



**LYNNWOOD CITY COUNCIL Business Meeting**

**This meeting will be held electronically via Zoom. See the City of Lynnwood website for details at**

**<https://www.lynnwoodwa.gov/Government/City-Council/City-Council-Meetings>**

**MONDAY, SEPTEMBER 27, 2021 6:00 PM**

- 
1. CALL TO ORDER
  2. ROLL CALL
  3. APPROVAL OF MINUTES- Council Vice President Smith
    - A. Minutes from September 7 Work Session and September 13 Business Meeting. - *5 minutes*  
Council Member Smith  
[9.7.21 Work Session.pdf](#)  
[9.13.21 Business meeting.pdf](#)
  4. MESSAGES AND PAPERS FROM THE MAYOR
  5. PUBLIC COMMENTS AND COMMUNICATIONS
  6. PRESENTATIONS AND PROCLAMATIONS- Council Member Frizzell
    - A. Proclamation: Domestic Violence Awareness Month - *15 minutes*  
Tiffany Krusey, Victim Services Coordinator  
[Proclamation - DV Awareness 2021.pdf](#)
  7. WRITTEN COMMUNICATIONS AND PETITIONS
  8. COUNCIL COMMENTS AND ANNOUNCEMENTS- Begin with Council Member Decker
  9. CONSENT AGENDA- Council Member Altamirano-Crosby
    - A. Consultant Contract: Sewer Comprehensive Plan - *0 minutes*  
[Lynnwood Sewer Comprehensive Plan Draft Scope.pdf](#)
    - B. Dedication Agreement, Second Amendment: 42nd Avenue West Right of Way at Net River Development (Data Center/Landmark Dividend LLC) - *0 minutes*  
Bill Franz, Public Works Director  
[2021 Second Amendment to 42nd Dedication Agreement - proposed.pdf](#)

C. Voucher Approval - *0 minutes*

10. BUSINESS ITEMS AND OTHER MATTERS

A. Municipal Code Update: Animal Licenses - *10 minutes*  
Karen Fitzthum, City Clerk  
[Ordinance animal tags \(8\\_10\\_19\).pdf](#)

B. PFD Candidate Interview - *30 minutes*  
[MMiller PFD app.pdf](#)

11. PUBLIC HEARING

A. Municipal Code Update: Development and Business Services code references -  
*10 minutes*  
Karen Fitzthum, City Clerk and Ashley Winchell, Planning Manager  
[Ordinance DBS Code Amendments Final.pdf](#)

12. NEW BUSINESS

13. ADJOURNMENT

**CITY COUNCIL 3.A**  
**CITY OF LYNNWOOD**  
**CITY COUNCIL**

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**TITLE:** Minutes from September 7 Work Session and September 13 Business Meeting.

**DEPARTMENT CONTACT:** Lisa Harrison, City Council

**PRESENTER:**

Council Member Smith

**ESTIMATED TIME:**

5

**DEPARTMENT ATTACHMENTS**

Description:

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[9.7.21 Work Session.pdf](#)

[9.13.21 Business meeting.pdf](#)



**CITY OF LYNNWOOD**  
**CITY COUNCIL WORK SESSION MINUTES**  
**September 7, 2021**

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1. Roll Call

Present:

Member Jim Smith  
Member Shannon Sessions  
Member Julieta Altamirano-Crosby  
Member Patrick Decker  
Member Christine Frizzell  
Member Ruth Ross  
Mayor Nicola Smith  
President George Hurst

Also present were HR Director Evan Chinn, Police Chief Nelson, Finance Director Meyer, IT Director Will Cena and Parks & Recreation Director Lynn Sordel.

2. COMMENTS AND QUESTIONS ON MEMO ITEMS

3. WORK SESSION ITEMS

3.A Introduce Diversity, Equity, and Inclusion Commission candidate Jeanna Kim  
Director Evan Chinn introduced DEIC candidates Jeanna Kim and Simreet Dhaliwal separately. Each had the opportunity to provide their background, affinity for Lynnwood and their interest in serving the community on the DEIC. Council members asked the candidates questions and thanked them for their interest.

3.B Introduce Diversity, Equity, and Inclusion Commission candidate Simreet Dhaliwal.

3.C Introduce: Parks & Recreation Board Applicant Presley Morrissey  
Parks & Recreation director Lynn Sordel introduced Presley Morrissey as candidate for the Parks & Recreation Board. Ms. Morrissey shared her background and experience and her interest in being a board member. Council

members asked questions and invited her back for confirmation at the next business meeting.

- 3.D Community Justice Center Project Task Force Update and Presentation  
Chief Nelson and Representative Davis presented the findings from the task force work on the Community Justice Center project. Objectives were to review the plans and see if there was a way to incorporate more health and mental health services without changing the footprint. Focus was on the jail space and number of beds versus health services.

In addition to meetings, the task force held focus group interviews including with those who have experience with jail and behavior health problems.

Montgomery Hill from the design firm of Mackenzie shared the new proposed design. The new design includes adding some new floors to certain parts of the center (see drawings presented).

Representative Davis introduced Dr. Mark Stern, a medical advisor and former incarceration doctor included in the task force. He spoke to the importance of having a linkage between the jail medical facility and the community medical health clinic. He stressed the importance of successful transition of health care from jail to the community.

Rep Davis- all agreed should be a combination of 1) Resource center, 2) Behavioral health urgent care (drugs, alcohol, suicide, etc.) and 3) A Crisis Stabilization Unit. She stated that the community is already seeing a crisis situation for this type of support in south county. The state and county are interested in being a financial partner in this since it would establish this kind of support in south county. Also looking at establishing a way of receiving on-going collaborative conversations with the task force and the community.

