



**ORDINANCE NO. 3153**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO LAND DEVELOPMENT, TRANSPORTATION IMPACTS AND CONCURRENCY MANAGEMENT; ADDING A NEW CHAPTER 12.22 ENTITLED TRANSPORTATION CONCURRENCY MANAGEMENT TO THE LYNNWOOD MUNICIPAL CODE; AMENDING LMC 3.104.010; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

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WHEREAS, the Growth Management Act requires that the City of Lynnwood adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the Transportation Element of the City's Comprehensive Plan, unless transportation improvements or strategies to accommodate the impacts of development are made "concurrent with the development" [RCW 36.70A.070(6)]; and

WHEREAS, the Growth Management Act specifies that "concurrent with the development" means improvements or strategies are in place at the time of development, or a financial commitment is in place to complete the improvements or strategies within six years [RCW 36.70A.070(6)]; and

WHEREAS, on June 19, 2015, the Community Development Director, acting as the SEPA Responsible Official, reviewed this proposed non-project action and the related SEPA checklist and subsequently issued a determination of non-significance; 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, now therefore

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

**Section 1. Purpose.** The purpose of this ordinance is to implement the concurrency provisions of the Transportation Element of the City's Comprehensive Plan, in accordance with RCW 36.70A.070(6)(e), consistent with WAC 365-196-840.

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

Section 3. Creation of New City Code Chapter Providing for Establishment of Transportation Concurrency Management Procedures. The City of Lynnwood adopts a new chapter 12.22 of the Lynnwood Municipal Code, entitled "Transportation Concurrency Management," to read as follows:

## **TRANSPORTATION CONCURRENCY MANAGEMENT**

Sections:

- 12.22.005 Title.
- 12.22.010 Definitions.
- 12.22.020 Purpose.
- 12.22.030 Authority and General Procedure.
- 12.22.040 Applicability.
- 12.22.050 Capacity Evaluation Required For New Development.
- 12.22.060 Capacity Evaluation Required For Redevelopment or Change Of Use.
- 12.22.070 Capacity Reservation Certificate Required.
- 12.22.080 Exempt Development.
- 12.22.090 Level of Service Standards.
- 12.22.100 Application for a Capacity Reservation Certificate.
- 12.22.110 Issuance of Capacity Reservation Certificate.
- 12.22.120 Amendments to Capacity Reservation Certificates.
- 12.22.130 Use of Reserved Capacity.
- 12.22.140 Transfer of Reserved Capacity.
- 12.22.150 Concurrency Denial Letter.
- 12.22.160 Appeals.
- 12.22.170 Concurrency Administration – Procedure.
- 12.22.180 Site Access Evaluation.

### **12.22.005 Title.**

This chapter shall be known as the City of Lynnwood Transportation Concurrency Management Code.

### **12.22.010 Definitions.**

For the purpose of this chapter the terms, phrases, words and their derivations have the following definitions. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "may" is permissive. The Public Works Director shall have the authority to resolve questions of interpretation or conflicts between definitions.

1. "Adopted LOS standards" means the level of service (LOS) standards specified by the Transportation Element of the Lynnwood Comprehensive Plan as amended.
2. "Affected intersection" means any intersection within the City for which an LOS has been identified in this chapter.
3. "Applicant" means a person who applies for a Capacity Reservation Certificate (CRC) and who is the owner of the subject property or the authorized agent of the property owner.
4. "Available transportation facilities" means that the necessary road facilities are in place or that a financial commitment is in place to provide the road facilities within six years of the time of development, consistent with WAC 365-196-840.
5. "Build-out year conditions" means the volume of traffic that is projected to occur on the roadway system as of the anticipated date of occupancy of a proposal. Traffic conditions include regional traffic and the anticipated traffic from all proposals for which capacity has been reserved under the provisions of this chapter.
6. "Capacity" means the availability of an affected intersection or intersections to accommodate increased traffic resulting from a development without causing the delay at the intersection or intersections to fall below the LOS standards established in this chapter.
7. "Capacity, available" means capacity that can be encumbered, reserved, or committed to future users, expressed in an appropriate unit of measure, such as peak hour trips.
8. "Capacity, reserved" means capacity that has been allocated to a particular property through issuance of a Capacity Reservation Certificate reserving capacity for a set period of time.
9. "Capacity Reservation Certificate (CRC)" means a written determination of the Public Works Director pursuant to the terms and conditions of this chapter that confirms adequate capacity for each affected intersection has been reserved to serve specific land development.
10. "City" means the City of Lynnwood, Washington.
11. "Concurrency evaluation" means technical analysis in accordance with standard engineering practices to determine impacts upon transportation facilities, with documentation of impacts relative to adopted LOS standards.
12. "Concurrency denial letter" means a written decision by the Director that summarizes the results of the concurrency evaluation and the reason for denying the request for a Concurrency Reservation Certificate.

