

AGENDA
Lynnwood Planning Commission
Meeting
Thursday, July 14, 2016 — 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. June 23, 2016 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. WORK SESSION TOPICS

1. Traffic Impact Fee Deferral Ordinance (Public Works)

E. PUBLIC HEARINGS

1. Code Amendments to Chapters 21.44, 21.57, and 21.58 LMC & Text Amendment to the Economic Development Element of the Comprehensive Plan (CAM-003953-2016)
2. College District Comprehensive Plan Amendments and Rezone (CPL-003757-2016, RZN-003759-2016)

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
June 23, 2016 Meeting**

Commissioners Present:	Staff Present:
Chad Braithwaite, Chair	Paul Krauss, Comm. Devt. Director
Robert Larsen, First Vice Chair	Todd Hall, Planning Manager
Michael Wojack, Second Vice Chair	Ngan Ha Yang, Public Works
Maria Ambalada	Jeff Elekes, Deputy PW Director
Doug Jones	
Richard Wright	
Shanon Tysland	
	Other:
Commissioners Absent: None	Councilmember George Hurst

Call to Order

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

Approval of Minutes

1. Approval of Minutes of the May 12, 2016 Meeting

Motion made to approve the May 12, 2016 Planning Commission minutes. Commissioner Larsen pointed out that on page 4, Senior Planner Hall should be corrected to Planning Manager Hall. Motion passed unanimously (7-0).

2. Approval of Minutes of the May 25, 2016 Joint Board and Commission Meeting

Motion made by Commissioner Ambalada, seconded by Commissioner Larsen, to approve the May 25, 2016 Joint Board and Commission Meeting Minutes as presented. Motion passed (5-0) with two abstentions of commissioners who were not present at that meeting.

Citizen Comments

None

Work Session

1. 2017-2022 City of Lynnwood TIP

Deputy Public Works Director Jeff Elekes introduced this item. Ha Yang from Public Works presented a map of the projects and three documents showing the

1 project list with the associated costs presented in three different ways. One
2 document showed the annual cost for the list of projects from 2017-2022. One
3 document showed the summary of the planned revenue and expenditures of the
4 project list. The final document showed the breakdown of the anticipated revenue
5 sources. There are 7 programs, 2 studies and 27 projects on this year's list. The
6 projects are grouped into six categories including: Recurring Annual Programs,
7 New/Expanded Roads, Non-Motorized, Intersection Improvements, Center, and
8 Miscellaneous. She reviewed projects completed last year, projects in design,
9 and projects in construction as listed in the Staff Report.

10
11 Deputy Director Elekes reported that the 196th Street project is essentially a fully-
12 funded project. The State awarded Lynnwood \$15 million from the Connecting
13 Washington funds that the legislature put together last year. Later in the fall, the
14 City received \$5 million from the Transportation Improvement Board. That project
15 is essentially 95% funded by outside sources, which is a rarity. The 36th Avenue
16 project received \$721,000 in grant funds from some leftover countywide funds
17 that became eligible. This spring the City was awarded another \$3 million
18 towards the \$10 million needed for the construction phase of 36th Avenue West.
19 Finally, Lynnwood competed regionally and one of the City Center projects (42nd
20 Avenue from 198th to 200th) received grant funding for the design phase of the
21 project in the amount of \$1.3 million. Because of the planning work that the City
22 has done in partnership with all the departments and all the different plans,
23 Lynnwood is a regional model and a regional competitor for many transportation
24 projects.

25
26 Questions:

27
28 Commissioner Jones asked if this overlaps at all with the road improvements
29 associated with the light rail. Deputy Director Elekes discussed the relationship.
30 He explained that the planning activities associated with the light rail resulted in a
31 Street Master Plan. As a result of the Street Master Plan projects such as the
32 Poplar Way Overcrossing, 196th, 42nd Avenue were developed as key minimum
33 mitigation street requirements. The City is beginning to get funding for a portion
34 of those. There is other planning work going on wrapped around transit-oriented
35 development planning efforts and a federal grant that the City recently received
36 to help focus transit-oriented developments closer to and around the City Center
37 in recognition of the fact that light rail is coming to Lynnwood by 2023.

38
39 Commissioner Wojack asked what the \$15 million grant for 196th would be used
40 for. Deputy Director Elekes replied that the 196th project is for a project from 48th
41 Avenue to 36th Avenue. The key feature is widening, adding a new lane, putting
42 in a center median, and acquiring all the necessary right-of-way. Commissioner
43 Wojack asked if the Hilton Garden Inn at the corner of 36th and 196th had been
44 considered in this. Deputy Director Elekes replied it had been accounted for
45 ahead of time, but noted it might look a little goofy until the City's widening
46 project is done. Commissioner Wojack commended staff for their work.

1
2 Commissioner Ambalada congratulated staff for having this organized plan each
3 year. Deputy Director Elekes emphasized that it is a team effort citywide and the
4 work of multiple departments.

5
6 Commissioner Larsen said he was happy to see such an east-west pedestrian
7 migration going on at 204th between Highway 99 and the college. He
8 recommended looking into connecting the park and ride, and potentially the light
9 rail, to the college to complete this connection for students. Deputy Director
10 Elekes replied that is under consideration with relation to Sound Transit's
11 mitigation projects. Staff is working collaboratively with Sound Transit to identify a
12 quarter-mile or half-mile walk shed to the transit station. There is a barrier with
13 Scriber Creek, but there may be other connection points that can be explored to
14 get across that and then connect it for pedestrians.

15
16 Chair Braithwaite complimented staff on providing the anticipated revenue sheet
17 as this is one of the things he was asking about last year. The way the
18 documents are set up is very helpful. Deputy Director Elekes commented that
19 staff endeavors to make the TIP better and more useful each year. Chair
20 Braithwaite spoke in support of enhancing pedestrian safety along the stretch of
21 Highway 99 between 176th and 188th. This project doesn't have any funding yet,
22 but it would be great to see something there before somebody gets injured.
23 Deputy Director Elekes reminded the commissioners that staff is doing the best
24 they can with the limited funding sources available. Unfortunately sometimes
25 projects roll from cycle to cycle until monies become available through a grant or
26 partnership or new revenue sources are sought. The Transportation Benefit
27 District Board has put a resolution and plan to have a ballot measure this fall for
28 additional transportation funding as part of this plan.

29
30 *Commissioner Larsen moved to pass the 2017-2022 Transportation*
31 *Improvement Plan to City Council for approval with compliments to staff. The*
32 *motion was seconded and passed unanimously (7-0).*

33 34 **Public Hearing**

35 36 1. 2016 Comprehensive Plan Amendments & Rezones

37
38 Planning Manager Todd Hall stated that staff would be presenting 6 of the 11
39 Comprehensive Plan Amendments that were on the Proposed Amendment List
40 (PAL) for a public hearing as required by code. The remaining 5 item will be
41 coming in a second batch later. The following items were reviewed:

- 42 • Human Services Element Comprehensive Plan Amendment
- 43 • Open Door Baptist Church Comprehensive Plan Amendment and Rezone
- 44 • Lexus of Seattle Comprehensive Plan and Rezone
- 45 • Triton Court Comprehensive Plan Amendment and Rezone
- 46 • Trinity Lutheran Church Comprehensive Plan Amendment and Rezone

- Introduction and Land Use Element Comprehensive Plan Amendment

Planning Manager Hall reviewed the background and proposed timeline for the amendment process.

Human Services Element Comprehensive Plan Amendment

This was drafted by Senior Planner Chanda Emery with the assistance of Director Krauss. This is the creation of a new Human Services Element of the Comp Plan. The Element supports the newly created Human Services Commission to provide the framework of goals and policies that are supportive of the city's efforts in facilitating funding and improving the delivery of human services to the residents of Lynnwood.

Open Door Baptist Church Comprehensive Plan Amendment and Rezone

This is a privately-initiated amendment to the Future Land Use Map and a concurrent rezone. The change to the Land Use Map is for the vacant church-owned parcel north of the church from Community Commercial (CC) to Medium Density Multi-Family (MF-2). The Zoning Map change is from Limited Business (B-2) to Multiple Residential Medium Density (RMM). The applicant is proposing the potential for future multi-family housing.

Lexus of Seattle Comprehensive Plan and Rezone

This is a privately-initiated amendment for the Future Land Use Map and rezone. This would change the designation of the parcel west of the existing dealership from Medium Density Multi-Family (MF-2) to Highway 99 Corridor (H99). The zoning map change would be from Multiple Residential Medium Density (RMM) to General Commercial (GC).

Triton Court Comprehensive Plan Amendment and Rezone

This is a privately-initiated amendment for the Future Land Use Map and a concurrent rezone. This would change the designation of the parcel from Medium Density Multi-Family (MF-2) to Mixed Use (MU). The zoning map change would be from Multiple Residential Medium Density (RMM) to College District Mixed Use (CDM). This would allow the future potential for a mixed use building including retail, office, student housing, and parking.

Trinity Lutheran Church Comprehensive Plan Amendment and Rezone

This was initiated by city staff, Gloria Rivera, to amend the Future Land Use Map to change the designation of 13 parcels, 11 of which are church-owned. A rezone is also proposed. This would allow the church to engage in a broader range of uses accessory to the church including non-profit offices, youth assembly areas,

1 etc. This would support the development of a South Snohomish County
2 Neighborhood Services Center sponsored by the Volunteers of America Western
3 Washington. The rezone would rezone four parcels to the Highway 99 Mixed Use
4 (HMU) zone which is currently zoned for most of the parcels on the site already.

5
6 Introduction and Land Use Element Comprehensive Plan Amendment

7
8 This is a staff-initiated text and map amendment to the Introduction and Land
9 Use Element of the Comp Plan. It would revise language and maps regarding the
10 gap area of the Lynnwood MUGA that was previously not claimed by the cities of
11 Mukilteo or Lynnwood. It would also revise the Future Land Use Map and the
12 Land Use Element to remove "Draft" from the map.

13
14 Planning Manager Hall stated that staff is recommending that all amendments be
15 recommended for approval. He recommended that the Planning Commission
16 open the Public Hearing to accept public testimony on the proposed
17 amendments and then deliberate and make any recommendations for the City
18 Council following the hearing.

19
20 Chair Braithwaite opened the public hearing for public testimony at 7:27 p.m.

21
22 Carlin McKinley, PO Box 2358, Lynnwood, WA 98036, stated she is in the
23 Lynnwood MUGA area which she is very pleased about. She asked for
24 clarification about something she thought was happening on July 14. She stated
25 she owns a charming piece of property right next to the Triton Court on 198th
26 Place SW which contains 36 very well-kept houses (Carriage Gardens). She
27 would hate to see large, tall buildings surrounding the cute little neighborhood
28 because it would block sun and light from coming into the neighborhood. She is
29 very hopeful that a rim around the 198th Place development could possibly be
30 lower (such as 30 feet) so that there could still be daylight coming into the
31 neighborhood. She urged the Planning Commission to take this neighborhood
32 that is well-loved and well-cared for into consideration.

33
34 John Resha, 19037 – 47th Place, Lake Forest Park, President of the Trinity
35 Lutheran Church Council, spoke in support for the Comprehensive Plan
36 Amendment and Rezone and expressed appreciation to staff who has been so
37 helpful. He noted that this amendment would help address the really awkward
38 split zoning the church has on its properties.

39
40 Dennis Derickson, 1114 Olympic Avenue, Edmonds, WA 98020, stated he is a
41 member of Trinity Lutheran Church and has served on various committees of the
42 church to try to determine the best use of underutilized property parcels over the
43 last seven or eight years. The church is very excited about the partnership with
44 the Volunteers of America of Western Washington. They hope this will result in
45 the construction of the South County Community Resource Center which would

1 be of immense value to citizens of all ages in the greater Lynnwood area. He
2 praised staff's work on this project and spoke in support of the Staff Report.

3
4 Bonnie Sharp, 4226 Stone Ridge Way, Lynnwood, WA 98037, stated she lives
5 across the street from the Open Door Baptist church and asked if they are going
6 to put in another driveway or if they will be using the main entrance and exit that
7 they use now for church. If they add another driveway it would be right across the
8 street from where she enters her development. She also asked if it was low
9 income housing. Director Krauss stated there is no specific development
10 proposal yet for this Comprehensive Plan Amendment so staff does not know the
11 details yet.

12
13 Katie Lee, 19318 Richmond Beach Drive, Shoreline, WA, stated she owns a
14 property next to Trinity Lutheran Church. She stated she is trying to find out
15 exactly what they are planning to build in the area because it will affect her
16 development of the property next to it.

17
18 Albert Gosiak, 3410 Dry Hollow Lane, The Dalles, OR, stated he is the Trustee
19 for the 1948 Strickland Trusts which owns the property that Gourmet Latte is
20 located on next to Trinity Lutheran. He stated he did not receive notice of this
21 hearing or any of these proceedings. He heard about it in an email he received
22 from the owner of Gourmet Latte. He is surprised that his property is being
23 rezoned as this is the first he has heard of it. He was aware that the church was
24 going for a rezone, but had no idea it applied to him.

25
26 Gwen Rogers, 11401 3rd Avenue SE, Everett, WA, stated he is representing
27 Habitat for Humanity who is the west neighbor of the property that Open Door
28 Baptist Church is trying to get rezoned. He expressed support of his organization
29 and their board of directors for that to occur.

30
31 Seeing no additional speakers, the public testimony portion of the public hearing
32 was closed at 7:37 p.m.

33
34 Commissioner Deliberations:

35
36 Commissioner Larsen asked Albert Gosiak if he had a chance to look at the
37 proposal and if he had an opinion on it. Mr. Gosiak said he had no idea there
38 would be any impact on his property so he doesn't know what the rezone will
39 allow or not allow. Commissioner Larsen asked if he is on the list now. Mr.
40 Gosiak replied that he is. He is looking forward to hearing what the potential
41 benefit or adverse impact on his property will be.

42
43 Director Krauss commented that the mailing list is generated by the county
44 records on the GIS system that the City has. The City also puts up signs in the
45 area. He is not sure why the owners of the property weren't given notice. He
46 apologized for the omission and said he will meet with the owners of the

1 property. Generally speaking the change to Highway 99 Zoning and Comp Plan
2 actually increases the number of uses and flexibility for development. The
3 existing hodgepodge of zoning around his property is very confusing and makes
4 it difficult to develop much of anything in a consistent way. Also, it is important to
5 note that this is the first step in a long process. This is the first of two batches of
6 Comprehensive Plan Amendments that will come through the Planning
7 Commission. The second half will be in several months with another hearing, and
8 then everything will go to the City Council where there will be another hearing on
9 everything sometime in early October. There will be plenty of opportunities for
10 questions to be raised and answers to be provided.

11
12 Commissioner Wojack referred to the Triton Court amendment and asked about
13 height limits and setbacks for multiuse. Director Krauss replied that the zoning in
14 the area today and for at least the last 12 years has a 50-foot height limit so there
15 is no change being proposed with the Mixed Use zoning. The zoning has more
16 impact on the kinds of uses or the flexibility of building multiple uses on the same
17 property. He noted that there would be another amendment related to the
18 College District amendment coming forward later which includes not only Triton
19 Court, but all the properties around it. Senior Planner Rivera noted that with the
20 proposed College District amendment there will be a proposed landscape buffer
21 between College District Mixed Use and other developments.