Chief Nelson and Finance Director Meyer shared information on debt repayment for the CJC.

Council member Sessions reviewed the work of the task force and shared the benefits of the new design. She stated that the task force will bring forth the current contract as well as a new contract for the new proposed additions. Council members asked questions and made comments.

- 3.E American Rescue Plan Act Funding Immediate Needs Follow-up  
Director Meyer reviewed the proposed immediate needs and provided some answers to questions from council regarding specific sending. IT Director Will Cena presented an explanation of council chambers audio-visual needs. He explained that due to shortages world wide, the equipment would not be available for several weeks. Cost is estimated at \$150,000 (versus the \$100,000 requested earlier).

Regarding restoring positions for direct service to the community, Meyer stated that the request is for 5.2 FTE positions. She mentioned that the fact that the council approved these positions only through December makes it difficult for recruiting. The mayor's staff would like the council to consider funding them for 2022 as well. For the business meeting on September 13th they plan to ask council to approve the IT budget for use by the American Rescue Plan funds as well as to fund the proposed positions.

#### 4. MAYOR COMMENTS

Mayor Smith stated that she was grateful and humbled by the work that the task force put together in such a short time to reimagine the design. She thanked all who were involved.

Moved by Shannon Sessions; seconded by Julieta Altamirano-Crosby to Approve Adjourn at the end of the agenda .

Motion Passed: 7 - 0

Voting For: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Patrick Decker, Christine Frizzell, Ruth Ross, Shannon Sessions

Voting Against: None

#### 5. COUNCIL COMMENTS

President Hurst mentioned that the joint Boards and Commissions meeting will be held via zoom on September 30th. The plan is to have the members break into groups and generate ideas for how to use these funds. Leah Jensen explained the process and stated that they would like the council members to be included in the break out sessions. Council members asked questions and made comments.

Moved by George Hurst; seconded by Shannon Sessions to Approve special meeting for Thursday September 30th from 6:30 to 8:30 pm no action will be taken at this meeting. .

Motion Passed: 7 - 0

Voting For: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Patrick Decker, Christine Frizzell, Ruth Ross, Shannon Sessions

Voting Against: None

## 6. EXECUTIVE SESSION

City council went into executive session at 9:04 pm for real estate discussions.

### 6.A Executive Session - Potential Real Estate transaction discussion

## ADJOURN

The meeting adjourned at 9:39 pm.

## MEMOS FOR FUTURE ACTION

Ordinance: Franchise Agreement with Puget Sound Energy for Operations of Natural Gas Facilities

Contract Award - Community Justice Center Construction

Contract Award - Community Justice Center Special Construction Inspection Consultant Services

Contract Award - Community Justice Center Geotechnical Construction Testing Services

## MEMOS FOR YOUR INFORMATION



**CITY OF LYNNWOOD**  
**CITY COUNCIL BUSINESS MEETING MINUTES**  
**September 13, 2021**

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1. CALL TO ORDER AND FLAG SALUTE

called to order at 6:00

2. ROLL CALL

A quorum was present.

Present:

Member Jim Smith  
Member Shannon Sessions  
Member Julieta Altamirano-Crosby  
Member Patrick Decker  
Member Christine Frizzell  
Member Ruth Ross  
Mayor Nicola Smith  
President George Hurst

3. APPROVAL OF MINUTES- Council President Hurst

3.A Minutes from May 17 Work Session and Special Meeting, May 19th Work Session which were never approved, and August 2, 2021 Work Session, August 2, 2021 Special Business Meeting and August 9, 2021 Business meeting.

August 2nd will be revised to reflect the correct person who seconded the motion to postpone. August 9th is not passed. Assistant Harrison at President Hurst's request will review the video and make sure all motions and votes were reflected accurately.

Moved by George Hurst; seconded by Christine Frizzell to Approve minutes as amended.

Motion Passed: 7- 0

Voting For: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Patrick Decker, Christine Frizzell, Ruth Ross, Shannon Sessions

Voting Against: None



4. MESSAGES AND PAPERS FROM THE MAYOR

Mayor Smith asked all Lynnwood citizens to be diligent regarding Covid. She also expressed her appreciation to the honor guard and south county fire/police regarding 9/11 ceremonies. She also extended condolences to the citizens of Guerro, Mexico (Lynnwood's sister city) who experienced an earthquake recently.

5. PRESENTATIONS AND PROCLAMATIONS

5.A Proclamation: National Hispanic Heritage Month- Council Member Altamirano-Crosby

Council Member Altamirano-Crosby read the proclamation in Spanish honoring Hispanic Heritage month.

6. CONSENT AGENDA- Council Member Sessions

6.A/B Confirm Diversity, Equity, and Inclusion Commission candidates

Mayor Smith read a note from Director Chinn supporting the two DEI candidates since he was not able to attend. Council members were given an opportunity to ask questions.

Moved by George Hurst; seconded by Ruth Ross to confirm Jeanna Kim and Simreet Dhaliwal as commissioners on the Diversity, Equity and Inclusion commission.

Motion Passed: 7- 0

Voting For: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Patrick Decker, Christine Frizzell, Ruth Ross, Shannon Sessions

Voting Against: None

6.C Appointment: Parks & Recreation Board Applicant Presley Morrissey

Morrissey joined to thank the council.

