



# AGENDA

## Lynnwood Planning Commission

### Meeting

Wednesday, October 12, 2016 — 7:00 pm

Lynnwood Fire Station 15, Training Room  
18800 44<sup>th</sup> Ave. W, Lynnwood, WA 98036

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#### A. CALL TO ORDER – ROLL CALL

#### B. APPROVAL OF MINUTES

1. September 22, 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. PUBLIC HEARINGS

None

#### E. WORK SESSION TOPICS

1. Amendments to Titles 1, 5 and 21 LMC

#### 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  
September 22, 2016 Meeting**

|                                   |                                    |
|-----------------------------------|------------------------------------|
| <b>Commissioners Present:</b>     | <b>Staff Present:</b>              |
| Chad Braithwaite, Chair           | Todd Hall, Planning Manager        |
| Robert Larsen, First Vice Chair   | Sarah Olson, Parks Deputy Director |
| Michael Wojack, Second Vice Chair | Gloria Rivera, Senior Planner      |
| Maria Ambalada                    | Chanda Emery, Senior Planner       |
| Shanon Tysland                    |                                    |
|                                   |                                    |
| <b>Commissioners Absent:</b>      |                                    |
| Richard Wright                    | <b>Other:</b>                      |
| Doug Jones                        |                                    |

**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 July 14, 2016 Meeting**

Vice Chair Larsen referred to page 3, lines 32-34, and asked if the statement was accurate. Senior Planner Rivera replied that it is true in certain zones like the College District Mixed Use which is why staff was proposing a change to allow single-family expansion for a current house.

**Motion** made by Vice Chair Larsen, seconded by Commissioner Tysland, to approve the July 14, 2016 Planning Commission minutes as presented. **Motion** passed unanimously (5-0).

**2. Approval of the Minutes of the August 11, 2016 Meeting**

**Motion** made by Commissioner Wojack, seconded by Commissioner Ambalada, to approve the August 11, 2016 Planning Commission minutes as presented. **Motion** passed unanimously (5-0).

**Citizen Comments**

None

**Public Hearing**

None

1  
2  
3 **Work Session**

4  
5 **1. 2016 Comprehensive Plan Amendments and Rezone**

6  
7 Planning Manager Todd Hall introduced the remaining Comprehensive Plan  
8 Amendments. These included the Kid City LLC Comprehensive Plan Amendment  
9 and Rezone; the Parks, Recreation, and Open Space Element Comprehensive  
10 Plan Amendments; and the Community Character Element Comprehensive Plan  
11 Amendments. All three were approved as part of the docket earlier this year.  
12

13 Kid City LLC Comprehensive Plan Amendment and Rezone: Planning Manager  
14 Hall reviewed the location of this item on the map. He explained this is a  
15 privately-initiated amendment to the Future Land Use Map and a concurrent  
16 rezone to change the designation of the parcel located at 6009 – 168<sup>th</sup> Street  
17 from Low Density Single Family to Local Commercial and also a rezone and a  
18 Zoning Map change from Residential 8400 square feet (RS-8) to Neighborhood  
19 Commercial (B-3). He noted that the B-3 zone is part of a change on a separate  
20 item which would be reviewed later. Currently the parcel has a non-conforming  
21 daycare center including a single-family residence. The property was part of a  
22 citywide rezone ordinance in 2001 to achieve consistency with the 2020  
23 Comprehensive Plan. He reminded the Planning Commission that this was the  
24 one item staff made a recommendation to not include on the docket, but Planning  
25 Commission chose to keep it for further discussion and review. This will also be  
26 part of the public hearing at the next meeting. Staff discussed this with City  
27 Attorney Larson to see if there was some way to exempt the property that would  
28 maintain consistency with the plan and potentially treat similar property owners in  
29 an equitable manner and not result in the creation of a precedent that could have  
30 the effect of introducing similar commercial uses in residential neighborhoods  
31 throughout the City. The City Attorney indicated that there were no options for  
32 approving this use that didn't create potential issues. It is her opinion that the  
33 proposed conditional ordinance would treat the application differently from other  
34 properties that contain a legal non-conforming use. The proposed conditional  
35 rezone would be viewed as spot zoning which is defined as arbitrary and  
36 unreasonable zoning action by which a small area is singled out of a larger area  
37 and specifically zoned for use/classification that is totally different and  
38 inconsistent with the classification of the surrounding land area and not in  
39 accordance with the Comprehensive Plan. Based on this legal opinion, staff is  
40 recommending that this application not be approved.  
41

42 Vice Chair Larsen commented that this is a great use, but based on the City  
43 Attorney's opinion, he was in support of staff's recommendation.  
44

45 Commissioner Ambalada expressed concern about potentially losing the  
46 daycare. She noted that this is a good, safe environment for children and

1 commented that the City needs daycares due to increased population. Planning  
2 Manager Hall clarified that the daycare is allowed to operate as it's been  
3 operating as a non-conforming use. The City is not seeking to discontinue that  
4 use in any way. This is merely an application to change the zoning and land use  
5 designation of the property. Commissioner Ambalada asked about the reason for  
6 the application request. Chair Braithwaite invited the owner to speak.

7  
8 Julie Anderson, 5722 Hill Point Circle, Lynnwood, WA, explained that she had  
9 been in the building for 26 years when she bought the building. She didn't realize  
10 at the time that it had been changed to residential property. When she went to  
11 refinance in order to renovate the house that's on the property no bank would  
12 give her financing because the whole property is zoned wrong. As far as setting a  
13 precedent, she said she did a record search, and back in 2001 when it was  
14 rezoned she was the only commercial building in the City of Lynnwood that was  
15 rezoned to residential.

16  
17 Chair Braithwaite asked if Ms. Anderson received any notice about the rezone  
18 when it happened. Ms. Anderson replied that she did not. She did not know if the  
19 owners of the property were notified or not. Chair Braithwaite asked if Ms.  
20 Anderson did a title search when she purchased the property. She replied that  
21 she got a letter from the City stating that she could continue using this for her  
22 business. They stated that it was supposed to be associated with a church which  
23 it isn't since she bought it.

24  
25 Vice Chair Larsen thought that the use of the property was grandfathered in as  
26 long as it is a daycare. He stated he didn't think it is a great place for a  
27 commercial use. He commented that there is a provision called special  
28 endorsement on insurance which he might help the financing situation. Ms.  
29 Anderson said the City Attorney's opinion was that as soon as she sold the  
30 property it would lose its commercial zoning and revert to residential. Planning  
31 Manager Hall wasn't sure, but commented that the issue was the City Attorney's  
32 opinion that they couldn't approve the application without making it an exception.  
33 He stated that the current zoning says that if you aren't associated with a church  
34 or a school then it's not a conforming use. Since this use has been here a long  
35 time it's able to continue to operate in the RS-8 zone. Because of the legal  
36 opinion of the City Attorney and the history of what the Council decided to do with  
37 the zoning 15 years ago, staff is not supporting the change. He explained that  
38 staff would continue with the public hearing and then take the matter to Council  
39 who would ultimately have the final decision.

40  
41 Ms. Anderson stated that since she was the only commercial building in the city  
42 that was rezoned at that time to residential she believes it was a mistake. She  
43 noted that the county website doesn't show a picture of the 4,000 square foot  
44 commercial building. She thinks they assumed that it was a home daycare so it  
45 could be zoned residential.

1 Chair Braithwaite commented that the site used to be zoned for commercial.  
2 Throughout the city there are pockets of commercial properties embedded in  
3 residential communities. He speculated that the original intent of that was to have  
4 small businesses close to the community for uses like daycares and convenience  
5 stores. Planning Manager Hall agreed that was a possibility. He noted that  
6 different parts of this area were annexed over time. When it was in the county  
7 things were allowed in different locations that didn't follow a guiding principle. As  
8 far as Council's rationale for singling out this property he said he couldn't  
9 speculate. Chair Braithwaite suggested that if it were done and someone said it  
10 looked like spot zoning, this property would have an argument based on the  
11 history of the zoning.

12  
13 Commissioner Wojack asked if Ms. Anderson would be allowed to expand or  
14 remodel the daycare if she had financing. Planning Manager stated that she  
15 couldn't expand it, but she could repair it within certain thresholds.

16  
17 Commissioner Ambalada asked if she could build a Mixed Use building where  
18 the house is. Planning Manager Hall stated that she could not do that in the  
19 residential zone.

20  
21 Vice Chair Larsen asked about rezoning B-3 under a Development Agreement  
22 that limits the use to daycare. Planning Manager Hall stated that was one of the  
23 things they discussed with the attorney. He noted that the City Attorney would be  
24 present at the City Council's public hearing and could clarify any issues.

25  
26 Parks, Recreation, and Open Space Element Comprehensive Plan Amendments:

27 Parks Deputy Director Sarah Olson submitted the Revised Parks, Recreation and  
28 Open Space Element to be amended in the City's Comprehensive Plan. These  
29 revisions reflect and are consistent with the Department's recently adopted Park  
30 Plan (Parks Arts Recreation and Conservation Plan) which is the full Park Plan  
31 available online. She distributed a summary of highlights to the Planning  
32 Commission. She reviewed the history of the Park Plan which was assembled as  
33 a 10-year Strategic Plan to provide high quality community-driven parks, trails,  
34 open spaces, and recreational opportunities and which supports and is in  
35 alignment with the City's Community Vision. The Plan takes stock of the City's  
36 current needs and trends. Great attention was paid to understanding the  
37 community's demographic distribution and various barriers to access and social  
38 equity. The Plan also revealed the high value the community places on the park  
39 system and on keeping them safe, secure and accessible. A detailed inventory  
40 and conditions assessment of the city's facilities revealed a great need to  
41 address a lengthy list of deferred maintenance items including updating and  
42 providing ADA improvements across the system, updating and/or replacing  
43 playgrounds, and providing annual capital funding to progressively reduce  
44 deferred maintenance demand. The most significant change to the Element is  
45 the revision to the City's level of service to 3.5 acres per 1,000 residents and to  
46 include other factors such as proximity, accessibility, and care of existing parks.

