring the list for the Planning Commission to review. Commissioner Larsen said it seems like with this proposal the City is giving something for nothing. He asked what could be done for the people who would be impacted, albeit minimally, by this. He suggested they could set a percentage threshold beyond which the City wouldn't allow this to happen. Another idea would be to limit impact on surrounding properties with some formula. He also expressed concern that this would set a precedent for

substandard lot sizes in backyards which property owners would come to demand on the street side. Director Krauss clarified this does not allow substandard lot sizes in the backyard. It prevents needing to have oversized lots in the backyard. He thought the idea of a ratio on the flag would be interesting to look into. He expressed concern about putting more restrictions on these lots.

Commissioner Ambalada brought up a concern about the City of Lynwood having too many districts. Director Krauss commented that the number of districts hasn't really been a problem, but right now they are only talking about single family homes. There has not been any proposal to change the single family home districts. Commissioner Ambalada said she thought somebody was supposed to come to the neighborhoods to get an idea of what they want the neighborhood to look like. Chair Wright suggested that Commissioner Ambalada might be confusing neighborhoods and districts. Commissioner Ambalada agreed. She wondered if anyone had asked the neighborhoods what they want. Commissioner Hurst asked if Commissioner Ambalada meant that she wanted the neighborhoods to control what is being built. Chair Wright noted there are broader community design standards that aren't micro-organizing each neighborhood. Senior Planner Hall commented that each of the land use designations in the Comprehensive Plan discusses what each of those levels are. This gives an idea of the level of density that is expected in that zone.

Commissioner Larsen asked if staff is still thinking about putting together neighborhoods. Director Krauss replied it is one of the projects listed on the long fix-it list. The approach they would like to bring to it requires some funding. A business development plan was just adopted which also speaks to working with neighborhoods at various levels. As a result he thinks it will be done at some point, but he doesn't know when. Commissioner Larsen spoke to his experience and issues with in-fill development with a nearby city. He asked for assurance that the steps they are making won't take the City down a similar path. Director Krauss commented that staff is not talking about compromising on lot sizes, minimum building areas or anything else.

Chair Wright asked if the City has done any analysis to know how many lots this might impact. Staff replied they have not considered all the lots that have the potential to do it. Chair Wright asked if staff could do that for the next meeting so the Planning Commission has a better understanding of how this would impact single family housing. Director Krauss commented on the challenges with getting this information, but offered to provide addresses and information regarding flag lots that have come up in the last couple years. Chair Wright said he'd like to see both because it would create a range for the Commission to consider.

Commissioner Ambalada expressed appreciation for Master Builders' input and efforts to help the City's development, but urged caution about the City losing its identity, especially the neighborhoods.

Chair Wright emphasized that he requested an analysis simply because he needs information. He is not suspicious of the Master Builders intent; in fact, he is a former member. The Planning Commissioner needs the information so they can decide if this is the right direction for the community to go. Director Krauss indicated staff would try to come up information to assist the Planning Commission.

Commissioner Braithwaite asked if there are any issues associated with lots that have a private easement. Director Krauss replied there are not, but explained it could either be an easement or a fee title and a flag where the back lot owns the strip, and easement would be a permanently recorded property right. Commissioner Braithwaite thought that if it could be structured as access to a public right-of-way it might eliminate some issues he has heard of. Director Krauss commented that the ones he's seen problems with were done a long time ago when the easements were never properly recorded.

There was consensus among the Planning Commission to request staff to provide more information on this.

Square Footage Computation of Panhandle and/or Private Access Easements - Meeting Minutes Compendium

Excerpt – Planning Commission Meeting Minutes, August 13, 2015

Work Session 2. Code Amendment: Flag Lot Area Computation (CAM-002875-2015)

Work Session

1. Title 19 – Zoning Code Amendment – Square Footage Computation of Panhandle Access Areas – Title 19 LMC (Continuation) (CAM-002875-2015)

Michele Szafran, Associate Planner, explained this was a discussion of a proposed code amendment to allow the computation of a panhandle lot for access easement when serving no more than one additional lot from a right of way. This was initiated by a request from the Master Builders Association. Currently LMC prohibits the square footage of land contained in a panhandle or private access easement from being counted towards the minimum lot area. Staff has summarized how nearby jurisdictions address the issues in a comparison chart in the packet. Staff found the majority of the cities allow for the areas to be calculated when the access area is being utilized for one lot rather than multiple lots. Staff has provided additional exhibits to help with the discussion. The proposed code amendment would meet the goals of preserving single family neighborhoods by promoting greater flexibility for lot size and short plat design. Ms. Szafran then reviewed some examples and responded to previous questions.