Moved by Christine Frizzell; seconded by Ruth Ross to Confirm confirm appointment of Presely Morrissey as a member of the Parks & Recreation Board.

Motion Passed: 7- 0

Voting For: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Patrick Decker, Christine Frizzell, Ruth Ross, Shannon Sessions

Voting Against: None

6.D Voucher Approval

Moved by Shannon Sessions; seconded by Ruth Ross to Approve

- Approve claims in the amount of \$6,215,710.46 for the period 7/31/21 through 9/03/21.

- Approve payroll in the amount of \$1,225,536.49 dated 8/13/21 and in the amount of \$1,211,357.56 dated 8/27/21

Motion Passed: 7- 0

Voting For: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Patrick Decker, Christine Frizzell, Ruth Ross, Shannon Sessions

Voting Against: None

## 7. WRITTEN COMMUNICATIONS AND PETITIONS

Mayor Smith read citizen comments from Mary Murphy, Kathy Burnett and Jackson Anyasi.

## 8. PUBLIC COMMENTS AND COMMUNICATIONS

Public comments were received from the following citizens:

- Samira Khadar 98037
- Robert Knoll
- Denait
- John Rodenburg 98037
- Karla Davis Lynnwood
- Riall Johnson
- Kinet Tesfatsion
- Jennifer McGlaughlin
- Kelly Johnson
- Frowenie Tesfastion
- RBF
- Kisanet Mogos
- Sara
- Miku, 98036
- Marzz
- Charlie
- Bana
- no jail
- Simon
- Shola
- Julie Martin
- Demetria Hester
- Liberty
- Ted Hikel
- Ashley K. Smith
- Greg McGlaughlin, 98037
- Mario Lotmore

Comments ended at 8:30.

9. COUNCIL COMMENTS AND ANNOUNCEMENTS- Begin with Council Member Ross  
Council members shared thoughts and comments with the public.

**Moved by George Hurst;** seconded by Shannon Sessions to Authorize: exchange items 10c and d for the order of discussion and voting

Motion Passed: 6 - 1

Voting For: Jim Smith, Julieta Altamirano-Crosby, Patrick Decker, Christine Frizzell, Ruth Ross, Shannon Sessions

Voting Against: George Hurst

**Moved by Patrick Decker;** seconded by Ruth Ross to Approve extend the meeting through the end of the agenda.

Motion Passed: 7 - 0

Voting For: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Patrick Decker, Christine Frizzell, Ruth Ross, Shannon Sessions

Voting Against: None

## 10. BUSINESS ITEMS AND OTHER MATTERS

### 10.A American Rescue Plan Act Funding Immediate Needs Follow-up

President Hurst took over at 9:05 so that the Mayor could log out and back in due to audio issues.

Director Meyer presented the recommendations for immediate needs funding. She explained that the IT request has been increased to \$150,000 to cover all of the improvements desired. Asking that this and the positions funded only through 2021 to be funded through 2022 at least temporarily. Asking for \$656,000 to be approve.

Council members made comments and asked questions. Two asked IT to be able to screen out those who are doing robo calls. Director Cena stated that there is little IT can do with zoom technology. He assured the council that expenses would not exceed \$150,000.

**Moved by Shannon Sessions;** seconded by Christine Frizzell to Authorize authorize Council Chamber IT improvements not to exceed \$150,000 from American Rescue Plan Act funding, authorizing the Mayor to sign any required agreements, and include the expenditure authority in the Mid-biennium amendment.

Motion Passed: 4- 3

Voting For: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Shannon Sessions

Voting Against: Patrick Decker, Christine Frizzell, Ruth Ross

**Moved by George Hurst;** seconded by Jim Smith to Adopt Motion to fund the following positions for 2022 in an amount not to exceed \$656,000 from American Rescue Plan Act funding and include the expenditure authority in the Mid-biennium amendment:

- 5.2 Full Time Equivalent positions in Parks, Recreation and Cultural Arts
- 1 Full Time Police Evidence Officer position in Police
- 1 Full Time Legal Specialist I in Municipal Court
- 1 Full Time Custodian in Public Works

*Proposed amendment from Council President Hurst:*

replace ARPA funding for 2021 with "funding from the general fund subject to review during the Mid-biennium budget amendment."

Votes for amendment.

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Motion Passed: 5- 2

Voting For: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Patrick Decker, Ruth Ross

Voting Against: Christine Frizzell, Shannon Sessions

**Moved by George Hurst;** seconded by Jim Smith to Approve as Amended Motion to fund the following positions for 2022 in an amount not to exceed \$656,000 with funding from the general fund subject to review during the Mid-biennium budget amendment:

- 5.2 Full Time Equivalent positions in Parks, Recreation and Cultural Arts
- 1 Full Time Police Evidence Officer position in Police
- 1 Full Time Legal Specialist I in Municipal Court
- 1 Full Time Custodian in Public Works

Votes for the amended motion

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Motion Passed: 5- 2

Voting For: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Patrick Decker, Christine Frizzell

Voting Against: Ruth Ross, Shannon Sessions

10.B Ordinance: Franchise Agreement with Puget Sound Energy for Operations of Natural Gas Facilities

**Moved by George Hurst;** seconded by Shannon Sessions to Authorize ordinance #3397, AN ORDINANCE of the City of Lynnwood, Washington, granting Puget Sound Energy, Inc., a Washington corporation,

its successors and assigns, the right, privilege, authority and franchise to set, erect, lay, construct, extend, support, attach, connect, maintain, repair, replace, enlarge, operate and use Facilities in, upon, over, under, along, across and through the Franchise Area to provide for the transmission, distribution and sale of gas for power, heat and light, and any other purposes for which gas may be used.

