

**BEFORE the HEARING EXAMINER for the
CITY of LYNNWOOD**

DECISION

FILE NUMBER: EPF-009854-2021

APPLICANT: City of Lynnwood
ATTN: Chuck Steichen
P.O. Box 5008
Lynnwood, WA 98046

TYPE OF CASE: Conditional Use Permit to modify the previously approved plans for the Lynnwood Community Justice Center, a local essential public facility, to add 9,910 square feet and expanded parking for a new Community Recovery Center, also a local essential public facility

STAFF RECOMMENDATION: Approve with conditions

EXAMINER DECISION: GRANT subject to conditions

DATE OF DECISION: April 18, 2022

INTRODUCTION ¹

The City of Lynnwood (“Applicant”) seeks a Conditional Use Permit (“CUP”) to modify the previously approved plans for the Lynnwood Community Justice Center (“CJC”), a local essential public facility (“EPF”), to add 9,910 square feet (“SF”) and expanded parking for a new Community Recovery Center (“CRC”), also a local EPF.

The Applicant filed the CUP application on November 23, 2021. (Exhibits 1; 8 ²) The Lynnwood Development and Business Services Department (“Planning”) deemed the application to be complete when filed. (Exhibit 8) Planning issued a Notice of Application on December 17, 2021. (Exhibit 9)

The subject property is located at 19321 44th Avenue W. Its Assessor’s Parcel Numbers are 00740500110100 and 00372600500800. (Exhibit 1, PDF 1)

¹ Any statement in this section deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.
² Exhibit citations are provided for the reader’s benefit and indicate: 1) The source of a quote or specific fact; and/or 2) The major document(s) upon which a stated fact is based. Citations to exhibits that are available electronically in PDF use PDF page numbers, not source document page numbers. While the Examiner considers all relevant documents in the record, typically only major documents are cited. The Examiner’s Decision is based upon all documents in the record.

The Lynnwood Hearing Examiner (“Examiner”) is generally familiar with the subject property and its surroundings.

The Examiner held an open record hearing on April 7, 2022, beginning at 2:00 p.m. local time.³ The hearing was conducted remotely using the “Zoom” platform due to assembly restrictions attendant to the current COVID-19 pandemic. Planning gave notice of the April 7, 2022, hearing as required by the Lynnwood Municipal Code (“LMC”). (Exhibit 17)

The following exhibits were entered into the hearing record during the hearing:

- Exhibits 1 - 16: As enumerated in Exhibit 16, the Planning Staff Report
- Exhibit 17: Notice for the April 7, 2022, hearing, issued March 16, 2022
- Exhibit 18: E-mail, Anna Clausen Williams, April 7, 2022, at 11:52 a.m.
- Exhibit 19: Planning’s Hearing PowerPoint Presentation
- Exhibit 20: E-mail, Charlie Lang, April 7, 2022, at 1:47 p.m.

Section 1.35.025 LMC requires that decisions on project permit applications be issued within 120 calendar days after the application is found to be complete. The open record hearing was held within the 120-day period. (Exhibit 16, PDF 1)

The action taken herein and the requirements, limitations and/or conditions imposed by this decision are, to the best of the Examiner’s knowledge or belief, only such as are lawful and within the authority of the Examiner to take pursuant to applicable law and policy.

FINDINGS OF FACT

1. The subject property consists of two abutting city-owned lots located in the northeast quadrant of the 44th Avenue W/194th Street SW intersection. The western lot has been the site of the existing Lynnwood Justice Center and a surface parking lot since 1985. The lot to the east has historically been vacant and heavily vegetated. (Exhibits 2, PDF 6; 4, PDF 2, Finding of Fact 1; 16, PDF 2)
2. On May 17, 2021, the Examiner granted a CUP to the Applicant to renovate and expand the existing Lynnwood Justice Center to accommodate expanded court functions, an enlarged jail, and enlarged facilities for the Police Department. That CUP was not appealed and is in full force and effect. That facility, now under construction, is known as the Lynnwood Community Justice Center (“CJC”). The one-story, eastern portion of the former Lynnwood Justice Center was approved to be demolished; the remainder of the current two-story building was approved to be renovated for the

³ The hearing was originally scheduled for March 10, 2022. Legally required notices for that hearing date were issued. (Exhibit 14) However, during the early part of the hearing one or more remote participants advised via the Zoom “chat” function that the City’s web site contained incorrect log-in information for the hearing. After consulting with the City Attorney, Planning asked that the hearing be stopped and rescheduled so that the notice confusion could be corrected. The Examiner terminated the hearing and announced that it would be re-noticed and reconvened at a later date.