Commissioner Jones spoke in support of keeping the minimum lot size, but expressed concern about going down the path of Seattle-type development. He commented that he likes bigger lots.

Chair Wright asked about the fire department's assessment of life safety issues related to the panhandle access. Associate Planner Szafran explained that the code requires a 20-foot minimum access area, but there is a provision which will allow it to be reduced to 15-feet. In that case, certain conditions such as sprinkling the back lot would apply. If it's over 150 feet they would have to provide a turnaround for the trucks. Chair Wright expressed concern about having too many of these around the city.

Commissioner Ambalada brought up concerns about the previous item on the agenda and said she wanted to make sure her comments about protecting mobile home parks were noted. Chair Wright indicated it could be addressed under Commissioner Comments. Commissioner Ambalada disagreed and stated her comments were relevant to this item.

Commissioner Braithwaite expressed concern about an apparent conflict in the code. He referred to section 3, 19.35.010, section 9, which completely excludes panhandles to be used in computation and section 4, 19.50.020, number 4, where panhandles *may* be used in certain situations. Ms. Szafran explained that the first example was referring to long plats; the second example refers to short plats. Commissioner Braithwaite asked about the minimum lot width. Ms. Szafran replied that it is 70 feet. Commissioner Braithwaite calculated that with the 20-foot driveway width and 5-foot setback on all sides, this would leave only 40-feet for the house.

Commissioner Wojack referred to new regulations regarding additional curb cuts in the Highway 99 zoning and asked if this was also a concern in single family residential zones. Arnold Kay, Public Works Development Services Supervisor, explained there is an access policy which tries to limit the closest of the driveways to each other with a minimum of 10 feet. Ideally they are either located at opposite ends of the lot or combined. Commissioner Wojack asked about ownership issues with the easement strip. Ms. Szafran explained that the lot owners would have an equal and undivided $\frac{1}{2}$ interest in the ownership and maintenance.

Commissioner Hurst referred to the color-coded map and asked if the blue lots are the ones that could potentially fall into the flag situation. Ms. Szafran confirmed this and noted that they were over 16,800 square feet. He asked how many lots could potentially be impacted. Planning Manager Hall mighthought the total number was around 400, but some of those would be removed because of other restrictions.

Commissioner Larsen spoke in support of waiting until just before the next Comprehensive Plan update to address this. He expressed concern about public access, the lack of parking, code enforcement, and social impacts. He noted there is no reason to rush into this.

Commissioner Braithwaite shared Commissioner Larsen's concerns. He also spoke in support of waiting on this. He noted there are other ways to look at having these larger lots redevelop such as parcel assemblage and plotting them out in a different manner. He suggested that they try to make it work well, and not just make it work.

Chair Wright generally agreed with Commissioner Braithwaite and Commissioner Larsen; however, he believes they need public testimony on it so he was supportive of taking it forward to a public hearing. There was general consensus to move this forward to a public hearing.

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**Topic: Parking Lot Ratios for
Elementary Schools (Edmonds
School District)**

Agenda Item: E.1

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

Staff Report

Staff Contacts: Michele Szafran, Associate Planner, Community Development

Summary

At the August 13, 2015 meeting, an agenda item was brought forth to discuss a code amendment to reduce the parking ratio requirements for elementary schools.

Action

None required.

Background

The purpose of this agenda item is to discuss a proposal from the Edmonds School District to reduce the required parking for elementary schools. Edmonds School District previously provided a traffic study completed by Gibson Traffic Consultants, Inc. and collected parking data from several elementary schools within the Edmonds School District (see August 13, 2015 packet).

