



LYNNWOOD
WASHINGTON

ORDINANCE NO. 3158

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO SQUARE FOOTAGE COMPUTATION OF PANHANDLE AND/OR PRIVATE ACCESS EASEMENTS WITHIN THE TOTAL LOT AREA, AMENDING CHAPTER 19.10 OF THE LYNNWOOD MUNICIPAL CODE (LMC), LMC 19.50.020, LMC 19.50.040, AND LMC 19.50.050; 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, the existing Lynnwood Municipal Code prohibits the square footage of land contained in panhandle and/or private access easements from being counted towards minimum lot area; and

WHEREAS, Lynnwood has adopted goals of preserving single family home neighborhoods and where possible increasing the number of single family homes; and

WHEREAS, it is desirable to promote greater flexibility for lot size and short plat design that will encourage the development of single family homes while also helping to increase property values; and

WHEREAS, the City Council finds that the inclusion of the square footage of a panhandle lot as defined in Chapter 19.10 LMC or private access easement for use by one (1) lot not abutting a right-of-way is consistent with other neighboring cities; and

WHEREAS, with the application of appropriate development standards the City will be able to insure that adequate buildable areas, setbacks and yards for single family homes will be required; and

WHEREAS, the City Council finds these provisions are in the best interest of the health, safety and welfare of the community; and

WHEREAS, on the 17th day of June, 2015, 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 20th day of August, 2015, the City of Lynnwood SEPA Responsible Official issued a Determination of Non-Significance (DNS) on the proposal; and

WHEREAS, on the 10th day of September, 2015, 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

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

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

Section 2. Amendment. Chapter 19.10 LMC is hereby amended by adding the following definition for "Panhandle", and codifying such definition in a manner that maintains alphabetical order.

19.10.136 "Panhandle"

"Panhandle" is a lot configured with a narrow extension of land connecting the main buildable area of the lot to a public street. The narrow extension of land in a panhandle lot provides for vehicular and potentially utility access to the main buildable area of the lot, but is not wide enough for development and does not meet minimum lot width requirements. Panhandles are also known as "flag lots" or "pipe stem" lots.

Section 3. Amendment. LMC 19.50.020 is hereby amended as follows:

19.50.020 Preliminary short subdivision application.

Any person desiring to divide land under the provisions of this title situated in the city of Lynnwood into nine (9) or fewer lots shall submit an application for short subdivision approval to the community development director together with payment of related fees and costs as set forth in Chapter 3.104 of the City code.

A. Applications for a preliminary short plat subdivision shall be submitted on forms prescribed by the community development director. All applications submitted to the community development director shall be complete and contain the following material:

1. The name, address and telephone number of the owner(s);

2. A written statement by the owner showing the entire contiguous ownership of land in which there is an interest by reason of ownership, contract for purchase, earnest money agreement or option by any person, firm or corporation in any manner connected with the development, and the names and addresses and telephone numbers of all such persons, firms or corporations;
3. The existing zoning classifications;
4. The square footage computation of each lot or parcel. The square footage of land contained in access panhandles and/or private roads may be included in the lot size computation when serving no more than one (1) lot from a right-of-way. Building area shall be demonstrated at time of preliminary review/approval;
5. The source of water supply;
6. The method of sewage disposal;
7. A survey prepared by a licensed surveyor registered in the state of Washington. However, if the community development director determines that existing conditions so warrant because of previous development, construction or subdividing, the requirement of a survey of the property to be subdivided may be waived for the preliminary short plat, but a survey shall be required for the final short plat;
8. For the same reasons as stated in subsection (A)(7) of this section, a current ownership certificate from a recognized title company at the preliminary short plat stage may be waived for the preliminary short plat; however, it shall be required for final short plat approval.

B. Map. A map shall be prepared on a sheet of reproducible material, having dimensions of eight and one-half inches by 14 inches, and containing the following information:

1. The date, scale and north arrow;
2. The boundary lines, to scale, of the tract to be subdivided and each lot contained therein;
3. The dimensions, square footage and number assigned to each proposed lot;
4. All existing structures;
5. All setback dimensions for existing structures; and
6. The location of any sensitive areas as defined by LMC Title 17 as known to the applicant at time of submittal.