HEARING EXAMINER DECISION

RE: EPF-009854-2021 (Lynnwood Community Recovery Center)

April 18, 2022

Page 3 of 13

court. A new two- and three-story attached building was approved to be built to its east to house a new, larger jail and Police Department. Finally, a two-level (one underground) secured employee and official vehicle parking structure was approved to be constructed on the east end of the property. The renovation and new building as approved would provide 18,321 SF of floor space for the court, 29,159 SF of floor space for the jail, 37,255 SF of floor space for the Police Department, 39 public parking spaces on the west end of the site near the court building entrance, and 128 employee parking spaces in the new garage. Landscaping improvements are also included. The mature tree buffer along the north side of the subject property is to be retained. (Exhibit 4, PDF 2 & 3, Finding of Fact 1)

3. Subsequent to the Examiner's approval of the CJC CUP, the Lynnwood City Council voted to establish the CRC "as a separate facility on the site of the Community Justice Center". (Exhibit 7, PDF 2) The Applicant and its architects then revised the CJC plans to accommodate a 9,910 SF CRC and 38 additional parking spaces for its use.

The CRC will occupy a three-story footprint of about 80 feet by 60 feet in the northeast corner of the previously approved jail. Removing that space from the jail will reduce its capacity from 120 to 84 persons. The CRC will be a fully self-contained facility providing behavioral health urgent care. An additional level will be added to the parking garage (resulting in two levels above grade instead of one) to provide 38 parking spaces solely for the CRC. The public entrance to the CRC will be from the top deck of the parking garage to the third floor of the facility. The first floor will house administrative offices; the second floor will house 10 bedrooms accommodating 16 clients; the third floor will be the main entrance and will house treatment rooms. The roof line of the CRC will match that of the CJC. (Exhibits 3 (especially PDF 13, 34, 48, 51 – 53, 56, and 57⁴); 7, PDF 1; and testimony)

4. The term "essential public facility" is defined by the LMC:

"Essential public facility" or "EPF" means a facility that is typically difficult to site, such as an airport, a state education facility, a state or regional transportation facility as defined in RCW 47.06.140 and WAC 365-196-550, regional transit authority facilities as defined by RCW 81.112.020, a state or local correctional facility, a solid waste handling facility, or an inpatient facility, including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020. The term "essential public facility" includes all facilities listed in RCW 36.70A.200, and all facilities that appear on the list maintained by the State Office of Financial Management pursuant to RCW 36.70A.200(4).

⁴ The Examiner was provided with a full-scale set of the plans. The set provided to the Examiner includes several sheets which were updated on February 4, 2022, in response to a citizen's concerns. (See Finding of Fact 9, below.) Those updated sheets are not in the on-line version of Exhibit 3 as it existed when the Examiner was preparing this Decision. The Examiner would particularly call the reader's attention to updated Sheets A2.10, A2.11, A2.12, A2.13, and A2.14.

HEARING EXAMINER DECISION

RE: EPF-009854-2021 (Lynnwood Community Recovery Center)

April 18, 2022

Page 4 of 13

[LMC 21.02.318] The LMC divides EPFs into two groups: “state and regional” EPFs and “local” EPFs. A local EPF is

an EPF that is owned, operated, or sponsored by the city of Lynnwood, a special purpose district, Snohomish County, or another unit of local government. A local EPF may also be proposed by a nongovernmental entity with the primary purpose of providing services to residents of Lynnwood and surrounding communities (to be generally defined as southwest Snohomish County). An EPF is “sponsored” by a local government when it is to be owned or operated by a nongovernmental entity pursuant to a contract with the local government to provide the EPF.