Currently the City of Lynnwood Municipal Code requires one parking space per four student capacity. ("Capacity" means the designed capacity of the school, even if actual enrollment varies by year).

City staff researched how nearby jurisdictions address the elementary school parking ratios and summarized the findings in a comparison chart which included, Mill Creek, Mukilteo, Bothell, and Shoreline. Staff found that based on the findings, it may be reasonable to consider a code amendment to reduce the parking requirement for elementary schools similar to the City of Mill Creek requirements. However, at the August 13, 2015 meeting, some concerns were brought up by Commissioners, including having enough on-site parking especially during special events.

Previous Planning Commission / City Council Action

N/A

Adm. Recommendation

Allow for discussion about the revised Edmonds School District staff

Attachments

1. Meeting minutes excerpt from August 13, 2015 meeting. Additional information may be submitted by Edmonds School District staff at the meeting.

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Excerpt – Planning Commission Meeting Minutes, August 13, 2015

Work Session, Item E.2 – Parking Lot Ratios for Elementary Schools

Associate Planner Michele Szafran stated that the proposed code amendment would reduce the parking ratio requirements for elementary schools. Edmonds School District has provided a traffic study and collected parking data from several schools in the district which is included in the packet. Currently the City of Lynnwood requires one parking space per four students. Staff has researched how nearby jurisdictions address elementary school parking ratios and has summarized the findings in the attached comparison chart. Staff feels it is reasonable to consider a code amendment to reduce the parking requirements.

Chair Wright asked if there was anything in staff's report or the study that said the school district has taken into consideration the fact that they changed busing from ½ mile to a mile. This theoretically more than doubles the amount of students that have to commute by vehicle as opposed to walking. Ms. Szafran was not sure. Chair Wright commented that for Lynndale Elementary most of the parents park at Lynndale Park. He noted that this information also does not appear to address parents who are volunteering at school during the day. He asked what is actually driving the desire to reduce the amount of parking.

Planning Manager Hall replied there are jurisdictions nearby that have a lesser requirement for the parking for their schools than the City of Lynnwood does. The school district wants to have a similarity between the three jurisdictions that they serve. Planning Manager Hall referred to the Lynndale Elementary redevelopment project and noted that the school was approved for a shared parking agreement with Lynndale Park. The school district is hopeful that this will occur at other sites they are planning on redeveloping in the future.

Commissioner Larsen wondered what the ITE manual says. He acknowledged that Lynnwood's requirements are high, but spoke in support of erring on the side of more parking rather than less especially since there are many overflow event situations.

Commissioner Braithwaite asked what the rationale was for the current ratio of one spot per four students and when it changed. Planning Manager Hall replied that to his knowledge there hasn't been any change to the school parking ratios in quite some time. As far as how the standards are developed it's generally based on the community's best judgment. Commissioner Braithwaite noted that he drives his kids back and forth during the day and has noted that the parking lots at Beverly and Lynnwood Elementary are all full on a regular day. If there is a special event cars overflow to the neighborhoods and surrounding areas. Maybe 1 to 4 is a little aggressive, but the current ratios of 1 to 9 or 10 are not adequate either. He wondered if different metrics ought to be used to determine the ratio. He also noted that adequacy of drop off/pick up areas also impact the traffic and parking areas.

Commissioner Jones asked what the school district serves to gain by passing this. Staff was not sure, but suggested it could have to do with cost or better utilization of existing properties for school space versus parking. Planning Manager Hall suggested they invite the school district to come address this. Commissioner Jones replied that would be helpful.

Chair Wright emphasized the idea that our schools also serve as special event centers. To have less parking at the schools has a definite impact on the neighborhoods.

Commissioner Hurst commented on the safety impact of too few parking spots in areas that are also lacking adequate sidewalks. Planning Manager Hall explained that the City works with the school district to get sidewalks in place where they are lacking.

Commissioner Wojack also requested more information from the school district. He noted that the study looks at the first hour of school, but volunteers aren't usually even allowed at school at that time. He also agreed that schools are important for hosting community events.

There was consensus to invite the school district in to explain why this is important to them.