



**LYNNWOOD**  
WASHINGTON

**ORDINANCE NO. 3112**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON  
RELATING TO THE MULTIPLE-UNIT HOUSING PROPERTY TAX  
EXEMPTION, AMENDING LMC 3.82.060 and 3.82.070,  
PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND  
SUMMARY PUBLICATION**

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WHEREAS, the City of Lynnwood is a municipal corporation organized under the laws of the State of Washington; and,

WHEREAS, the City Council is authorized by RCW 35A.11.020 to adopt and enforce ordinances of all kinds relating to municipal affairs and appropriate to the good government of the City; and,

WHEREAS, Chapter 84.14 RCW authorizes cities to provide for exemptions from property taxation for multiple-unit housing development within designated residential targeted areas; and,

WHEREAS, the City's Comprehensive Plan establishes the Lynnwood Subregional Center, also known as the Lynnwood Regional Growth Center as designated by the Puget Sound Regional Council's Vision 2040; and,

WHEREAS, on March 14, 2005, the Lynnwood City Council approved Ordinance No. 2553, amending the City of Lynnwood Comprehensive Plan and adopting the City Center Sub-Area Plan; and

WHEREAS, the City Center Sub-Area Plan set forth visionary goals for urban-scale redevelopment within the Lynnwood Subregional Center, and promotion and facilitation of intensive levels of new development of multifamily, commercial, cultural, civic, and mixed-use structures served by a robust multi-modal transportation network; and,

WHEREAS, the development of additional housing units in the City Center as called for by the City Center Sub-Area Plan will allow Lynnwood to accommodate population and employment targets established under the auspices of the Washington State Growth

Management Act, while simultaneously protecting and preserving established single family neighborhoods throughout Lynnwood; and,

WHEREAS, prior to the adoption of Lynnwood's City Center Sub-Area Plan, real estate market factors and land use planning did not produce a central, downtown-type neighborhood that facilitates commerce; social, civic, and cultural exchange; housing; and access to efficient transportation systems and the City Center Sub-Area Plan sets forth a vision and strategies to create such a district for the expressed betterment of Lynnwood; and

WHEREAS, the property tax incentive authorized by Chapter 84.14 RCW can stimulate the creation of new multiple-unit housing within the City Center, and will benefit and promote public health, safety and welfare by encouraging residential development and redevelopment of that area and away from Lynnwood's established single family neighborhoods; and,

WHEREAS, on May 29, 2007 the Lynnwood City Council adopted Ordinance No. 2681, designating the City Center Sub-Area as the residential targeted area and adopting the multiple-unit housing property tax exemption, as codified in Chapter 3.82 LMC; and,

WHEREAS, significant transit infrastructure is planned within City Center supporting mobility options for state, regional and local growth objectives and the intent of the exemption as stated in LMC 3.82.060.A.4 "Achieve development densities which are more conducive to transit use in the residential targeted area"; and,

WHEREAS, the City Council finds that the off-street parking requirements of the multiple-unit housing property tax exemption (LMC 3.82.060.D.7) are inconsistent with the City Center development regulations for off-street parking (LMC Table 21.60.3) and it is necessary to align the provisions of Chapter 3.82 LMC with other development regulations adopted specifically for the City Center and codified as Chapter 21.60 LMC; and

WHEREAS, the City Council finds that the provisions of this Ordinance are in the interest of the public's health, safety, and welfare; and

WHEREAS, based on the findings and objectives expressed by the above recitals, the City Council finds it is appropriate to amend Chapter 3.82 LMC, now therefore,

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

**Section 1.** LMC 3.82.060 is amended as follows:

**3.82.060 Tax exemption for multifamily housing in residential targeted areas.**

A. Intent. Limited property tax exemptions from ad valorem property taxation for multiple-unit housing are intended to:

1. Encourage increased residential opportunities within the residential targeted area, as designated by the city council;

2. Stimulate new construction or rehabilitation of existing vacant and underutilized buildings for multiple-unit housing in the residential targeted area to increase and improve housing opportunities;

3. Assist in directing future population growth into the residential targeted area, thereby reducing development pressure on single-family residential neighborhoods; and

4. Achieve development densities which are more conducive to transit use in the residential targeted area.

B. Establishment and Duration of Exemption. The value of improvements qualifying under this chapter shall be exempt from ad valorem property taxation for either eight or 12 successive years, in accordance with RCW 84.14.020, beginning January 1st of the year immediately following the calendar year after issuance of the final certificate of tax exemption.

