



ORDINANCE NO. 3037

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF LYNNWOOD 2020 COMPREHENSIVE PLAN; AMENDING SECTION 1 OF ORDINANCE NO. 2976; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION

WHEREAS, the City of Lynnwood adopted a Comprehensive Plan to comply with the requirements of the Growth Management Act (GMA) on April 10, 1995, by Ordinance No. 2033, and amended the Plan in subsequent years by ordinance in accordance with GMA and the Lynnwood Municipal Code (LMC); and

WHEREAS, pursuant to RCW 36.70A.130, the City's Comprehensive Plan and development regulations shall be subject to continuing review and evaluation; and

WHEREAS, as provided by Chapters 1.35 and 18.04 LMC, and as provided by the Implementation Element of the Comprehensive Plan, the City has established procedures and decisional criteria for proposed amendments to the Comprehensive Plan; and

WHEREAS, the City's comprehensive plan amendment process includes multiple opportunities for meaningful public participation and input, including public hearings conducted by the Planning Commission and by the City Council; and

WHEREAS, on March 1, 2006 and August 9, 2012, the Edmonds School District submitted applications to amend the Comprehensive Plan's Future Land Use Map to facilitate redevelopment of the former site of Lynnwood High School; and

WHEREAS, the requested amendment of the Comprehensive Plan Future Land Use Map is necessary to enact a planned action under RCW 43.21C.031(2), and RCW 36.70A.130(2) authorizes the City to consider such amendments separate from, and in addition to, the City's annual amendment process; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), a Determination of Significance (DS) was issued by the City of Lynnwood SEPA Responsible Official and an Environmental Impact Statement was prepared and issued for the proposed redevelopment of the former Lynnwood High School property; and

WHEREAS, on October 13, 2011 and December 4, 2012, the proposed amendments to the Comprehensive Plan Land Use Map, together with related amendments to the Zoning Map and the Zoning Code (Title 21 LMC), were submitted to the Department of Commerce in accordance with RCW 36.70A.106 and WAC 365-196-630, and on January 10, 2013, a public hearing before the Planning Commission was held; and

WHEREAS, on February 11, 19, 20, and 25, 2013, the City Council held a public hearing, conducted post-hearing deliberations, and took action on the proposed amendments to the Comprehensive Plan Future Land Use Map, Zoning Map and Zoning Code; and

WHEREAS, after considering all testimony and other evidence submitted at or before the public hearings, the City Council determined that it is in the best interests of the public health, safety and general welfare to approve the proposed amendment to the Comprehensive Plan Future Land Use Map, with conditions, and enacted Ordinance No. 2976 approving the amendment with conditions; and

WHEREAS, the City Council did hold a hearing on October 28, 2013, on the proposed Development Agreement for the project, and thereafter on November 4, 2013, deliberated and determined that it is in the best interests of the public health, safety and general welfare to approve the proposed agreement, and then took action approving that agreement; and

WHEREAS, the Edmonds School District, (together with Cypress Lynnwood, LLC the developer/potential lessee of the property, and Costco Wholesale Corporation, the sub lessee of the property), has requested the amendment of one condition of approval of the Comprehensive Plan Future Land Use Map amendment which is to allow the recording of the Development Agreement by May 30, 2014; and

WHEREAS, the City's SEPA Responsible Official has determined that the proposed amendment to the timing of the recording of the Development Agreement does not have a significant impact on the environment and therefore, no hearing is required on this amendment; and

WHEREAS, after considering all testimony and other evidence submitted at or before the public hearings, the City Council determined that it is in the best interests of the public health, safety and general welfare to approve the proposed amendment to Ordinance No. 2976, to require that the Development Agreement be recorded by May 30, 2014; and

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

Section 1. Section 1 of Ordinance No. 2976 is amended to read:

Amendment of Lynnwood 2020 Comprehensive Plan. The Comprehensive Plan of the City of Lynnwood is hereby amended to change the Future Land Use designation of property addressed as 3001 184th Street SW, Lynnwood, WA, and as further identified by Exhibit A to this ordinance. The Future Land Use Map designation for the property is hereby changed from PF – Public Facility to MU – Mixed Use, subject to the following conditions:

1. Execution and recording of a development agreement between Edmonds School District, Cypress Equities, and the City of Lynnwood prior to the issuance of construction permits. The development agreement shall be recorded by ~~January 30~~ May 30, 2014, and shall provide for development of the property substantively consistent with the proposal described in the land use applications filed under City File No. 2006CPL0003, 2012CAM0007 and 2012RZN0003, and shall contain detailed provisions for issues that include:
 - A. Design of transportation and utility infrastructure.
 - B. Construction timing and phasing of transportation and utility infrastructure.
 - C. Integration of transit facilities, or pedestrian and bicycle connections between the proposed buildings/land uses and nearby transit facilities.
 - D. Urban design and streetscape features for public and private transportation corridors, including orientation to and appearance from 184th Street SW.
 - E. The appearance of the development as seen from the Gateway Intersection of Alderwood Mall Parkway, SR-525, and Maple Road.
 - F. Onsite recreation and open space amenities.
 - G. Connection and access between the mixed-use development and the Interurban Trail.
 - H. Final site plan.
 - I. Architectural design features or standards for structures (including parking structures), street furnishings, signs, and open space.
 - J. Detailed design information regarding the appearance of the development as seen from the Gateway Intersection of Alderwood Mall Parkway, SR-525, and Maple Road.
 - K. Paved pedestrian pathways to and throughout the development site.
 - L. Measures to conserve energy, promote sustainability, and reduce or off-set Greenhouse Gas Emissions.

M. Landscaping plans, including tree retention, re-vegetation, and decorative landscaping.

2. The Future Land Use Map amendment approved in Section 1 of this Ordinance shall take effect on the date that the development agreement specified by Condition of Approval 1 above is recorded with the Snohomish County Auditor's Office; provided, that if the development agreement is not recorded by May 30, 2014, then the approval of the Future Land Use Map amendment shall be null and void, and of no force or effect.
3. Development plans, permits, and mitigation shall be consistent with Alternative 2, as described by the Environmental Impact Statement for Lynnwood Crossing Mixed Use Project, October 7, 2011 and March 30, 2012.

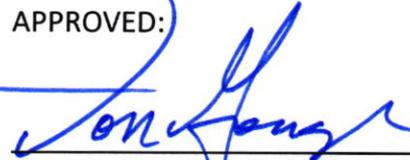
Section 2: Effective Date. This ordinance shall become effective five days following passage and publication of this ordinance.

Section 3: Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 4: Summary Publication. Publication of this ordinance shall be by summary publication consisting of the ordinance title.

16 PASSED this 9th day of December, 2013, and signed in authentication of its passage this day of December, 2013.

APPROVED:



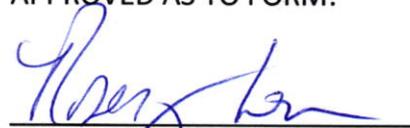
Don Gough, Mayor

ATTEST/AUTHENTICATED:



Lorenzo Hines, Jr., Finance Director
FINANCE DIRECTOR

APPROVED AS TO FORM:



Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 12/03/2013
PASSED BY THE CITY COUNCIL: 12/09/2013
PUBLISHED: 12/18/2013
EFFECTIVE DATE: 12/23/2013
ORDINANCE NUMBER: 3037

EXHIBIT A

ORDINANCE 3037

LYNNWOOD PLACE

Former Lynnwood High School

Address: 3001 184th Street SW, Lynnwood, WA

Legal Description:

The northeast quarter of the northeast quarter of section 15, T. 27N. , R.4E. , W.M. Also known as "Bradner Park", according to the plat thereof recorded in Volume 14 of Plats on pages 60 and 61, records of Snohomish County, Washington.

EXCEPT: All that portion of the hereinafter described parcel lying northeasterly of the following described line: Beginning at a point opposite highway engineer's station (hereinafter referred to as HES) F¹ 82+0 on the F¹ line survey line of SR 525, Swamp Creek Interchange to 164th St. S.W. and 50 feet southwesterly therefrom: Thence northwesterly to a point opposite HES F¹ 85+50.9 and the end of this line description. And also EXCEPT: That part thereof conveyed to the City of Lynnwood by deed recorded march 18, 1971 under Auditor's File No. 2188576 for 184th St. S.W.

Containing 41.20 acres more or less.

Tax Parcel Number: 2704150010290



On the 9th day of December, 2013, the City Council of the City of Lynnwood, Washington, passed Ordinance No. 3037. A summary of the content of said ordinance, consisting of the title, provides as follows:

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

DATED this 18th day of December, 2013.



Lorenzo Hines, Finance Director



CERTIFICATE

I, the undersigned, Lorenzo Hines Jr., the duly appointed City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 3037 of the City of Lynnwood, Washington, entitled as follows:

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That said ordinance was passed by the Council on December 9, 2013 of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on December 17, 2013.



Lorenzo Hines, Jr., City Clerk of the
City of Lynnwood, Washington