22
23 Chair Braithwaite asked if the City actually has a written agreement now with
24 Mukilteo. Director Krauss replied that there is a written Interlocal Agreement and
25 a Joint Request to Snohomish County for Snohomish County to adjust their
26 MUGA map to recognize the line for future annexations where both cities agree it
27 should be. Chair Braithwaite referred to the Trinity Lutheran Church rezone
28 where the church owns 11 of the 13 parcels. He noted they now know the owner
29 of one of the parcels, but asked if the City is certain they have contacted the
30 other owner. [response inaudible – microphone off – something about 12 and
31 13].

32
33 Commissioner Wojack asked about the zoning to the north of 194th. Director
34 Krauss replied that just the south side of 194th is included in this zoning. The
35 north side was recently approved by the City for construction of townhouses.
36 Commissioner Wojack referred to the five criteria used in the review and
37 approval of proposed plan amendments on page 24. He pointed out that for the
38 Human Services Element none of these criteria can be answered so he
39 wondered why it was included in this list. Director Krauss commented that the
40 Elements are the chapters in the Comprehensive Plan. The Growth Management
41 Act (GMA) mandates certain chapters. Others are optional. This would just
42 create a new optional Element dealing with Human Services.

43
44 Commissioner Larsen commented that homelessness and drug problems are
45 common topics these days. He noted that some churches in the community such
46 as Open Door Baptist Church and Trinity Lutheran Church have taken it upon

1 themselves to provide services and housing for people in need. He hopes there
2 is a connection between those churches and the Human Services Commission.
3 Director Krauss noted that Lynnwood finds itself in the position of being a
4 pacesetter in the human services area. With the exception of Everett, Lynnwood
5 is the only city that has tackled human services and had a direct response to
6 homelessness, but other cities are starting to look at that. There is a comparable
7 effort going on with affordable housing. Lynnwood was instrumental in creating
8 AHA (Association for Housing Affordability) which was created out of frustration
9 that the GMA says we are supposed to set targets for affordable housing, but
10 doesn't provide any tools to actually make any affordable housing or to
11 encourage it or preserve it. The City is trying to make the next step which is
12 patterned after a King County group called ARCH. The Homelessness
13 Prevention Project that the City Council funded, in partnership with the YWCA,
14 takes people out of homelessness and into transitional and permanent housing.
15 The Human Services Commission is looking to build on that. He agreed with
16 Commissioner Larsen's comments about the City's faith community and noted
17 that the City is very fortunate.

18
19 Commissioner Wojack asked if outside and partner groups such as churches get
20 funding from the City of Lynnwood. Director Krauss replied that is a possibility if
21 the Council gives the Human Services Commission some funding. They are
22 looking at a grant program to help agencies working in the community. He
23 stressed that the idea is not to reinvent the wheel, but to work with agencies and
24 programs already serving the community. The Human Services Commission has
25 invited many agencies in and more will be included. Commissioner Wojack asked
26 if there are any parameters for helping people (such as residency) if city money
27 is being used. Director Krauss replied that typically there are not. In order to
28 protect confidentiality, agencies won't give out information about who they are
29 serving and where they are from. On the other hand, they do verify in different
30 ways that they are meeting the local need. He reviewed ways that referrals are
31 used between agencies and communities. The City is starting to build a network
32 to make referrals and get people services that they need.

33
34 Commissioner Jones remarked that the homeless problem is migrating north. He
35 noted that churches do a great job of providing money to serve homeless. He
36 asked what the City is doing to mitigate the tent cities that could pop up in non-
37 profit organizations' parking lots or in other areas of the city. Director Krauss
38 replied that the homelessness problem is not just the people you see living in the
39 Jungle and under the highway. There are over 400 kids in the Edmonds School
40 District that are homeless who live in cars, motels, on couches, etc. This is a
41 pervasive problem that the City is trying to deal with in all forms. An ordinance
42 was adopted to work with tent cities should they want to locate here, but they
43 have not been asked to do so. There are some problems with people in the
44 woods. The police have been sent in in some cases. The homeless advocate
45 from the YWCA has also been used to see if some of those people could get
46 services and an ability to move elsewhere.

1
2 Commissioner Ambalada asked what happened to the provision that unless we
3 reach a population of 50,000 the city cannot get funding from federal and state
4 government. Director Krauss said she was referring to the GMA growth target
5 that Lynnwood and every other city has been assigned. That is still there, but it's
6 not that the City has to achieve 55,000 people. If people want to live in
7 Lynnwood, and developers want to build in Lynnwood, then the City has to be
8 able to accommodate that. The City's plan does do that, and it does it while
9 preserving single-family neighborhoods by encouraging higher density housing in
10 City Center, around the mall, or on Highway 99. Commissioner Ambalada asked
11 when the annexation is going to occur. Director Krauss explained that they will
12 wait until something is worked out with Fire District 1.

13
14 *Commissioner Wright moved to forward the Human Services Element of the*
15 *Comprehensive Plan to the City Council with a recommendation for approval.*
16 *The motion was seconded and passed unanimously.*

17
18 *Commissioner Wojack moved to forward the Open Door Baptist Church*
19 *Comprehensive Plan Amendment and Rezone to the City Council with a*
20 *recommendation for approval. The motion was seconded and passed*
21 *unanimously.*

22
23 *Commissioner Jones moved to forward the Lexus of Seattle Comprehensive*
24 *Plan and Rezone to the City Council with a recommendation for approval. The*
25 *motion was seconded and passed unanimously.*

26
27 *Commissioner Wojack moved to forward the Triton Court Comprehensive Plan*
28 *Amendment and Rezone to the City Council with a recommendation for approval.*
29 *The motion was seconded and passed unanimously.*

30
31 Chair Braithwaite asked staff about postponing recommendation of the Trinity
32 Lutheran Church Comprehensive Plan Amendment and Rezone until the second
33 tranche in light of the fact that the owner didn't get a notice. Director Krauss
34 replied that would be fine, but clarified that they are all going to end up in front of
35 the Council at the same time. Planning Manager Hall stated his proposal was to
36 approve this batch. It was staff's intention to have this first round of privately-
37 initiated proposals get approved so that the applicants of these particular
38 amendments can move forward with their proposals. The second batch includes
39 some larger items that needed extra time such as Kid City, the Parks Element
40 and the College District. It is not known when those will get through the Council.
41 He noted that Gloria Rivera was speaking with the property owner right now.
42 Planning Manager Hall also gave him his business card so he can reach him
43 tomorrow. He pointed out that in terms of the mailing and notice, the City goes
44 above and beyond the code requirements.

45

1 *Commissioner Wright moved to forward the Trinity Lutheran Church*
2 *Comprehensive Plan Amendment and Rezone to the City Council with a*
3 *recommendation for approval. The motion was seconded and passed*
4 *unanimously.*

5
6 *Chair Braithwaite moved to forward the Introduction and Land Use Element*
7 *Comprehensive Plan Amendment to the City Council with a recommendation for*
8 *approval. The motion was seconded and passed unanimously.*

9 10 **Council Liaison Report**

11
12 Councilmember Hurst had the following comments:

- 13 • It's good to see a fully functional Planning Commission consisting of all
14 seven commissioners.
- 15 • The Association of Washington Cities is having its state conference up in
16 Everett. The overriding concern is the effect of the Supreme Court
17 decision regarding fully funding education. It is important to inform the
18 state legislature that we really don't want to have a decrease in funding to
19 the cities.
- 20 • The budget process is going on. He encouraged the Planning Commission
21 to direct any concerns or suggestions to Director Krauss.
- 22 • On Monday the City Council will consider an Interlocal Agreement for
23 consolidation of administrative functions between Snohomish County Fire
24 District 1 and the Lynnwood Fire Department.

25 26 **Director's Report**

27
28 Director Krauss had the following comments:

- 29 • The College District Comp Plan Amendment neighborhood meeting was
30 held Tuesday night in conjunction with Edmonds Community College. It
31 wasn't very well attended even though 2000 notices were mailed out, but
32 they did get to speak to some folks who have an interest in that area and
33 got some good comments.
- 34 • The City is in the midst of a new budget process based on Budgeting for
35 Outcomes. It's very interesting, but also a lot of work. He briefly reviewed
36 the new process.
- 37 • He reported on two very well attended meetings that were held at the
38 Convention Center since the last Planning Commission.
- 39 • The City learned that Alderwood Mall is going to do another
40 expansion/renovation of the mall. They are proposing to remove the
41 existing Sears store and build a much smaller Sears store and then add a
42 number of buildings that are pedestrian and street-oriented in that area.
- 43 • The City is proposing to do a plan for South Lynnwood which is the area
44 west of City Center, south of 196th Street and east of Highway 99. This
45 area includes a hodgepodge of single family neighborhoods, multifamily
46 developments of various qualities, light industrial area, some mobile home

1 parks, and some commercial properties. It's the highest need/lowest
2 income area in the city. Staff wants to do an intensive planning effort with
3 the people who live, work, and own property there to accommodate
4 concerns and issues that they raise. This will be a joint effort of about five
5 city departments coming together under the Community Health and Safety
6 Initiative.

- 7 • He and David Kleitsch were invited to give a presentation to the Puget
8 Sound Regional Council regarding the *Lynnwood Story*. The group was
9 excited to hear about all the things that Lynnwood has been planning for
10 intensively for the last 10-12 years that are starting to happen.

11 **Commissioners' Comments**

12 Chair Braithwaite welcomed Shanon Tysland to the Planning Commission.
13

14 Commissioner Jones asked about putting a light at 180th on Highway 99. He
15 noted that this is in a stretch of Highway 99 where people cross daily. It is only a
16 matter of time before someone gets hurt. Director Krauss agreed and suggested
17 they could ask Deputy PW Director/City Engineer Jeff Elekes to respond to the
18 Planning Commission. Chair Braithwaite pointed out that it is on the TIP as item
19 48. It has a budget of \$587,000 with zero committed. Director Krauss commented
20 that the TIP contains a lot of projects, but relatively little in the way of identified
21 funding. It is very useful for receiving grant funding though. Chair Braithwaite
22 commented he has been bringing this up annually for a few years. He
23 acknowledged that it would be very expensive to put an intersection in this area
24 and would take some engineering. Commissioner Wright referred to the need for
25 a mid-block crossing somewhere on 176th between 44th and Highway 99 because
26 there are many people who cross to and from the apartments there.
27
28
29

30 Commissioner Larsen said he attended a very interesting meeting last week
31 where he learned that Lynnwood is one of three cities in the nation that is getting
32 grant money to make it a more livable community with better access. It's a very
33 interesting opportunity for the City. Director Krauss discussed the Federal
34 Transportation Administration (FTA) grant which was pursued by Dustin Akers in
35 the Economic Development Department.
36

37 **Adjournment**

38
39 The meeting was adjourned at 8:33 p.m.
40
41
42

43 _____
44 Chad Braithwaite, Chair

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Topic: Transportation Impact Fee –**Deferred Payment**

Agenda Item: D.1

Staff Report

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

Staff Contacts: David Mach, Public Works

Summary

The Washington State Legislature recently amended the State transportation impact fee law (RCW 82.02.050) to require jurisdictions to allow for the deferred collection of impact fees for single-family detached and attached residential construction. Staff has drafted a LMC amendment to incorporate this legislative change and also to incorporate some other minor revisions to the transportation impact fee code.

Action

The Planning Commission is requested to consider the proposed transportation impact fee code amendment and forward a recommendation on to the City Council. The Commission's recommendation will be forwarded to the City Council for consideration and discussion at a future City Council Work Session. A City Council Public Hearing will also be scheduled followed by potential adoption of an ordinance at a City Council Business Meeting.

Background

In 2010, the City Council adopted a Transportation Impact Fee (TrIF) program, chapter 3.105 LMC. TrIFs are paid by developers for development projects that generate new PM peak hour traffic trips. Currently, TrIFs range from around \$5,000 to \$8,000 per PM peak hour trip and are due prior to the issuance of the building permit. For example, a new single family residence generates about one PM peak hour trip and depending on where in the city it is located, the developer would be required to pay \$5,000 to \$8,000 per residence.

The Washington State Legislature adopted Engrossed Senate Bill (ESB) 5923 in April 2015 which amended RCW 82.02.050 which mandated agencies collecting TrIFs adopt and maintain a deferral program for the collection of TrIFs for single-family detached and attached residential construction. The deadline to incorporate this deferral program is September 1, 2016.

Staff has drafted a code amendment to incorporate this Legislative change. For single-family detached and attached residential construction, the developer would now have the option to defer payment of TrIFs from the building permit (current LMC requirement) to final inspection or eighteen (18) months from the date of original building permit issuance, whichever occurs first. In order to defer payment, the developer would be required to complete a deferral application and pay a \$250 TrIF deferral fee.

Staff has also incorporated some minor code amendments that are unrelated to the deferral system. The changes are not significant and provide some additional clarity to the city's TrIF code.

Previous Planning Commission / City Council Action

N/A

Adm. Recommendation

N/A

Attachments

Attached is the proposed ordinance for Planning Commission's review and comment.

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CITY OF LYNNWOOD

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF LYNNWOOD,
WASHINGTON, RELATING TO THE CITY'S
TRANSPORTATION IMPACT FEES; AMENDING LMC
3.104.010, LMC 3.105.060A, B, AND D; LMC 3.105.110D;
LMC 3.105.130A; LMC 3.105.210; AND LMC 21.02.295; AND
PROVIDING FOR SEVERABILITY, AN EFFECTIVE
DATE, AND SUMMARY PUBLICATION.**

WHEREAS, the City of Lynnwood (the "City") is authorized by Chapter 82.02 RCW to require new growth and development within the City to pay a proportionate share of the cost of new facilities to serve such new development activity through the assessment of Transportation Impact Fees ("TrIF"); and

WHEREAS, the City Council of the City of Lynnwood (the "Council") passed Ordinance No. 2850 on September 13, 2010 which amended the Lynnwood Municipal Code (the "LMC") and enacted a new Chapter 3.105 entitled Transportation Impact Fees; and

WHEREAS, the Council passed Ordinance No. 2869 on November 29, 2010 which amended Chapter 3.105 LMC; and

WHEREAS, with the adoption of Engrossed Senate Bill (ESB) 5923 in April 2015, the Legislature amended Revised Code of Washington (RCW) 82.02.050 so as to mandate that cities collecting impact fees adopt and maintain a deferral program for the collection of impact fees for single-family detached and attached residential construction; and

WHEREAS, ESB 5923 sets forth specific requirements for the deferral program while also allowing the City certain discretion, including the time for deferral and the collection of an administrative fee; and

WHEREAS, pursuant to this legislative mandate, the City seeks to amend Chapter 3.105 to establish a deferral program, Chapter 3.104 to include an administrative fee for this program, and LMC 21.02.295 to further define one-family dwelling; and

WHEREAS, additional various minor revisions to Chapter 3.105 LMC are also desired to provide policy clarity or consistency with other RCWs;

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

1 Section 1. Findings. The recitals of this ordinance are hereby adopted as findings in support of
2 the ordinance's adoption.

3 Section 2. Subsection A of LMC 3.105.060 is hereby amended as follows:

4 A. The city shall collect TrIFs, based on the land use categories in the fee schedule, from
5 any applicant seeking to conduct development activity that includes expansion, replacement,
6 or new accessory building and which requires the issuance of a building permit, except for
7 development exempt under LMC 3.105.080. This shall include, but is not limited to, the
8 development of residential, commercial, office, and industrial land, ~~and includes the~~
9 ~~expansion of existing uses~~ that creates a demand for additional system improvements. The
10 public works department is authorized to determine the appropriate land use category found
11 in the fee schedule that applies to the application.

12 Section 3. Subsection B of LMC 3.105.060 is hereby amended as follows:

13 B. All TrIFs shall be due and payable prior to issuance of the building permit based on the
14 land use categories in the adopted fee schedule unless deferred in accordance with LMC
15 3.105.210 as adopted.