1  
2 The rest of the amendment recommendations are related to goals and strategies  
3 which are based on five major goals areas. Within those areas there are several  
4 different policy areas with actions. All of the goals, policies and actions fall into  
5 these five categories. The goals are: to foster a healthy and active community, to  
6 create great parks and public places, to ensure sound management and  
7 maintenance, to prepare for the future, and to ensure connectedness.

8  
9 Deputy Director Olson stated she would have one additional correction to this  
10 Element on page 50. Strategy P-2.5 references a desire to commit to the  
11 development of future Town Square Park and City Center. That will be amended  
12 to reflect a commitment to the City Center Parks Master Plan which identifies four  
13 potential future parks in City Center and doesn't prioritize Town Square Park as  
14 the highest priority.

15  
16 Commissioner Ambalada commended Deputy Director Olson on the Plan.

17  
18 Vice Chair Larsen said he enjoyed reading through this and commented on the  
19 huge scope of the work. He referred to page 53, Goal 3, and asked for  
20 clarification on Strategy 3.4. Deputy Director Olson explained that Lynnwood has  
21 seen an increased demand on public services including law enforcement and  
22 park operation and others due to the opioid epidemic, homelessness, and other  
23 mental issues that are affecting some of the population. The City has seen a  
24 dramatic increase in the demand for services in parks due to those impacts. For  
25 example, staff collects a much higher number of needles in parks than they used  
26 to. They have had to remove numerous encampments and had to respond to  
27 campfires that turned into small to moderate forest fires. The Parks  
28 Superintendent and some of his staff may benefit from having a limited law  
29 enforcement commission so they can trespass individuals from parks rather than  
30 relying on calling the police. This would also allow the Parks Superintendent to  
31 do other enforcement of park rules including citing individuals who have dogs off-  
32 leash, who are drinking alcohol or smoking tobacco or e-cigarettes, etc.

33  
34 Chair Braithwaite referred to the Level of Service calculations and asked if the  
35 open space calculations include the golf course. Deputy Director Olson replied  
36 that it is included, but it's under Special Use, not Open Space. Chair Braithwaite  
37 commented that the golf course isn't as intensely used as it might be. He spoke  
38 in support of turning it into something that would be useful for a broader range of  
39 the public if the opportunity ever arises. Chair Braithwaite noted that there are a  
40 lot of schools in the city with underutilized space. He asked if any consideration  
41 has been given to coordinating with the school district over how to maximize  
42 utilization of those spaces and how Level of Service calculations might look with  
43 those included. Deputy Director Olson noted that Meadowdale Playfields is  
44 technically owned by the school district, but was developed and is operating in a  
45 partnership between the cities of Edmonds and Lynnwood and the school district.  
46 The 27 acres of that complex were included within the Level of Service

1 calculation. When the City used to manage the Lynnwood High School complex  
2 before the high school moved, those acres were also included in the Level of  
3 Service calculation. Regarding better utilizing those public facilities for  
4 recreational use, she concurred and noted there is a strategy in the Plan about  
5 partnerships with the school district. In the last two years the City has re-  
6 established the relationship with the school district to use Cedar Valley gym for  
7 community use and renegotiated the Interlocal Agreement with the school district  
8 to rebalance shared use facilities. They also explored the opportunity to go into  
9 partnership with the school district for the redevelopment of Lynnwood  
10 Elementary and decided to be a community user and renter of the expanded gym  
11 when it is rebuilt. She stated that the City is consistently and constantly in active  
12 negotiation with the school district on a number of matters related to utilizing  
13 school facilities for community use.

14  
15 Commissioner Wojack said he is glad to see the negotiation with schools. He  
16 spoke in support of the Level of Service reduction. He noted that when the  
17 weather is bad he and his wife walk at the mall. He wondered about including the  
18 mall as a facility. He referred to page 43, Summary of Issues, line 27 and asked  
19 for a definition of Social Equity. Deputy Director Olson replied this looks at  
20 barriers and access to recreational opportunities within various demographics in  
21 the community.

22  
23 Community Character Element Comprehensive Plan Amendments: Parks Deputy  
24 Director Sarah Olson stated that this is an amendment to a segment of the  
25 Community Character chapter that relates to Healthy Communities. These  
26 revisions are based on three separate plans that have been adopted by Council  
27 including the 10-Year Healthy Communities Action Plan, the Cultural Arts Plan,  
28 and the Heritage Plan. Walkability is a huge priority for the Active Living Goal.  
29 The City is in ongoing conversations with Alderwood Mall about their mall walking  
30 program. The City would like to support and more fully develop that program with  
31 them. As an example of a program improvement, the City also offered weekly  
32 walks in the summer through the South County Walks Program. The Healthy  
33 Eating goal addresses ways to increase the availability of community gardens or  
34 urban agriculture within the community, voluntary certification of restaurants that  
35 offer healthy food items or who will incorporate menu labeling, looking at required  
36 labeling in the future, healthy education in partnership with organizations like the  
37 food bank or Verdant Health Commission that do nutrition or cooking. The Social  
38 Connectedness goal is to create and support strong, vibrant social networks that  
39 promote social interaction and community cohesiveness by providing physical  
40 gathering spaces and supporting programs and events. This has a built-  
41 environment component because people need places to gather. Lynnwood has  
42 been seeking a new place to bring the community together since the loss of the  
43 old Lynnwood High School complex. She announced that the Fair on 44<sup>th</sup> was a  
44 huge success, but they need to provide other spaces to make connections  
45 happen.

1 Arts, Culture, and Heritage have also been incorporated into Healthy  
2 Communities as they are also social cohesive factors. The Arts Commission has  
3 four primary goals: to advocate for lifelong learning and creativity in the arts,  
4 promote artists and art opportunities, build community and sense of place, and  
5 encourage openness and inclusion. She discussed a plan to add temporary  
6 public art exhibits to signal boxes. The City partnered to provide student  
7 education at Cedar Valley Elementary. There is a plan to execute a public art  
8 strategy across all the signal boxes in the community.

9  
10 The next section is on Historic Preservation. The Heritage Plan has three primary  
11 areas: to recognize history and heritage sites through signage, markers, historic  
12 registry, and interpretive information; to collaborate with community partners to  
13 collect and promote the history and heritage of Lynnwood; and to advocate to  
14 preserve nature, parks, sites, buildings, and artifacts and for the city policies and  
15 legislations to be informed by an understanding of history and heritage. She  
16 stressed the need to find relevant ways to honor and reflect on the past.

17  
18 Commissioner Ambalada asked \_\_\_\_\_ [inaudible – no microphone]. Deputy  
19 Director Olson agreed that Arts, Culture, and Healthy Communities takes steps  
20 to address some of the issues around homelessness, but the Human Services  
21 Commission is the group tasked with finding solutions and working on those  
22 programs. Parks works collaboratively with them and with the staff liaisons. The  
23 work they are doing will be developed for future Comprehensive Plan  
24 amendments. Commissioner Ambalada \_\_\_\_\_. Deputy Director Olson  
25 commented that through the Cultural Arts Program the City partnered for a series  
26 of three events that happened in the month of August including the AfroLatino  
27 Festival, the Latino Expo, and the Ubuntu Expose. Additionally, the City is  
28 currently working with Lynnwood’s sister city delegation to sign a Memorandum  
29 of Understanding. In honor of their visit, the City has curated a Korean art exhibit  
30 in the hallway outside Council chambers. She stated that the City is working  
31 toward inclusiveness and cultural expression.

32  
33 Commissioner Tysland commended Deputy Director Olson for the work she is  
34 doing. Experience Momentum participated in the 44<sup>th</sup> Street Fair. It was great to  
35 see so many community members engaged in active activity and healthy  
36 lifestyles.

37  
38 Commissioner Wojack referred to page 80 under Heritage Resources and  
39 commented that that people with firsthand history knowledge should be added as  
40 resources. Deputy Director Olson noted that the goal language on page 79 refers  
41 to connecting community members to the history and heritage of Lynnwood to  
42 build a positive sense of place. Commissioner Wojack agreed. He then referred  
43 to food choices and commented that encouraging restaurants and public service  
44 venues to offer healthier menu items is a moot issue because the market drives  
45 that. He noted people are eating healthier, but it wasn’t pushed by a city. He said

1 he didn't want to see too much money wasted on that effort. He commended staff  
2 on the Plan.

3  
4 Vice Chair Larsen \_\_\_\_\_ [inaudible] and suggested having some sort of  
5 competitive athletic event as an annual race. Deputy Director Olson noted that on  
6 October 1 the City would be hosting the Celebrate Schools 5K Run/Walk from  
7 the mall supporting the Foundation for Edmonds Schools. Vice Chair Larsen  
8 asked about a community publication to let people know about events. Deputy  
9 Director Olson replied that Inside Lynnwood gets mailed three times a year to  
10 every mailing list in Lynnwood and is also available online. She also  
11 recommended signing up for Lynnwood e-news to get information as it happens.

12  
13 Chair Braithwaite solicited public comments. There were none.

## 14 15 **2. Chapter 21.46 – Commercial Zone Amendments and Mapping** 16 **Amendments (CAM-004093-2016/CPL-3761-2016)**

17  
18 Senior Planner Gloria Rivera explained that staff decided to bring this back  
19 because the Planning Commission was short on members at the last meeting.  
20 The intent is to reduce the number of commercial zones in the City in Chapter  
21 21.46 to Neighborhood Commercial Zone, Planned Commercial Development  
22 (mostly near the mall), and General Commercial (mostly on Highway 99). Staff is  
23 proposing repealing B-1 and B-2 zones and absorbing uses into the remaining  
24 three categories. Senior Planner Rivera reviewed the amendments as listed in  
25 the staff report. Staff is looking at recommending a size limitation such as 7500  
26 square feet on new retail coming into the Neighborhood Commercial Zone.  
27 Anything pre-existing would be allowed to remain. Some uses have been  
28 repealed that did not seem appropriate; others were added.

29  
30 Senior Planner Rivera responded to questions raised at the last meeting.