13. "Concurrency management" means the process the city uses to ensure necessary roadway improvements are made concurrent with proposed development activity, pursuant to RCW 36.70A.070.

14. "Development activity" means any proposal or action for which a Development Permit is required, including short plats, preliminary plats, rezone/reclassifications, Zoning Permits, Shoreline Substantial Development Permits, Conditional Use Permits, design review, change in use, or any other permit or approval required under the City of Lynnwood development regulations. For the purposes of this chapter, development activity does not include legislative proposals that may increase the potential for development. Exempt permits are set forth in LMC 12.22.080.

15. "Development approval" means written authorization from the City authorizing the commencement of development activity.

16. "Development Permit" means any document granting, or granting with conditions, an application for a land use designation or re-designation, zoning or rezoning, subdivision, site plan, building permit, variance or any other official action of the City having the effect of authorizing the development of land.

17. "Development trips" means the total number of net new peak hour vehicle trips generated by the development.

18. "Direct traffic impact" means any net increase in vehicle traffic generated by a proposed development.

19. "Director" means the Director of the Department of Public Works of the City of Lynnwood or her/his designee.

20. "Financial commitment" means public and/or private funds sufficient to finance transportation improvements necessary to support development and that there is reasonable assurance that such funds shall be timely used. Grants, loans and bond funds shall be considered to be committed only if they have been fully approved by the appropriate body.

21. "Frontage" means that boundary of property abutting a public street or right-of-way.

22. "Frontage improvement" means those improvements required to be constructed within or along existing or dedicated street right-of-way according to development regulations or permit conditions applicable to project development. Generally, frontage improvements may include, but not be limited to: clearing, grading, subgrade preparation, pavements, curbs, gutters, sidewalks, landscaping, signage, lighting, street furniture and fixtures, utilities. Additional improvements to be located within adjacent easements may be required in addition to frontage improvements.

23. "Impact fee" or "transportation impact fee" is as defined by Chapter 3.105 LMC.
24. "Inadequate road condition" means any road condition, whether existing on the road system or created by a new development's access, that jeopardizes the safety of road users, including nonautomotive users, due to substandard sight distance, substandard geometric alignment, substandard roadway cross-section or insufficient traffic control as determined by applicable City design standards and specifications as defined in the Lynnwood Road Standards. Appropriate mitigation shall be required when a CRC is issued.
25. "Level of service (LOS)" means a qualitative measure describing operational conditions within a traffic stream, described with alphabetical representations of "A" through "F" as defined in the 2000 Highway Capacity Manual prepared by the Transportation Research Board of the National Research Council, to indicate the amount of congestion and delay at particular locations. Level of service "A" represents little or no congestion and delay, while level of service "F" represents over-capacity conditions with long delays.
26. "Lynnwood Road Standards" means those standards included in Chapter 12.12.020 LMC.
27. "Net new trips" means the trip generation of the development activity less any allowable credit for existing activity that will be replaced, demolished or abandoned as part of the proposal.
28. "Off-site road improvement" means an improvement, except a frontage improvement, to an existing or proposed City road outside the boundaries of a development, that improvement is required or recommended in accordance with this title.
29. "Owner" means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser is considered the owner of the real property if the contract is recorded.
30. "Peak hour" means the highest volume of traffic for a continuous hour between 4:00 p.m. and 6:00 p.m.
31. "Pipeline traffic" means existing traffic volumes and the forecasted traffic volumes from proposals for which a Capacity Reservation Certificate has been issued.
32. "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements.
33. "Proportionate share" means that portion of the cost of public facility improvements that is reasonably related to the service demands and needs of new development.

34. "Six-Year Transportation Improvement Program (TIP)" means the annually updated transportation improvement program that identifies all the City's transportation needs over the next six years and beyond, including the total project costs.

35. "Standards" means the adopted Lynnwood Road Standards.

36. "Total project cost" means the total cost for the transportation projects, as defined in the current TIP. This cost includes, but is not limited to, studies, design, right-of-way acquisition, utility relocation, grading, and construction.

37. "Traffic study" means a study prepared by a qualified professional according to the format and content established by the City of Lynnwood Public Works Department.