[LMC 21.02.320]

The proposed Lynnwood CRC is a local EPF by definition.

5. Local EPFs are subject to and benefitted by special criteria/considerations contained in LMC 21.73.020(C) and (D).⁵ The specific criteria/considerations and the facts relating to each as disclosed in the record are as follows:

A. (C)(1): “A conditional use permit for a local essential public facility shall be approved upon a determination that...[t]he project sponsor has demonstrated a need for the project, as supported by a detailed written analysis of the projected service population, an inventory of existing and planned comparable facilities, and the projected demand for the type of facility proposed;”

Facts: The City Council has found that urgent care behavioral health facilities are a pressing need in the area. (Exhibits 2; 7)

B. (C)(2): “A conditional use permit for a local essential public facility shall be approved upon a determination that...[t]he project sponsor has reasonably investigated alternative sites, as evidenced by a detailed explanation of site selection methodology, as verified by the city and reviewed by associated jurisdictions and agencies;”

Facts: The City Council has determined that collocating the CRC on the same site as the CJC is appropriate. (Exhibits 2; 7)

C. (C)(3): “A conditional use permit for a local essential public facility shall be approved upon a determination that...[t]he local essential public facility is not located in any residential zoning districts, except as provided in this subsection. If the land on which a local essential

⁵ EPFs are required to obtain a CUP. [LMC 21.73.020(A)] However, special criteria are set forth in LMC 21.73.020(C): “A conditional use permit for a local essential public facility shall be approved upon a determination that” four listed criteria are met. The Examiner concludes that those four EPF criteria take the place of, rather than supplement, standard CUP review criteria.

HEARING EXAMINER DECISION

RE: EPF-009854-2021 (Lynnwood Community Recovery Center)

April 18, 2022

Page 5 of 13

public facility is proposed is located in a residential zoning district, the applicant must demonstrate that there is no other feasible location for the facility and that the exclusion of the facility from the residential districts of the city would preclude the siting of all similar facilities anywhere within the city. If the applicant is able to make such a demonstration, the hearing examiner shall authorize the essential public facility to be located in the residential zoning district; and”

Facts: The CJC (and thus the CRC which is to be located within the CJC’s footprint) is not located in a residential zoned district. The zoning for the subject site is City Center Central [Core]. The site is located adjacent to residential zoning (immediate to the north) and all development criteria for the transition between the two zones will be implemented. (Exhibits 2; 3; 16)

- D. (C)(4): “A conditional use permit for a local essential public facility shall be approved upon a determination that...[t]he local essential public facility meets all provisions of this code for development within the zoning district in which it is proposed to be located. If a local essential public facility does not meet all such provisions, the applicant must demonstrate that compliance with such provisions would preclude the siting of all similar facilities anywhere within the city. If the applicant is able to make such a demonstration, the hearing examiner shall authorize the essential public facility to deviate from the provisions of this code to the minimum extent necessary to avoid preclusion.”

Facts: The siting of the CRC meets all provisions of Chapter 21.73 LMC and other applicable provisions and requirements of the Lynnwood zoning code. The City Center code also considered the existing site and proximity to the adjacent residential zone. (Exhibits 2; 4)

- E. (D)(1): “The hearing examiner may approve, or approve with modifications, and impose reasonable conditions upon the local essential public facility in order to ensure that...[n]ecessary infrastructure is or will be made available to ensure safe transportation access and transportation concurrency;”

Facts: Planning has recommended that the CRC be approved subject to the same 33 conditions that were imposed on the CJC permit. (Exhibit 16, PDF 7 & 8) The Applicant has no objection to any of the recommended conditions. (Testimony)

- F. (D)(2): “The hearing examiner may approve, or approve with modifications, and impose reasonable conditions upon the local essential public facility in order to ensure that...[a]dequate service capacity is or will be made available to ensure that public agencies have the capacity to handle changes in the demand for public services that may occur as the result of the facility, including but not limited to insurance costs, public awareness and public education costs and that the facility will not adversely affect public safety;”

Facts: None of the items in this code subsection require special conditioning.