- 31 • Staff clarified the difference between senior and other housing with new  
32 definitions.
- 33 • There was a question raised about florist, greenhouses, and nurseries,  
34 and whether or not a florist should be in a Neighborhood Commercial  
35 Zone. She stated it is conceivable that a small florist could be located in  
36 that zone, especially if it is under 7500.
- 37 • There was a question about the distance between trees in the buffers.  
38 Staff is concerned that if the trees are closer together they might die. Staff  
39 is in support of keeping it at 20 feet instead of 15 feet on property lines.
- 40 • Changes in the neighborhoods. Many commercial businesses are already  
41 on arterials and the uses are similar between the current B-1 and the  
42 recommended Neighborhood Commercial Zone. A recommendation was a  
43 size restriction on new businesses in that zone. Many of the Neighborhood  
44 Commercial uses would be small retail with some offices and multi-family.
- 45 • More adjustments were made to the retail and auto-related tables to  
46 address concerns.

- Charitable or relief supply collection locations were changed to a permitted use.

Senior Planner Rivera then reviewed and discussed B-2 Future Land Use and Rezone Map Amendments and B-1 Rezone Map Amendments.

Commissioner Wojack referred to page 143, line 1635, and noted it should be corrected to Section 21.48.

Chair Braithwaite referred to the 7500 square foot limitation on new development and asked what would happen if QFC left and the shopping center wanted a new tenant in that space. Senior Planner said her interpretation was that if it was going to another grocery store it would be allowed. If they removed the building they would be able to do mixed use because there is at least an acre there.

Chair Braithwaite solicited public comments. There were none.

Commissioner Wojack commended staff on all the adjustments and cleanups from last time. Chair Braithwaite concurred.

### **3. Detached Accessory Dwelling Units (DADUs) (CAM-003688-2016)**

Senior Planner Chanda Emery gave some background on this item. She explained that in 2009 the Planning Commission looked at DADUs and saw the need to allow for detached units and took steps to draft legislation to do so. Commissioners wished to allow for code amendments to be in line with other neighboring jurisdictions and worked with city staff to recommend approval of legislation that would allow for a fairly restrictive code related to detached units in RS-7 and RS-8 zones. However, when this was approved by the City Council it went through into the LMC without the word “detached” in the actual language that was adopted. As a result the current code contains language that allows for attached units with what appears to be the intention of having both. She explained that at the last meeting there was not a quorum. She stressed that by adding the word “detached” any proposal coming to staff would be subject to the same development standards that are currently in place for existing ADUs which were drafted with the intention of protecting the single family character of neighborhoods. There will be no relaxing of the development standards in the RS-8 zones. Staff is recommending the most restrictive zoning for these units. All proposed units will have to meet the requirements; otherwise, the City would deny the permit. The list of requirements in the city code to construct an ADU is many; there have only been five units constructed in the last ten years in the City. Senior Planner Emery noted that surrounding jurisdictions have made code amendments to allow for detached units. Staff is recommending a maximum size of 600 square feet as close to five feet on the side yard property line, which is the current size allowed for sheds. These would only be allowed in the RS-8 zones.

1 She noted that this is an affordable housing option for families. The market is  
2 showing that there is a demand for new construction for units in the city center.  
3 Many people cannot afford a one-bedroom apartment at the current market rates.  
4 The Alliance for Affordable Housing shows that the City's median household  
5 income is just under \$50,000. She recommended looking at the code to see how  
6 it lines up with the goals and policies in the Comprehensive Plan and the city's  
7 vision. She thinks overall this would be a benefit to the community. She stated  
8 she has a running list of people interested in DADUs. She noted that this is a  
9 controversial issue, but she thinks there are more positives than negatives.

10  
11 Vice Chair Larsen [microphone issues – some comments inaudible] expressed  
12 concern about recent actions related to flag lots and substandard lots and the  
13 impacts they could have on neighbors. He recommended that the City Council  
14 take a look at the big picture as it relates to infill. He brought up concerns about  
15 upkeep, public safety, transportation, and the overall costs to the rest of the city.  
16 Senior Planner Emery said she doesn't see this as infill development; she sees  
17 infill development as subdivisions. She sees this as a detached ADU of 600  
18 square feet or less. She distributed and discussed an example of a project  
19 proposal that was submitted last week. She acknowledged that there are no  
20 architectural standards or screening related to these units. Regarding safety  
21 concerns, she said she spoke to the police and fire departments, and they had  
22 no comments on this as it relates to public safety. Parking would be a  
23 requirement. She noted that the ADU code is very restrictive in this regard.

24  
25 Commissioner Wojack brought up a potential conflict in the code where it says  
26 that the property owner may not receive rent for whichever unit is owner  
27 occupied, but earlier in the code it says the owner has to be there half the year.  
28 He asked if the owner can rent it out the other half of the year. Senior Planner  
29 Emery replied this is standard language from the State's model ADU code. She  
30 indicated that they could make this more restrictive if desired so they don't end  
31 up with two rentals on the property. Commissioner Wojack agreed and  
32 suggested adding language stating that the owner can't rent out the unit even  
33 during the six months they aren't there. Planning Manager Hall added that on the  
34 application people state that it is an owner-occupied unit and they intend to live in  
35 the unit. Vice Chair Larsen spoke in support of Commissioner Wojack's  
36 comments.

37  
38 Chair Braithwaite solicited public comments.

39  
40 Eric Clem, 19203 Dale Way, Lynnwood, stated that his mom is elderly and has  
41 recently developed health and mobility problems. He would like to be able to  
42 construct a DADU on his lot to allow his mom to live near him. He noted that the  
43 economics don't make sense for a rental unit. It is primarily for someone to have  
44 dignity in old age and have family nearby to help out. He believes he can do  
45 long-term care for her a lot cheaper and with a better quality of life using  
46 community resources versus placing her in an institution. He expressed concern

1 about the 8,000 minimum square foot lot and noted he has 7,840 square feet. He  
2 is hoping the city wouldn't be restrictive on that. He stated that he travels in the  
3 winter, but would never rent it. As far as maintaining the character of the  
4 neighborhood, he recommended looking at the usage of the neighbors. He  
5 commented that he has a neighbor that has eight cars in the front and a neighbor  
6 with garbage in back and the house falling apart. He also has a neighbor who put  
7 in a trailer across the street. He suggested that those things have more to do with  
8 the quality of the neighborhood than adding a DADU in the backyard. He added  
9 that every community around here has a brochure online that you can get  
10 detailing the process for these. He recommended making the process in  
11 Lynnwood more transparent.

12  
13 Steve Brown, 19319 – 76<sup>th</sup> Avenue West, Lynnwood, stated he has lived in the  
14 city for over 50 years. He stated that he was at the Council in 2009 or 2010 and  
15 asked them to reconsider the detached code. His mother was aging and they  
16 wanted to move her closer so she could still live independently, but they could  
17 provide oversight. The Council at that time chose not to make that change. He  
18 now is at the other end of the spectrum and wants to allow one of his children to  
19 live in a detached unit if it is permitted. They have a 25,000 square foot lot. He is  
20 invested in his neighborhood. He stressed that if the unit was connected to the  
21 house there would be no issues, but there is no major change in use with a  
22 detached unit. He pointed out that there are many communities around us that  
23 have done this already without negative effect. He did 32 years in law  
24 enforcement in the City of Seattle and became an expert in drug enforcement.  
25 He stated it's not the size of the house that determines how good or how bad that  
26 house is. It's the people that are in it. He commented that this is a tremendous  
27 opportunity for families that are invested in the city to take care of their kids or  
28 their parents. This is a big deal for the community. He recommended forwarding  
29 this to the City Council for a real public discussion. He stated this is really about  
30 affordable housing. His son will probably not be able to buy a house unless he  
31 can live with his parents for a couple years to save enough money to make it  
32 happen. He stated that the world has changed significantly since 2008, and  
33 people need some help.

34  
35 Sid Roberts, 3617 – 176<sup>th</sup> Street SW, Lynnwood, stated that they need to have a  
36 community discussion on this. He agrees that things are changing. As a real  
37 estate broker he commented that HUD allows two people per bedroom plus one  
38 without any zoning changes. This is not what this is about. This is about housing  
39 our parents and our kids. He commented that zoning gives, and setbacks and  
40 restrictions take away. He urged the Planning Commission and staff to have a  
41 little flexibility and look at the big picture of what they are trying to accomplish. He  
42 recommended having an open mind and scheduling a public hearing. He thanked  
43 the Planning Commission for their service month after month.

44  
45 Derrick Tse, 17516 – 31<sup>st</sup> Place West, spoke in support of taking this to the next  
46 level. He stated that there really is a need. His mother lives with him and his

1 family, and they would love to care for her as she ages in place. He explained  
2 that this is an aspect of his culture that is really important. A detached ADU  
3 would make it affordable for his mother to live with them and age in place. It  
4 would also allow her independence and a chance to preserve her dignity.

5  
6 **Other Business**

7  
8 None

9  
10 **Council Liaison Report**

11  
12 None

13  
14 **Director's Report**

15  
16 Planning Manager Hall stated that Director Krauss is attending an event at the  
17 Convention Center with the South Korean Delegation that has been visiting from  
18 Lynnwood's sister city. He added that Dustin Akers, City Center Program  
19 Manager, applied for a federal grant with the Federal Transportation  
20 Administration. In April the City received one of a handful of grants to receive  
21 assistance for transportation-oriented development. That team came this week  
22 and gave their recommendations to staff to look at ways to help transit-oriented  
23 development improve city center and take advantage of the new Sound Transit  
24 light rail terminus. Through the grant the City received technical assistance  
25 through an expert panel and great information and recommendations. More will  
26 be coming about this in the upcoming months. This is a great opportunity for the  
27 City. He concluded that staff will bring all the items presented at tonight's meeting  
28 back for a public hearing on October 26. At the next meeting staff will be  
29 presenting code amendments to Title 21.