38. "Trip generation" means the number of peak hour vehicle trips estimated to be produced by the development activity using Institute of Traffic Engineers (ITE) Trip Generation Manual, current edition.

40. "Trip generation credit" means a reduction in the number of new peak hour trips attributed to an application, equal to the number of peak hour trips currently being generated on the site from uses that will not continue if the development permit is granted.

**12.22.020 Purpose.**

The purpose of this chapter is to implement the concurrency provisions of the Transportation Element of the City's Comprehensive Plan, in accordance with RCW 36.70A.070(6)(e), consistent with WAC 365-196-840.

**12.22.030 Authority and General Procedure.**

The Director shall be responsible for implementing and enforcing this chapter, including making determinations regarding concurrency and issuing Capacity Reservation Certificates (CRC) according to the procedures in this chapter.

The Director's determination of concurrency and the issuance or nonissuance of a CRC shall be integrated, insofar as possible, with any applicable decision making processes on permits, applications, and proposals submitted to the City for review and decision. For each application subject to concurrency evaluation and the requirement for a Capacity Reservation Certificate, the Director shall determine how the review can be best integrated with the decision making process.

A. Applicant applies for a CRC prior to submittal of a Development Permit application.

B. Capacity Reservation Certificates shall be processed in the order in that the applications for concurrency evaluation are received.

C. The CRC is included as part of associated Development Permit Application.

**12.22.040 Applicability.**

A. Except for development exempt under LMC 12.22.080, this chapter shall apply to all applications for Development Permits, if the proposal or use will generate one (1) or more net new trips during the peak hour.

B. All construction or change in use initiated pursuant to a Development Permit for which a CRC was issued prior to the effective date of the ordinance codified in this chapter shall be continued. However, if the City determines that a previously issued Development Permit for which the CRC was issued has lapsed or expired, pursuant to the applicable development regulations, then no subsequent Development Permit shall be issued except in accordance with this chapter.

**12.22.050 Capacity Evaluation Required for New Development.**

A. Any new development that will generate one (1) or more net new trips in the peak hour shall require a CRC.

B. The Director may, at his/her discretion, require completion of a supplemental traffic study prior to issuance of a CRC.

C. The development shall be deemed not concurrent if more than 20% of the City's signalized intersections would fall below the City's adopted LOS as a result of a proposed development activity, privately initiated Comprehensive Plan amendment, or Zoning Map amendment. Otherwise, the development shall be deemed to be concurrent.

**12.22.060 Capacity Evaluation Required for Redevelopment or Change of Use.**

A. Any change, redevelopment, relocation, or modification of use that will generate one (1) or more net new trips in the peak hour shall require a Capacity Reservation Certificate.

B. For the purposes of this chapter, an application for a Development Permit shall include consideration of the cumulative impacts of all Development Permit applications for the same or contiguous properties that are owned or under the control of the same person, firm or corporation, when one or more Development Permits would be issued within two years of the date of issuance of a Development Permit for the same or contiguous property.

C. Increased impact on affected intersections. If a redevelopment or change of use shall have a greater impact on affected intersections than the previous use, then a CRC shall be required for the net increase only; provided, that the applicant provides reasonably sufficient evidence, to the satisfaction of the Director, that the previous use has been continuously maintained on the site during the five-year period prior to the date of application, or since the previous use was permitted, if that period is less than five years, for the concurrency evaluation.

D. Decreased impact on affected intersections. If the Director determines that a redevelopment or change of use shall have a lesser impact on affected intersections than the previous use, then no concurrency evaluation shall be required. For the purpose of this paragraph, "previous use" shall mean the most recent use of the site that can be evidenced by the applicant and is deemed acceptable by the Director. If the Director deems that sufficient evidence was not provided then the previous use will be considered undeveloped land and no trip generation credit shall be granted pursuant to this chapter.

E. Demolition or Termination of Use. In the case of a demolition or termination of an existing structure or use, a trip generation credit shall apply to the calculated trip generation for the use prior to the demolition or termination. The number of trips allowed in the credit shall be as estimated using the ITE Trip Generation Manual, latest edition.

**12.22.070 Capacity Reservation Certificate Required.**

A. Prior to the issuance of any permit for a nonexempt development activity, the Director shall determine if the proposal is covered by an existing CRC or if capacity exists on the road facilities to permit the proposed development activity. Permits for the development activity shall be issued only if the Director finds that the activity is covered by an existing CRC or capacity exists in accordance with level of service standards contained in this chapter. Where such capacity exists, the Director shall issue a CRC to the applicant for the development activity.

B. A CRC will be issued only after a capacity evaluation indicating that capacity is available on all applicable road facilities is performed.