C. Limits on Exemption. The exemption does not apply to the value of the land or to the value of improvements not qualifying under this chapter, nor does the exemption apply to increases in assessed valuation of land or nonqualifying improvements. In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to submission of the completed application required under this chapter.

D. Project Eligibility. A proposed project must meet the following requirements for consideration for a property tax exemption:

1. Location. The project must be located within the residential targeted area designated by the city council.

2. Tenant Displacement Prohibited. The project must not displace existing residential tenants of structures that are proposed for redevelopment. Existing dwelling units proposed for rehabilitation must have been unoccupied for a minimum of 12 months prior to submission of an application and must fail to comply with one or more requirements of the city's building code, as now in effect or as amended. Applications for new construction cannot be submitted for vacant property upon which an occupied residential rental structure previously stood, unless a minimum of 12 months has elapsed from the time of most recent occupancy.

3. Size. The project must include at least 50 units of multiple-unit housing within a residential structure. A minimum of 50 new units must be constructed or at least 20 additional housing units must be added to existing occupied multiple-unit housing units. Existing multiple-unit housing units that have been vacant for 12 months or more do not have to provide

additional units so long as the project provides at least 20 units of new, converted or rehabilitated multiple-unit housing units.

4. **Permanent Residential Housing.** The proposed multiple-unit housing units must be constructed to standards established for condominium construction or better and must be provided for permanent residential occupancy, as defined in LMC 3.82.030(E). Such housing shall be of high quality and finish materials appropriate to the design standards in the city center plan. Only that portion of the space designated for multiple-unit housing shall be eligible for the exemption provided for herein.

5. **Proposed Completion Date.** New construction and rehabilitation improvements must be completed within three years from the date of approval of the application, plus any extension of time granted under LMC 3.82.080(B).

6. **Compliance with Guidelines and Standards.** The project must be designed to comply with the applicable provisions of the comprehensive plan, development regulations, building, housing and zoning codes and any other applicable regulations in effect at the time the applicant submits a fully completed application to the director. New construction must comply with the city's building code and all other applicable regulations for condominium construction. Rehabilitation and conversion improvements must comply with the city building code, and all other applicable regulations. For the duration of the exemption granted under this chapter, the property shall have no violations of applicable city codes and ordinances, including but not limited to zoning requirements, land use regulations and building and housing requirements for which a notice of violation has been issued and is not resolved by compliance, withdrawal or other final resolution. The project must also comply with any other standards and guidelines adopted by the city for the residential targeted area in which the project will be developed.

7. **LEED.** The project shall be designed to meet the LEED™ Silver Standard as established by the U.S. Green Building Council (USGBC).

8. **Historic Structures.** A project that results in the demolition of properties that are listed on the city of Lynnwood's historic register is not eligible for the tax exemption.

**Section 2.** LMC 3.82.070 is amended as follows:

**3.82.070 Application procedures.**

A property owner who wishes to propose a project for a tax exemption shall comply with the following procedures:

A. Prior to application for any building permit therefor, the applicant shall submit an application to the director, with a complete copy to the economic development director.

B. A complete application shall contain such information as the director may deem necessary or useful, and shall include:

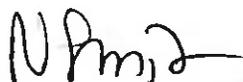
1. A brief written description of the project, preliminary schematic site plan, preliminary floor plans of the multiple-unit housing units, the composition and size of the units, and the structure(s) in which they are proposed to be located;
2. A brief statement setting forth the grounds for qualification for exemption;
3. A statement from the owner acknowledging the potential tax liability when the project ceases to be eligible under this chapter; and
4. Verification by oath or affirmation of the information submitted. For rehabilitation projects, the applicant shall also submit an affidavit that existing dwelling units have been unoccupied for a period of 12 months prior to filing the application.

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

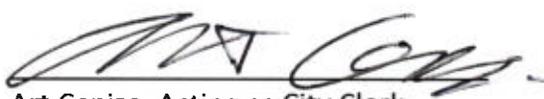
**Section 4.** This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

11th PASSED THIS 9th day of March, 2015, and signed in authentication of its passage this 11th day of March, 2015.