30  
31 **Commissioners' Comments**

32  
33 Vice Chair Larsen asked if they have had any discussions about neighborhood  
34 planning. Planning Manager Hall stated that the Planning Department has  
35 wanted to tackle this issue a number of times. They have met with a number of  
36 departments over the past few years. Now that the Human Services Commission  
37 is starting, the City is looking at targeting specific neighborhoods. Senior Planner  
38 Emery stated that there have been discussions about Community Development  
39 working with other departments (Parks, Police, Fire) to look at areas of the city  
40 that really should have neighborhoods and what they can do to get community  
41 projects up and running. Vice Chair Larsen offered his assistance if it was  
42 needed. Planning Manager Hall explained they are just beginning to consider  
43 how to address this.

1 **Adjournment**

2

3 The meeting was adjourned at 9:20 p.m.

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Chad Braithwaite, Chair

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**Topic: Code Amendments to  
Titles 1, 5 and 21 LMC**

Agenda Item: E.1

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

**Staff Report**

Staff Contact: Gloria Rivera, Senior Planner; Chanda Emery, AICP, Senior Planner

**Summary**

The purpose of this agenda item is introduce and discuss draft legislation making several amendments to Titles 1, 5 and Title 21 LMC. The Municipal Code sections covered in this ordinance include the following:

1. 1.35.180 (Application, Processing and Review, Deletions and amendments)
2. 5.18.080 (Mobile Food Vendors, Amended)
3. 21.02.049 (Definitions, New)
4. 21.02.150 (Definition, Repealed))
5. 21.02.441 (Definition, Repealed)
6. 21.02.530 (Definition, Repealed)
7. 21.02.556 (Definition, Amended)
8. 21.02.659 (Definition, New)
9. 21.02.662 (Definition, New)
- 10.21.02.663 (Definition, Amended)
- 11.21.10.300 (Fence, Hedge and Vision Obstruction Regulations, Amended)
- 12.21.18.800 (Off-Site Parking, Deletion)
- 13.21.30.320 (Planned Unit Development, Amended)
- 14.21.30.900 (Planned Unit Development, Deletion)
- 15.21.42.900 (Residential Single Family Zones, Amended)
- 16.21.43.110 (Residential Multiple Family Zones, Amended)
- 17.21.48.210 (Planned Regional Shopping Center Zone, Amended)

**Action**

The Community Development Department requests that the Planning Commission provide direction and feedback on whether the proposed legislation should be brought to a public hearing.

**Background**

The Lynnwood Municipal Code was adopted circa 1960 (Ordinance 24) and has been amended on an ongoing basis. During that time, staff has reviewed the code and has proposed amendments that have improved the public health, safety and welfare of Lynnwood residents, as well as provided for improvements that benefit the development community.

The sections regarding definitions of senior and assisted living housing and parking in the Planned Regional Center Zone have also been discussed during

the B-1 and B-2 Code amendments, also before the Planning Commission. The Ordinance that is adopted first will implement the changes and will be then be deleted from the subsequent Ordinance at the time of approval.

#### 1.35.180 – Amendment

- (LMC 1.35.180(B)) - Prior to adoption of the Design Review Guidelines in 2001, building design was approved through a Special Use Permit (SUP). Under the current process, if a developer desires to make minor design improvements to an existing structure, they are required to go through a Conditional Use Permit (CUP) process to repeal the former CUP. The proposed amendment will allow minor administrative amendments for a project previously approved under the SUP without the need to hold the public hearing.
- (LMC 1.35.180(B)) - Some selections are made to the specified minor adjustments since it is often difficult to determine the requirement of the original SUP approvals.
- (LMC 1.35.180(D)) - The trigger for improvements is set at 1,000 sq. ft. which is what the standard trigger is in all zones for Design approval so that consistency can be obtained for the reviews.
- (LMC 1.35.180(H)) – Deletions. Individuals are not required to pay a fee to get a copy of the decision. Within the old SUP files of the City it can be difficult to determine individuals who took part in the former decision.

#### 5.18.080 – License Fee

Proposed amendment would differentiate the license fee for non-resident vendors.

#### 21.02.049 – Assisted Living Facility

New definition that specifies facilities providing special care including “assisted living residences”, “continuing care community” and “Alzheimers/dementia care facility”. Definition was previously applied to “nursing or convalescent home”.

#### 21.02.100 – Building Line

Definition section is repealed and relocated in the Code.

#### 21.02.441 – Housing for the Elderly and Physically Disabled

Definition is repealed with other terms substituted.

#### 21.02.530 – Nursing or convalescent home

Definition is repealed and included under “Assisted Care Facility”.

#### 21.02.556 – Personal service shop

Amended to increase size from 2,500 sq. ft. to 5,000 sq. ft. which reflects more the size of small fitness facilities.

#### 21.02.659 – Senior housing

Amendment to apply current language regarding this type of independent housing. Includes “congregate care” and “independent living housing”. Changes age of applicability to 55 years.

#### 21.02.662 – Setback

Simplifies the language to define applicability of the different “setbacks” as opposed to “yards”.

#### 21.02.663– Setback, building line

Relocates to the definition with its exclusions to section of the code where the term might be more easily located.

#### 21.10.300 – Barb Wire Fences

Amends code to specify when the use of barb wire fences is allowed

#### 21.18.800 – Capacity Requirements

Amends required office parking by eliminating requirement of 10 parking stalls. While some small office sites may have sufficient parking based on the square footage requirements, it may be difficult to have sufficient area for 10 stalls.

#### 21.30.320 – Final development plans

Amendment to two years makes timeline consistent with remainder of City processes.

#### 21.30.900 – Use controls in planned unit developments.

Minimum number of 400 units seems quite excessive and may be difficult to obtain the size of parcels in the City. The 400 units could have major impacts on any development between the nodes on Highway 99 which allows mixed-use development between the nodes with a PUD process.

#### 21.42.900(C) – Other regulations

Amendment to add language regarding setbacks and screening of Residential Heat Pumps and A/C Units

#### 21.43.100(H) – Limitations on uses

Changes dated references for types of housing.

#### 21.48.210(B) – Additional development standards

Amendments address residential parking in the PRSC zone and clarifies the requirements for landscaping in the parking areas.

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

None.

### **Environmental Review**

A State Environmental Policy Act (SEPA) Determination is required for the proposed amendments.

### **Notification of State Agencies**

Pursuant to RCW 36.70A.106, a Notice of Intent to adopt the proposed regulations and standards was transmitted to the Washington State Department of Commerce for distribution to state agencies.

### **Adm. Recommendation**

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

### **Attachments**

1. Draft Ordinance
2. Summary of Draft Ordinance

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**CITY OF LYNNWOOD**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON AMENDING TITLE 5 AND TITLE 21 OF THE LYNNWOOD MUNICIPAL CODE (LMC), REPEALING SECTIONS LMC 21.02.150, LMC 21.02.441 AND LMC 21.02.530, AMENDING LMC 5.18.080, LMC 1.35.180 21.02.566, LMC 10. 300, LMC 21.18.800, LMC 21.30.320, LMC 21.30.900, LMC 21.42.900, LMC 21.43.110 and LMC 21.48.210; AND ADDING SECTIONS LMC 21.02.049, LMC 21.02.659, LMC 21.02.662 AND 21.02.663; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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

WHEREAS, from time to time, it is appropriate to amend the City’s land use and development regulations in order to improve efficiency and draft effective application of legislation enacted by Ordinance by the City Council; and

WHEREAS, upon review of the provisions within this Ordinance, the City of Lynnwood SEPA Responsible Official on the day of , 2016, determined that the provisions of the Ordinance are procedural in nature and are categorically exempt from SEPA threshold determination and EIS requirements pursuant to chapter 197-11 WAC; and

WHEREAS, on the \_\_\_\_ day of December, 2016, notice of the proposed code amendment was sent to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

WHEREAS, on the \_\_\_\_ day of December, 2016, the Lynnwood Planning Commission held a public hearing on proposed amendments to the Lynnwood Municipal Code provided by this ordinance, and all persons wishing to be heard were heard; and

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

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

47  
48 WHEREAS, on the day of , 2016, the Lynnwood City Council held a public  
49 hearing on proposed amendments to the Lynnwood Municipal Code provided by this  
50 ordinance, and all persons wishing to be heard were heard; now, therefore:

51  
52 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO  
53 ORDAIN AS FOLLOWS:

54  
55 **Section 1. Findings.** Upon consideration of the provisions of this Ordinance, the City  
56 Council finds that the amendments contained herein are: a) consistent with the  
57 comprehensive plan; and b) substantially related to the public health, safety, or welfare;  
58 and c) not contrary to the best interest of the citizens and property owners of the city of  
59 Lynnwood.

60  
61 **Section 2. Amendment (License fee).** LMC 5.18.080 (License Fee) is hereby  
62 amended to read as follows:

63  
64 **5.18.080 License Fee.**

65 Business license fees for mobile food vendors shall be in the amount  
66 stated in Chapter 3.104 LMC. The license fee for mobile food vendors shall be in  
67 the amount specified for nonresident businesses per Chapter 3.104 LMC. The  
68 city business license will serve as evidence that the applicant has applied for and  
69 obtained a Washington State Department of Revenue business registration  
70 number.

71  
72 **Section 3. Amendment – New (Definitions).** LMC 21.02.049 (Assisted Living  
73 Facility) is hereby added to read as follows:

74  
75 **21.02.049 Assisted Living Facility**

76 “Assisted living facility” (also known as “assisted living residences”,  
77 “continuing care community” and “Alzheimer’s/dementia care facility”) means an  
78 establishment which provides full time convalescent or chronic care or both for  
79 three or more individuals who are not related by blood or marriage to the  
80 operator or who, by reason of chronic illness or infirmity, are unable to care for  
81 themselves. No care for acutely ill, or surgical or obstetrical service shall be  
82 provided in such homes. A hospital or sanitarium shall not be construed to be  
83 included in this definition. This definition was formerly called “nursing or  
84 convalescent home”.