C. In no event shall the Director determine concurrency for a greater amount of capacity than is needed for the development proposed in the underlying Development Permit application.

**12.22.080 Exempt Development.**

A. Any development activity or Development Permit shall be exempted from this chapter if the development activity or Development Permit is deemed by the Director to generate less than one (1) net new trip in the peak hour, including rezoning applications and privately initiated Comprehensive Plan amendments.

B. The following types of Development Permits are typically exempt from the requirements of this chapter because they do not create additional long-term impacts on road facilities. However, if any Development Permit from the list below generates one (1) or more net new trips in the peak hour, it shall not be exempt from concurrency evaluation.

1. Access Permit;
2. Demolition Permit;
3. Driveway or Street Permit;
4. Excavation/Clearing Permit;

5. Excavation Permit;
6. Fire Code Permit;
7. Grading Permit;
8. Interior alterations with no change of use;
9. Mechanical Permit;
10. Plumbing Permit;
11. Right-of-Way Permit;
12. Sign Permit;
13. Single-family remodeling with no change of use;
14. Street Use Permit;
15. Street Vacation Permit;
16. Utility Permit (waste, sewer, storm).

- C. Alteration or replacement of an existing residential or nonresidential structure that does not expand the usable space or add any residential units.

Notwithstanding the exemptions provided in this section, the trip generation resulting from an exempt use shall be included in computing background traffic for any nonexempt project, and any exemptions provided in this section shall not be construed as an exemption from any applicable transportation impact fee requirements.

#### **12.22.090 Level of Service Standards.**

The level of service for streets in Lynnwood is generally determined by the intersections that control through travel; however, this presumes compliance with design standards to assure that the full potential of the street between intersections is maintained to serve traffic through major intersections, and to provide appropriately for pedestrian, bicycle, and transit modes.

The Growth Management Act only requires cities to manage level of service on arterials (including collector arterials) and not local streets. The City may however establish additional standards for local streets for its own purposes. In order to minimize traffic disturbance within neighborhoods, the LOS for local streets in Lynnwood is established as LOS "C" during the PM peak hour.

The LOS for the majority of the City arterials takes into consideration the need to protect neighborhoods from excessive pass through traffic. The level of service for non-City Center arterials and non-State Highways is established as LOS "D" during the PM peak hour.

The City Center is expected to operate with more congestion. Not only are there more trip ends per acre in the City Center, there are more opportunities to move about without a car. Businesses are closer together, making walking easier, and transit service is more frequent. The LOS for City Center arterials is LOS "E" for the City Center during the PM peak hour.

In order to make the Lynnwood Transportation Concurrency system more flexible, and to not allow one congested intersection to stop all development in an area, the City's LOS standard

allows 20% of the City's intersections to be below their associated LOS standard before concurrency is considered to be failed, and for this purpose only signalized intersections will be considered.

**12.22.100 Application for a Capacity Reservation Certificate.**

An application for a CRC shall be on a form provided by the Director. The application shall be submitted and accompanied by the fee stated in Chapter 3.104 of the City code. The application shall include all of the information requested for a concurrency finding including the allocation of capacity, by legal description, if applicable.

**12.22.110 Issuance of Capacity Reservation Certificate.**

If the Director determines that the transportation facilities meet City LOS standards established in LMC 12.22.050C with the addition of the development's trips, the Director shall issue a Capacity Reservation Certificate, with or without conditions, to the applicant advising that available capacity exists to support the development. If the applicant is not the property owner, the Capacity Reservation Certificate shall also be sent to the property owner. The Capacity Reservation Certificate shall identify the proposed development application and include the following information:

- A. A description of the land use to which the Capacity Reservation Certificate applies.
- B. A description of any transportation improvements or programs proposed by the applicant and necessary to maintain the City's LOS standards, and any other conditions necessary for the issuance of the Capacity Reservation Certificate.

**12.22.120 Amendments to Capacity Reservation Certificates.**

Even if the CRC is based on an estimation of impact, the applicant shall be bound by its estimation of impact, and any upward deviation from the estimated traffic impact shall require at least one of the following:

- A. A finding that the additional capacity sought by the developer through a revised application is available to be reserved by the project or can be made available through mitigation of the additional impact; or
- B. A finding that the CRC must be revoked unless a revised proposal is submitted limiting the trip generation to the number reserved in the Capacity Reservation Certificate.

**12.22.130 Use of Reserved Capacity.**

When a valid Development Permit is issued for a project for which a CRC has been issued, the CRC shall continue to reserve the capacity unless the Development Permit expires, is withdrawn, or is cancelled.

