



ORDINANCE NO. 3038

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO AN AMENDMENT TO THE CITY OF LYNNWOOD OFFICIAL ZONING MAP; AMENDING SECTION 1 OF ORDINANCE NO. 2978; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION.

WHEREAS, the Edmonds School District submitted a complete application for reclassification of District-owned property known as the former Lynnwood High School property, from P-1 – Public to C-R – Commercial Residential on the City’s Current Zoning Map; and

WHEREAS, the purposes of the application for reclassification are to: a) maintain consistency with a requested change to the Comprehensive Plan Future Land Use Map designation for the same property, from PF – Public Facilities to MU – Mixed Use; and b) enable redevelopment of the now-vacant property as a mixed-use community and retail center; and

WHEREAS, prior to taking action on that application, in Ordinance No. 2976 the City Council took action on a requested change to the Comprehensive Plan Future Land Use Map for the former Lynnwood High School site; and

WHEREAS, as provided by Chapters 1.35 and 21.22 LMC, the City has established procedures and decisional criteria for proposed reclassifications of property; and

WHEREAS, for the purposes of this Ordinance, “Current Zoning Map” is synonymous with “Official Zoning Map” as referenced within LMC 21.04.020; and

WHEREAS, the process for amending the Comprehensive Plan Future Land Use Map and the Current Zoning Map include multiple opportunities for meaningful public participation and input, including public hearings conducted by the Planning Commission and by City Council; and

WHEREAS, the City Council acknowledges the Edmonds School District’s determination that the 40-acre property is no longer needed for educational purposes, and that no public

agency has come forward with a viable proposal to re-purpose this land, and that it is in the public's interest that the property now be redeveloped via private-sector resources; 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 Future Land Use Map, and the Zoning Map 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 amendment to the City's Current Zoning Map, with conditions, and enacted Ordinance No. 2978 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), have requested the amendment of one condition of approval of the Current Zoning 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. 2978, to require that the Development Agreement be recorded by May 30, 2014;

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

Section 1. Section 1 of Ordinance No. 2978 is amended as follows:

Amendment of Lynnwood Zoning Map. Pursuant to Chapter 21.22 LMC, the Current Zoning Map approved by Ordinance 2938 is hereby amended to reclassify property addressed as 3001 184th Street SW, Lynnwood, WA, and as further identified by Exhibit A. The zoning designation for the property is hereby changed from P-1 – Public to C-R – Commercial Residential, 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.
2. The Zoning Map amendment approved in Section 1 of this Ordinance shall take effect on the date that the development agreement specified by Condition of Approval 1.1 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 Zoning Map amendment shall be null and void, and of no force or effect.

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.

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

APPROVED.



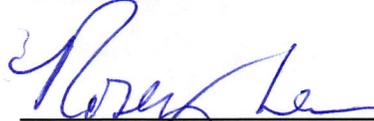
Don Gough, Mayor

ATTEST/AUTHENTICATED:



Lorenzo Hines Jr., Finance Director

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: 3038

**EXHIBIT A
ORDINANCE 3038**

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: 27041500102900



On the 9th day of December, 2013, the City Council of the City of Lynnwood, Washington, passed Ordinance No. 3038. 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 17th day of December, 2013.



Lorenzo Hines, Finance Director



LYNNWOOD
WASHINGTON

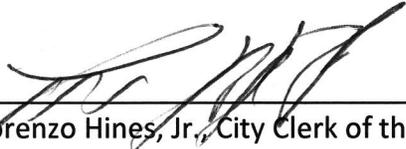
CERTIFICATE

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. 3038 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 19, 2013.



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