85  
86 **Section 4. Repeal (Definitions).** LMC 21.02.150 (Building line) is repealed

87  
88 ~~**21.02.150 Building line.**~~

89 ~~“Building line” means a line, established by law, measured from the right-~~  
90 ~~of-way, or from an abutting property line, beyond which a building or structure~~  
91 ~~shall not extend except for cornices, eaves, gutters, chimneys or bay or garden~~  
92 ~~windows, ornamental features or similar structures projecting not more than two~~

93 feet; and open patios or decks not exceeding three feet in height above the  
94 average grade. When two different standards apply to front, rear or side  
95 setbacks, the more restrictive setback shall be applied.  
96

97 **Section 5. Repeal (Definitions).** LMC 21.02.441 (Housing for the elderly and  
98 physically disabled) is repealed  
99

100 **21.02. 441 — Housing for the Elderly and Physically Disabled.**

101 ~~“Housing for the elderly and physically disabled” means multiple dwelling~~  
102 ~~housing which is designed for the particular needs of those elderly and physically~~  
103 ~~disabled who may have functional limitations due to advanced age or physical~~  
104 ~~impairment but are otherwise in good health. Residents of such housing can~~  
105 ~~maintain an independent or semi-independent lifestyle and do not require more~~  
106 ~~intensive care as provided in a nursing or convalescent home. For the purposes~~  
107 ~~of this definition, elderly shall typically mean 62 years of age or older. Design~~  
108 ~~features may include but are not limited to wide doors and hallways and low~~  
109 ~~counters to accommodate wheel chairs, support bars, specialized bathroom and~~  
110 ~~kitchen fixtures, and common dining, recreation, or lounge areas. That term~~  
111 ~~“housing for the elderly and physically disabled” shall include congregate care.”~~  
112 ~~The definition shall not be construed to include facilities to house persons under~~  
113 ~~the jurisdiction of the superior court or the Board of Prison Terms and Paroles.~~  
114

115 **Section 6. Repeal (Definitions).** LMC 21.02.530 (Nursing or convalescent home) is  
116 repealed.  
117

118 **21.02. 530 — Nursing or convalescent home.**

119 ~~“Nursing of convalescent home” means an establishment which provides~~  
120 ~~full time convalescent or chronic care or both for three or more individuals who~~  
121 ~~are not related by blood or marriage to the operator or who, by reason of chronic~~  
122 ~~illness or infirmity, are unable to care for themselves. No care for acutely ill, or~~  
123 ~~surgical or obstetrical service shall be provided in such homes. A hospital or~~  
124 ~~sanitarium shall not be construed to be included in this definition. This definition~~  
125 ~~was formerly called “nursing or convalescent home”.~~  
126

127 **Section 7. Amendment (Definitions).** LMC 21.02.566 (Personal Service Shop) is  
128 hereby amended to read as follows:  
129

130 **21.02.566 Personal service shop.**

131 “Personal service shop” means small business establishments, typically  
132 less than 2,500 square feet in building area, which provide cosmetic and  
133 nonmedical health services for persons (e.g. barber or beauty shops, weight or  
134 fitness clinics, sun tan salons, etc.). This term does not include gymnasiums or  
135 health clubs over ~~2,500~~ 5,000 square feet in building area.  
136

137 **Section 8. Amendment – New (Definitions).** LMC 21.02.659 (Senior housing) is  
138 hereby added to read as follows:

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**21.02. 659 Senior housing.**

“Senior housing” means multiple dwelling housing which is designed for the particular needs of those elderly and physically disabled who may have functional limitations due to advanced age or physical impairment but are otherwise in good health. Residents of such housing can maintain an independent or semi-independent lifestyle and do not require more intensive care as provided in a nursing or convalescent home. For the purposes of this definition, elderly shall typically mean 55-years of age or older. Design features may include but are not limited to wide doors and hallways and low counters to accommodate wheel chairs, support bars, specialized bathroom and kitchen fixtures, and common dining, recreation, or lounge areas. The term “senior housing” shall include “congregate care”, and independent living community.” The definition shall not be construed to include facilities to house persons under the jurisdiction of the superior court or the Board of Prison Terms and Paroles.

**Section 9. Amendment – New (Definitions).** LMC 21.02.662 (Setback) is hereby added to the Lynnwood Municipal Code to read as follows:

**21.02.662 Setback.**

“Setback” means the distance between the building and any lot line.  
“Front Yard Setback” is a space extending the full width of the lot between the front property line and the yard setback which is measured perpendicular from the front lot line to the minimum yard setback line.  
“Rear Yard Setback” is a space extending across the full width of the lot between the rear lot line and the yard setback line which is measured perpendicular from the rear lot line to the minimum yard setback line.  
“Side Yard Setback” is a space extending from the front yard to the rear yard measured perpendicular from the side lot line to the minimum yard setback line.

**Section 10. Amendment – (Definitions).** LMC 21.02.663 (Setback, building line) is hereby amended to read as follows:

**21.02.663 Setback, building line.**

“Building Setback. See “Building line. “Building line” means that line that is the required minimum distance from any lot line within which a building or structure must be erected or placed except for cornices, eaves, gutters, chimneys or one-story bay windows projecting not more than two feet; and open patios or decks not exceeding three feet in height above the average grade.

**Section 11. Amendment – (Barbed Wire Fences).** LMC 21.10.300 (Barbed wire fences) is hereby amended to read as follows:

**21.10.300 Barb Wire Fences.**

No Fences incorporating barbed wire are prohibited in all zones unless permitted except that barbed wire may be used utilized on top of a six-foot high solid or chain link fence surrounding a public utility, and industrial plant site or a specific land use subject to approval by the Community Development Director. ~~whole property, or barbed wire may be used when the fence is not a property line fence.~~

**Section 12. Amendment (Capacity Requirements).** LMC 21.18.800 (Capacity Requirements) is hereby amended to read as follows:

**21.18.800 Capacity Requirements.**

| <b>Table 21.18.04</b>   |  |
|---|--|
| <b>Office Uses</b>  | <b>Number of Parking Stalls Required</b>           |
| Dental or Medical Clinics (including chiropractors, psychologists/psychiatrists, outpatient surgery centers, optometrists, offices for fitting and repair of hearing aids and prosthetics, massage therapists, nonresident drug and alcohol counseling and treatment centers and similar) | One per 200 SF GFA                                 |
| Office Buildings/Offices Not Providing On-site Services:  |  |
| Less than 25,000 SF GFA   | 3.8 per 1,000 SF GFA; <del>minimum 10 stalls</del> |
| 25,000 – 100,000 SF GFA   | 3.5 per 1,000 SF GFA                               |
| 100,000 – 500,000 SF GFA  | 3.0 per 1,000 SF GFA                               |
| Over 500,000 SF GFA   | 2.8 per 1,000 SF GFA                               |
| Offices Providing On-Site Service   | One per 200 SF GFA; <del>minimum 10 stalls</del>   |

**Section 13. Amendment.** LMC 1.35.180 (Amendment of an approved project or permit) is hereby amended to read as follows:

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

*(Todd and I made some changes to this section to include SUP's which at one point had been added to this section but was deleted three years later to the original language. In section "G" there are a lot of references to numbers which we probably do not use. Wouldn't it be cleaner to reference back to 1,000 sq. ft. for everything which is when Design Review is triggered. Also Todd questioned whether we even need #4 when #3 and #3 seem to cover it)*

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

B. Administrative Amendment of Conditional Use Permits, Shoreline Conditional Use Permits, Special Use Permits, and Planned Unit Developments.

216 The following additions and activities to an approved project or decision are  
217 exempt from conditional use permits, special use permits, and planned unit  
218 development review, unless otherwise required by city code or by the terms of a  
219 concomitant agreement.

- 220
- 221 1. Repair without a change in the dimensions or configuration of  
222 the structure or sign; or
- 223 2. The addition of minor structural elements such as fences,  
224 carports and mechanical equipment; or
- 225 3. Restriping of parking or circulation areas, minor adjustments to  
226 parking area layout; provided , the total number of stalls does  
227 not fall below ~~or exceed~~ the requirements of the zoning code; or
- 228 4. Minor adjustments in building height not to exceed 10 percent in  
229 height, or minor adjustments in building location not to exceed  
230 10 feet in any direction; provided, the structures do not vary  
231 from zoning code requirements to any greater degree than as  
232 approved with the original application; or
- 233 5. Reductions in freestanding sign size and height, and minor  
234 increases in sign height not to exceed 10 percent in height or  
235 minor adjustments in sign location not to exceed five feet in any  
236 direction; provided the sign(s) does not vary from zoning code  
237 requirements to any greater extent than as approved with the  
238 original application; or
- 239 6. Reductions in wall sign size, and minor adjustments in sign  
240 location on any one side of a building ~~as long as the minor~~  
241 ~~adjustments maintain the design intent or purpose of the original~~  
242 ~~approval; or~~
- 243 7. Changes in color, design or in plant material, ~~as long as~~  
244 ~~changes maintain the design intent or purpose of the original~~  
245 ~~approval.~~

246

247 C. Additional Criteria. In addition to those additions and activities listed in  
248 subsection(B) of this section, the community development director may  
249 determine that a proposed amendment to an approved project or permit is not  
250 suitable for administrative review if:

- 251
- 252 1. The proposal may result In any unmitigated significant adverse  
253 impact; and
- 254 2. The proposal is inconsistent with PUD/conditional use permit  
255 requirements or applicable design criteria; and
- 256 3. The proposal adds more than 300 square feet of new floor area  
257 per buildings, to approved building(s).

258

259 D. Appeal. The decision of the community development director pursuant to  
260 this section is appealable to the hearing examiner using Process II.