**12.22.140 Transfer of Reserved Capacity.**

Reserved capacity shall not be transferred to property not included in the legal description provided by the applicant in the application for a CRC. The applicant may, as part of a Development Permit application, designate the amount of capacity to be allocated to portions of the property, such as lots, blocks, parcels, or tracts included in the application if the property is to be subdivided. Capacity may be reassigned or allocated within the boundaries of the original CRC by application to and decision by the Director. At no time may capacity or any CRC be sold or transferred to another party or entity to apply to a site other than that described in the original application.

**12.22.150 Concurrency Denial Letter.**

If the Director determines that one or more road facilities are not concurrent, the Director shall issue a concurrency denial letter to the applicant advising that available capacity does not exist. The concurrency denial letter shall identify the application and include the following information:

- A. The level of service prior to the proposed development activity;
- B. The level of service including the proposed development activity;
- C. An estimate of the level of the deficiency of the road facilities; and
- D. The options available to the applicant, such as the estimated reduction in project trips necessary to meet LOS standards or the potential improvements necessary to meet LOS standards.

**12.22.160 Appeals.**

Appeals of the concurrency issuance or denial letter shall be included in any appeal of a decision on the underlying Development Permit application. If there is no appeal of any decision on any underlying Development Permit, the appeal of the concurrency issuance or denial letter shall follow the process for an appeal under Process 2, as set forth in LMC 1.35.200 through LMC 1.35.260.

**12.22.170 Concurrency Administration – Procedure.**

- A. The city shall develop and maintain a concurrency monitoring system based upon a computer traffic forecasting model and intersection operations model to monitor the level of service of signalized intersections of classified streets.
  - 1. The monitoring system shall consider existing and proposed capacities of arterial streets and intersections.
  - 2. The most recent concurrency analysis will be the beginning point for each succeeding concurrency analysis.
  - 3. The cost of developing and maintaining the concurrency monitoring system shall be funded through development review fees based upon the trip generation of the development activity.
  - 4. The concurrency monitoring system may be administered by city staff or a consultant.

5. The applicant shall pay to the city a fee for the city's preparation of a concurrency evaluation.

6. The amount of the fee shall be as established in Chapter 3.104 of the City code and is to be paid at the time of transportation concurrency application submittal. The fee shall vary based on the number of new peak hour trips produced by the development. The applicant shall be subject to payment of additional fees for any subsequent revisions to the concurrency analysis

7. Additional fees may be required for revisions as an additional proportion of the original fee depending on the effort involved to revise the concurrency analysis. Any upward deviation from the estimated traffic impact shall require at least one of the following:

- a. A finding that the additional concurrency sought by the developer through a revised application is available to be reserved by the project;
- b. Mitigation of the additional impact under SEPA;
- c. Revocation of the concurrency approval.

B. In performing the concurrency evaluation, the city shall determine the impact of the traffic generated by the proposed development activity on the City's transportation system. The evaluation shall be based on data generated by the City, by professional associations, by the applicant, and if needed, by independent analysis. The City shall examine the data to verify that:

1. The density assumptions for the proposed project are consistent with the underlying zoning.
2. Existing and projected trip generation is consistent with the latest version of the ITE Trip Generation Manual or documented trip generation for uses not typical of uses in the Manual.

C. Level of service calculations for all signalized arterial intersections affected by the development are based upon the cumulative trip generation of previously approved applications, the City's current Six-Year TIP and trips generated by the proposed development. The City shall determine if the capacity of the City's road facilities, plus the capacity that is or shall be used by all existing, reserved, and approved development, can be provided while meeting the LOS standards set forth in this chapter.

D. Technical provisions for concurrency evaluations shall be prepared in the following format:

1. Project description will be provided by the applicant in enough detail to accurately determine the scope of analysis required.
2. Analysis scope will be determined by City after consultation with affected departments.

3. The City, based on the information supplied by the applicant, will determine project trip generation. If the applicant provides a detailed trip generation study, that data may be used for concurrency analysis at the discretion of the Director.
4. Project traffic distribution will be determined by the City, consistent with the most current and updated city traffic-forecasting model.
5. Traffic volumes at existing intersections that include background traffic will be maintained by the City.
6. The City will include appropriate background and pipeline traffic at each affected intersection to obtain a revised traffic assignment for affected roadways and intersections.
7. The City may at its discretion issue concurrency certificates based upon estimated available capacity and combine multiple concurrency evaluations into a single test for updating the city traffic-forecasting and operational models.
8. The City, in compliance with the 2000 version of the Highway Capacity Manual, will complete capacity analysis, using its chosen software.
9. After completion of the capacity analysis, the City shall prepare the final concurrency certificate.