16 Section 4. Subsection D of LMC 3.105.060 is hereby amended as follows:

17 ~~D. For a change in use of an existing building or dwelling unit, or portion thereof, that meets~~
18 ~~the requirements of subsection (A) of this section, except for development activity exempt~~
19 ~~under LMC 3.105.080, the TrIF shall be the applicable TrIF for the land use category of the~~
20 ~~new use, less the TrIF for the land use category of the prior use.~~ For any change in use that
21 includes expansion, replacement, or new accessory building, the TrIF shall be the applicable
22 TrIF for the land use category of the new gross floor area (or if applicable, gross leasable
23 area), less the TrIF for the land use category of the prior gross floor area (or if applicable,
24 gross leasable area). The net TrIF shall be calculated by the following equation:

25 Net TrIF = X – Y, where:

26 X = (new gross floor area and/or dwelling units)*(fee per unit for the new land use category);
27 and

28 Y = (prior gross floor area and/or dwelling units)*(fee per unit for the prior land use
29 category).

30 If the net TrIF is a negative number, the applicant will not be required to pay TrIFs for the
31 development activity. The applicant will not be compensated by the city for a negative TrIF.

32 Section 5. Subsection D of LMC 3.105.110 is hereby amended as follows:

33 D. TrIFs shall be expended or encumbered within ~~tensix~~ years of receipt.

34 Section 6. Subsection A of LMC 3.105.130 is hereby amended as follows:

1 A. If the city fails to expend or encumber the TrIFs within ~~ten~~^{six} years of when the fees were
2 paid, the current owner of the property on which TrIFs have been paid may receive a refund
3 of such fees. In determining whether TrIFs have been expended or encumbered, TrIFs shall
4 be considered expended or encumbered on a first-in, first-out basis.

5 Section 7. LMC 3.105.210 is repealed in its entirety and replaced with “LMC 3.105.210 Single-
6 Family Residential Deferral Program” to read as follows:

7 3.105.210 Single-Family Residential Deferral Program. An applicant for a building permit
8 for a single-family detached or attached residence may request a deferral of the full TrIF
9 payment until final inspection or eighteen (18) months from the date of original building
10 permit issuance, whichever occurs first. Deferral of TrIFs are considered under the following
11 conditions:

12 A. An applicant for deferral must request the deferral no later than the time of application
13 for a building permit. Any request not so made shall be deemed waived.

14 B. For the purposes of this deferral program, “Single-Family Residence” means a permit
15 for a single-family attached or detached residence as defined as a “One-family
16 dwelling” in LMC 21.02.295;

17 C. To receive a deferral, an applicant must:

- 18 1. Submit a deferred TrIF application for each single-family attached or
19 detached residence for which the applicant wishes to defer payment of
20 the TrIFs;
- 21 2. Pay the applicable administrative fee prior to the issuance of the building
22 permit;
- 23 3. Grant and record at the applicant's expense a deferred TrIF lien in a form
24 approved by the City against the property in favor of the City in the
25 amount of the deferred TrIF that:
 - 26 a. includes the legal description, tax account number, and address of
27 the property;
 - 28 b. requires payment of the TrIFs to the City prior to final inspection
29 or eighteen (18) months from the date of original building permit
30 issuance, whichever occurs first;
 - 31 c. is signed by all owners of the property, with all signatures
32 acknowledged as required for a deed and recorded in Snohomish
33 County
 - 34 d. binds all successors in title after the recordation; and
 - 35 e. is junior and subordinate to one mortgage for the purpose of
36 construction upon the same real property granted by the person
37 who applied for the deferral of TrIFs.

38 D. The amount of TrIFs deferred shall be determined by the fees in effect at the
39 time a complete building permit application is filed.

40 E. The applicant may pay the deferred amount early or in installments, with no
41 penalty for early payment.

42 F. The City shall withhold final inspection until the TrIFs have been paid in full.
43 Upon receipt of final payment of TrIFs deferred under this subsection, the City
44 shall execute a release of deferred TrIF lien for each single-family attached or

1 detached residence for which the TrIFs have been received. The City shall be
2 responsible for recording the lien release.

3 G. The extinguishment of a deferred TrIF lien by the foreclosure of a lien having
4 priority does not affect the obligation to pay the TrIFs as a condition of final
5 inspection.

6 H. If TrIFs are not paid in accordance with the deferral and in accordance with the
7 term provisions established herein, the City may institute foreclosure
8 proceedings in accordance with chapter 61.12 RCW.

9 I. The City shall collect an administrative fee from the applicant seeking to defer
10 the payment of TrIFs under this section as provided in LMC 3.104.

11
12 Section 8. Section LMC 3.104.010 is hereby amended by adding a new deferral fee as
13 follows:

14
15 Deferral fee Cost per deferral \$250.00

16
17 Section 9. Section LMC 21.02.295 is hereby amended as follows:

18 21.02.295 Dwelling, types of.

19 A. Dwelling, Group. “Group dwelling” means more than two separate buildings, each
20 containing one or more dwelling units.

21 B. Dwelling, One-Family. “One-family dwelling” means a detached building or zero lot line
22 attached building with one common wall on an individual lot designed exclusively for
23 occupancy by one family and containing one dwelling unit per lot.

24 C. Dwelling, Two-Family (Duplex). “Two-family dwelling or duplex” means a building
25 designed exclusively for occupancy by two families living independently of each other, and
26 containing two dwelling units.

27 D. Dwelling, Multiple. “Multiple dwelling” means a building designed exclusively for
28 occupancy by three or more families living independently of each other, and containing three
29 or more dwelling units.

30 F. Accessory Dwelling Unit. “Accessory dwelling unit” is defined in LMC 21.02.011 as a
31 second dwelling unit on a premises occupied by a single-family detached dwelling. This unit
32 provides a separate and completely independent dwelling unit with facilities for cooking,
33 eating, sanitation and sleeping.

34 Section 10. Severability. If any section, subsection, sentence, clause, phrase or word of this
35 ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction,
36 such invalidity or unconstitutionality therefore, shall not affect the validity or constitutionality of
37 any other section, subsection, sentence, clause, phrase or word of this ordinance.

38 Section 11. Effective Date. This ordinance or a summary thereof consisting of the title shall be
39 published in the official newspaper of the City, and shall take effect and be in full force five (5)
40 days after publication.

1 PASSED BY THE CITY COUNCIL, the _____ day of _____, 2016.

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APPROVED:

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Nicola Smith, Mayor

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ATTEST/AUTHENTICATED:

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Sonja Springer
Finance Director

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APPROVED AS TO FORM:

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Rosemary Larson
City Attorney

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FILED WITH ADMINISTRATIVE SERVICES: _____

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PASSED BY THE CITY COUNCIL: _____

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PUBLISHED: _____

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EFFECTIVE DATE: _____

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ORDINANCE NUMBER: _____

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Topic: Chapter 21.44 (Public and Semi-Public Zone), Chapter 21.57 (College District Mixed Use Zone) and Chapter 21.58 College District Overlay Zone) Amendments

Agenda Item: E.1

Staff Report

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

Staff Contact: Gloria Rivera, Senior Planner, Community Development

Summary

The purpose of this agenda item is to hold a public hearing on proposed amendments to Chapter 21.44, Chapter 21.57 and Chapter 21.58 of the Lynnwood Municipal Code.

Action

After a review of the proposed amendment and deliberation make a recommendation to the City Council for final approval.

Background

One of the docket items for the 2016 Comprehensive Plan Update cycle (and associated Zoning Code amendments) is supporting opportunities for mixed-use redevelopment in the area adjacent to Edmonds Community College (EdCC). This is an important subarea of the community as it is both impacted by and beneficial to EdCC. It is also adjacent to and essentially an extension of the 196th/Hwy 99 Node designated in the Hwy 99 Corridor Plan.

The current College District Overlay zone (Chapter 21.58) has been in place for over a decade. In hindsight it was poorly drafted and has failed to achieve the goals that were set for it by the Council. It has become somewhat dated in its approach and is now viewed as more of a hindrance than catalyst for development.

Currently a small area adjacent to 68th Avenue W is zoned College District Mixed Use Zone (CDM) which allows mixed use activities that could cater to a college environment. Encompassing a larger area surrounding the college is the College District Overlay zone. (An attachment illustrates the current CDM and Overlay zones). Within the Overlay area are land use designations that include the following zones:

- Public (P-1)
- Multiple Residential Low Density (RML)
- Multiple Residential Medium Density (RMM)
- Multiple Residential High Density (RMH)

- College District Mixed Use (CDM)
- Limited Business (B-2)
- Community Business (B-1)
- 3 PUD's (multiple family, single-family and the Ice Rink)

The purpose of the Overlay zone was to promote quality mixed-use residential and commercial development and quality pedestrian-oriented neighborhood design.

Development has been slow to occur in the Overlay Zone. Staff finds that the existing code is likely at fault. Some of the issues that have become apparent include:

- 1) A one acre minimum size parcel is required to pursue redevelopment. It has been difficult for individuals to amass the one acre minimum.
- 2) The Code relies on an Overlay District but also left underlying zoning intact resulting in internal conflicts. Mixed use development is actually discouraged since multi-family housing is not allowed in the commercial zones and commercial activities are not allowed in the multi-family zones

Another issue that has arisen within the CDM zone is the fact that existing single-family homes are present in several sections of the district but are not permitted under the current code. The original plan correctly assumed that these homes would eventually be redeveloped but in the process made them into non-conforming uses. As such the code currently places limits on the homeowner's ability to expand and renovate as long as they elect to live there. There is a need to balance the needs of current homeowners with the city's need to encourage redevelopment. It is in the interest of fairness the City should relax restrictions on homeowners.

Staff believes it is an appropriate time to review the content and construct of existing land use policies and regulations that apply to the College District, and has proposed a series of amendments that should improve the effectiveness and efficiency of regulations that apply to this subarea.

The proposed Code amendments were sent out for referral to departments and agencies. No comments were received. The amendments were also sent to adjacent property owners within 600 feet of the College District Overlay Zone. One letter was received from Leisure Care, the operator of the Fairwinds Brighton senior living facility. Under the current B-1 zone, senior housing may be approved through the Conditional Use Permit process. In light of this comment, Under proposed Section 21.57.300(A)(7) the wording "including senior housing" has been added after Multiple-family dwellings.

A SEPA Determination of Non-Significance (DNS) was issued on July 7, 2016 and the DNS is now in the Comment/Appeal time period. A request was made to the State of Washington to grant expedited review which has been granted.

Attached is the draft of proposed amendments to the text of Chapter 21.57 (College District Mixed Use Zone) and Chapter 21.44 (Public and Semi-Public

zone). Proposed additions are underlined and proposed deletions are struck out. Please note the attached are only drafts for consideration and any additions or deletions are welcome.

A summary of proposed text amendments is as follows:

College District Mixed Use Zone

LMC 21.57.100 has been amended to further describe the area and to combine the two subsections.

LMC 21.57.200 has been deleted since the area covered by zones is illustrated on the zoning map. Generally text describing an area covered is not included in a zoning chapter.

New LMC 21.57.200 reflects the deletion of references to the Overlay zone, reference the applicable Design Guidelines and remove reference to the college district plan and review process (which is already provided for in the zoning code).

New LMC 21.57.300 reflects the following additions and deletions.

- 21.57.400(A) – Establishes square footage to individual uses not cumulative for a building.
- 21.57.400(A)(3) – Adds language regarding transit.
- 21.57.400(A)(4) – Deletes conference or community center as a permitted use.
- 21.57.400(A)(5) – Deletes tot lots, etc. as permitted uses (not separately referenced in any other zone). They are already allowed as accessory uses where appropriate.
- 21.57.400(A)(4) – Following comment at the February 12th meeting, the square footage for retail/service building was increased to 5,000 sq. ft. List of uses was eliminated so only retail and service business is referenced.
- 21.57.400(A)(7) – Deletes movie theater as a permitted use.
- 21.57.400(A)(5) – Language that restricted medical offices and clinics to only serve the neighbor or college was removed. Medical and clinics has been deleted allowing all types of offices.
- 21.57.400(6). Increase square footage of food and beverage service businesses to 4,000 square feet. *There was discussion at the February 12th meeting to keep it at 2,000 sq. ft. which seems to limit possible activities.*
- 21.57.400(7) – Increases density for multiple-family residential from minimum of 20 dwelling units per acre to maximum of 43. This is more consistent with the type of construction that is likely to occur in the area. Adds “including senior housing”.
- Old 21.57.400(A)(11): Deletes the restrictions on parking.

- 21.57.400(9-13) - These items were originally prohibited uses under section “B” in the current ordinance and would not have been permitted uses in the CDM zone.
- 21.57.400(A)(14) Allows single-family residential uses subject to the development standards of the RS-7 zone.
- 21.57.400(A)(15) .Allows discretion to the Community Development Director regarding uses.
- 21.57.400(B) - Some of the former uses deleted and placed under permitted uses. Food vendors is retained.
- 21.57.400(C). A new section is added. (but current subsection “D” is removed. Auto-related businesses are added as permitted uses when fronting on 196th Street SW. and 64th Avenue W. This allows retention of a bank, an auto emissions facility and auto-repair business.

New LMC 21.57.400 reflects the following additions and deletions.

- 21.57.400(A)(1) – Sets the minimum lot area at one-half acre (as opposed to the previously recommended “none”, however, for properties within the Overlay Zone, an acre was required).
- 21.57.400(A)(9) – Maximum lot coverage is changed to 90% from 80%. This is predicated on the fact that most of the anticipated mixed use development will use structured and not surface parking.
- 21.57.500(B)(3) – Language is added from Overlay zone that off-site parking and shared parking is allowed within 500 feet. Also note that under the current CDM zone a 50% reduction in parking is allowed for non-residential activities.
- 21.57.500(B)(4) – 204th Street SW is added to reflect a pedestrian environment.
- 21.57.500(B)(5) – Is deleted since it is referenced in 21.57.500(4)(a).
- 21.57.500(C)(3) – Language is added from the Overlay regarding street trees. Also, streets are added for placement of street trees.
- 21.57.500(D)(3) – Language is added from the Overlay rezone regarding location of parking.
- 21.57.500(D)(4) – Language is deleted referencing the Overlay zone. Language is added from the Overlay rezone regarding signage and sign prohibitions.
- 21.57.500(D)(7) – Transition or buffer strips are provided adjacent to multi-family zoned property.

New LMC 21.57.500 reflects the following additions and deletions.

- 21.57.600(A) – Reference is made to the applicable Design Guidelines.
- 21.57.600(B) – Current subsection is deleted since 21.32 LMC is not in the code. New language is added to Subsection “B” which is taken from the Overlay zone.

Chapter 21.44 – Public and Semi-Public

LMC 21.44.050 has been amended to allow for public/private partnerships activities.

LMC 21.44.200(A)(2)(I) – Park and pool lots has been deleted.

LMC 21.44.200(A)(3) – Operation of hot air balloons has been deleted as a permitted use.

LMC 21.44.200(A)(4) and (5) – Electric vehicle charging stations and battery exchange stations have been deleted. They are already allowed as an accessory use without restriction.

LMC 21.44.200(B) – Private legal and professional services has been deleted in the public zones.

Chapter 21.58 - College District Overlay Zone to be repealed.

Previous Planning Commission / City Council Action

Planning Commission reviewed the proposed changes on February 12, 2015 and March 12, 2015. Staff and EdCC held an informational meeting at the College on June 21st.