Motion Passed: 7- 0

Voting For: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Patrick Decker, Christine Frizzell, Ruth Ross, Shannon Sessions

Voting Against: None

10.C Resolution: Build a Community Recovery Center on the site of the Community Justice Center.

Council member Sessions reviewed the work that was done by the task force to gain more insight into experiences at the Lynnwood jail, needs of those recovering from addictions and more including focus groups with various populations. She stated that the city has a unique opportunity to work with county and state to fund the recovery center.

**Moved by Shannon Sessions;** seconded by Jim Smith to Adopt resolution #21-06 a resolution of the City of Lynnwood, Washington, to build a Community Recovery Center on the site of the Community Justice Center, as a separate entity, which will serve the growing behavioral health needs of Lynnwood and the South Snohomish County Community.

Amendment proposed by council member Frizzell  
to cross out city and add "reduce in-custody jail medical costs".

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Motion Passed: 6- 1

Voting For: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Patrick Decker, Christine Frizzell, Shannon Sessions

Voting Against: Ruth Ross

10.D Contract Award - Community Justice Center Construction

**Moved by Jim Smith;** seconded by Shannon Sessions to Authorize Approve award of construction contract to FORMA Construction Company for the Community Justice Center project, in the amount of \$56,380,704.52 and authorize the Mayor to execute change orders up to 10% of the contract amount.

Motion Passed: 6- 1

Voting For: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Patrick Decker,

Christine Frizzell, Shannon Sessions  
Voting Against: Ruth Ross

10.E Contract Award - Community Justice Center Special Construction Inspection  
Consultant Services

**Moved by George Hurst;** seconded by Shannon Sessions to Authorize Approve  
the award to Mayes Testing Engineers, Inc. for Community Justice Center  
Special Inspection and  
Testing Services at an estimated value of \$187,282.00. .

Motion Passed: 5- 1

Voting For: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Patrick Decker,  
Christine Frizzell

Voting Against: Ruth Ross

10.F Contract Award - Community Justice Center Geotechnical Construction Testing  
Services

**Moved by Christine Frizzell;** seconded by Julieta Altamirano-Crosby to Authorize  
Approve the award to The Riley Group, Inc., for Community Justice Center  
Geotechnical Testing and  
Consultant Services at an estimated value of \$131,722.00. .

Motion Passed: 6- 1

Voting For: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Patrick Decker,  
Christine Frizzell, Shannon Sessions

Voting Against: Ruth Ross

11. NEW BUSINESS

None

ADJOURNMENT

adjourned at 10:11 PM

## **CITY COUNCIL 6.A**

### **CITY OF LYNNWOOD CITY COUNCIL**

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**TITLE: Proclamation: Domestic Violence Awareness Month**

**DEPARTMENT CONTACT: Julie Moore, Executive Office**

**SUMMARY:**

A proclamation is to be read and adopted recognizing the month of October as Domestic Violence Awareness Month in the City of Lynnwood

**PRESENTER:**

Tiffany Krusey, Victim Services Coordinator

**ESTIMATED TIME:**

15

**BACKGROUND:**

A proclamation is to be read and adopted proclaiming October as Domestic Violence Awareness Month in the City of Lynnwood. The Lynnwood Police Department's Victim Services Coordinator, Tiffany Krusey, will share LPD's efforts to raise awareness and provide support to victims of domestic violence.

**SUGGESTED ACTION:**

Adopt

**DEPARTMENT ATTACHMENTS**

Description:

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[Proclamation - DV Awareness 2021.pdf](#)



**LYNNWOOD**  
WASHINGTON  
*A great deal more*

# Proclamation

City of Lynnwood

## 2021 Domestic Violence Awareness

WHEREAS, October is National Domestic Violence Awareness Month and the third week in October is the YWCA Week Without Violence; and

WHEREAS, domestic violence is a pattern of physical, emotional, verbal, and/or sexual abuse, which includes, but is not limited to, threats, intimidation, isolation, and/or financial control. Domestic Violence is an intentional pattern of behavior that is used by one person as a means to harm and take power and control over another person in the context of a dating, family, roommate or caretaker relationship; and

WHEREAS, domestic violence is an epidemic affecting all communities, regardless of age, socioeconomic status, educational background, race, ethnicity, religion, national origin, ability, sexual orientation, or gender; and

WHEREAS, 1 in 3 women and 1 in 4 men in the U.S. have been victims of some form of domestic violence; and

WHEREAS, many drivers of domestic violence, including poverty and low educational attainment, affect communities of color in greater proportions because of the underlying effects of structural and institutional racism; and

WHEREAS, communities of color - and indeed all marginalized populations - have unique cultural identities, accordingly, the responses and approaches to domestic violence will be sensitive and respectful to these preferences while continuing to enforce mandatory state laws in reference to domestic violence related crimes; and

WHEREAS, the City of Lynnwood is committed to a professional response to incidents of domestic violence in our region, and we greatly value the contributions made by organizations such as Domestic Violence Services of Snohomish County and the YWCA that provide resources to victims and community awareness campaigns; and

NOW, THEREFORE BE IT RESOLVED, the we, Mayor Nicola Smith, and the Lynnwood City Council, do hereby proclaim October 2021 as Domestic Violence Awareness Month and the third week of October as YWCA Week Without Violence in Lynnwood. We call upon public officials, educators, businesses, communities, volunteers, and all the people of Lynnwood, Washington to observe this week and this month, and to join together to end violence in our community.