**12.22.180 Site Access Evaluation.**

- A. In addition to the application for a Capacity Reservation Certificate developments generating greater than 50 peak hour trips shall prepare a site access evaluation to include the site access to the arterial street system and any intersections on the arterial system within ¼ mile of the site access. The purpose of this analysis is to determine site specific access impacts and potential mitigation.
- B. The city will provide the applicant with traffic counts for use in the analysis.
- C. The applicant will prepare a LOS analysis for the required intersections and a traffic signal warrant analysis for any intersection impacted by greater than 100 peak hour trips.

Section 4. Fees and Charges. LMC 3.104.010 and Table 3.104.010 are hereby amended to include the fees and charges as shown on Exhibit A, attached hereto and incorporated by this reference. The fees and charges established on Exhibit A shall take effect on the date this ordinance goes into effect.

**Section 5. 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 therefore, shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

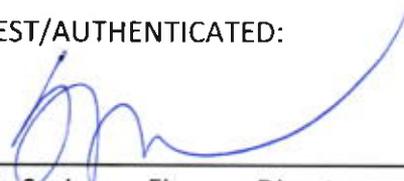
**Section 6. Effective Date.** This ordinance or a summary thereof consisting of the title and key provisions shall be published in the official newspaper of the City, and shall take effect and be in full force on and after January 1, 2016.

PASSED this 28<sup>th</sup> day of September, 2015, and signed in authentication of its passage this 26<sup>th</sup> day of October, 2015.

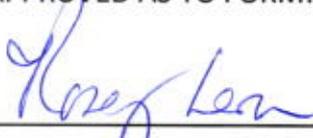
APPROVED:

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

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Sonja Springer, Finance Director

APPROVED AS TO FORM:

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

FILED WITH ADMINISTRATIVE SERVICES: 10/23/2015  
PASSED BY THE CITY COUNCIL: 09/28/2015  
PUBLISHED: 10/26/2015  
EFFECTIVE DATE: 01/01/2016  
ORDINANCE NUMBER: 3153

**Exhibit A  
Concurrency Fees and Charges**

**Review Fee Calculation**

\$200 base fee plus \$7.50 times the estimated trip generation of the development based upon the following table:

**Trip Generation**

<b>Land Use Group</b>	<b>ITE Code<sup>1</sup></b>	<b>ITE Land Use Category<sup>1</sup></b>	<b>ITE Trip Rate<sup>2</sup></b>	<b>Dev. Unit<sup>4</sup></b>	<b>% Pass By Trips<sup>3</sup></b>	<b>Net New Trips per Dev. Unit</b>
Dwelling	210	Single-Family Detached Housing	1.00	DU	0%	1.000
Dwelling	220	Apartment	0.62	DU	0%	0.620
Dwelling	231	Low-Rise Condo / Townhouse	0.78	DU	0%	0.780
Dwelling	240	Mobile Home Park	0.59	DU	0%	0.590
Dwelling - Group	251	Sr. Housing Detached	0.27	DU	0%	0.270
Dwelling - Group	252	Sr. Housing Attached	0.25	DU	0%	0.250
Dwelling - Group	253	Congregate Care Facility	0.17	DU	0%	0.170
Dwelling - Group	254	Assisted Living	0.22	Bed	0%	0.220
Dwelling - Group	620	Nursing Home	0.22	Bed	0%	0.220
Education	520	Public Elementary School	1.21	SF	0%	1.210
Education	522	Public Middle/Junior High School	1.19	SF	0%	1.190
Education	530	Public High School	0.97	SF	0%	0.970
Education	534	Private School K-8 (limited data)	3.27	SF	0%	3.270
Education	536	Private School K-12 (limited data)	2.75	SF	0%	2.750
Industrial	110	General Light Industrial	0.97	SF	0%	0.970
Industrial	130	Industrial Park	0.85	SF	0%	0.850
Industrial	140	Manufacturing	0.73	SF	0%	0.730
Institutional	566	Cemetery	0.84	SF	0%	0.840
Medical	610	Hospital	0.93	SF	0%	0.930
Medical	630	Clinic (limited data)	5.18	SF	0%	5.180
Medical	720	Medical/Dental Office	3.57	SF	0%	3.570
Office	710	General Office	1.49	SF	0%	1.490
Office	715	Single Tenant Office	1.74	SF	0%	1.740
Park and Ride	090	Park and Ride with Bus Service	0.62	Stall	0%	0.620