HEARING EXAMINER DECISION

RE: EPF-009854-2021 (Lynnwood Community Recovery Center)

April 18, 2022

Page 6 of 13

- G. (D)(3): “The hearing examiner may approve, or approve with modifications, and impose reasonable conditions upon the local essential public facility in order to ensure that...[a]ny and all probable significant adverse environmental impacts including, but not limited to, noise, air quality, habitat, soil quality and soil stability of neighboring properties and light pollution are adequately mitigated.”

Facts: None of the items in this code subsection require special conditioning.

6. “The decision criteria set forth [in LMC 21.73.020(C) and (D)] shall not be applied in such a manner as to preclude the siting or expansion of any local essential public facility in the city of Lynnwood.” [LMC 21.73.020(E)] Subsection (E) continues on to list requirements that apply “[i]n the event that a local essential public facility cannot, by the imposition of reasonable conditions of approval, be made to meet the decision criteria in this section on the preferred site described in the proposal”

Subsection (E) does not apply in this case as the proposal can reasonably be conditioned to meet the applicable criteria in LMC 21.73.020.

7. On January 27, 2022, Lynnwood’s SEPA Responsible Official issued an Addendum to the threshold Determination of Nonsignificance (“DNS”) previously issued for the Lynnwood CJC on April 15, 2021. (Exhibits 11; 12) The Addendum was not appealed. (Testimony)
8. The Applicant submitted the required application (Exhibit 1), an extensive project narrative (Exhibit 2), a project plan set (Exhibit 3), and supporting studies (Exhibits 5 & 6).
9. The record contains one written public comment regarding land use compatibility. Erik Greif (“Greif”) purchased his home on 192nd Place SW just north of the CJC parking structure in August, 2021. Greif was aware when he purchased his home of the approved plans for the CJC which showed a two-level parking structure, with one level underground. Because of the grade change between his lot and the CJC site (his lot is about 10 feet higher) he felt that his fence would block out any headlight glare from the top level of the parking structure. (All parking stalls are 90° stalls; assuming people enter a stall head-first, the headlights for more than half the stalls will point due north toward the houses on 192 Place SW.) However, when Greif saw the modified plans to accommodate the CRC, he realized that the third parking level would direct headlights over his fence. (Exhibit 10)

In late January and early February, 2022, the Applicant’s team met with Greif to explore his concern and possible solutions. They agreed to add a screening fence/wall above the concrete sidewall on the north side of the third level of the parking structure and to plant some additional landscaping in the affected area. The Applicant reported that Greif was satisfied with the additional screening as proposed. (Testimony)

HEARING EXAMINER DECISION

RE: EPF-009854-2021 (Lynnwood Community Recovery Center)

April 18, 2022

Page 7 of 13

Plan Sheets A2.10, A2.11, A2.12, A2.13, and A2.14 were updated after those meetings. As noted previously, those updated sheets were presented to the Examiner as part of the paper copy of Exhibit 3, but do not appear to be part of the current on-line version of Exhibit 3.

10. The record also contains two written (Exhibit 18 from Anna Clausen Williams and Exhibit 20 from Charlie Lang) and six oral comments (testimony from Taylor Riley, Leslie McCallum, Paige Hardy, Daniel Felde, Kelly Johnson, and Julia Cohen) opposing the CRC. Their opposition is to the policies and practices embodied in the CRC concept. They argue that having the CRC located in the same structure as the Police Department and jail would be traumatizing to CRC clients. They assert that the proposed treatment model suffers from “racism, ableism, sexism, and other forms of oppression.” (Exhibit 18, PDF 2) They object to the CRC being shepherded through the process by the Police Department and object to the proposed operator. None of their comments relate to the issue of land use compatibility.
11. Any Conclusion of Law deemed to be a Finding of Fact is hereby adopted as such.