Nicola Smith, Mayor  
September 27, 2021

George Hurst, City Council President  
September 27, 2021



**CITY COUNCIL 9.A**  
**CITY OF LYNNWOOD**  
**CITY COUNCIL**

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**TITLE: Consultant Contract: Sewer Comprehensive Plan**

**DEPARTMENT CONTACT: Bill Franz, Public Works**

**SUMMARY:**

Sewer Comprehensive Plan Update

**ESTIMATED TIME:**

0

**BACKGROUND:**

Lynnwood's current Sewer Comprehensive Plan was adopted in 2012. Major developments have occurred in the City since that time, and there are many more planned for the upcoming years. Additionally, there are significant regulatory changes facing our sewer utility that we must begin planning for immediately, most notably nutrient (nitrogen and phosphorus) removal for the protection of Puget Sound.

To address these changes and support the current and future population growth, the Sewer Comprehensive Plan needs to be updated. The intent for the Lynnwood Sewer Comprehensive Plan is to identify improvements necessary to accommodate orderly growth and set policies and direction for capital improvements with a 20-year horizon from 2024 to 2044. The plan update will provide:

- Sewer flow monitoring at targeted locations within the system for data collection.
- Conveyance system modeling for the systems 100+ miles of pipes for the 20-year projection.
- Analysis of the condition of City's collection system, 7 pump stations, and general infrastructure.
- Providing a capital improvement plan and high level cost estimates for those projects.
- Analyzing staffing requirements for the 20-year planning period, and making recommendations.
- Investigating infiltration and inflow to identify problematic areas for repair.
- Evaluate the impact of necessary improvements at the WWTP on sewer collections and utility rates.
- Evaluate and make recommendations for sewer operations and maintenance practices (O&M Manual).
- Financial analysis.
- Assistance with public process prior to adoption.

Faced with unprecedented growth, federal and state unfunded mandates, and an aging

system, the work summarized above and described in much more detail in the attached scope of work is a large and complicated effort and the costs reflect this. The work includes products from several sub-consultants, will commence in October, 2021 and will take at least a year to complete and adopt.

### **SUGGESTED ACTION:**

Authorize the Mayor to enter into, and execute on behalf of the City a contract to BHC Consultants for Lynnwood Sewer Comprehensive Plan, in an amount of \$495,148.62 with an additional 10% management reserve for a total amount not to exceed \$544,663.48.

### **PREVIOUS COUNCIL ACTIONS:**

The update of comprehensive plans and implementation is a cyclical process in which Lynnwood's City Council's have been involved at every step. This includes adoption of comprehensive plans, adoption of rates to support the needs of the utility, and subsequent approvals of budgets and capital projects identified in the comprehensive plan.

### **FUNDING:**

Capital Utility Funds - 412

### **VISIONS AND PRIORITIES ALIGNMENT:**

The Lynnwood Community Vision states that the City is to “Invest in efficient, integrated, local and regional transportation systems”, and “be a city that is responsive to the wants and needs of our citizens.” The Sewer Comprehensive Plan supports that vision and results in important improvements to the City’s infrastructure that links the City of Lynnwood’s programs, policies, comprehensive plans, mission, and ultimately the Community Vision. The City of Lynnwood Comprehensive Plan describes the long-term direction and vision for the growth and development of the community. Key elements of the comprehensive plan related to Sewer System are the Capital Improvement Plan which identifies long term and short term improvement projects on the City’s sewer system to accommodate the projected growth.

### **DEPARTMENT ATTACHMENTS**

Description:

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[Lynnwood Sewer Comprehensive Plan Draft Scope.pdf](#)

**EXHIBIT A**

**SCOPE OF WORK**

**City of Lynnwood**

**Sewer Comprehensive Plan – Engineering Services**

**Statement of Understanding**

Changes in development, sewer system infrastructure and planning have occurred in City of Lynnwood (City) since the previous Wastewater Comprehensive Plan Update in 2012. Development and growth within the City's sewer system boundary is expected to continue in upcoming years. The 2012 Plan needs to be updated to address these changes and address sewer infrastructure needs for current and future populations. Preparation of the City's Sewer Comprehensive Plan (Plan) includes the following elements that are required by WAC 173-240-050:

- Purpose and need for the proposed plan
- Coordination with City for population and flow projections for City's service area
- MIKE URBAN hydraulic model review of the entire sewer system and hydraulic analysis based on updated sewer infrastructure and population/employment projections
- Discussion of collection alternatives
- Prepare opinions of probable project costs and O&M costs
- Prepare an updated Capital Improvement Plan (CIP)
- Coordination with adjacent agencies including Alderwood Water and Wastewater District (AWWD), City of Edmonds, and Snohomish County
- Evaluation and summary of the City's Wastewater Treatment Plan (WWTP)
- SEPA compliance
- Department of Ecology (Ecology) coordination and approval, including submittal of the WWTP Facility Plan.

This Scope of Work (SOW) is to provide analysis for and prepare the City's Sewer Comprehensive Plan. BHC Consultants, LLC (BHC) will either provide or manage subconsultant services for project management; data collection and review; hydraulic modeling to support the conveyance system analysis; pump station summary and evaluation; staffing and O&M analysis, WWTP evaluation and summary, costing, and layout of a Capital Improvement Plan; and assisting the City with adoption and approval processes. Detailed work tasks, receivables, assumptions, and deliverables are provided below.