Land Use Group	ITE Code <sup>1</sup>	ITE Land Use Category <sup>1</sup>	ITE Trip Rate <sup>2</sup>	Dev. Unit <sup>4</sup>	% Pass By Trips <sup>3</sup>	Net New Trips per Dev. Unit
Recreation	411	City Park	3.50	Acre	25%	2.625
Recreation	430	Golf Course	0.30	Acre	25%	0.225
Recreation	437	Bowling Alley	1.51	SF	25%	1.133
Recreation	441	Live Theater (limited data)	0.02	SF	25%	0.015
Recreation	444	Movie Theater	3.80	SF	25%	2.850
Recreation	491	Racquet/Tennis Club	0.84	SF	25%	0.630
Recreation	492	Health Fitness Club	3.53	SF	25%	2.648
Recreation	493	Athletic Club	5.96	SF	25%	4.470
Recreation	495	Recreational Community Center	2.74	SF	25%	2.055
Retail – Automotive	853	Convenience Market w/Gas Pumps	19.07	VSP	66%	6.484
Retail – Automotive	941	Quick Lubrication Vehicle Stop	5.19	VSP	42%	3.010
Retail – Automotive	944	Gasoline/Service Station	13.87	VSP	42%	8.045
Retail – Automotive	945	Gas Station w/Convenience Market	13.51	VSP	56%	5.944
Retail – Automotive	946	Gas Station w/Convenience Market and Car Wash	13.86	VSP	56%	6.098
Retail – Automotive	947	Self-Serve Car Wash	5.54	VSP	42%	3.213
Retail - Large	814	Variety Store	6.82	SF	34%	4.501
Retail - Large	815	Free Standing Discount Store	4.98	SF	17%	4.133
Retail - Large	850	Supermarket	9.48	SF	36%	6.067
Retail - Large	854	Discount Supermarket	8.34	SF	23%	6.422
Retail - Small	590	Library	7.30	SF	0%	7.300
Retail - Small	816	Hardware/Paint Store	4.84	SF	26%	3.582
Retail - Small	826	Specialty Retail Center	2.71	SF	34%	1.789
Retail - Small	841	Automobile Sales	2.62	SF	0%	2.620
Retail - Small	843	Automobile Parts Sales	5.98	SF	43%	3.409
Retail - Small	848	Tire Store	4.15	SF	28%	2.988
Retail - Small	851	Convenience Market	52.41	SF	61%	20.440
Retail - Small	876	Apparel Store	3.83	SF	34%	2.528
Retail - Small	879	Arts and Crafts Store	6.21	SF	34%	4.099
Retail - Small	880	Pharmacy/Drug Store w/o Drive-Thru	8.40	SF	53%	3.948
Retail - Small	881	Pharmacy/Drug Store w/Drive-Thru	9.91	SF	49%	5.054

Land Use Group	ITE Code <sup>1</sup>	ITE Land Use Category <sup>1</sup>	ITE Trip Rate <sup>2</sup>	Dev. Unit <sup>4</sup>	% Pass By Trips <sup>3</sup>	Net New Trips per Dev. Unit
Retail - Small	890	Furniture Store	0.45	SF	53%	0.212
Retail - Small	896	DVD/Video Rental Store	13.60	SF	49%	6.936
Retail - Small	911	Walk-in Bank (limited data)	12.13	SF	47%	6.429
Retail - Small	912	Drive-in Bank	24.30	SF	47%	12.879
Retail - Small	925	Drinking Place	11.34	SF	0%	11.340
Retail - Small	931	Quality Restaurant	7.49	SF	44%	4.194
Retail - Small	932	High Turnover Restaurant	9.85	SF	43%	5.615
Retail - Small	933	Fast Food w/o Drive-Thru	26.15	SF	49%	13.337
Retail - Small	934	Fast Food w/Drive-Thru	32.65	SF	50%	16.325
Retail - Small	936	Coffee/Donut Shop w/o Drive-Thru	40.75	SF	49%	20.783
Retail - Small	942	Automobile Care Center	3.11	VSP	28%	2.239
Services	151	Mini Warehouse	0.26	SF	0%	0.260
Services	310	Hotel	0.60	SF	0%	0.600
Services	320	Motel	0.47	SF	0%	0.470
Services	560	Church	0.55	SF	0%	0.550
Services	565	Day Care Center	12.34	SF	75%	3.085
Services	732	US Post Office	11.22	SF	47%	5.947