LEGAL FRAMEWORK ⁶

The Examiner is legally required to decide this case within the framework created by the following principles:

Authority

A CUP is a Process I application which is subject to an open record hearing before the Examiner. The Examiner makes a final decision on the application which is subject to the right of reconsideration and appeal to Superior Court. [LMC 1.35.100, .168, and .175 and 21.24.050]

Review Criteria

Local essential public facilities are subject to special review criteria/considerations contained in LMC 21.73.020(C) – (E), quoted in Finding of Fact 3, above.

A “consistency determination” is also required for every project application. A consistency determination follows four steps set forth at LMC 1.35.070. Consistency criteria are:

1. Type of land use permitted at the site, including uses that may be allowed under certain circumstances if decision criteria are met;
2. Density of residential development (if applicable); and,
3. Availability and adequacy of public facilities (for those facilities identified in the comprehensive plan, if the plan or the city’s development regulations provide for funding of these facilities).

⁶ Any statement in this section deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.

[LMC 1.35.070(A)]

Vested Rights

“Vesting” serves to “fix” the regulations against which a development application is judged. [*Potala Village Kirkland, LLC v. City of Kirkland*, 183 Wn. App. 191 (2014), *review denied*, 182 Wn.2d 1004, 342 P.3d (2015)]

In 2014 the State Supreme Court flatly declared: “While it originated at common law, the vested rights doctrine is now statutory.” [*Town of Woodway v. Snohomish County*, 180 Wn.2d 165, 173, 322 P.3d 1219 (2014)] The *Potala* court rejected a contention that the filing of a complete shoreline substantial development permit application vested development rights because no statutory provision established vested rights for shoreline permits. [*Supra*, at 196-206]

CUPs are not the subject of any state vesting statute. If Lynnwood had a local vesting ordinance applicable to land use applications, the Examiner would be obliged to follow it as enacted. [*Erickson & Associates v. McLerran*, 123 Wn.2d 864, 872 P.2d 1090 (1994); *Abbey Rd. Grp., LLC v. City of Bonney Lake*, 167 Wn.2d 242, 250, 218 P.3d 180 (2009)] But the City has no such local ordinance. Thus, the Examiner must follow the most current case law.

Under the most current case law, there is no vesting for CUP applications because there is no statutory provision providing vesting for such applications.

Vesting is not particularly important in this case as the City has made no development regulations changes between the time the application was filed and this date.

Standard of Review

The standard of review is preponderance of the evidence. The applicant has the burden of proof. [LMC 1.35.155]

Scope of Consideration

The Examiner has considered: all of the evidence and testimony; applicable adopted laws, ordinances, plans, and policies; and the pleadings, positions, and arguments of the parties of record.

CONCLUSIONS OF LAW

1. The eight commenters described in Finding of Fact 10, above, all address matters and raise concerns about issues which simply are not within the legal scope of the Examiner’s authority. The review of a proposed EPF for the purpose of obtaining land use entitlements is not a substantive policy review; nor is it a review of legislative actions authorizing a project; nor is it a review of the programmatic construct of a proposed facility. [RCW 36.70B.030 & .040] Rather, it is a land use compatibility review. While their concerns are undoubtedly sincere and deeply held, they are nevertheless outside the legal scope of the Examiner’s authority. As such they cannot and will not be addressed.

HEARING EXAMINER DECISION

RE: EPF-009854-2021 (Lynnwood Community Recovery Center)

April 18, 2022

Page 9 of 13

2. The proposed Lynnwood Community Resource Center meets all applicable criteria within Chapter 21.73 LMC for approval of an EPF. Exhibit 2 provides an exhaustive analysis of criteria compliance with which the Examiner agrees.
3. The Applicant has met its burden of proof.
4. The Lynnwood Community Resource Center passes the “consistency” test: The Lynnwood Community Resource Center is allowed in the City center – Core zone; density is not relevant since this is not a residential project *per se*; ⁷ and there is no evidence of any inadequacy in public facilities that will serve the new facility.
5. Planning recommends that the CRC, by reference only, be made subject to the same conditions as were imposed on the 2021 CUP for the CJC. (Exhibit 16, PDF 7 & 8) That is a fine approach (given that the CRC element is within the approved footprint and matches the roof line of the CJC), but it is too simple an approach. The major problem is that CJC Condition 2 adopts a March 3, 2021, plan set as the approved plans for the project. While the plans in both files happen to be catalogued as Exhibit 3, they are very different sets of plans: The CJC Exhibit 3 plans were prepared before the City Council determined to consolidate the CRC with the CJC project. Those plans show nothing about the CRC; they cannot be the CRC’s approved plans. In addition, the verbal agreement between the Applicant and Greif needs to be memorialized in the conditions – especially since the current on-line version of Exhibit 3 doesn’t seem to show the substance of that agreement.