**Subconsultants**

BHC will subcontract with:

- RH2 Engineering, Inc. (RH2) for pump station analysis, Operations & Maintenance (O&M) program and for the wastewater treatment improvement program (see Exhibit C);

- SFE Global (SFE) for additional flow monitoring (see Exhibit D);and
- FCS Group (FCS) for the financial program chapter and associated Ecology financial compliance (see Exhibit E).

Subconsultant proposals and associated fees are provided in Exhibit C thru E.

## **Estimated Fee**

The estimated fee for Engineering Services is \$495,148.62. A breakdown of the fee estimate is included as Exhibit B.

## **Schedule**

The proposed project schedule allows for approximately 18-months between project kickoff and final Ecology approval. Assuming a Notice to Proceed (NTP) for preliminary design in October 2021, it is anticipated that the Final Ecology approval will occur in March 2023. This schedule is preliminary and will be equitably adjusted as the project progresses, allowing for changes in scope or for delay. The following milestone targets are expected:

- Data Collection and Review – December 2021
- Baseline/Existing Conveyance System Analysis – May 2022
- Future Scenarios Conveyance System Analysis – July 2022
- WWTP Improvement Program – July 2022
- Staffing/O&M, Capital Improvement Plan, Financial Program – August 2022
- Final Sewer Comprehensive Plan Draft – September 2022
- Council/City Workshop, Public Meeting(s), and Neighboring Utility Review – September 2022 to November 2022
- Ecology Review, Council Approval, Final Ecology Approval – November 2022 to April 2023

## **Scope of Work**

The Scope of Work tasks are separated into four components where applicable:

1. Work Tasks: tasks that will be completed by BHC;
2. Receivables: elements that will be provided by the City;
3. Assumptions: assumptions used to develop each Work Task; and
4. Deliverables: the draft and/or finished product that will be delivered to the City.

### **Task 1 – Project Management**

Task 1 includes project management activities to facilitate the Sewer Comprehensive Plan from scoping to final Ecology approval.

#### Work Tasks:

- 1.1 Project Work Plan. Develop and distribute a project work plan to City and BHC team members, including schedule, responsibilities, and level-of-effort.
- 1.2 Client and Team Coordination. Coordinate with City staff by regular status reports, status meetings, telephone communication, and e-mail during the project. Includes forty (40), typically bi-weekly, conference call status meetings to discuss project progress.
- 1.3 Monthly Invoices and Progress Reports. Prepare eighteen (18) monthly progress reports and monthly invoices.
- 1.4 QA/QC Program. Conduct quality control reviews of all project deliverables. In adherence with company policy, the Principal-in-Charge will lead the QA/QC program and will involve other senior staff engineers as needed. A record of internal redlines and resultant revisions will be maintained.

#### Receivables:

- None.

#### Assumptions:

- Sewer Comprehensive Plan duration from NTP to adoption and approval is eighteen (18) months.

#### Deliverables:

- Electronic (pdf) version of the schedule for engineering services.
- Eighteen (18) monthly invoices and progress reports, including summary report.

### Task 2 – Data Collection and Review

Task 2 includes collecting of data and/or coordinating site investigations to be used for analysis.

#### Work Tasks:

- 2.1 Prepare Data Request and Transmit to City. Provide City with table of requested data to be used for Chapter text and/or further analysis. The following is a preliminary list of requested information. The actual request will vary based on information already obtained by or available publicly to the BHC, or if additional information is deemed useful.
  - Flow records, where available, for last five (5) years from pump stations, WWTP, or other in-stream flow meters
  - Copies of agreements with adjacent sewer providers
  - City Sewer Standard Details, Design Standards and Policies
  - Requested GIS Data
  - Identified list and/or map of known sewer deficiencies such as capacity issues, adverse grade, settlement, observed/known Inflow and Infiltration (I&I), chronic fats, oil, and grease (FOG) accumulations, etc.
  - List of routinely high maintenance areas and how often maintenance occurs (“monthly maintenance” areas)
  - Winter and summer water records for the largest twenty (20) commercial accounts.

- Select record drawings (i.e., as-builts) for sewer system improvements that have occurred since the 2012 plan
- Pump Station information, including but not limited to run-time downloads, record drawings, pump curves, etc.
- City sewer system staffing and O&M records for previous five (5) years
- O&M Manual and O&M Program for pump stations
- Water meter billing records by parcel

2.2 *Perform Additional Flow Monitoring.* SFE Global (SFE) will perform additional flow monitoring. SFE will deploy up to six (6) meters for up to a six (6) month recording period. BHC will provide recommended flow meter locations and coordinate with SFE for deployment and removal. Data collected will be used to inform the updated model calibration and I&I analyses.

#### Receivables:

- Requested information as detailed in Task 2.1 and forthcoming information request table.
- Dry weather flow monitoring data at current City meter locations and pump stations.

#### Assumptions:

- Dry weather will be collected at up to six (6) discussed and agreed upon locations. Due to contract approval timing and associated meter deployment, it is assumed that BHC will be able to collect usable dry weather flow data in the six (6) month monitoring period.
- Pump run-times downloads are available dating at least to end-of-2019 and can be formatted to see pump on/off in time increments to the nearest second.
- If specific pump stations require draw down tests, tests shall be completed and documented by the City.
- Current GIS and/or hydraulic model data includes the following: a) invert elevations for all manholes, b) pipe sizes and materials for the pipe segments and c) manhole rim elevations. If it is discovered that GIS or model records indicate inaccurate or suspect inverts, City staff will provide BHC with the rim and invert elevations in the correct datum.
- Deliverables will be electronic only. No hard copies will be delivered.
- SFE scope does not include removing, modifying or extending the flow monitoring at the two existing locations (Site 1 and Site 2).
- SFE costs do not include custom weir installation at any of meter locations..