Adm. Recommendation

Hold a public hearing to hear public testimony regarding the proposed Code amendments. At the conclusion of the hearing, deliberate on the amendments and make a recommendation to City Council to hold a public hearing to review and approve the proposed amendments as presented by Staff.

Attachments

1. Proposed amendments to Chapter 21.44 and Chapter 21.57
2. Ordinance amending Chapter 21.57 and repealing Chapter 21.58
3. Ordinance amending Chapter 21.44
4. Proposed Comprehensive Plan and Zone Map Amendments
5. Letter from Leisure Care (Fairwinds Brighton)

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1 COLLEGE DISTRICT MIXED USE (CDM) CODE AMENDMENTS
2 CHAPTER 21.57
3 (2/25/16)
4

5 **21.57.100 Purpose**

6 A. This mixed use zone is designated to provide opportunities for the creation of a
7 ~~small~~ college- and neighborhood –oriented mixed use district in close proximity to the campus
8 and the Highway 99 commercial node at the 196th Street intersection.

9 B. ~~—~~The purpose of this zone is to implement the vision of a district that consists of
10 offices, and service businesses, integrated residential apartments, condominiums, artist lofts and /
11 or dormitories, along with street level small businesses that cater primarily to the college and
12 surrounding neighborhood. Businesses shall be limited in size to ensure neighborhood scale,
13 with commercial spaces required at street level along portions of 68th Avenue and 202nd Street.
14 Office and residential uses will be encouraged above and behind the businesses. Development
15 standards and guidelines based on this vision will provide design guidance, emphasizing building
16 and spatial relationships, with particular emphasis on the design of pedestrian spaces, linkages
17 between the college and business district, and related pedestrian facilities and amenities.
18

19 **21.57.200 ~~—~~Applicability**

20 ~~The CDM zone shall be applied in close proximity to the Edmonds Community College~~
21 ~~(EdCC) campus generally as follows:~~

- 22 A. ~~North boundary: 200th Street, extending north about 85 feet at the intersection with~~
23 ~~68th Avenue W.~~
24 B. ~~East boundary: 66th Place, extending southward to 204th~~
25 ~~South boundary: 204th Street Southwest~~
26 D. ~~West boundary: 68th Avenue, extending 200 feet into the EdCC campus.~~
27

28 **21.57.3200 Interpretation**

29 A. All regulations and design guidelines, herein, ~~of this zone, the college district~~
30 ~~overlay zone (CDO) zone~~ and the Citywide Design Guidelines (All-Districts and Commercial
31 Districts) shall apply to properties within the CDM zone. In the event of conflict between
32 requirements, the provisions of the CDM zone and its design standards shall prevail.

33 B. Land uses not specifically listed in the following sections may be allowed when
34 determined by the ~~and~~ Director of ~~e~~ Community ~~d~~Development to be compatible with the listed
35 uses and consistent with the intended development of the district, ~~as described in the college~~
36 ~~district plan. The director's written decision is subject to appeal per LMC 1.35.200 (Process II).~~
37

38 **21.57.4300 Land uses.**

- 39 A. Principal Uses Permitted Outright (square footage calculation is individual to a
40 use and not cumulative for a building).
- 41 1. College and university-buildings,-support services and college accessory
42 facilities.
 - 43 2. Library.
 - 44 3. Public transit ~~facilities~~ stops and stations.
 - 45 4. ~~Conference or community center (college/community meetings and~~
46 ~~activities).~~

- 47 5. ~~Tot lot, greenway, vest pocket park, bikeway and other park/open space~~
48 ~~linkages.~~
- 49 6.4 Retail store or service business under 45,000 square feet GFA per tenant.
50 ~~including, but not limited to:~~
- 51 a. ~~Convenience, drug or variety store;~~
52 ~~b. Books, magazines, stationery and school supplies;~~
53 ~~c. Child day care center (fewer than 13 children)~~
54 ~~d. Art gallery, art or photo studio, film/photo processing;~~
55 ~~e. Art supplies store or frame shop;~~
56 ~~f. Professional services (engineering, legal, medical, financial and~~
57 ~~similar;~~
58 ~~g. Business services (bookkeeping, taxes, accounting management,~~
59 ~~etc.);~~
60 ~~h. Computer repair, maintenance and training, and related technical~~
61 ~~services;~~
62 ~~i. Personal services (grooming, photo processing, counseling,~~
63 ~~tutoring, etc.~~
64 ~~j. Laundry self service and pick up station;~~
65 ~~k. Shoe repair, tailoring, locksmith and similar personal services;~~
- 66 ~~7. Movie theater (single or two screen at neighborhood scale).~~
- 67 ~~8.5. Medical offices or clinic (limited services to neighborhood and/or~~
68 ~~college).~~
- 69 9.6. Food and beverage service businesses under 24,000 square feet GFA,
70 including:
- 71 a. ~~Donut shop, bakery or similar specialty food outlet~~
72 ~~b. Café, coffee shop or restaurant;~~
73 ~~c. Soda fountain, ice cream parlor, candy store;~~
74 ~~d. Delicatessen or other specialty food store;~~
75 ~~e. Tavern, brew pub or nightclub.~~
- 76 ~~10.7.~~ Multiple-family dwellings, including senior housing:
- 77 a. Maximum density: ~~20~~ 43 units per net acre;
78 b. Minimum density: ~~12~~ 20 units per net acre;
79 c. Density may be less than minimum if residential units are
80 combined with other uses in same building or on same lot.
- 81 ~~11. Accessory parking lots and structures. Park n ride and park n pool~~
82 ~~facilities are not permitted. Student/faculty parking shall be~~
83 ~~located west of 68th Avenue~~
- 84 ~~12.8~~ Electric vehicle charging station, Level 1, Level 2 and Level 3, if
85 accessory to a permitted use or conditionally permitted use
- 86 9. Arts or performance facilities;
- 87 10. Child day care center (13 or more children) per LMC 21.42.110(E);
- 88 11. Boarding house, dormitory or other group residential facilities suitable for
89 students;
- 90 12. Inn, hotel, or similar transient lodging ((20) guest rooms or less)
- 91 13. Battery exchange station (electric vehicle), and only if accessory to a
92 permitted.

- 93 14. Single-family residences, including home occupations, subject to the
94 development standards set forth for the RS-7 zone in LMC 21.42.02,
95 Table 21.42.02.
96 15. Any other use similar to those listed above or any other use determined by
97 the community development director to be consistent with the College
98 District Plan.

99 B. ~~Principal Uses Allowed by Conditional Use Permit~~

- 100 1. ~~Tavern, brew pub, club or restaurant that serves alcohol when within or~~
101 ~~adjacent to a structure that also contains residences or child care facilities.~~
102 2. ~~Indoor amusements such as arcades, bowling, pool card rooms,, etc.~~
103 3. ~~Athletic club or health spa (indoor facilities).~~
104 4. ~~Performing arts facilities.~~
105 5. ~~Child day care center (13 or more children) per LMC 21.42.110(E);~~
106 6. ~~Boarding house, dormitory or other group residential facilities suitable for~~
107 ~~students (*should this be an out right permitted use above*).~~
108 7. ~~Inn, hotel, or similar transient lodgings (20 accommodations or less).~~
109 8. ~~Battery exchange station (electric vehicle), and only if accessory to a~~
110 ~~permitted or conditionally approved use.~~

111 C.(B). Allowed Accessory Uses. Accessory uses are permitted per LMC 21.58.300,
112 including

- 113 1. ~~Child care when serving the patrons or employees of a principal uses~~
114 2. ~~Commercial food services in public buildings.~~
115 3 1. Food Vendors – in outdoor public spaces, subject to city permits.

116 D. (C) Prohibited Uses.

- 117 1. Marijuana and marijuana- infused products retail sales, processing or
118 production.
119 2. Medical marijuana collective gardens.
120 3. The following uses are prohibited unless their sites have frontage on and
121 access to 196th Street SW. and 64th Avenue W, or Highway 99:
122 a.. Gas stations, car washes, auto parts stores, auto repair and
123 maintenance and similar auto-related uses.
124 b. Drive-through facilities.
125

126 **21.57.5400 Development Standards.**

127 A. Building to Site Relationships

- 128 1. Minimum lot area: ~~None~~ One-half acre
129 2. Minimum lot area per dwelling: none.
130 3. Minimum lot width: none.
131 4. Minimum frontage at street: none.
132 5. Front yard setback: no minimum; 15 feet maximum.
133 6. Side setbacks: none.
134 7. Rear setbacks: 25 feet (may be used for parking, private yards, recreation,
135 etc.).
136 8. Minimum building separation: none.
137 9. Maximum lot coverage: ~~8~~ 90 percent.
138 10. Maximum building height: 50 feet.

- 139 11. Minimum floor area: none.
- 140 B. Buildings and Uses
- 141 1. Architectural Consistency. The scale and design features of a new or
- 142 remodeled building shall be compatible with its surroundings and consider
- 143 the architectural style of existing development on and off campus.
- 144 2. Utilities. Newly installed utility services shall be placed underground.
- 145 3. Reduced Parking. Businesses in this zone will be within a pedestrian-
- 146 oriented environment designed to cater to walk-in and bicycle traffic from
- 147 the college and surrounding neighborhoods. To emphasize the pedestrian
- 148 intent and discourage automobile usage, minimum parking requirements
- 149 for nonresidential uses within the CDM zone shall be calculated at 50
- 150 percent of the normally required standards of Chapter 21.18 LMC. With
- 151 the exception of required “accessible spaces,” development proposals may
- 152 include provisions for off-site parking and shared parking agreements to
- 153 meet parking requirements and maximize parking space utilization,
- 154 providing the proposed parking is within a walking distance of 500 feet of
- 155 its principal use.
- 156 4. Pedestrian Environment. 68th Avenue between 200th and 204th Streets,
- 157 204th Street between Highway 99 and the campus and 202nd Street from
- 158 the campus to Highway 99 are designated “pedestrian-oriented” streets.
- 159 The following shall apply to properties fronting these streets:
- 160 a. Buildings shall be at least two stories in height (maximum 50 feet
- 161 height).
- 162 b. Street level spaces shall be reserved for retail, office, service uses
- 163 or similar active non-residential functions.
- 164 c. Upper floors may be used for additional retail, offices, services,
- 165 studios or residential uses, including living/working lofts, to a maximum
- 166 density of ~~20~~ 43 DU/ac (net).
- 167 ~~5. Multi-story Buildings. Buildings of two or more stories are encouraged~~
- 168 ~~throughout the CDM zone.~~
- 169 6.5. Mix of Uses. With the exception of the commercial spaces required at
- 170 street level in subsection (B)(4)(b) of this section, all buildings within the
- 171 CDM zone may be used for retail, offices, services, studios, living/work
- 172 lofts, other residential uses or a combination of those uses.
- 173 C. Outdoor Areas.
- 174 1. To enhance the pedestrian environment of the CDM zone, the design of
- 175 open front yard areas and spaces between buildings shall consider and
- 176 incorporate such elements as decorative landscaping and paving, seating
- 177 areas, outdoor eating areas, bike racks, public art, kiosks, trees, awnings or
- 178 other protection from the natural elements, and access to drinking
- 179 fountains and public restrooms.
- 180 2. Plans for outdoor pedestrian areas shall include a coordinated design for
- 181 safe and convenient outdoor lighting and signage. The outdoor lighting
- 182 plan along 68th Avenue W., 202nd Street SW. and 204th Street SW., will
- 183 further the concept of a “neighborhood center” and will provide

184 ~~pedestrian level lighting at a coverage that complies with the public safety~~
185 ~~standards for such public outdoors areas.~~

- 186 3. Deciduous street trees having a minimum caliper size of two inches shall
187 be provided at 30 feet intervals or clustered when spacing is not feasible,
188 along 68th Avenue W, 204th Street SW., 196th Street SW., 64th Avenue W.
189 and 202nd Street SW as a design element of the project.
- 190 4. Unless designed as a plaza or other outdoor pedestrian area, not more than
191 10 percent of landscaped areas may be covered with inanimate materials,
192 unless the applicant can document a problem on the site that makes it
193 unsuitable for plant materials.
- 194 5. In areas determined to be unsuitable for plants, such alternatives as fences,
195 walls, and paving of brick, wood, stone, concrete pavers, gravel or cobbles
196 may be used in the design – subject to design review approval.

197 D. Other Limitations and Standards

- 198 1. The college district mixed use (CDM) zone is considered a “commercial”
199 zone and subject to applicable limitations on uses and other development
200 standards, contained in Chapter 21.46 LMC, Commercial Zones, and not
201 contained in this chapter.
- 202 2. Tandem parking may be used to meet residential parking requirements,
203 providing both spaces are assigned to the same dwelling. Tandem parking
204 will not be approved for nonresidential applications.
- 205 3. Parking lot design and related landscaping shall be in accordance with
206 LMC 21.46.210(B) (parking lot development standards for commercial
207 zones). Off-street parking, whether in surface lots, or structures, shall be
208 located beside or behind buildings, and prohibited between buildings and
209 streets, with the exception of master-planned parking on the EdCC
210 campus.
- 211 4. Signage shall comply with LMC 21.16.310 (commercial signage
212 requirements), ~~except as adjusted by the signage limitations of the college~~
213 ~~district overlay zone. The following types are prohibited within the CDM~~
214 ~~zone, with the exception of commercially zoned properties fronting 196th~~
215 ~~Street SW. and 64th Avenue W.~~
 - 216 a. Freestanding signs, other than ground signs
 - 217 b. Pole signs;
 - 218 c. Roof signs.
- 219 5. The location and design of trash and recycling facilities shall comply with
220 the requirements of LMC 21.46.900 (refuse and recycling collection areas
221 and enclosures).
- 222 6. The provisions of the CDM zone shall prevail in cases of conflict.
- 223 ~~7. Transition or Buffer Strips.~~
 - 224 A. Transitional or buffer landscaped strips (also referred to as greenbelts) of
225 which the purpose of the landscaping is to provide a sight, sound, and
226 psychological barrier between zones with a high degree of
227 incompatibility. The transition or buffer strips shall be installed in the
228 following situations:

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1. Where the side yard or rear yard of a property zoned to any commercial zone is adjacent to a property zoned multiple-family residential or public and semi-public.
 - a. The planting strip shall be at least 10 feet in width and shall consist of either of the following two options:
 - i. One row of evergreen conifer trees, spaced a maximum of 10 feet on center. Minimum tree height shall be six feet, the remainder of the planting strip shall be promptly planted with low evergreen plantings which will mature to a total groundcover within five years; or
 - ii. A site-screening evergreen hedge. The spacing of plants shall be such that they will form a dense hedge within five years. Minimum plant height shall be four feet.
 - iii. A permanent six-foot site-screening fence shall be placed at the property line.

21.57.6 500 Site Plan and design approval.

- A. New development with the college district mixed use (CDM) zone shall comply with the development standards of LMC 21.57.500 and with Lynnwood Citywide Design Guidelines All-Districts and Commercial Districts), as adopted by reference in LMC 21.25.145(B)(3) and receive approval pursuant to Chapter 21.25.LMC.
- ~~B. New development is also subject to review and approval per Chapter 21.32 LMC (Site Plan and Design Review).~~
- B. In addition to the general decision criteria established in 21.25 LMC, the following criteria shall be considered when reviewing development proposals in the CDM zone:
 1. The proposal is compatible with the design and function of surrounding development and land uses.
 2. Streetscapes are designed to include a combination of facilities to serve pedestrians, cyclists and transit patrons, such as attractive lighting, awnings and canopies, seating, directional signage, information kiosks, designated street crossings ,bus shelters, and/or other amenities to enhance the pedestrian environment.
 3. Public sidewalks and/or trails, bikeways or greenbelt linkages are provided to connect parks, municipal golf course, the college and other public areas frequented by the general public when the proposed development is on or adjacent to such planned facilities.