Section 4. Amendment. LMC 19.50.040 is hereby amended as follows:

19.50.040 Final short plat application.

A. The final short plat application shall contain the following information:

1. The square footage computation of each lot or parcel. The square footage of land contained in access panhandles and/or private roads may ~~shall not~~ be included in the lot size computation when serving no more than one (1) lot from a right-of-way. Building area shall be demonstrated at time of preliminary review/approval;
2. The source of water supply;
3. The method of sewage disposal;
4. A survey prepared by a licensed surveyor registered in the state of Washington.

B. Map. A map shall be prepared on a sheet of reproducible material, having dimensions of 18 inches by 24 inches, and containing the following information:

1. A legal description of the property to be subdivided and legal descriptions of lots, tracts, or parcels therein together with the legal description of private roads and easements therein, if any, all prepared or approved and sealed by a licensed surveyor registered in the state of Washington. The community development director may substitute the map for several narrative legal descriptions if it provides as good or better description of property lines;
2. The date, scale and north arrow;
3. The boundary lines, to scale, of the tract to be subdivided and each lot contained therein;
4. The number assigned to each lot;
5. The location, names, widths and auditor's file number of any existing easements, existing and proposed roads, existing and proposed rights-of-way for public services utilities within the area contained within the short subdivision, and within 100 feet thereof, and location of the nearest city streets;
6. The boundaries of all lands reserved in the deeds for the common use of the property owners of the short subdivision;
7. The location of permanent and topographic features which will have an impact upon the short subdivision, such as all existing or platted streets adjacent to the short subdivision, easements, tracts, buildings, watercourses, rights-of-way, all utility rights-of-way, township lines and section lines;
8. Statement. Land within this short subdivision shall not be further subdivided for a period of five years unless a final plat is filed pursuant to Chapter 19.25 LMC and Chapter 58.17 RCW;
9. Signature block for approval by the mayor;
10. Storm water system maintenance requirements as approved by the public works director;
11. A certificate as per RCW 58.17.165.

C. Supporting Documents. The following documentation shall accompany each application for approval of a final short plat:

1. A vicinity map clearly identifying the location of the property being short subdivided, having a scale of not more than 400 feet to the inch;
2. Copies of restrictions, if any, proposed to be imposed upon the use of the land. Such restrictions must be recorded either prior to or simultaneously with the short plat;
3. In any short subdivision where lots are served or to be served by a private street, the subdivider shall furnish copies of such further covenants or documents that will result in:
 - a. Each lot owner having access thereto having responsibility for maintenance of any private street contained within the short subdivision;
 - b. Such covenants or documents shall obligate any seller to give actual notice to any prospective purchaser of the method of maintenance of the private street which notice shall be caused to be included in any deeds or contracts relating to

- such sale, and such covenants or documents shall be recorded either prior to or simultaneously with the moment the short subdivision becomes effective;
4. A current title certificate consisting of a report prepared by a recognized title company, showing interest of the persons signing the final short plat and showing restrictions encumbering the land. All parties of interest shall sign the plat map.

Section 5. Amendment. LMC 19.50.050 is hereby amended as follows:

19.50.050 General requirements.

In addition to the design standards of Chapter 19.35 LMC, the following are applicable to all short subdivisions:

A. Private Roads.

1. Any road surface not open to general public use shall be retained permanently as a privately owned and privately maintained road. This may be accomplished by creating a private tract or easement for ingress and egress purposes.
2. The covenants of any short plat containing a private road shall bear the following language: "Warning: Lynnwood has no responsibility to build, improve, maintain, or otherwise service the private roads contained within or providing service to the property described in this short plat."
3. Privately owned roads shall be open for necessary public use (emergency and utility access) as determined by the city of Lynnwood.
4. Private roads shall meet the following:
 - a. The tract or easement and driving surface shall be a minimum of 20 feet wide, except as provided in LMC 9.06.020. Where a lot is served by a private road with a reduced width, under LMC 9.06.020, fire suppression sprinklers shall be installed at any residence built at such lot. The design of the sprinklers shall be subject to approval of the fire marshal;
 - b. No parking shall be permitted on the private road serving two or more lots. A "No Parking" sign shall be posted in accordance with city standards and at the owner's expense;
 - c. Addresses of all residences shall be posted at the intersection of the private road and the public street, subject to staff approval.
5. All roads within a short plat shall meet city construction standards for private roads.
6. Private roads shall serve no more than four lots and not exceed 300 feet in length unless approved by the public works director and fire marshal.
7. The area within the access panhandle and/or private road may be included in the computation of the lot area or be used to meet any dimensional requirement of the lot when serving no more than one (1) lot from a right-of-way and when held in a separate easement or panhandle. When serving more than one (1) lot from a right-of-way, or when served by a separate tract, this area within the access panhandle and/or private road shall not be included in the computation of the lot area.
8. A workable turnaround shall be provided in conformance to the standards of the fire department and public works department.