261

262 E. Decision Criteria for Administrative Amendment. The community  
263 development director shall act on a proposed amendment to an approved project  
264 or permit, including signs and sign programs, if:  
265

- 266 1. The amendment maintains the design intent or purpose of the  
267 original approval, and does not modify zoning code  
268 requirements to any greater extent than any modification with  
269 the original application; and
- 270 2. The amendment maintains the quality of design or  
271 product established by the original approval; and
- 272 3. The amendment does not add more than the following:
  - 273 a. ~~An addition of 20 percent gross square footage or m~~ More  
274 than ~~5~~ 1,000 square feet for an existing or approved  
275 building, ~~whichever is less~~; or
  - 276 b. An addition of ~~5~~ 1,000 square feet maximum for new  
277 structures; or
  - 278 c. An increase of 20 percent of total existing sign for  
279 freestanding signs, and/or 20% increase of total existing  
280 sign area for wall signs not to exceed maximum allowed by  
281 code; and
- 282 4. An addition of up to 1,5000 square feet per existing or approved  
283 building is automatically treated as an administrative  
284 amendment unless the addition is exempt under subsection (b)  
285 of this section; and
- 286 5. The amendment does not cause a significant adverse  
287 environmental impact beyond the site; and
- 288 6. The amendment is not precluded by the terms of the city code  
289 or by state law from being decided administratively; and
- 290 7. The applicant has carried the burden of proof and produced  
291 evidence sufficient to support the conclusion that the application  
292 merits approval or approval with modifications; and
- 293 8. The applicant has demonstrated that the proposal complies with  
294 the applicable criteria of the city code.  
295

296 F. Conditions. The community development director may include conditions  
297 as part of the approval or approval with modifications to ensure conformance with  
298 the provisions of this section.  
299

300 G. Written Proposed Decision. The community development director shall  
301 issue a written proposed decision on the administrative amendment which  
302 contains the following:  
303

- 304 1. A description of the project or decision and the proposed  
305 administrative amendment; and
- 306 2. An analysis of the proposed administrative amendment using  
307 the applicable decision criteria and a determination that the

- 308 administrative amendment is within the scope of an  
309 administrative amendment pursuant to subsection (E) of this  
310 section; and  
311 3. A statement that the administrative amendment is proposed to  
312 be approved, approved with modifications or denied subject to  
313 the provisions of this section; and  
314 4. A statement of facts upon which the proposed decision,  
315 including any conditions, was based and conclusions derived  
316 from those facts.

317  
318 H. Notice of Decision.

- 319  
320 1. Content. The community development director shall issue  
321 notice of the decision containing the following:  
322 a. The name of the applicant, and if applicable, the project  
323 name; and  
324 b. The street address of the subject property and a  
325 description in nonlegal terms sufficient to identify its  
326 location; and  
327 c. A vicinity map indicating the location of the subject  
328 property; and  
329 d. The file number of the previously approved project or  
330 decision; and  
331 e. A brief description of the previously approved project or  
332 decision and of the proposed administrative amendment;  
333 and  
334 f. A statement that the decision of the director is appealable  
335 to the hearing examiner.  
336 2. Distribution. The community development director shall issue  
337 the notice of the decision to:  
338 a. The applicant; and  
339 b. Each owner of real property abutting or directly across a  
340 public right-of-way from all contiguous property owner by  
341 the applicant determined by projecting the property line of  
342 that property;  
343 c. Each person who has requested such notice in writing for  
344 the calendar year and who has paid the fee established by the  
345 community development director; and  
346 d. Each person who can be identified from existing city  
347 records as having participated in the original decision.  
348  
349

350 **Section 14. Amendment – Chapter 21.30 (Planned Unit Developments).** LMC  
351 21.30.320 (Final development plans) is hereby amended to read as follows  
352

- 353 A. Where preliminary PUD approval is granted, the petitioner shall within ~~one~~  
354 two years of the date of the preliminary approval submit a final development  
355 plan for approval pursuant to Process 1. In the event no final development  
356 plan is submitted within ~~one~~ two years of the date of preliminary approval, the  
357 application shall expire.
- 358 B. The approved plan will constitute a limitation on use and design of the site.  
359 Permitted land uses and design shall be substantively similar to those  
360 identified in the written decision.  
361

362 **Section 15. Amendment – Chapter 21.30 (Planned Unit Developments).** LMC  
363 21.30.900 (Use controls in planned unit developments) is hereby amended to read as  
364 follows

365  
366 **21.30.900 Amendment of an approved project or permit**

367 ~~A. Retail Uses. In residential planned unit developments accessory incidental~~  
368 ~~limited retail uses will only be permitted in those developments which are~~  
369 ~~planned for 400 families or more. Building permits or occupancy permits for~~  
370 ~~such uses shall not be used until one-half of the total project is complete.~~

371 **BA. Open Space Land – Amount.** In all residential planned unit developments,  
372 which include attached dwelling units or multiple dwellings, the design of the  
373 planned unit development is expected to demonstrate creativity in dealing  
374 with the topography, soil, existing vegetation, streams, and water bodies and  
375 other physical condition, to maximize common open space, or combinations  
376 of common open space and small private outdoor areas related to each  
377 residential unit. The open space of a planned unit development is expected  
378 to contribute to the continuity of any existing or planned open spaces within  
379 the vicinity, whether public or private.

380 **CB. Open Space Land – Guarantee.** Adequate guarantee must be provided to  
381 insure permanent retention of open space land area resulting from the  
382 application of these regulations, either by private reservation for the use of  
383 residents within the development or by dedication to the public or a  
384 combination thereof.

385 **Section 16. Amendment – Limitations on uses.** LMC 21.43.110 (Limitations on  
386 uses) is hereby amended to read as follows

387  
388 **21.43.110 Limitations on uses.**

389 A. Agricultural and Horticultural Activities. Agricultural and horticultural activities,  
390 including plant nurseries, must be devoted to the raising of plants. No  
391 structures, uses, or accessory uses or structures are permitted, except those  
392 specifically authorized by the conditional use permit. Agricultural and  
393 horticultural activities, including plant nurseries, which are one acre or more in  
394 size require a conditional use permit.

- 395 B. Public Utility Facilities. Public utility facilities necessary for the transmission,  
396 distribution or collection of electric, telephone, wireless communication,  
397 telegraph, cable television, natural gas, water, and sewer utility services,  
398 excluding sewer treatment plants, offices, repair shops, warehouses, and  
399 storage yard, shall be subject to the following additional standards:
- 400 1. Such facilities shall not be injurious to the neighborhood or otherwise  
401 detrimental to the public welfare;
  - 402 2. The applicant shall demonstrate the need of the proposed public utility  
403 facility to be located in a residential area, the procedures involved in the  
404 site selection and an evaluation of alternative sites and existing facilities  
405 on which the proposed facility could be located or co-located;
  - 406 3. A site development plan shall be submitted showing the location, size,  
407 screening and design of all buildings and structures, including fences, the  
408 location, size, and nature of outdoor equipment, and the location, number,  
409 and species of all proposed landscaping;
  - 410 4. The facility shall be designed to be aesthetically and architecturally  
411 compatible with the natural and built environment. This includes, but it not  
412 necessarily limited to, building design and the use of exterior materials  
413 harmonious with the character of the surrounding neighborhood and the  
414 use of landscaping and privacy screening to buffer the facilities and  
415 activities on the site from surrounding properties. Any equipment or  
416 facilities not enclosed within a building (e.g. towers, transformers, tanks,  
417 etc.) shall be designed and located on the site to minimize adverse  
418 impacts on surrounding properties;
  - 419 5. All wireless communications facilities shall comply with national, state or  
420 local standards, whichever is more restrictive, in effect at the time of  
421 application, for non-ionizing electromagnetic radiation;
  - 422 6. The applicant shall demonstrate a justification for the proposed height of  
423 the structures and an evaluation of alternative designs which might result  
424 in lower heights. If additional height over that allowed in the zone is  
425 justified it may be approved by the city;
  - 426 7. The applicant shall include an analysis of the feasibility of future  
427 consolidated use of the proposed facility with other public utility facilities.
- 428 C. Provided , that this subsection shall not apply to utility facilities located on a  
429 property which are accessory to the residential use of that property or to the  
430 transmission, distribution or collection lines and equipment necessary to  
431 provide a direct utility connection to the property or neighboring properties, or  
432 to those utility facilities located on public rights-of-way, nor shall it apply to  
433 utility facilities installed within new subdivisions, which shall be evaluated prior  
434 to plat approval and do not require a separate conditional use permit.
- 435 D. Park and Pool Lots. Park and pool lots may be permitted by conditional use  
436 permit. In considering an application for such a use, the hearing examiner  
437 shall review all impacts of the proposed use upon the surrounding  
438 neighborhood including, but not limited to, location, traffic, displacement of  
439 required stalls, noise, hours of operation, ingress and egress, signage,  
440 parking lot illumination and aesthetic impacts. In single-family zones, park

441 and pool lots should not be the principal use of a property, but an accessory  
442 use to a permitted or conditional use in that zone.

443  
444 The applicant for such a permit shall submit a site plan indicating:

- 445 1. The property boundaries;
- 446 2. The location of all building on the site with the floor areas of each use  
447 indicated;
- 448 3. The location and dimensions of all existing or proposed parking stalls,  
449 including the designation of those to be available to park and pool users;
- 450 4. The location and type of all existing or proposed landscaping.

451  
452 The applicant shall also submit drawings of proposed signage and an  
453 analysis of the parking demand of any existing uses on the site and the  
454 anticipated demand by park and pool users.

455  
456 E. Child Day-Care Centers.

- 457 1. Considerations. Child day-care centers may be permitted by issuance of  
458 a conditional use permit. Before approval or denial of an application, the  
459 hearing examiner and city council will consider the need for the activity in  
460 the area and all possible impacts in the area including but not limited to  
461 the following:
  - 462 a. Any adverse or significant changes, alterations or increases in traffic  
463 flow that could create a hazardous situation as either a direct or  
464 indirect result of the proposed activity;
  - 465 b. Any abnormal increase in demand for any public service, facility or  
466 utility;
  - 467 c. The size, location, and access of the proposed site; and
  - 468 d. Any adverse effects on the standard of livability to the surrounding  
469 area.
  - 470 e. .
- 471 2. Requirements. In any case, the approval of the conditional use permits  
472 shall include the following requirements:
  - 473 a. The applicant shall be state-licensed before the operation of the  
474 facility;
  - 475 b. Adequate off-street parking must be provided;
  - 476 c. All outdoor play areas must be fenced with a minimum of 800 square  
477 feet plus an additional 80 square feet per additional child over 10;
  - 478 d. Site and sound screening standards for the outdoor play area must be  
479 met;
  - 480 e. The applicant must provide off-street access to the facility from the  
481 public right-of-way for the purpose of pickup and delivery of children;
  - 482 f. The applicant must indicate the ages of the children to be cared for;
  - 483 g. See LMC 21.16.290(A) for sign regulations.