PUBLIC AND SEMI-PUBLIC ZONE

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21.44.050 Purpose

This classification is intended to provide for nonresidential uses of a public or quasi-public nature to be located in or near residential areas and to establish standards which will minimize the impact of the nonresidential use on nearby properties. Whereas, nonresidential uses are ordinarily prohibited in single-family residential zones in the public interest, it is the intent of this classification that instead of such nonresidential uses being excluded the public interest will be best served by development standards which minimize or eliminate completely any undesirable effects of the non-residential uses on existing homes. Also, it is intended that the provisions of this chapter will prevent future development in the area from being influenced towards a type of development contrary to that shown on the adopted comprehensive plan, with the result that the residential character will be preserved in the neighborhoods where this zone is established. Development in this zone may be undertaken through the actions of private or public entities or through a collaborative venture.

21.44.100 Uses Allowed

- A. Permitted Uses.
 - 1. Residential Uses. All uses which are permitted in the RS-8 single-family residential zone are permitted.
 - 2. Institutional Uses. The following uses are permitted, subject to the standards of this chapter:
 - a. Churches;
 - b. Private or semiprivate memorial buildings;
 - c. Community clubhouses, convention centers, public golf courses, and accessory uses;
 - d. Art galleries, libraries, and museums;
 - e. Private schools, universities, and colleges and accessory uses;
 - f. Child day care;
 - g. Public parks, playgrounds, and schools;
 - h. Municipal buildings, including fire stations =, and performance arts facilities;
 - i. Clubs or fraternal societies ~~but not including those which provide entertainment or allow alcoholic beverages.~~
 - j. Transit center;
 - k. Park-and-ride lots;
 - l. ~~park and pool lots;~~
 - m l. Existing wastewater treatment plant.
 - 3. Temporary Uses. ~~The operation of a hot air balloons in conjunction with a temporary special event license in accordance with Chapter 5.30 LMC, except that no fee shall be required. Each applicant for such a temporary special event license shall verify that the balloon is to be operated by a licensed pilot and shall demonstrate adequate provisions for safe operation. No hot air balloon utilized in such a temporary special event shall bear any symbols, letters, or pictures whatsoever.~~

317 4. ~~Electric vehicle charging stations, Level 1, Level 2 or Level 3, if accessory~~
318 ~~to a permitted use or conditionally permitted use.~~

319 5. ~~Battery exchange station (electric vehicle, if accessory to a permitted use~~
320 ~~or conditionally permitted use.~~

321 B. Conditional Uses.

322 1. All uses permitted through the issuance of a conditional use permit
323 in the RS-8 zone, except as amended by this section;

324 2. Charitable, nonprofit or social service organizations other than
325 those uses specifically allowed as a permitted use;

326 3. Medical facilities, including hospitals, convalescent homes and
327 medical or dental clinics; and

328 4. ~~Legal and professional services; and~~

329 5. Expansion or major alteration of an existing wastewater treatment
330 plant.

331 C. Factors for Consideration for Proposed Conditional Uses. In considering any
332 condition use permit application, the hearing examiner shall consider all factors
333 relevant to the public interest including, but not limited to:

334 1. Consistency of the proposal with the comprehensive plan and with
335 the purpose of the P-1 zone as stated in LMC 21.44.050, especially
336 discouraging activities of a commercial or industrial nature,
337 whether public or private;

338 2. Impact of the proposal on the visual and aesthetic character of the
339 neighborhood;

340 3. Impact of the proposal on the distribution, density or growth rate of
341 the population in the neighborhood;

342 4. Orientation of facilities to developed or undeveloped residential
343 areas;

344 5. Preservation of natural vegetation and other natural features;

345 6. Hours of operation;

346 7. Ability to provide adequate on-site parking;

347 8. Traffic impacts of the proposal on the neighborhood; and

348 9. Conformance of the proposal with the city noise ordinance,
349 Chapter 10.12. LMC.

350
351 Whenever the proposed use involved occupying a partially or
352 totally vacant school, the applicant must demonstrate that the
353 proposed use will have no greater impacts than the use for which
354 the facility was first designed.

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

360 1. The alteration does not expand the treatment capacity of the plant.

361 2. The alteration does not result in a significant increase in noise,
362 odor, traffic, or visual impact.

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3. Any proposal to add accessory structures does not result in the addition of more than 500 square feet of building coverage.

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1 CITY OF LYNNWOOD

2 ORDINANCE NO.

3 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE
4 COLLEGE DISTRICT MIXED USE ZONE AND THE COLLEGE DISTRICT OVERLAY
5 ZONE, AMENDING SECTIONS 21.57.300, 21.57.400, 21.57.500, AND 21.57.600 OF
6 THE LYNNWOOD MUNICIPAL CODE, REPEALING SECTION 21.57.200, REPEALING
7 CHAPTER 21.58 IN ITS ENTIRETY, AND PROVIDING FOR SEVERABILITY, AN
8 EFFECTIVE DATE AND SUMMARY PUBLICATION.

9
10 WHEREAS, on November 12, 2002, the City Council adopted Ordinance No. 2433 which
11 amended the Lynnwood Municipal Code to include Chapter 21.57, the College District Mixed Use
12 Zone;

13
14 WHEREAS, in the same Ordinance No. 2433 adopted on November 12, 2002, the Lynnwood
15 Municipal Code was amended to include Chapter 21.58, the College District Overlay Zone; and

16
17 WHEREAS, in the fourteen years since the adoption of the two zones, numerous
18 inconsistencies have been found which have created internal conflicts within the code;

19
20 WHEREAS, the City desires to encourage development adjacent to Edmonds Community
21 College and 196th Street SW which would allow for college and neighborhood interaction and
22 increased use of transit;

23
24 WHEREAS, the amendments to Chapter 21.57 and the repeal of Chapter 21.58 would allow
25 for better coordinated development in the area surrounding Edmonds Community College and
26 196th Street SW; and

27
28 WHEREAS, on , 2016 on the Community Development Director, acting as Lynnwood's State
29 Environmental Policy Act (SEPA) Responsible Official, issued a threshold determination for this
30 draft ordinance; and

31
32 WHEREAS, on 2016 The State of Washington granted the City of Lynnwood expedited
33 review for the: proposed ordinance amends the city's zoning code. This proposal was submitted for
34 the required state agency review under RCW 36.70A.106.

35
36 WHEREAS, on , 2016, the Planning Commission held a public hearing on a draft zoning
37 ordinance; and

38
39 WHEREAS, on , 2016, the City Council held a public hearing on the draft zoning ordinance;
40 and

41
42 WHEREAS, the City Council after due consideration finds that the regulations contained in
43 this ordinance are consistent with and implement the City's Comprehensive Plan, and are
44 consistent with applicable state law, and will benefit the public health, safety and general welfare;

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

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Section 1. Section 21.57.100, entitled “Purpose,” of the Lynnwood Municipal Code, is amended to read as follows.

21.57.300 Purpose

A. This mixed use zone is designated to provide opportunities for the creation of a ~~small~~ college-and neighborhood-oriented-mixed use district in close proximity to the campus and the Highway 99 commercial node at the 196th Street intersection.

B. The purpose of this zone is to implement the vision of a district that consists of offices, and service businesses, integrated residential apartments, condominiums, artist lofts and/or dormitories, along with street level small businesses that cater primarily to the college and surrounding neighborhood. Businesses shall be limited in size to ensure neighborhood scale, with commercial spaces required at street level along portions of 68th Avenue and 202nd Street. Office and residential uses will be encouraged above and behind businesses. Development standards and guidelines based on this vision will provide design guidance, emphasizing building and spatial relationships, with particular emphasis on the design of pedestrian spaces, linkages between the college and business district, and related pedestrian facilities and amenities.

Section 2. Section 21.57.200, entitled “Applicability,” of the Lynnwood Municipal Code, is repealed.

Section 3. Section 21.57.300. entitled “Interpretation” of the Lynnwood Municipal Code, is amended to read as follows:

21.57.3200 Interpretation

A. All regulations and design guidelines of this zone, ~~the college district overlay zone (CDO) zone~~ and the Citywide Design Guidelines (All-Districts and Commercial Districts) shall apply to properties within the CDM zone. In the event of conflict between requirements, the provisions of the CDM zone and its design standards shall prevail.

B. Land uses not specifically listed in the following sections may be allowed when determined by the ~~d~~Director of ~~e~~Community ~~d~~Development to be compatible with the listed uses and consistent with the intended development of the district, ~~as described in the college district plan. The director’s written decision is subject to appeal per LMC 1.35.200 (Process II).~~

Section 4. Section 21.57.400, entitled “Land uses” of the Lynnwood Municipal Code is amended to read as follows:

21.57.4400 Land uses

A. Principal Uses Permitted Outright (square footage calculation are individual to a use and not cumulative for a building).

1. College and university-buildings, support services and college accessory facilities.
2. Library.
3. Public transit facilities, stops and stations.
4. ~~Conference or community center (college/community meetings and activities).~~
5. ~~Tot lot, greenway, vest pocket park, bikeway and other park/open space linkages.~~

- 98 64. Retail store or service business under 45,000 square feet GFA per tenant.
99 including, but not limited to:
100 a. Convenience, drug or variety store;
101 — b. Books, magazines, stationery and school supplies;
102 — c. Child day-care center (fewer than 13 children)
103 — d. Art gallery, art or photo studio, film/photo processing;
104 e. Art supplies store or frame shop;
105 f. Professional services (engineering, legal, medical, financial and
106 similar;
107 g. Business services (bookkeeping, taxes, accounting management,
108 etc.);
109 h. Computer repair, maintenance and training, and related technical
110 services;
111 i. Personal services (grooming, photo processing, counseling, tutoring,
112 etc.
113 j. Laundry self-service and pick-up station;
114 k. Shoe repair, tailoring, locksmith and similar personal services;
115 7. Movie theater (single or two screen at neighborhood scale).
116 8 5. Medical offices or clinic (limited services to neighborhood and/or college).
117 9 6. Food and beverage service businesses under 2 4,000 square feet GFA.
118 including:
119 a. Donut shop, bakery or similar specialty food outlet
120 — b. Café, coffee shop or restaurant;
121 — c. Soda fountain, ice cream parlor, candy store;
122 — d. Delicatessen or other specialty food store;
123 — e. Tavern, brew pub or nightclub.
124 10 7. Multiple-family dwellings, including senior housing:
125 a. Maximum density: 20 43 units per net acre;
126 b. Minimum density: 12 20 units per net acre;
127 c. Density may be less than minimum if residential units are combined
128 with other uses in same building or on same lot.
129 11. Accessory parking lots and structures. Park n ride and park n pool facilities
130 are not permitted. Student/faculty parking shall be located west of 68th
131 Avenue
132 12 8. Electric vehicle charging station, Level 1, Level 2 and Level 3, if accessory to
133 a permitted use or conditionally permitted use
134 9. Arts or performance facilities.
135 10. Child day-care center (13 or more children) per LMC 21.42.110(E);
136 11. Boarding house, dormitory or other group residential facilities suitable for
137 students;
138 12. Inn, hotel, or similar transient lodging (20 guest rooms or less)
139 13. Battery exchange station (electric vehicle), and only if accessory to a
140 permitted.
141 14. Single-family residences, including home occupations, subject to the
142 development standards set forth for the RS-7 zone in LMC 21.42.02, Table
143 21.42.02.
144 15. Any other use similar to those listed above or any other use determined by
145 the community development director to be consistent with the College
146 District Plan.
147

- 148 B. ~~Principal Uses Allowed by Conditional Use Permit~~
- 149 1. ~~Tavern, brew pub, club or restaurant that serves alcohol — when within or~~
- 150 ~~adjacent to a structure that also contains residences or child care facilities.~~
- 151 2. ~~Indoor amusements such as arcades, bowling, pool card rooms,, etc.~~
- 152 3. ~~Athletic club or health spa (indoor facilities).~~
- 153 4. ~~Performing arts facilities.~~
- 154 5. ~~Child day care center (13 or more children) per LMC 21.42.110(E);~~
- 155 6. ~~Boarding house, dormitory or other group residential facilities suitable for~~
- 156 ~~students (*should this be an out right permitted use above*).~~
- 157 7. ~~Inn, hotel, or similar transient lodgings (20 accommodations or less).~~
- 158 8. ~~Battery exchange station (electric vehicle), and only if accessory to a~~
- 159 ~~permitted or conditionally approved use.~~

- 160 C. ~~(B).~~ Allowed Accessory Uses. Accessory uses are permitted per LMC 21.58.300,
- 161 including
- 162 1. ~~Child care — when serving the patrons or employees of a principal use. As~~
- 163 ~~written it is unenforceable)~~
- 164 2. ~~Commercial food services — in public buildings.~~
- 165 3 1. Food Vendors – in outdoor public spaces, subject to city permits.

- 166 D. ~~(C)~~ Prohibited Uses.
- 167 1. Marijuana and marijuana- infused products retail sales, processing or
- 168 production.
- 169 2. Medical marijuana collective gardens.
- 170 3. The following uses are prohibited unless their sites have frontage on and
- 171 access to 196th Street SW. and 64th Avenue W, or Highway 99:
- 172 a. Gas stations, car washes, auto parts stores, auto repair and
- 173 maintenance and similar auto-related uses.
- 174 b. Drive-through facilities.
- 175

176 **Section 5.** Section 21.57.500, entitled “Land uses” of the Lynnwood Municipal Code is amended to

177 read as follows:

178

179 **21.57.5400 Development Standards**

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- 181 A. Building to Site Relationships
- 182 1. Minimum lot area: ~~none~~ One-half acre
- 183 2. Minimum lot area per dwelling: none.
- 184 3. Minimum lot width: none.
- 185 4. Minimum frontage at street: none.
- 186 5. Front yard setback: no minimum; 15 feet maximum.
- 187 6. Side setbacks: none.
- 188 7. Rear setbacks: 25 feet (may be used for parking, private yards, recreation,
- 189 etc.).
- 190 8. Minimum building separation: none.
- 191 9. Maximum lot coverage: ~~8~~ 90 percent.
- 192 10. Maximum building height: 50 feet.
- 193 11. Minimum floor area: none.
- 194 B. Buildings and Uses
- 195 1. Architectural Consistency. The scale and design features of a new or
- 196 remodeled building shall be compatible with its surroundings and consider
- 197 the architectural style of existing development on and off campus.