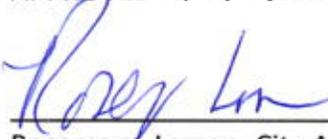
APPROVED:

  
\_\_\_\_\_  
Nicola Smith, Mayor

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Art Ceniza, Acting as City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 03/10/2015  
PASSED BY THE CITY COUNCIL: 03/09/2015  
PUBLISHED: 03/12/2015  
EFFECTIVE DATE: 03/17/2015  
ORDINANCE NUMBER: 3112



On the, 9th day of March, 2015 the City Council of the City of Lynnwood, Washington, passed ordinance 3112. A summary of the content of this ordinance, consisting of the title, provides as follows:

**ORDINANCE NO. 3112**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE MULTIPLE-UNIT HOUSING PROPERTY TAX EXEMPTION, AMENDING LMC 3.82.060 AND 3.82.070, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

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

DATED this 12<sup>th</sup> day of March, 2015.

A handwritten signature in black ink, appearing to read 'Art Ceniza', is written over a horizontal line.

Art Ceniza, Acting as City Clerk

# Everett Daily Herald

## Affidavit of Publication

State of Washington }  
County of Snohomish } ss

Kathleen Landis being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH620349 ORD. 3112-3116 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 03/12/2015 and ending on 03/12/2015 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$77.38.

Kathleen Landis

Subscribed and sworn before me on this 12 day of March, 2015.

Debra Ann Grigg

Notary Public in and for the State of Washington.

City of Lynnwood - LEGAL ADS | 14127890  
DEBBIE KARBBER

**Public Notices**

**LYNNWOOD WASHINGTON**

On the, 9th day of March, 2015 the City Council of the City of Lynnwood, Washington, passed ordinances: 3112 through 3116. A summary of the content of these ordinances, consisting of the title, provides as follows:

**ORDINANCE NO 3112**  
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE MULTIPLE-UNIT HOUSING PROPERTY TAX EXEMPTION, AMENDING LMC 3.82.060 AND 3.82.070, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

**ORDINANCE NO. 3113**  
AN ORDINANCE SUPERSEDING ORDINANCE #3075, WHICH SUPERSEDED ORDINANCE # 3019, WHICH SUPERSEDED #2980, WHICH SUPERSEDED ORDINANCE #2933, WHICH SUPERSEDED ORDINANCE #2784, ESTABLISHING PROJECT FUNDING FOR PROJECT FUND 318, AND PROVIDING FOR SPENDING AUTHORITY, BUDGET APPROPRIATIONS, AND TRANSFERS FROM FUNDS 411, 112, 330, 110, AND GRANTS, FOR THE 204TH STREET SW ROAD IMPROVEMENTS; FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.

**ORDINANCE NO 3114**  
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING PRE-DESIGN FUNDING FOR THE 194TH STREET SW EXTENSION IMPROVEMENT PROJECT; AN ORDINANCE AUTHORIZING EXPENDITURES IN PROJECT FUND 310; AND AUTHORIZING FUNDING TRANSFERS, ALLOCATIONS, AND REIMBURSEMENTS FROM FUND 110; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

**ORDINANCE NO 3115**  
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, MODIFYING ORDINANCE NO. 3091, A TWO YEAR BIENNIUM BUDGET FOR THE CITY OF LYNNWOOD, WASHINGTON, FOR THE YEARS ENDING DECEMBER 31, 2015 AND 2016; BY MAKING ADJUSTMENTS TO THE CITY'S BUDGET, IN EXHIBIT A; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY, AND SUMMARY PUBLICATION.

**ORDINANCE NO. 3116**  
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, MODIFYING ORDINANCE NO. 3091, A TWO YEAR BIENNIUM BUDGET FOR THE CITY OF LYNNWOOD, WASHINGTON, FOR THE YEARS ENDING DECEMBER 31, 2015 AND 2016; BY MAKING ADJUSTMENTS TO THE CITY'S BUDGET, IN EXHIBIT A; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY, AND SUMMARY PUBLICATION.

The full text of this ordinance will be mailed upon request. DATED this 12th day of March, 2015.  
Art Ceniza Acting as City Clerk  
Published: March 12, 2015 EDH620349

**DEBRA ANN GRIGG**  
Notary Public  
State of Washington  
My Commission Expires  
October 31, 2017





**LYNNWOOD**  
WASHINGTON

## **CERTIFICATE**

I, the undersigned, Art Ceniza, the duly appointed Acting 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. 3112 of the City of Lynnwood, Washington, entitled as follows:

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE MULTIPLE-UNIT HOUSING PROPERTY TAX EXEMPTION, AMENDING LMC 3.82.060 AND 3.82.070, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

That said ordinance was passed by the Council on March 9, 2015 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 March 12, 2015.

Art Ceniza, Acting as City Clerk of the  
City of Lynnwood WA