484 F. Manufactured Home Developments. Permitted under the provisions for  
485 planned unit developments. See Chapters 21.30 and 21.70 LMC.

486 G. Two-Family Dwelling and Multiple Dwelling Units. In RML, RMM and RMH  
487 zones. If there is more than one dwelling unit on the premises, there shall be  
488 not less than two units in a building, except as to the odd-numbered unit  
489 which may stand alone.

490 ~~H. Convalescent and Nursing Homes, Housing for the Elderly and Physically~~  
491 ~~Disabled and Any Other Legal Purpose but Not Including Hospitals or Mental~~  
492 ~~Hospitals~~ Senior Housing, Independent Living Communities, Assisted Living  
493 Facilities, Congregate Care and Continuing Care Communities.

494 1. Number of Residents. The number of persons who will be residing in the  
495 property shall be generally consistent with the potential density of persons  
496 as would be expected from multiple dwelling units, except that the  
497 maximum number of units for housing for the elderly and handicapped  
498 shall be no greater than one and one-half times the number of units which  
499 would be allowed for multiple-family housing within the respective zone;  
500 ~~provided, that the maximum population does not exceed 1.2 persons per~~  
501 ~~dwelling unit. If the density exceeds 1.2 per dwelling unit, then the~~  
502 ~~number of dwelling units shall be reduced correspondingly.~~

503 2. Impact on Surrounding Area. The allowing of the proposed use shall not  
504 adversely affect the surrounding area ~~so to present use or character of the~~  
505 ~~future development.~~

506 3. Staff Evaluation and Recommendation. Before any conditional use permit  
507 for the uses designated in this subsection is considered by the hearing  
508 examiner, a joint recommendation concerning development of the land  
509 and/or construction of the buildings shall be prepared by the fire and  
510 community development departments, specifying the conditions to be  
511 applied if approved. If it is concluded that the application for a conditional  
512 use permit should be approved, each requirement in the joint  
513 recommendation shall be considered and any which are found necessary  
514 for protection of the health, safety, and general welfare of the public shall  
515 be made part of the requirements of the conditional use permit. In any  
516 case, the approval of the conditional use permit shall include the following  
517 requirements:

518 a. The proposal's proximity to stores and services, safety of pedestrian  
519 access in the vicinity, access to public transit, and design measures to  
520 minimize incompatibility between the proposal and surrounding  
521 businesses.

522 b. Compliance with state, federal, and local regulations pertaining to such  
523 use, a description of the accommodations and the number of persons  
524 accommodated or care for, and any structural requirements deemed  
525 necessary for such intended use;

526 c. The amount of space around and between buildings shall be subject to  
527 approval of the fire chief as being adequate for reasonable circulation  
528 of emergency vehicles or rescue operations and for prevention of  
529 conflagration;

530 d. The proposed use will not adversely affect the surrounding area as to  
531 present use or character of the future development;

532 e. Restriction to such intended use except by revision through a  
533 subsequent conditional use permit.

534 4. Open Space. A minimum of 200 square feet of passive recreation and/or  
535 open space shall be provided. Senior housing for the elderly and care  
536 facilities hasve a need for recreational open space but is of a passive  
537 nature. Therefore, passive recreation space and/or open space shall be  
538 provided. Up to 50 percent of the requirement may be indoors; provided,  
539 that the space is utilized exclusively for passive recreation or open space  
540 (i.e. arts and crafts rooms, solariums, courtyards). All outdoor recreation  
541 and/or open space areas shall be set aside exclusively for such use and  
542 shall not include areas held in reserve for parking, as per LMC 21.18.800.  
543 All open space and/or recreational areas shall be of a permanent nature  
544 and they may be restricted to use by tenants only. The use of private and  
545 semi-private patios and balconies in meeting these requirements is not  
546 permitted.

547 I. Office Uses. The intended uses shall comply with the following minimum  
548 standards:

549 1. No portion of the building in which the offices are permitted shall be  
550 occupied as a resident.

551 2. The office use shall be generally professional in nature, which use shall  
552 include but not be limited to medical and dental offices or clinics,  
553 accountants, architects, attorneys at law, chiropractors, engineers, land  
554 surveyors, and opticians; provided, accessory retail uses may be allowed  
555 only if closely related to the principal uses of the building, such as  
556 pharmacies in medical buildings, and must be specified in the conditional  
557 use permit. When allowed, such retail uses shall be internally oriented,  
558 with external advertising identical to the professional professional offices  
559 and compliance with the conditional use permit;

560 3. See LMC 21..16.290(G) for sign regulations

561 4. The use shall be of a type unlikely to be open evenings or weekends and  
562 unlikely to generate large volumes of traffic;

563 5. In considering the intended use, location of the building in proximity to  
564 existing multiple-or single-family uses, a determination shall be made that  
565 the proposed use would not be detrimental to such existing residential  
566 uses.

567 J. Hospitals and Nursing Homes.

568 1. Setbacks. All buildings maintain a distance of not less than 35 feet from  
569 any single-family residential zone;

570 2. Occupancy. The accommodations and number of persons cared for  
571 conform to state and location regulations pertaining thereto;

572 3. Health Department Approval. The health department shall have approved  
573 all provisions for drainage and sanitation.

574 K. Boarding Houses. For purposes of determining allowable density and  
575 required parking, accommodations for each resident in a boarding house shall  
576 be considered the equivalent of one-half dwelling unit.

577

578 **Section 17. New 21.42.900(C) (Other regulations).** LMC 21.42.900 (Other  
579 regulations) is hereby amended to read as follows:  
580

581

582 **21.42.900 Other Regulations**

583 A. Parking or storage of recreational vehicles shall be in conformance  
584 with LMC 10.08.200

585 B. Maintenance or repair of vehicles on residential property shall  
586 conform to the following standards:

587 1. Such maintenance and repair shall not be conducted on a  
588 commercial basis.

589 2. Any repair, painting, or maintenance work done on such  
590 vehicles shall not create an unsafe to unsightly condition or become a  
591 nuisance to residents of abutting properties.

592 3. Any repair, painting or maintenance work done on such  
593 vehicles shall only be done within the hours from 9:00 a.m. to 9:00 p.m.

594 4. Violations of the preceding standards shall result in notice  
595 being given by the city to the offender to discontinue such work or  
596 operation. Failure to immediately comply will subject the property owner  
597 and/or occupant to the penalties as prescribed by this title.

598 C. Setbacks for Residential Heat Pumps and A/C Units. No  
599 mechanical equipment is allowed within three (3) feet of the side yard property  
600 line. If located within the minimum five (5) foot side yard setback, the applicant  
601 shall install barriers as a means of noise reduction. Common barrier materials  
602 include earth, steel, plywood and concrete. General guidelines for barrier walls  
603 include the following

604 1. Place barriers as close to the source as possible without  
605 restricting airflow to/from the unit. Consult manufacturer for minimum  
606 distance requirements. Care must be taken not to restrict the airflow of  
607 the unit as this would lead to a decrease in unit efficiency.

608 2. Barriers must be solid (i.e. ¾" inch plywood or greater)  
609 extend all the way to the ground or deck and be free of holes, gaps and  
610 cracks. Noise will be transmitted through the wall if this condition is not  
611 met.

612 3. Weatherproof absorptive treatment can be provided with the  
613 barrier to reduce the noise reflected from the house wall.

614 4. A partial barrier can be provided for the unit in order to  
615 reduce the noise that would otherwise be radiated towards neighboring  
616 properties.

617 5. In situations where house walls will reflect sound back at the  
618 barrier, the effectiveness of the barrier shielding will be significantly  
619 reduced. To remedy this, wall surfaces facing the unit could be covered  
620 with sound absorbing material per Chapter 10.12 LMC.

621  
622 **Section 18.** Section 21.48.210, entitled "Additional development standards" of the  
623 Lynnwood Municipal Code, is amended to read as follows:

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**21.48.210 Additional development standards**

A . Site Screening Standards for Outdoor Displays and Outdoor Storage Areas. Any outdoor displays or outdoor storage permitted in this zone, and which are not affected by the standards of LMC 21.48.220, shall be enclosed within a site-screening fence of sufficient height to effectively screen the outdoor display or storage from view, and not less than six feet high in any case, set back five feet from the property line. The outer five feet shall be landscaped with evergreen conifer trees with a minimum height of six feet at planting spaced a maximum of 15 feet on center and low evergreen plantings which will mature to a total groundcover within five years; provided, however, that where these requirements do not apply because the principal use of a property involves the display of merchandise for view from the streets, the display area shall be improved as a parking lot (except for paving where the nature of the merchandise makes paving impractical) with a 10-foot planting strip along the entire street frontage, as per subsection (B)(2)(b) of this section. Display areas shall be segregated from the required customer parking so that there is always sufficient customer parking to meet the minimum parking requirements of this code.

B. Parking.

1. Required Number of Stalls. See Chapter 21.18.LMC, with the exception of residential parking below.

2. Residential parking shall have a minimum of one and a maximum of one and one half spaces per dwelling units or as determined by the Community Development Director based upon data submitted by the applicant.