- 198 2. Utilities. Newly installed utility services shall be placed underground.
- 199 3. Reduced Parking. Businesses in this zone will be within a pedestrian-
- 200 oriented environment designed to cater to walk-in and bicycle traffic from
- 201 the college and surrounding neighborhoods. To emphasize the pedestrian
- 202 intent and discourage automobile usage, minimum parking requirements for
- 203 nonresidential uses within the CDM zone shall be calculated at 50 percent of
- 204 the normally required standards of Chapter 21.18 LMC. With the exception
- 205 of required “accessible spaces,” development proposals may include
- 206 provisions for off-site parking and shared parking agreements to meet
- 207 parking requirements and maximize parking space utilization, providing the
- 208 proposed parking is within a walking distance of 500 feet of its principal use.
- 209 4. Pedestrian Environment. 68th Avenue between 200th and 204th Streets, 204th
- 210 Street between Highway 99 and the campus and 202nd Street from the
- 211 campus to Highway 99 are designated “pedestrian-oriented” streets. The
- 212 following shall apply to properties fronting these streets:
- 213 a. Buildings shall be at least two stories in height (maximum 50 feet
- 214 height).
- 215 b. Street level spaces shall be reserved for retail, office, service uses or
- 216 similar active non-residential functions.
- 217 c. Upper floors may be used for additional retail, offices, services,
- 218 studios or residential uses, including living/working lofts, to a maximum
- 219 density of ~~20~~ 43 DU/ac (net).
- 220 ~~5. Multi-story Buildings. Buildings of two or more stories are encouraged~~
- 221 ~~throughout the CDM zone.~~
- 222 6.5. Mix of Uses. With the exception of the commercial spaces required at street
- 223 level in subsection (B)(4(b) of this section, all buildings within the CDM zone
- 224 may be used for retail, offices, services, studios, living/work lofts, other
- 225 residential uses or a combination of those uses.
- 226 C. Outdoor Areas.
- 227 1. To enhance the pedestrian environment of the CDM zone, the design of open
- 228 front yard areas and spaces between buildings shall consider and
- 229 incorporate such elements as decorative landscaping and paving, seating
- 230 areas, outdoor eating areas, bike racks, public art, kiosks, trees, awnings or
- 231 other protection from the natural elements, and access to drinking fountains
- 232 and public restrooms.
- 233 2. Plans for outdoor pedestrian areas shall include a coordinated design for
- 234 safe and convenient outdoor lighting and signage. The outdoor lighting plan
- 235 along 68th Avenue W., 202nd Street SW. and 204th Street SW., will further the
- 236 concept of a “neighborhood center” and will provide pedestrian level
- 237 lighting at a coverage that complies with the public safety standards for such
- 238 public outdoors areas.
- 239 3. Deciduous street trees having a minimum caliper size of two inches shall be
- 240 provided at 30 feet intervals or clustered when spacing is not feasible, along
- 241 68th Avenue W, 204th Street SW., 196th Street SW., 64th Avenue W. and 202nd
- 242 Street SW as a design element of the project.
- 243 4. Unless designed as a plaza or other outdoor pedestrian area, not more than
- 244 10 percent of landscaped areas may be covered with inanimate materials,
- 245 unless the applicant can document a problem on the site that makes it
- 246 unsuitable for plant materials.

- 247 5. In areas determined to be unsuitable for plants, such alternatives as fences,
 248 walls, and paving of brick, wood, stone, concrete pavers, gravel or cobbles
 249 may be used in the design – subject to design review approval.
- 250 D. Other Limitations and Standards
- 251 1. The college district mixed use (CDM) zone is considered a “commercial”
 252 zone and subject to applicable limitations on uses and other development
 253 standards, contained in Chapter 21.46 LMC, Commercial Zones, and not
 254 contained in this chapter.
- 255 2. Tandem parking may be used to meet residential parking requirements,
 256 providing both spaces are assigned to the same dwelling. Tandem parking
 257 will not be approved for nonresidential applications.
- 258 3. Parking lot design and related landscaping shall be in accordance with LMC
 259 21.46.210(B) (parking lot development standards for commercial zones).
 260 Off-street parking, whether in surface lots, or structures, shall be located
 261 beside or behind buildings, and prohibited between buildings and streets,
 262 with the exception of master-planned parking on the EdCC campus.
- 263 4. Signage shall comply with LMC 21.16.310 (commercial signage
 264 requirements), ~~except as adjusted by the signage limitations of the college~~
 265 ~~district overlay zone. The following types are prohibited within the CDM~~
 266 zone, with the exception of commercially zoned properties fronting 196th
 267 Street SW. and 64th Avenue W.
- 268 a. Freestanding signs, other than ground signs
 269 b. Pole signs;
 270 c. Roof signs.
- 271 5. The location and design of trash and recycling facilities shall comply with the
 272 requirements of LMC 21.46.900 (refuse and recycling collection areas and
 273 enclosures).
- 274 6. The provisions of the CDM zone shall prevail in cases of conflict.
- 275 7. Transition or Buffer Strips.
- 276 A. Transitional or buffer landscaped strips (also referred to as
 277 greenbelts) of which the purpose of the landscaping is to provide a sight,
 278 sound, and psychological barrier between zones with a high degree of
 279 incompatibility. The transition or buffer strips shall be installed in the
 280 following situations:
- 281 1. Where the side yard or rear yard of a property zoned to any
 282 commercial zone is adjacent to a property zoned multiple-
 283 family residential or public and semi-public.
- 284 a. The planting strip shall be at least 10 feet in width
 285 and shall consist of either of the following two
 286 options:
- 287 i. One row of evergreen conifer trees, spaced a
 288 maximum of 10 feet on center. Minimum tree
 289 height shall be six feet, the remainder of the
 290 planting strip shall be promptly planted with
 291 low evergreen plantings which will mature to
 292 a total groundcover within five years; or
- 293 ii. A site-screening evergreen hedge. The
 294 spacing of plants shall be such that they will
 295 form a dense hedge within five years.
 296 Minimum plant height shall be four feet.

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b. A permanent six-foot site-screening fence shall be placed at the property line.

Section 6. Section 21.57.600, entitled “Site plan and design approval” of the Lynnwood Municipal Code is amended to read as follows:

21.57.6500 Site plan and design approval

- A. New development with the college district mixed use (CDM) zone shall comply with the development standards of LMC 21.57.500 and with Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3) and receive approval pursuant to Chapter 21.25.LMC.
- ~~B. New development is also subject to review and approval per Chapter 21.32 LMC (Site Plan and Design Review).~~
- B. In addition to the general decision criteria established in 21.25 LMC, the following criteria shall be considered when reviewing development proposals in the CDM zone:
 - 1. The proposal is compatible with the design and function of surrounding development and land uses.
 - 2. Streetscapes are designed to include a combination of facilities to serve pedestrians, cyclists and transit patrons, such as attractive lighting, awnings and canopies, seating, directional signage, information kiosks, designated street crossings, bus shelters, and/or other amenities to enhance the pedestrian environment.
 - 3. Public sidewalks and/or trails, bikeways or greenbelt linkages are provided to connect parks, municipal golf course, the college and other public areas frequented by the general public when the proposed development is on or adjacent to such planned facilities.

Section 7. Chapter 21.58, entitled “College-District Overlay” of the Lynnwood Municipal Code is repealed.

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

Section 9. This Ordinance shall take effect and be in full force and effect immediately upon passage, as set forth herein.

PASSED BY THE CITY COUNCIL, the __day of __, 2016.

APPROVED:

Nicola Smith, Mayor

ATTEST/AUTHENTICATED:

APPROVED AS TO FORM:

344 _____
345 Rosemary Larson
346

347 On the 8th day of June, 2015, the City Council of the City of Lynnwood, Washington, passed
348 Ordinance No. 3136. A summary of the content of said ordinance, consisting of the title,
349 provides as follows:

350
351 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO
352 RECREATIONAL MARIJUANA PRODUCTION, PROCESSING, AND RETAIL SALES
353 PURSUANT TO INITIATIVE 502, AND TO MEDICAL MARIJUANA COLLECTIVE
354 GARDENS, AMENDING CHAPTER 21.02 LMC; ADDING NEW SECTIONS 21.42.103,
355 21.43.103, 21.44.103, 21.46.103, 21.50.103, 21.52.103, AND 21.71.180 TO THE
356 LYNNWOOD MUNICIPAL CODE, AMENDING SECTIONS 21.48.100, 21.54.100,
357 21.56.100, 21.57.400, 21.58.300, 21.60.300, AND 21.62.210 OF THE LYNNWOOD
358 MUNICIPAL CODE, REPEALING ORDINANCE NO, 2998, 2999, 3039, 3040, 3045,
359 3061, 3062, 3072, 3095, 3096 AND 3106; AND PROVIDING FOR SEVERABILITY, AN
360 EFFECTIVE DATE AND SUMMARY PUBLICATION.

361
362 The full text of this Ordinance will be mailed upon request.

363
364 DATED this 8th day of June , 2015.

365
366
367 _____
368 Finance Director
369

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1 CITY OF LYNNWOOD

2 ORDINANCE NO.

3 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE
4 PUBLIC AND SEMI-PUBLIC ZONEUSE ZONE AMENDING SECTIONS 21.44.050 AND
5 21.44.100 AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND
6 SUMMARY PUBLICATION.
7

8
9 WHEREAS, the City desires to encourage development, including partnerships, in the Public
10 and Semi-Public Zones
11

12 WHEREAS, the City desires to amend the code to provide more inclusive uses in the Public
13 and Semi-Public Zones while eliminating uses that are not consistent with the aforementioned zone.
14

15 WHEREAS, on , 2016 on the Community Development Director, acting as Lynnwood’s State
16 Environmental Policy Act (SEPA) Responsible Official, issued a threshold determination for this
17 draft ordinance; and
18

19 WHEREAS, on 2016 The State of Washington granted the City of Lynnwood expedited
20 review for the: proposed ordinance amends the city's zoning code. This proposal was submitted for
21 the required state agency review under RCW 36.70A.106.
22

23 WHEREAS, on , 2016, the Planning Commission held a public hearing on a draft zoning
24 ordinance; and
25

26 WHEREAS, on , 2016, the City Council held a public hearing on the draft zoning ordinance;
27 and
28

29 WHEREAS, the City Council after due consideration finds that the regulations contained in
30 this ordinance are consistent with and implement the City’s Comprehensive Plan, and are
31 consistent with applicable state law, and will benefit the public health, safety and general welfare;
32

33 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DOES ORDAIN AS
34 FOLLOWS:
35

36
37 **Section 1.** Section 21.44.050, entitled “Purpose,” of the Lynnwood Municipal Code, is amended to
38 read as follows.
39

40 **21.44.050 Purpose**

41 This classification is intended to provide for nonresidential uses of a public or
42 quasi-public nature to be located in or near residential areas and to establish standards
43 which will minimize the impact of the nonresidential use on nearby properties. Whereas,
44 nonresidential uses are ordinarily prohibited in single-family residential zones in the
45 public interest, it is the intent of this classification that instead of such nonresidential uses
46 being excluded the public interest will be best served by development standards which
47 minimize or eliminate completely any undesirable effects of the non-residential uses on

48 existing homes. Also, it is intended that the provisions of this chapter will prevent future
49 development in the area from being influenced towards a type of development contrary to
50 that shown on the adopted comprehensive plan, with the result that the residential
51 character will be preserved in the neighborhoods where this zone is established.
52 Development in this zone may be undertaken through the actions of private or public
53 entities or through a collaborative venture.

54
55
56 **Section 2.** Section 21.44.100, entitled "Uses allowed," of the Lynnwood Municipal Code, is
57 amended to read as follows.

58
59
60 **21.44.100 Uses Allowed**

61 A. Permitted Uses.

- 62 1. Residential Uses. All uses which are permitted in the RS-8 single-
63 family residential zone are permitted.
- 64 2. Institutional Uses. The following uses are permitted, subject to the
65 standards of this chapter:
 - 66 a. Churches;
 - 67 b. Private or semiprivate memorial buildings;
 - 68 c. Community clubhouses, convention centers, public golf
69 courses, and accessory uses;
 - 70 d. Art galleries, libraries, and museums;
 - 71 e. Private schools, universities, and colleges and accessory
72 uses;
 - 73 f. Child day care;
 - 74 g. Public parks, playgrounds, and schools;
 - 75 h. Municipal buildings, including fire stations =, and
76 performance arts facilities;
 - 77 i. Clubs or fraternal societies ~~but not including those which~~
78 ~~provide entertainment or allow alcoholic beverages.~~
 - 79 j. Transit center;
 - 80 k. Park-and-ride lots;
 - 81 l. ~~park and pool lots;~~
 - 82 m l. Existing wastewater treatment plant.
- 83 3. ~~Temporary Uses. The operation of a hot air balloons in~~
84 ~~conjunction with a temporary special event license in accordance~~
85 ~~with Chapter 5.30 LMC, except that no fee shall be required. Each~~
86 ~~applicant for such a temporary special event license shall verify~~
87 ~~that the balloon is to be operated by a licensed pilot and shall~~
88 ~~demonstrate adequate provisions for safe operation. No hot air~~
89 ~~balloon utilized in such a temporary special event shall bear any~~
90 ~~symbols, letters, or pictures whatsoever.~~
- 91 4. ~~Electric vehicle charging stations, Level 1, Level 2 or Level 3, if~~
92 ~~accessory to a permitted use or conditionally permitted use.~~
- 93 5. ~~Battery exchange station (electric vehicle, if accessory to a~~
94 ~~permitted use or conditionally permitted use.~~

- 95 B. Conditional Uses.
- 96 1. All uses permitted through the issuance of a conditional use
- 97 permit in the RS-8 zone, except as amended by this section;
- 98 2. Charitable, nonprofit or social service organizations other
- 99 than those uses specifically allowed as a permitted use;
- 100 3. Medical facilities, including hospitals, convalescent homes
- 101 and medical or dental clinics; and
- 102 4. ~~Legal and professional services; and~~
- 103 5. Expansion or major alteration of an existing wastewater
- 104 treatment plant.

- 105 C. Factors for Consideration for Proposed Conditional Uses. In considering
- 106 any condition use permit application, the hearing examiner shall consider
- 107 all factors relevant to the public interest including, but not limited to:.
- 108 1. Consistency of the proposal with the comprehensive plan
- 109 and wit the purpose of the P-1 zone as stated in LMC
- 110 21.44.050, especially discouraging activities of a
- 111 commercial or industrial nature, whether public or private;
- 112 2. Impact of the proposal on the visual and aesthetic character
- 113 of the neighborhood;
- 114 3. Impact of the proposal on the distribution, density or
- 115 growth rate of the population in the neighborhood;
- 116 4. Orientation of facilities to developed or undeveloped
- 117 residential areas;
- 118 5. Preservation of natural vegetation and other natural
- 119 features;
- 120 6. Hours of operation;
- 121 7. Ability to provide adequate on-site parking;
- 122 8. Traffic impacts of the proposal on the neighborhood; and
- 123 9. Conformance of the proposal with the city noise ordinance,
- 124 Chapter 10.12. LMC.

125

126 Whenever the proposed use involved occupying a partially

127 or totally vacant school, the applicant must demonstrate

128 that the proposed use will have no greater impacts than the

129 use for which the facility was first designed.

- 130 D. Exemption from Conditional Use Permit Application Process. Some
- 131 limited expansion of uses and structures of existing uses at the Lynnwood
- 132 wastewater treatment plant may be approved for exemption from the
- 133 conditional use permit process by the community development director if
- 134 the proposed alteration meets the following criteria:
- 135 1. The alteration does not expand the treatment capacity of the
- 136 plant.
- 137 2. The alteration does not result in a significant increase in
- 138 noise, odor, traffic, or visual impact.

139 3. Any proposal to add accessory structures does not result in
140 the addition of more than 500 square feet of building
141 coverage.
142

143 **Section 3.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid
144 or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall
145 not affect the validity or constitutionality of any other section, sentence, clause or phrase of this
146 ordinance.
147

148 **Section 4.** This Ordinance shall take effect and be in full force and effect immediately upon
149 passage, as set forth herein.
150

151 PASSED BY THE CITY COUNCIL, the __day of __, 2016.

152 APPROVED:

153 _____
154 Nicola Smith, Mayor

155 ATTEST/AUTHENTICATED:

156 _____
157 APPROVED AS TO FORM:

158 _____
159 Rosemary Larson
160

161 On the day of , 2016, the City Council of the City of Lynnwood, Washington, passed
162 Ordinance No. . A summary of the content of said ordinance, consisting of the title,
163 provides as follows:

164

165 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE
166 PUBLIC AND SEMI-PUBLIC ZONEUSE ZONE AMENDING SECTIONS 21.44.050 AND
167 21.44.100 AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND
168 SUMMARY PUBLICATION.