The Examiner will repeat the conditions in full with additions and changes as appropriate.

6. Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such.

DECISION

Based upon the preceding Findings of Fact and Conclusions of Law, the testimony and evidence submitted at the open record hearing, and the Examiner’s site view, the Examiner **GRANTS** the requested Conditional Use Permit for inclusion of the Lynnwood Community Resource Center into the Lynnwood Community Justice Center **SUBJECT TO THE ATTACHED CONDITIONS**.

Decision issued April 18, 2022.

/s/ John E. Galt

John E. Galt
Hearing Examiner

⁷ And if it were considered residential, the number of beds would result in a density well below the maximum allowed.

HEARING PARTICIPANTS ⁸

Brian Lee
Michael Chen
Taylor Riley
Paige Hardy
Kelly Johnson

Chuck Steichen
Brett Hanson
Leslie McCallum
Daniel Felde
Julia Cohen

NOTICE of RIGHT of RECONSIDERATION

This Decision is final subject to the right of any party of record to file with the Community Development Department a written request for reconsideration within seven calendar days following the issuance of this Decision in accordance with the procedures of LMC 1.35.168. Any request shall specify the error of law or fact, procedural error, or new evidence which could not have been reasonably available at the time of the hearing conducted by the Examiner which forms the basis of the request. See LMC 1.35.168 for additional information and requirements regarding reconsideration.

NOTICE of RIGHT of APPEAL

This Decision is final subject to the right of a party of record (See LMC 1.35.148.) with standing, as provided in RCW 36.70C.060, to file a land use petition in Superior Court in accordance with the procedures of LMC 1.35.175 and the Land Use Petition Act [Chapter 36.70C RCW]. See LMC 1.35.175 for additional information and requirements regarding judicial appeals.

The following statement is provided pursuant to RCW 36.70B.130: “Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.”

CONDITIONS OF APPROVAL EPF-0098947-2021 LYNNWOOD COMMUNITY JUSTICE CENTER

⁸ The official Parties of Record register is maintained by the City’s Hearing Clerk.

HEARING EXAMINER DECISION

RE: EPF-009854-2021 (Lynnwood Community Recovery Center)

April 18, 2022

Page 11 of 13

This Conditional Use Permit for an Essential Public Facility is subject to compliance with all applicable provisions, requirements, and standards of the Lynnwood Municipal Code, standards adopted pursuant thereto, and the following special conditions:

1. Prior to any development, all required local, state, and federal permit approvals applicable to the specific proposal must be obtained.
2. The design plans and elevations (Exhibit 3 in this file), including the February 4, 2022, updates of Sheets A2.10, A2.11, A2.12, A2.13, and A2.14, shall be the approved plan set. To the extent that there is any difference between the plans adopted under EPF-009677-2020 and the plans adopted herein, the plans adopted herein shall control.
3. Any changes to the design of the project will require additional review and may delay issuance of subsequent development permits for the proposal and/or inspections during construction. Requests for modification shall be subject to the review fees pursuant to LMC 3.104.210. Changes shall not diminish the north-side parking structure screening (hardscape and softscape) agreed to between the Applicant and Erik Greif as described in the hearing record and memorialized in this Decision.
4. All landscaping shall comply with LMC 21.08.250 Landscape Applications, Installation and Maintenance Standards, and LMC 21.08.300 General Landscape Standards.
5. A landscape maintenance plan, identifying maintenance tasks and schedules, shall be submitted to the City for review and approval.
6. Landscape areas next to a pedestrian connection/walkway shall be maintained and plant materials selected to establish a clear pedestrian zone. Plant material shall be trimmed to allow safe passage for pedestrians. Tree branches overhanging the sidewalk shall be cleared from the ground to 8 feet above the pedestrian connection/walkway.
7. Public art, made of durable materials designed for outdoor public use shall be included in required Open Space/Public Plaza.
8. To accommodate future Right-of-Way line established pursuant to Table 21.60.4 LMC, a public access and utility easement between the existing right-of-way line and the proposed back of sidewalk along 194th Street SW shall be recorded prior to issuance of the Certificate of Occupancy.
9. Efforts shall be made to locate communication equipment so that it is not visible from nearby streets. Equipment shall be concealed behind parapet walls if possible.
10. An approved Spill Prevention Control and Countermeasures plan (SPCC) is required prior to scheduling a preconstruction meeting. Submit a Spill Prevention Control and Countermeasures plan (SPCC) for review and approval. Use the template provided by the Lynnwood Public Works Department. Request the template by email from lmoore@lynnwoodwa.gov
11. An approved Stormwater Pollution and Prevention Plan (SWPPP) is required prior to scheduling a preconstruction meeting. Submit an SWPPP for review and approval. Use the template provided by the Lynnwood Public Works Department. Request the template by email from lmoore@lynnwoodwa.gov

HEARING EXAMINER DECISION

RE: EPF-009854-2021 (Lynnwood Community Recovery Center)

April 18, 2022

Page 12 of 13

12. A Construction Stormwater General Permit will be required for this project. Obtain this permit from the Washington State Department of Ecology.
13. City of Lynnwood Parks Department must review and approve all landscape, irrigation, site furnishings, and any other exterior improvements that affect long-term acceptance for maintenance of the site. Required changes must be finalized and incorporated into the project documents prior to the Building Permit approval.
14. Fire apparatus access roads require striping and marking (SCF Fire Apparatus Access Road standard, IFC section 503 and appendix D).
15. Access roads, including vaults must support 75,000 lb. GVW fire apparatus and a 45,000 lb. point load (SCF Fire Apparatus Access Road Standard).
16. Fire department connection (FDC) must be located at least 50 feet from building, in a location which will not block access when fire engine is connected (SCF Fire Sprinkler Standard, LMC 9.16.115(A))
17. Fire hydrant required within 3 to 50 feet of FDC. (LMC 9.16.115(B))
18. Fire alarm required (LMC 9.20.020(A)). Note requirement for smoke detection (IFC 907.2.6.3.3).
19. Provide Knox key boxes (SCF Emergency Access Standard) for main entrances, riser room, gates leading to riser room, and exterior access stairwells.
20. Electrically operated gate must open with Opticom and shall also have Knox key switch.
21. Provide maximum vehicle weight sign at parking garage entrance.
22. Fire sprinkler system required (LMC 21.60.400(H), LMC 9.18.020(B)).
23. Fire extinguishers required (IFC 906).
24. Type I hood required for cooking which creates grease laden vapors. Additionally, a UL300 fire suppression system would be required (IFC section 609).
25. Fire lanes to be painted yellow (SCF Fire Apparatus Access Road Standard).
26. Emergency Responder Radio Coverage Systems (ERRCS) may be necessary. Computer modeling can be performed (IFC section 510).
27. Sprinkler system floor control valves required (NFPA 13.8.2.4.1).
28. Note: emergency planning and preparedness requirements for I-3 occupancy, IFC 403.8.3, and fire and evacuation drill requirements for employees, IFC section 405.
29. Deferred submittals required for the following: Fire Alarm, Fire Sprinkler, and ERRCS.
30. All park impact fees shall be paid prior issuance of Building Permit.
31. All traffic impact and concurrency fees shall be paid prior to issuance of Building Permit.
32. Sewer connection charges shall be assessed to the Developer at the current rates at issue of Building Permit.

HEARING EXAMINER DECISION

RE: EPF-009854-2021 (Lynnwood Community Recovery Center)

April 18, 2022

Page 13 of 13

33. All electric utilities shall be installed underground.