2.3. Landscaping in Parking Areas.

a. Purpose. The purpose of these landscaping provisions is:

- i. To break up the visual blight created by large expanses of barren asphalt which make up a typical parking lot;
- ii. To encourage the preservation of mature evergreens and other large trees which are presently located on most undeveloped sites in this city;
- iii. To insure the preservation of land values in commercial zones by creating and inuring an environmental quality which complements the commercial objectives of the respective land.

b. Planting at Street Frontages. Development sites with parking areas located between the sides of the building ~~opposite the street~~ and interior property lines shall provide a 10-foot wide planting area along the entire street frontage, except for driveways, walkways and other pedestrian spaces. Development sites within single-aisle, double-loaded parking areas located between buildings and the street right-of-way, ~~parking areas between~~

670 ~~buildings or parking areas between buildings and the closest side~~  
671 ~~property line~~ shall provide a 15-foot wide planting area along the  
672 entire street frontage with the same above exceptions.  
673 Development sites with multi-aisle parking areas located between  
674 buildings and the street right-of-way shall provide a 20-foot wide  
675 planting area along the entire street frontage with the same above  
676 exceptions. Exception: At a regional shopping center developed or  
677 redeveloped after April 13, 2002, with a gross leaseable floor area  
678 of 1,140,000 square feet or greater, the minimum width of the street  
679 frontage landscape area shall be 10-feet, with the same above  
680 exceptions.

681 Plantings shall consist of ornamental landscaping of low  
682 plantings and high plantings. The minimum height of trees shall be  
683 eight feet for evergreen trees and 10 feet for all other species.  
684 Trees shall be spaced a maximum of 25 feet on center with  
685 branches eliminated to a height of six feet where necessary to  
686 prevent sight obstruction. The required trees in this planting area  
687 may be located within the adjacent street right-of-way as long as  
688 they comply with Lynnwood Citywide Design Guidelines, as  
689 adopted by reference in LMC 21.25.145(B)(3), and are approved by  
690 the public works department. Low evergreen plantings, or s  
691 mixture of low evergreen and deciduous plantings with a maximum  
692 height of 30 inches, shall be provided so as to achieve 50 percent  
693 groundcover within two years. This landscaping plan (providing for  
694 coordination of the landscaping throughout the PRC zone) shall be  
695 submitted and approved prior to the issuing of the first building  
696 permit.

697 The location and width of the planting area may be  
698 modified in accordance with the following provisions: that up to five  
699 feet of the total width required may be installed in portions of city  
700 right-of-way which are not covered by impervious surfaces or, in the  
701 case of right-of-way which is not fully improved, are not projected to  
702 be covered by impervious surfaces upon full improvement.

703 c. Landscaping in Right-of-Way. Property owners who install  
704 landscaping on portions of right-of-way not covered by impervious  
705 surfaces shall provide the city with a written release of liability for  
706 damages which may be incurred to the planting area from any  
707 public use of the right-of-way and an indemnity to the city against  
708 any injuries occurring within that portion of right-of-way so utilized.

709 d. Coverage. Five percent of the parking areas located ~~only~~  
710 ~~between on~~ the sides ~~and rear~~ of buildings ~~opposite the street~~ and  
711 interior property lines; 10 percent of parking areas between  
712 buildings ~~and, between buildings and the closest side property line,~~  
713 ~~or~~ single-aisle, double-loading parking areas located between  
714 buildings and the street; and 15 percent of multi-aisle parking areas  
715 located between buildings and street shall be in landscaping

716 (exclusive of landscaping on the street frontages and required  
717 landscape buffers) except that at a regional shopping center  
718 developed or redeveloped after April 13, 2002 with a gross  
719 leaseable area of 1,140,000 square feet or greater, all open parking  
720 areas shall have a minimum landscape coverage of eight percent;  
721 provided that:

- 722 i. No landscaping areas shall be less than 25 feet square  
723 feet on area or less than three feet in width;
- 724 ii. No parking stall shall be located more than 45 feet from a  
725 landscaped area; and
- 726 iii. All landscaping must be located between parking stalls,  
727 at the end of parking columns, or between parking stalls  
728 and the property lines.

729 e. Landscaping Adjacent to Parking Stalls.. Where landscaping  
730 areas which fulfill city standards are adjoined by angular or  
731 perpendicular parking stalls, landscaping in the form of  
732 groundcover materials or plants may be installed in that portion of  
733 any parking stall which will be ahead of the wheels and adjacent to  
734 the landscaped area; provided, that curbing or wheel stops are  
735 installed in a position which will protect the plants from damage.  
736 Such landscaping shall not be construed to be part of the  
737 percentage of landscaped area required by this chapter nor a  
738 reduction of the parking stall.

739 f. Additional Landscaping along Specified Streets. Along  
740 streets where it may be desirable and feasible to obtain a higher  
741 degree of continuity in landscaping from property to property than is  
742 provided for here, the city council, upon recommendation by the  
743 planning commission, may designate specific street frontage  
744 landscaping plans for those streets. See Chapter 21.06 LMC.

745 C. Fences and Hedges. Fences and hedge regulations are as provided in  
746 Chapter 21.10 LMC.

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749 **Section 19. Severability.** If any section, sentence, clause or phrase of this ordinance  
750 should be held to be invalid or unconstitutional by a court of competent jurisdiction, such  
751 invalidity or unconstitutionality shall not affect the validity or constitutionality of any other  
752 section, sentence, clause or phrase of this ordinance.

753  
754 **Section 20. Effective Date.** This ordinance or a summary thereof consisting of the title  
755 shall be published in the official newspaper of the City, and shall take effect and be in  
756 full force five (5) days after publication.

757  
758 **Section 21. Summary Publication.** Publication of this ordinance shall be by summary  
759 publication consisting of the ordinance title

760  
761 PASSED BY THE CITY COUNCIL, the \_\_\_\_\_ day of \_\_\_\_\_, 2016

762  
763 APPROVED:

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766 \_\_\_\_\_  
767 Nicola Smith, Mayor

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769 ATTEST/AUTHENTICATED:

770  
771  
772  
773 \_\_\_\_\_  
774 Sonja Springer  
775 Finance Director

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777 APPROVED AS TO FORM:

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779  
780 \_\_\_\_\_  
781 Rosemary Larson  
782 City Attorney

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785 FILED WITH ADMINISTRATIVE SERVICES: \_\_\_\_\_  
786 PASSED BY THE CITY COUNCIL: \_\_\_\_\_  
787 PUBLISHED: \_\_\_\_\_  
788 EFFECTIVE DATE: \_\_\_\_\_  
789 ORDINANCE NUMBER: \_\_\_\_\_

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

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON AMENDING TITLE 5 AND TITLE 21 OF THE LYNNWOOD MUNICIPAL CODE (LMC), REPEALING SECTIONS LMC 21.02.150, LMC 21.02.441 AND LMC 21.02.530, AMENDING LMC 5.18.080, LMC 1.35.180 21.02.566, LMC 21.10.300, LMC 21.18.800, LMC 21.30.320, LMC 21.30.900, LMC 21.42.900, LMC 21.43.110 and LMC 21.48.210; AND ADDING SECTIONS LMC 21.02.049, LMC 21.02.659, LMC 21.02.662 AND 21.02.663; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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**LMC Code Amendments**  
Summary of Draft Ordinance

| <b>Ord. Section</b> | <b>Description</b>  | <b>Process</b> | <b>Reason for Amendment</b>  | <b>LMC Reference</b> |
|---------------------|---|----------------|--|----------------------|
| 1                   | <u>Findings</u>   |                |  |                      |
| 2                   | <u>Mobile Food Vendors Licensing</u>                              | Amendment      | Establishes fee for nonresident vendors  | 5.18.080             |
| 3                   | <u>Assisted Living Facility Definition Addition</u>               | Addition       | New definitions for facilities providing assistance to the elderly and disabled  | 21.02.049            |
| 4                   | <u>Building Line Definition</u>                                   | Repeal         | Definition is being removed and relocated to “Setback, Building Line”. Where located it has been confusing to determine the exemptions from the setbacks | 21.02.150            |
| 5                   | <u>Housing for the Elderly and Physically Disabled Definition</u> | Repeal         | New definition that is more inclusive is being proposed in 21.02.659   | 21.02.441            |
| 6                   | <u>Nursing or Convalescent Home Definition</u>                    | Repeal         | New definition that is more inclusive is being proposed in new 21.02.049   | 21.02.530            |
| 7                   | <u>Personal Service Shop Definition</u>                           | Amendment      | Increases the size of a personal service shop from 2,500 to 5,000 sq. f.t  | 21.02.566            |
| 8                   | <u>Senior Housing Definition</u>                                  | Addition       | New definition for facilities for seniors that is more inclusive   | 21.02.659            |
| 9                   | <u>Setback</u>  | Addition       | New definition to define setback   | 21.02.662            |
| 10                  | <u>Setback, Building line</u>                                     | Addition       | New definition to show exclusions from within setback  | 21.02.663            |
| 11                  | <u>Barbed Wire Fences</u>   | Amendment      | Prohibition of barbed wire fences with exceptions  | 21.10.300            |
| 12                  | <u>Parking Capacity Requirements</u>                              | Amendment      | Eliminate the requirement for at least 10 parking stalls for an office   | 21.18.800            |
| 13                  | <u>Amendment of an Approved Project or Permit</u>                 | Amendment      | Add Special Use Amendment to list of application, amend to set 1,000 sq. ft. as threshold and other minor amendments                                     | 1.35.180             |
| 14                  | <u>Planned Unit Development Timeline</u>                          | Amendment      | Change time for submittal of final from 1 to 2 years   | 1.35.180             |

|    |  |           |   |           |
|----|--|-----------|---|-----------|
| 15 | <u>Planned Unit Development Amendment</u>      | Amendment | Delete portion referring to requirement of 400 units in a mixed use project | 21.30.900 |
| 16 | <u>Multi-Family Zone – Limitation on Uses</u>  | Amendment | Change of terminology for Assisted Living and Continuing Care Communities   | 21.43.110 |
| 17 | <u>Setback for HVAC/heat pumps in SF zones</u> | Amendment | Setbacks and buffering for HVAC/heat pumps                                  | 21.42.900 |
| 18 | <u>PSRC Zone Parking</u>                       | Amendment | Residential Parking in PSRC zone  | 21.48.210 |
| 19 | Severability cause.                            |           |   |           |
| 20 | Effective date.                                |           |   |           |
| 21 | Summary Publication                            |           |   |           |
|    |  |           |   |           |
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*Additional, similar corrections may be forthcoming.*