169

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

171

172 DATED this_day of , 2015.

173

174

175

176

177

Finance Director

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June 26, 2016



City of Lynnwood
Development and Business Services
Attn: Gloria Rivera - Senior Planner
4114 198th St SW - Suite 7
Lynnwood, WA 98036-6742

RECEIVED

JUN 29 2016

**CITY OF LYNNWOOD
PERMIT CENTER**

Dear Gloria,

It was a pleasure meeting you at the Proposed College District Area Rezone and Edmonds Community College Master Plan meeting on Tuesday, June 21, 2016.

I represent the owners for Fairwinds Brighton Court located at 6520 196th Street SW, Lynnwood, WA 98036. It is my understanding that Fairwinds zoning is grandfathered in based on the original zoning when the community was constructed nearly 25 years ago. With the zoning rules changing we want to be assured that in the event that we need to rebuild that our grandfathered status will remain intact. It is our desire for this to be the case.

I would appreciate your response in writing. Thank you Gloria.

Best Regards,

Ryan Rasar
VP of Operations

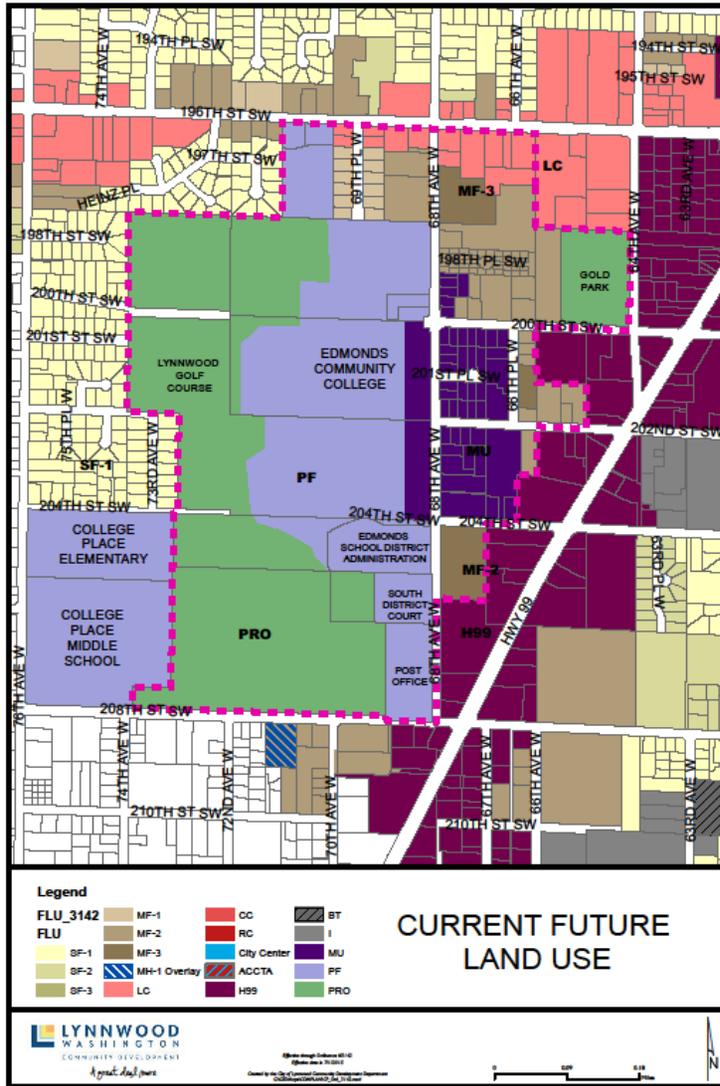
999 third avenue • suite 4550
seattle • wa 98104

phone 206.436.7827
fax 206.436.7705

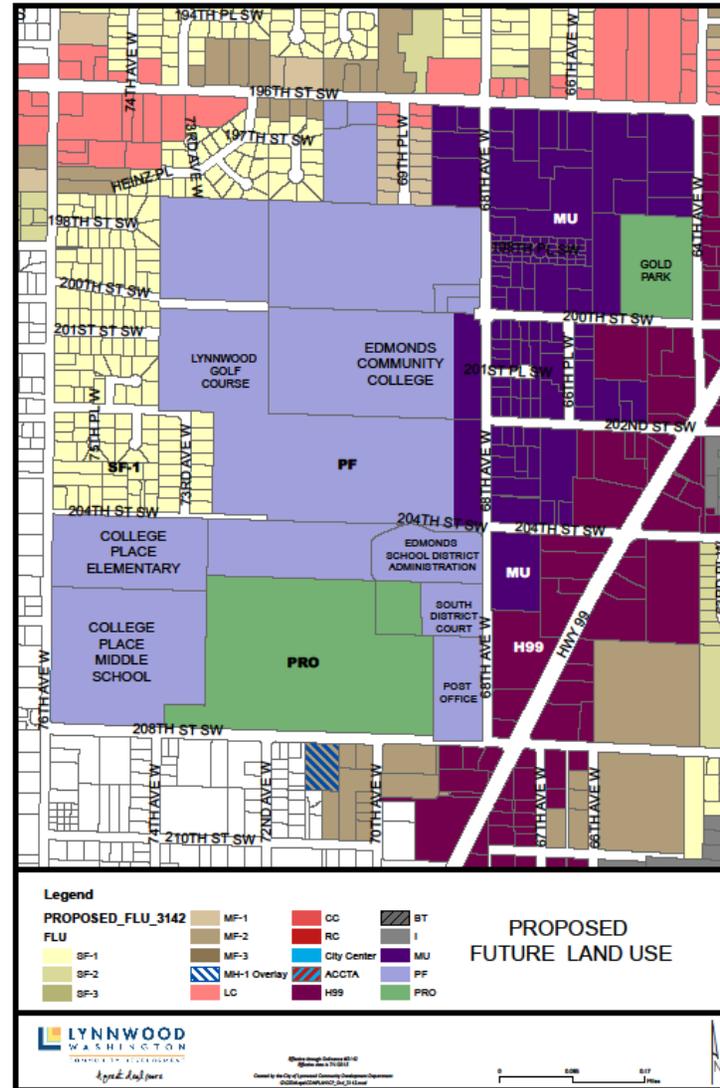
www.leisurecare.com

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CURRENT FUTURE LAND USE MAP



PROPOSED FUTURE LAND USE MAP



**Topic: College District Area
Comprehensive Plan and Rezone
Map Amendments and Text
Amendment to the Economic
Development Element**

Agenda Item: E.2

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

Staff Report

Staff Contacts: Gloria Rivera, Senior Planner

Introduction

This year's docket of proposed amendments to the Lynnwood Comprehensive Plan was reviewed by Planning Commission and approved by City Council on May 23, 2016. The docket consists of eleven (11) amendments. Staff is presenting one (1) amendment at tonight's public hearing.

Action

Following the public hearing, after a review of the proposed amendments, deliberate on the amendments and make a recommendation to the City Council for final approval.

Background

The Lynnwood Municipal Code (LMC) provides a process for annual consideration of amendments to the City's Comprehensive Plan (Chapter 18.04 LMC). Review of these amendments is a major component of the Planning Commission's annual work program. The Community Development Director compiles and maintains for public review a Proposed Amendment List (PAL), or annual "docket," concerning amendments to the Comprehensive Plan and subarea plans. The decision criteria for taking action on amendments are specified in the Implementation section of the Comprehensive Plan. Decision criteria for rezones (reclassifications) are specified in LMC Chapter 21.22.600.

The College District Comprehensive Plan Amendments and text amendment were sent out for referral to departments and agencies. No comments were received. A SEPA Determination of Non-Significance (DNS) was issued on July 7, 2016 and the DNS is now in the Comment/Appeal time period. A request was made to the State of Washington to grant expedited review which has been granted.

Amendment

The hearing this evening include the following amendment:

A. College District Area Comprehensive Plan Amendment and Rezone Map Amendments (CPL-003757-2016/RZN-003759-2016)

- 1) The City of Lynnwood, has submitted an amendment to the Future Land Use Map to change the designation of specified parcels from Local Commercial (LC), Medium Density Multi-Family (MF-2) and High Density Multi-Family (MF-3) to Mixed Use (MU). A rezone is also proposed for the specified parcels which would rezone the parcels from Community Business (B-1), Multiple Residential Medium Density (RMM) and Multiple-Residential High Density (RMH) to College District Mixed Use (CDM).

The proposed amendments and rezone would allow increased mixed use development (i.e. multi-family residential, offices and retail) in the vicinity of Edmond Community College and transit.

- 2) The City of Lynnwood, has also submitted an amendment to the Future Land Use Map to change the designation of specified parcels adjacent to the campus of Edmonds Community College from Parks, Recreation and Open Space (PRO) to Public Facilities (PF).

The proposed amendments and rezone would allow increased public activities on the Edmond Community College.

B. Text Amendment to Comprehensive Plan Amendment Community Development Element

The City of Lynnwood, has submitted an amendment to the Future Land Use Map to delete a duplicate Action in the Economic Development Element and add a new Action item that is part of the Economic Development actions but was inadvertently omitted during the 2015 Comprehensive Plan amendments.

The proposed amendment would allow increased private/public and City partnerships in development on Edmonds Community College.

Analysis and Comment

For Comprehensive Plan amendments, the Planning Commission shall base its recommendations on its preliminary evaluation of the need, urgency and appropriateness of the amendments, and criteria set forth in the Implementation Element of the Comprehensive Plan.

The criteria used in the review and approval of plan amendment requests are listed as follows:

1. The proposal is consistent with the provisions of the Growth Management Act and will not result in Plan or regulation conflicts; and

2. The proposal will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, or residents; and
3. The proposed amendment can be accommodated by all applicable public services and facilities, including transportation; and
4. The proposal will help implement the goals and policies of the Lynnwood Comprehensive Plan; and
5. If the proposal could have significant impacts beyond the Lynnwood City Limits, it has been sent to the appropriate Snohomish County officials for review and comment.

For rezones, the Planning Commission shall base its recommendations for reclassifying properties within the City on the decision criteria noted in Chapter 21.22.600:

1. The reclassification is substantially related to the public health, safety, or welfare; and
2. The reclassification is warranted because of changed circumstances or because of a need for additional property in the proposed land use zone classification or because the proposed zoning classification is appropriate for reasonable development of the subject property; and
3. The subject property is suitable for development in general conformance with zoning standards under the proposed zoning classification; and
4. The reclassification will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
5. The reclassification has merit and value for the community as a whole; and
6. The reclassification is in accord with the comprehensive plan; and
7. The reclassification complies with all other applicable criteria and standards of the Lynnwood Municipal Code.

The City of Lynnwood has provided background and analysis for the proposed Future Land Use and rezone map amendments and text amendment (see attachments). Based on the analysis of the criteria for Comprehensive Plan Amendments and rezones and text amendments (listed above), staff finds that the proposed map amendments and rezone and the text amendment meet the criteria and recommend approval of the proposed items.

Previous Planning Commission / City Council Action

Planning Commission approved the PAL on May 12, 2016
City Council approved the PAL on May 23, 2016

Adm. Recommendation

Hold a public hearing to hear public testimony regarding the proposed amendments and rezone. At the conclusion of the hearing, deliberate on the amendments and make a recommendation to City Council to hold a public hearing to review and approve the proposed amendments as presented by Staff.

Attachments

1. Application and narrative supporting the Comprehensive Plan Amendments and Rezone
2. Proposed Comprehensive Plan and Zone Map Amendments (see previous item)
3. Proposed Economic Development Action amendment

Land Use Application Cover Sheet

For City Use Only

File Name: College District

Date Stamp

File Number: CPL-003757-2016

Instructions for Applicants

Please read and follow all instructions on your application carefully. If you have any questions about the process or your project, it is strongly recommended that you speak with staff prior to submitting your application to help ensure that processing can advance in a timely manner. Every application must include this cover sheet, the application/checklist and all required items, and a notarized affidavit of ownership (if applicable).

Specific Type of Land Use Application to be submitted (check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Accessory Dwelling Unit | <input type="checkbox"/> Environmental Review (SEPA) | <input type="checkbox"/> Wireless Communication Facility |
| <input type="checkbox"/> Appeal | <input type="checkbox"/> Project Design Review | <input type="checkbox"/> Other (please specify): |
| <input type="checkbox"/> Binding Site Plan | <input type="checkbox"/> Rezone/PUD | |
| <input type="checkbox"/> Boundary Line Adjustment/ Lot Combination | <input type="checkbox"/> Short Subdivision (Short Plat) | <u>Comprehensive Plan Suggested Amendment</u> |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Subdivision (Long Plat) | |
| | <input type="checkbox"/> Variance | <input type="checkbox"/> Comprehensive Plan Amendment |

Please Print or Type Legibly

Applicant: City of Lynnwood			Phone: (425) 670-5409
Address: PO Box 5008			Cell:
City: Lynnwood	State: WA	Zip: 98046	Fax:
E-Mail:			
Contact Person, if different: Gloria Rivera, Senior Planner			Phone: (425) 670-5409
Address: Same			Cell:
City:	State:	Zip:	Fax:
E-Mail:			
Property Owner(s), if different: City-wide. Approx. between 68 th Ave. W and 64 th Ave. W., and between 196 th St. SW. and 202 St. SW on specified parcels			Phone:
Address:			Cell:
City:	State:	Zip:	Fax:
E-Mail:			
Site Address(es): See Attachment			Zoning: B-1, RMM and RMH to CDM and CDM to P-1
Assessor Parcel Number(s) – (APNs): See Attachment			Comp. Plan Designation: LC, MF-2, MF-3 to MU and MU to PF
Description of Proposal: Repeal of Chapter 21.58 LMC. (College District Overlay zone) Text amendments to Chapter 21.57 (College District Use zone) to allow expansion of mixed use development. Amend the Future Land Use Map for specified parcels to change LC, MF-2 and MF-3 to MU and specified PRO to PF. Amend zoning map for specified parcels from B-1, RMM and RMH to CDM.			
I/We certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my/our knowledge.			
Signature of Applicant/Agent: _____			Date: _____
Signature of Property Owner: _____			Date: _____

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1 COMPREHENSIVE PLAN – TEXT AMENDMENTS

2 (COLLEGE DISTRICT)

3 CPL-003757-2016

- 4 • Local Commercial (LC) (MF-2) Multi-Family Medium Density and Multi-Family (MF-3) on
5 specified parcels to MU (Mixed Use)
- 6 • Parks, Recreation and Open Space (PRO) on specified parcels to Public Facilities (PF)

7
8 Map Amendment #1

9 Current Comprehensive Plan designations are Local Commercial (LC), (MF-2) Multi-Family Medium
10 Density and (MF-3) Multi-Family High Density on specified parcels.

11 Proposed Amendment:

12 The Comprehensive Plan designation of Mixed Use (MU) would be assigned to specified parcels.
13 Proposed change would change the designation to MU (Mixed Use) on the specified lots.

14 As noted Rationale for Amendment:

15 The current designation and its underlying zoning (Chapter 21.58) make it difficult to redevelop parcels
16 (i.e. requirement of underlying zone controlling development which excludes uses promoted in the
17 Comprehensive Plan, limitations on the ability of existing single-family residences to be improved until
18 future redevelopment). The amendment would allow for consistency of development between the
19 intent of the Comprehensive Plan and zoning.