9. A private maintenance agreement shall be required for any private road serving two or more lots.

B. Lots.

1. All lots shall provide for the minimum depth, width, width at the building line and area as required by the zoning code, LMC Title 21.

2. The community development director shall designate the yard designations for lots within short plats to ensure that the location of buildings will be compatible to the existing development in the area. In determining setbacks, under no circumstance shall a house be allowed to be constructed within five feet of a private road whether held in a separate tract or access easement, as required by the zoning code for an interior lot in a single-family residential zone. The determined setbacks shall be indicated on the final short plat map.

C. Utilities.

1. All utility improvements shall be prepared and certified by a licensed professional engineer, registered in the state of Washington.

2. All utility improvements shall be designed in conformance with the standards of the public works department.

Section 6. Severability. 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 7. Effective Date. 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.

10th PASSED this 9th day of November, 2015, and signed in authentication of its passage this day of November, 2015.

APPROVED:



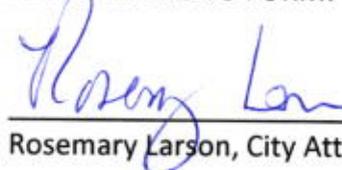
Nicola Smith, Mayor

ATTEST/AUTHENTICATED:



Sonja Springer, Finance Director

APPROVED AS TO FORM:



Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 11/10/2015
PASSED BY THE CITY COUNCIL: 11/09/2015
PUBLISHED: 11/13/2015
EFFECTIVE DATE: 11/18/2015
ORDINANCE NUMBER: 3158

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 EDH668669 ORD. 3158 AND 3159 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 11/13/2015 and ending on 11/13/2015 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$45.64.

Kathleen Landis

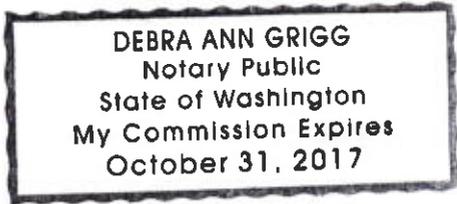
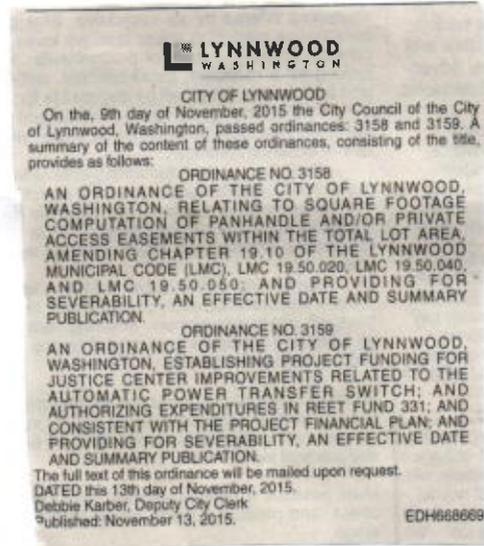
Subscribed and sworn before me on this

13 day of Nov,
2015

Debra Ann Grigg

Notary Public in and for the State of Washington.

City of Lynnwood - LEGAL ADS | 14127890
DEBBIE KARBBER





On the 9th day of November, 2015 the City Council of the City of Lynnwood, Washington, passed ordinance 3158. A summary of the content of this ordinance, consisting of the title, provides as follows:

ORDINANCE NO. 3158

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO SQUARE FOOTAGE COMPUTATION OF PANHANDLE AND/OR PRIVATE ACCESS EASEMENTS WITHIN THE TOTAL LOT AREA, AMENDING CHAPTER 19.10 OF THE LYNNWOOD MUNICIPAL CODE (LMC), LMC 19.50.020, LMC 19.50.040, AND LMC 19.50.050; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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

DATED this 13th day of November, 2015.

A handwritten signature in blue ink, appearing to read 'D. Karber', is written above a horizontal line.

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. 3158 of the City of Lynnwood, Washington, entitled as follows:

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That said ordinance was passed by the Council on November 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 November 13, 2015.

Debra Karber, Deputy City Clerk