1. Institute of Transportation Engineers, Trip Generation Manual (9th Edition)
2. Trip generation rate per development unit, for PM Peak Hour of the adjacent street traffic (4-6 pm). DU = Dwelling Unit, Note: Sq. Ft. rate expressed per 1000 SF.
3. Average Pass-by Rates, per Trip Generation Manual (9th edition) User's Guide and Handbook: an ITE Recommended Practice, 2012. Additional pass-by rate adjusted based on local conditions and engineering judgment.
4. Sq. Ft. = Square Feet, VSP = vehicle servicing position



On the 28th day of September, 2015 the City Council of the City of Lynnwood, Washington, passed ordinance 3153. A summary of the content of this ordinance, consisting of the title, provides as follows:

**ORDINANCE NO. 3153**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO LAND DEVELOPMENT, TRANSPORTATION IMPACTS AND CONCURRENCY MANAGEMENT; ADDING A NEW CHAPTER 12.22 ENTITLED TRANSPORTATION CONCURRENCY MANAGEMENT TO THE LYNNWOOD MUNICIPAL CODE; AMENDING LMC 3.104.010; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

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

DATED this 26<sup>th</sup> day of October, 2015.

  
\_\_\_\_\_  
Debbie Karber, Deputy City Clerk



**LYNNWOOD**  
WASHINGTON

## **CERTIFICATE**

I, the undersigned, Debra Karber, the duly appointed Deputy 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. 3153 of the City of Lynnwood, Washington, entitled as follows:

### **ORDINANCE NO. 3153**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO LAND DEVELOPMENT, TRANSPORTATION IMPACTS AND CONCURRENCY MANAGEMENT; ADDING A NEW CHAPTER 12.22 ENTITLED TRANSPORTATION CONCURRENCY MANAGEMENT TO THE LYNNWOOD MUNICIPAL CODE; AMENDING LMC 3.104.010; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

That said ordinance was passed by the Council on September 28, 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 October 26, 2015.

*D. Karber*

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Debra Karber, Deputy 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 EDH665220 ORDINANCE SUMMARIES 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 10/26/2015 and ending on 10/26/2015 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$92.56.

Kathleen Landis

Subscribed and sworn before me on this

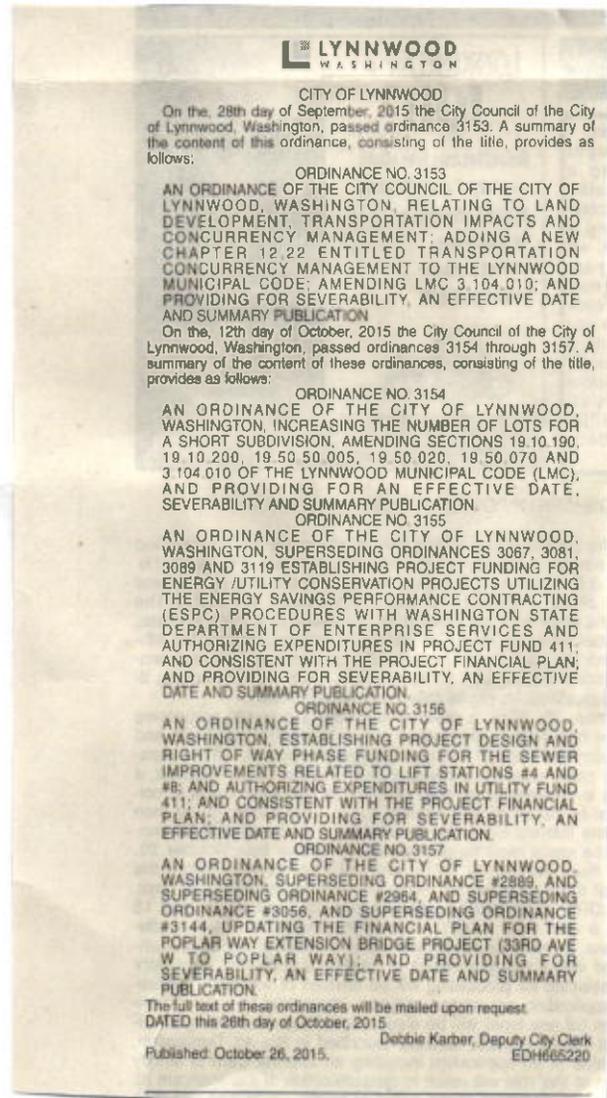
27 day of October

2015

Debra Ann Grigg

Notary Public in and for the State of Washington.

City of Lynnwood - LEGAL ADS | 14127890  
DEBBIE KARBER



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