20 Map Amendment #2

21 A specified area on the current Comprehensive Plan has designated by a dashed line, the “College
22 District Overlay

23 Proposed Amendment:

24 Proposed change would eliminate the dashed Overlay zone. Chapter 21.58(College District Overlay)
25 zone would also be eliminated.

26 Rationale for Amendment:

27 With the expansion of the Mixed Use Zone (and adoption of consistent College District Mixed Use) zone
28 and the amendment of Chapter 21.44 (Public and Semi-Public) zone of the Lynnwood Municipal Code,
29 no need will be required for the College District Overlay.

30

31

32 Map Amendment #3

33 Current Comprehensive Plan designation for the Lynnwood Golf Course is Parks, Recreation and Open
34 Space (PRO) on specified parcels.

35 Proposed Amendment:

36 The Comprehensive Plan designation of Public Facilities (PF) would be assigned to the Lynnwood Golf
37 Course.

38 Rationale for Amendment:

39 The City of Lynnwood has an operating agreement with Edmonds Community College. The golf course
40 would be allowed to continue to operate as currently operating. By changing the designation from PRO
41 to PF, this would allow flexibility with future planning for the College while still maintaining the golf
42 course operation.

43 Text Amendment #1

44 Existing text for Action 3.1b.3 is a repeat of language in Action 3.1b.2 “Identify specific College District
45 Infrastructure gaps, and prioritize improvements and enhancements”.

46 Proposed Amendment:

47 Proposed text amendment would add Action 3.1.b.3 from the adopted Economic Development Goals
48 and Actions: “Collaborate with Edmonds Community College on the development and enhancement of
49 college facilities”.

50 As noted Rationale for Amendment:

51 Proposed amendment would delete duplication in the Economic Development Element and would allow
52 for collaboration between the City and College to develop and enhance college facilities that benefit the
53 community.

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- A. Is the proposal consistent with the provisions of the Growth Management Act (GMA) and will not result in conflict with the Comprehensive Plan.

Map Amendment #1 (MF-2, MF-3 and LC to Mixed Use) – The redesignation of parcels to Mixed Use will not be inconsistent with the GMA. GMA requires that the City provide for concentrated urban growth and economic development. The allowance of mixed use (commercial/office with residential) will allow concentrated development and provide increased opportunities for property owners. The Mixed Use expansion (with the concurrent application of the College District Mixed Use zone) would be consistent with the Comprehensive Plan designation which calls for multi-family dwellings with commercial or office uses in the college district. The concurrent zoning regulations call for on-site open space and recreation area.

Map Amendment #2 (Remove CDO designation) – The removal of the CDO designation will not be inconsistent with the GMA. GMA requires that the City provide for concentrated urban growth and economic development. The allowance of mixed use (commercial/office with residential) will allow concentrated development and provide increased opportunities for property owners. The Mixed Use expansion (with the concurrent application of the College District Mixed Use zone) would be consistent with the Comprehensive Plan designation which calls for multi-family dwellings with commercial or office uses in the college district. The concurrent zoning regulations call for on-site open space and recreation area.

Map Amendment #3 (PRO to PF) – The redesignation of parcels to PF will not be inconsistent with the GMA. Both the golf course and College are public entities, and therefore may be categorized under the PF land use designation.

Text Amendment #1 (Add Action 3.1.b.3) – The addition of Action 3.1.b.3, under Goal 3, Strategy 3.1.b (Major Projects: College District) will not be inconsistent with the GMA. GMA requires that the City provide for public facilities and services. The text amendment allows an avenue for the provision of the public facilities and services furnished by the college. The text amendment is also consistent with the Comprehensive Plan

- B. Will the proposal change the development or use potential of a site or area without creating significant adverse impact on existing sensitive land uses, businesses, or residents?

Map Amendment #1 (MF-2, MF-3 and LC to Mixed Use) – The redesignation of parcels to Mixed Use will not have a significant adverse impact on existing sensitive land use areas, businesses or residences. No sensitive areas are located near the area to be redesignated which is surrounded mostly by offices and commercial activities. The one area of existing single-family uses (zoned

95 multi-family) is south of 196th Street SW along 69th Place W. The proposed zoning code which
96 will be approved concurrently, allows for increased buffers and landscaping adjacent to
97 residentially zoned parcels.

98
99 Map Amendment #2 (Remove CDO designation) – The removal of the CDO will not have a
100 significant adverse impact on existing sensitive land use areas, businesses or residences. No
101 sensitive areas are located near the area in which the designation will be removed. One area to
102 be removed from the overlay consists of existing single-family uses which is zoned low-density
103 multi-family which will be protected from the new CDM zoning to the east by buffering and
104 landscaping.

105
106 Map Amendment #3 (PRO to PF) – The redesignation of parcels to PF will not have an adverse
107 impact on existing sensitive land use areas, businesses or residences. No sensitive areas are
108 located on the parcels to be redesignated.

109
110 Text Amendment #1 (Add Action 3.1.b.3) – The addition of Action 3.1.b.3, under Goal 3, Strategy
111 3.1.b (Major Projects: College District) will not have a significant adverse impact on existing land
112 use areas, business or residences. The amendment only provides for collaboration by the City
113 and College.

- 114
115 C. Can the proposal be accommodated by all applicable public services and facilities, including
116 transportation?

117
118 Map Amendment #1 (MF-2, MF-3 and LC to Mixed Use) – Public services and facilities will serve
119 the expanded designated MU area. Community Transit will serve the expanded MU designated
120 on 68th Avenue W., and 196th Street SW. Rapid Transit is available nearby on Highway 99.

121
122 Map Amendment #2 (Remove CDO designation) – The removal of the CDO designation will not
123 be impacted by public services and facilities. Community Transit will continue to serve the area
124 on 68th Avenue W., 196th Street SW. and Highway 99.

125
126 Map Amendment #3 (PRO to PF) – Public services and facilities currently serve the area.
127 Transportation is provided nearby on 68th Ave. W at the College’s transportation facility.

128
129 Text Amendment #1 (Add Action 3.1.b.3) – The addition of Action 3.1.b.3, under Goal 3, Strategy
130 3.1.b (Major Projects: College District) will not be impacted by public services and facilities. The
131 amendment only provides for collaboration by the City and College and is non-project related.

- 132
133 D. Will the proposal help implement the goals and policies of the Lynnwood Comprehensive Plan?

134
135 Map Amendment #1 (MF-2, MF-3 and LC to Mixed Use) – The redesignation of parcels to Mixed
136 Use with an underlying zoning of College District Mixed Use would help implement the Goal of

137 the Housing Element to “provide for sufficient availability and a variety of opportunities for safe,
138 decent, and affordable housing in strong, cohesive neighborhood to meet the needs of present
139 and future residents of Lynnwood”. It would implement Policy H-15 “Within the College District
140 and areas where Transit-Oriented Development (TOD) is desired, apply development regulations
141 that allow alternative housing types and mixed-use development.
142

143 Map Amendment #2 (Remove CDO designation) – The Mixed Use expansion (with the
144 concurrent application of the College District Mixed Use zone) would be consistent with the
145 Comprehensive Plan designation which calls for multi-family dwellings with commercial or office
146 uses in the college district.
147

148 Map Amendment #3 (PRO to PF) – The redesignation of PRO to PF for the golf course with an
149 underlying zoning of P-1 (Public) helps implement the goals and policies of the Comprehensive
150 Plan, specifically Policy LU-43 regarding the siting and design of public facilities.
151

152 Text Amendment #1 (Add Action 3.1.b.3) – The addition of Action 3.1.b.3, under Goal 3, Strategy
153 3.1.b (Major Projects: College District) would be consistent with the Comprehensive Plan. . The
154 text amendment allows an avenue for the provision of the public facilities and services furnished
155 by the College. The text amendment is also consistent with the Comprehensive Plan
156

157 E. Could the proposal have significant impacts beyond the Lynnwood City limits?
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159 Neither Map Amendment #1, Map Amendment #2, Map Amendment #3 nor Text Amendment
160 #1 will have significant impacts beyond the Lynnwood City Limits. In fact, the location of multi-
161 family housing in the vicinity of goods and services and in the vicinity of public transit, may
162 reduce the impacts outside of the City limits.

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1 REZONE MAP AMENDMENTS

2 (COLLEGE DISTRICT)

3 RZN-003759-2016

- 4 • Community Business (B-1), Multiple-Residential Medium Density(RMM) and Multiple Residential
5 High Density-Family (RMH) on specified parcels to College District Mixed Use (CDM)

6 Map Amendment #1

7 As noted on Attachment A, current zone designations are Community Business (B-1), (Multiple
8 Residential Medium Density (RMM) and Multiple Residential-High Density (RMH) on specified parcels.

9 Proposed Amendment:

10 As noted on Attachment A, the zoning designation of College District Mixed Use (CDM) would be
11 assigned to specified parcels.

12 As noted Rationale for Amendment:

13 The current designation and its underlying zoning (Chapter 21.58) make it difficult to redevelop parcels
14 (i.e. requirement of underlying zone controlling development which excludes uses promoted in the
15 purpose sections of the zoning code, limitations on the ability of existing single-family residences to be
16 improved until future redevelopment). The amendment would allow for consistency of development
17 between the intent of the College District Comprehensive Plan and zoning.

18 Map Amendment #2

19 As noted on Attachment 1, a specified area on the current zoning map has designated by a dotted line,
20 the "College District Overlay".

21 Proposed Amendment:

22 Proposed change would eliminate the dotted Overlay zone. Chapter 21.58 (College District Overlay)
23 would also be eliminated.

24 As noted Rationale for Amendment:

25 With the expansion of the College District Mixed Use zoning and the amendment of Chapters 21.44
26 (Public and Semi-Public) zone and Chapter 21.57 (College District Mixed Use) zone of the Lynnwood
27 Municipal Code, no need will be required for the College District Overlay.

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Consistency With Criteria of LMC 21.22.600

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- A. The rezone is substantially related to the public health, safety, or welfare.

Map Amendment #1 (B-1, RMM and RMH to College District Mixed Use/CDM) – The rezoning of these parcels to CDM is substantially related to the public health, safety or welfare. Dense development in proximity to the college and goods and services adjacent to Highway 99 and 196th Street SW. may result in increased usage of transit and pedestrian usage. The decrease in single vehicle use and other forms of transportation will result in decreased auto emissions and a more healthful residency when walking is encouraged. The concurrent zoning regulations will also call for on-site open space and recreation area.

Map Amendment #2 (Remove CDO designation) – The removal of the CDO designation will result in a more dense environment in proximity to areas served by transit. Such intensity in an area already zoned for multi-family residential activities, will encourage walkability among the residents and use of transit and less use of single-occupancy vehicles. This will result in a decrease of air emissions and a more healthful environment. The concurrent zoning regulations call for on-site open space and recreation areas for new development.

- B. The rezone is warranted because of changed circumstances or because of a need for additional property in the proposed land use zone classification or because the proposed zoning is appropriate for reasonable development of the subject property.

Map Amendment #1 (B-1, RMM and RMH to College District Mixed Use) – The adoption of the College District Mixed Use zone in 2002, along with the adoption of the College District Overlay zone created a set of requirements that mutually excluded the ability to allow mixed use development adjacent to the college. In addition, exclusion of non-conforming single-family residences impaired reasonable improvements until the time of redevelopment. As a result little development has occurred in the area and single-family owners have been penalized. The rezone along with concurrent adoption of code amendments will allow mixed-use development and better utilization of existing single-family homes.

Map Amendment #2 (Remove CDO designation) – The adoption of the College District Overlay in conjunction with the College District Mixed Use zone in 2002 created a set of requirements that mutually exclude the ability to allow mixed use development adjacent to the college. In addition, exclusion of non-conforming single-family residences impaired reasonable improvements until the time of conversion. As a result little development has occurred in the area and single-family owners have been penalized. The rezone along with concurrent adoption of code amendments will allow mixed-use development and better utilization of existing single-family homes.

69 C. The subject property is suitable for development in general conformance with zoning standards
70 under the proposed zoning classification.

71
72 Map Amendment #1 (B-1, RMM and RMH to CDM) – Chapter 21.57, the College District Mixed
73 Use Zone) is being amended to reflect and increase density for multi-family development. In
74 addition, multiple uses are being combined to reflect more general use activities. The area to be
75 covered by the rezone is already suitable for development in conformance with the zoning
76 standards. Multi-family residences are already an activity that could be allowed in the zone
77 while other allowed uses would serve the residential community living in close proximity.

78
79 Map Amendment #2 (Remove CDO designation) – The area to be covered by the rezone is
80 already suitable for development in conformance with the zoning standards. Multi-family
81 residences are already an activity that could be allowed in the zone while the other allowed uses
82 would serve the residential community living in close proximity. However, as approved in 2002,
83 the College District Overlay zone and College District Mixed Use zone mutually exclude the
84 ability to allow multi-use activities. This would be corrected by the proposed deletion of the
85 Overlay zone and the extension of the CDM zone in Map Amendment #1.

86
87 D. The rezone has merit and value for the community as a whole.

88
89 Map Amendment #1 (B-1, RMM and RMH to College District Mixed Use) – The rezone of the
90 parcels to College District Mixed Use will have merit and value to the community. The area
91 surrounding the college between 68th Avenue W and Highway 99 and south of 196th Street SW is
92 already characterized by multi-family residences. The provision of mixed use will continue this
93 form of development with the additional availability of services and retail within a walkable
94 distance. In addition, the area is served by transit which could result in less reliance on
95 automobiles. Less traffic on the roadways will provide value to the entire community as well as
96 the community immediately adjacent to the newly developed mixed uses.

97
98 Map Amendment #2 (Remove CDO designation) – The removal of the CDO boundary
99 designation will have merit and value to the community. The provision of mixed use will
100 continue multi-family residences with the additional availability of services and retail within a
101 walkable distance. In addition, the area is easily served by transit. Less traffic on the roadways
102 will provide value to the entire community as well as the community immediately adjacent to
103 the newly developed mixed uses.

104
105 E. The rezone is in accord with the Comprehensive Plan

106
107 Map Amendment #1 The rezone of parcels to College District Mixed Use would help implement
108 the Goal of the Housing Element to “provide for sufficient availability and a variety of
109 opportunities for safe, decent, and affordable housing in strong, cohesive neighborhood to meet
110 the needs of present and future residents of Lynnwood”. It would implement Policy H-15

111 “Within the College District and areas where Transit-Oriented Development (TOD) is desired,
112 apply development regulations that allow alternative housing types and mixed-use
113 development.

114
115 Map Amendment #2: The College District Mixed Use expansion would be consistent with the
116 Mixed Use Comprehensive Plan designation which calls for multi-family dwellings with
117 commercial or office uses in the college district.

118
119 F. The rezone complies with all other applicable criteria and standards of the Lynnwood Municipal
120 Code.

121
122 The rezones set forth in Map Amendments #1 and #2 would comply with the Lynnwood
123 Municipal Code since new development would be required to comply with all applicable
124 sections of the Lynnwood Municipal Code.

Economic Development Element

Deletion and Addition

Strategy 3.1.b: MAJOR PROJECTS: COLLEGE DISTRICT

Action 3.1b.1 Collaborate with Edmonds Community College on implementation of the College District Plan and on infrastructure planning and urban design along shared linkages and gateways.

Action 3.1b.2 Identify specific College District infrastructure gaps, and prioritize improvements and enhancements.

~~**Action 3.1b.3** Identify specific College District infrastructure gaps, and prioritize improvements and enhancements.~~

Action 3.1b.3 Collaborate with Edmonds Community College on the development and enhancement of college facilities.