#### Deliverables:

- Table of requested information.

### **Task 3 – Conveyance System Analysis**

Task 3 includes updating the City's MIKE URBAN hydraulic model to reflect current sewer infrastructure, operations, and flows. The model will be simulated in future conditions based on population/employment projections and used to project current and future capacity issues in the conveyance system.

## Work Tasks:

- 3.1 Model and Flow Data Review. BHC will review current model and flow information. BHC will discuss and agree upon approach to model calibration with the City, including baseline calibration, flow-event used for wet weather calibration, and surcharging criteria.
- 3.2 Physical Model Updates. BHC will update the model to reflect new infrastructure installed between the last major model update and the current model update. BHC will review and incorporate record drawing or survey information as appropriate. Limited piping and infrastructure will be added to the City's current truncated model.
- 3.3 Baseline Dry Weather Flow Generation and Loading. BHC will coordinate and link baseline model loadings with water meter records. Flows/loadings will be input into the model.
- 3.4 Baseline Dry Weather Model Calibration. BHC will calibrate the baseline model to available hydrographs obtained in Task 3.1.
- 3.5 Baseline Wet Weather Model Calibration. BHC and City will agree upon methodology for Inflow and Infiltration (I&I) loading. BHC will input I&I flows and diurnal patterns to model and calibrate to available or projected wet weather flows.
- 3.6 Baseline Model Workshop. BHC will attend and conduct a modeling workshop with City personnel to display baseline model inputs, functionality, and initial results.
- 3.7 2050 (or 2044) Dry Weather Model Calibration. Depending on projection year used by City Planning, BHC will use population and employment projections from the City to allocate flows in a 2050 (or 2044) dry weather model.
- 3.8 2050 (or 2044) Wet Weather Model Calibration. BHC and City will agree on appropriate I&I degradation to apply to future scenarios. BHC will input I&I flows and diurnal patterns to model and calibrate to available or projected wet weather flows.
- 3.9 2050 (or 2044) Model Workshop. BHC will attend and conduct a modeling workshop with City personnel to display 2050 (or 2044) model inputs, functionality, and initial results.
- 3.10 Buildout Dry Weather Model Calibration. BHC will use population and employment projections from the City to allocate flows in a buildout dry weather model.
- 3.11 Buildout Wet Weather Model Calibration. BHC and City will agree on appropriate I&I degradation to apply to future scenarios. BHC will input I&I flows and diurnal patterns to model and calibrate to available or projected wet weather flows.
- 3.12 Buildout Model Workshop. BHC will attend and conduct a modeling workshop with City personnel to display model inputs, functionality, and initial results.
- 3.13 Improvements Model. BHC will use the buildout model to identify projects and sizing to address current and future capacity deficiencies.
- 3.14 Documentation. BHC will document the modeling in a technical memorandum (for use as Plan appendix) and summary (to be included in Plan chapter text).

- 3.15 Regional Alternatives Analysis (Optional). Depending on results of existing system model simulation and the impacts to the system, BHC may perform regional alternatives analyses. Such examples include routing lift station flow to another utility to reduce future impacts to the WWTP. Up to two (2) regional alternatives are included. This task will *not* be performed without prior City authorization.

Receivables:

- Population and employment projections by sewer basin or smaller areas (e.g. Traffic Analysis Zones) from City Planning Department.

Assumptions:

- City Planning Department will have population and employment projections available by February 2022.
- Population and employment projections will be available in year 2050 (or 2044) projection.
- Population and employment projections will be available by sewer basin.
- Up to three (3) BHC staff will attend each modeling workshop.
- City will define allowable level of surcharging.
- City will define precipitation or flow-event recurrence for wet weather model simulations.
- BHC will *not* utilize the hydrologic or Rainfall Derived Infiltration (RDI) component of MIKE URBAN's modeling software. I&I will be modeled hydraulically with separate load points at each manhole.
- A design flow event will be derived from and/or extrapolated from flow monitoring data. The difference in the flow event and dry weather flow will be used to estimate I&I.
- No more than three thousand (3,000) feet of additional sewer piping will be added to the City's currently truncated model.

Deliverables:

- Technical memorandum for inclusion in Appendix including technical modeling background, flow background, modeling inputs, calibration data, outputs, and tabulation of deficiencies.
- Tabulation of capacity related sewer deficiencies, surcharging, and overflows by basin.
- Meeting minutes from each workshop.
- If BHC is directed to perform regional alternatives analysis, a technical memorandum will be provided.

## Task 4 – WWTP Program

Task 4 includes evaluating and preparing a WWTP Program. This task will be led by RH2 with support from BHC.

Work Tasks:

- 4.1 Support WWTP Program. BHC will support, review, and incorporate the WWTP Program from RH2. See Exhibit C RH2 Scope and Budget for expanded scope of work.



Receivables:

- None.

Assumptions:

- None.

Deliverables:

- WWTP Program in Draft Sewer Comprehensive Plan Chapter format.

### **Task 5 – O&M Program**

Task 5 includes evaluating and preparing an O&M Program. This task will be led by RH2 with support from BHC.

Work Tasks:

- 5.1 Support O&M Program. BHC will support, review, and incorporate the WWTP Program from RH2. See Exhibit C RH2 Scope and Budget for expanded scope of work.

Receivables:

- None.

Assumptions:

- None.

Deliverables:

- O&M Program in Draft Sewer Comprehensive Plan Chapter format.
- Updated O&M Manual – Draft and Final.

### **Task 6 – Draft Sewer Comprehensive Plan**

Task 6 includes the preparation of Draft Sewer Comprehensive Plan. Expected chapters and appendices for the Sewer Comprehensive Plan as follows:

Executive Summary
Chapter 1 – Background and Introduction
Chapter 2 – Regulations, Policies, and Design Criteria
Chapter 3 – Service Area Characteristics
Chapter 4 – Population, Flow and Loading Projections
Chapter 5 – Existing Sewer System
Chapter 6 – Conveyance System Evaluation
Chapter 7 – WWTP Improvement Program
Chapter 8 – Operations and Maintenance Program
Chapter 9 – Capital Improvement Program

Chapter 10 – Financial Program
Appendix A – WWTP Facility Plan
Appendix B – Interlocal Agreements
Appendix C – Standard Details, Design Standards and Policies
Appendix D – Technical Modeling Background
Appendix E – CIP Project Summaries, including costs
Appendix F – Industrial Wastewater Discharge Permits
Appendix G – System-wide Map
Appendix H – SEPA Checklist and DNS

#### Work Tasks:

- 6.1 Prepare Chapters 1, 2, 3, and 5. Using information from Task 2, BHC will summarize background and introduction; regulations, policies, and design criteria; service area characteristics; and existing sewer system, respectively, in draft Chapters 1, 2, 3, and 5. BHC will provide mapping and GIS analysis to comply with WAC 173-240-050.
- 6.2 Deliver Chapters 1, 2, 3, and 5. Draft chapters 1, 2, 3 and 5 will be submitted as a deliverable to the City.
- 6.3 Incorporate City Comments on Chapters 1, 2, 3, and 5. Respond to and incorporate City comments on Chapters 1, 2, 3 and 5.
- 6.4 Prepare Chapters 4 and 6. Using information from Tasks 2 and 3, BHC will summarize the population, flow, and loading projections; and the conveyance system evaluation, respectively in draft Chapters 4 and 6.
- 6.5 Deliver Chapters 4 and 6. Draft Chapters 4 and 6 will be submitted as a deliverable to the City.
- 6.6 Incorporate City Comments on Chapters 4 and 6. Respond to and incorporate City comments on Chapters 4 and 6.
- 6.7 Prepare Chapters 7 and 8. Using information from Tasks 4 and 5, RH2 will summarize the WWTP Program and O&M Program, respectively in draft Chapters 7 and 8.
- 6.8 Deliver Chapters 7 and 8. Draft Chapters 7 and 8 will be submitted as a deliverable to the City.
- 6.9 Incorporate City Comments on Chapters 7 and 8. Respond to and incorporate City comments on Chapters 7 and 8.
- 6.10 Prepare Chapter 9. Using information from Tasks 3 and 4, BHC will prepare Opinions of Probable Project Costs (OPPC) and summarize the Capital Improvement Program (CIP) in draft Chapter 9. A CIP workshop will be conducted with the City and attended by FCS Group to discuss reasonable timeline for implementation of the 6- and 20-year CIP.
- 6.11 Deliver Chapter 9. Draft Chapter 9 will be submitted as a deliverable to the City.
- 6.12 Incorporate City Comments on Chapter 9. Respond to and incorporate City comments on Chapter 9.

- 6.13 Prepare Chapter 10. Using information from Tasks 5.10 to 5.12, FCS Group will summarize the financial program in draft Chapter 10. The rate study will be performed by a to-be-determined consultant.
- 6.14 Deliver Chapter 10. Draft Chapter 10 will be submitted as a deliverable to the City.
- 6.15 Incorporate City Comments on Chapter 10. Respond to and incorporate City comments on Chapter 10.
- 6.16 Deliver final Draft Sewer Comprehensive Plan. Deliver the final Draft Sewer Comprehensive Plan, including appendices.

Receivables:

- Consolidated review comments for each deliverable.

Assumptions:

- Chapter deliverables will go through one (1) City review.
- Utility Rate Study will be complete by June 2022 by FCS Group and performed concurrently to financial chapter.

Deliverables:

- Draft and Final Draft Sewer Comprehensive Plan.

## **Task 7 – Assist with Adoption and Approval**

Task 7 includes assisting the City with Adoption and Approval.

Works Tasks:

- 7.1 SEPA Checklist. BHC will prepare a draft SEPA Checklist. City will coordinate advertisement, public comment, and determination of non-significance (DNS). The SEPA Checklist and DNS will be included as an appendix to the Plan.
- 7.2 Public Comment Period. City will advertise the Draft Plan for public comment via the City's website. Up to twelve (12) hours are included for BHC to respond to questions during the public comment period.
- 7.3 Council Presentation. City will prepare, lead, and conduct a presentation on the Draft Sewer Comprehensive Plan to City Council. Up to eight (8) hours are included for BHC to assist with the Council presentation material.
- 7.4 Neighboring Utility Review. City will lead, distribute, and coordinate review of the Draft Sewer Comprehensive Plan with neighboring utilities. BHC will respond to and incorporate suggested and appropriate comments following review by neighboring utilities.
- 7.5 Ecology and Council Approval. City will lead, distribute, and coordinate final approval by Ecology and City Council. Up to twenty four (24) hours are included for BHC to assist City with Ecology and Council approval.

Receivables:

- Public, Council, Ecology, and neighboring utility review comments.
- City Determination of non-significance (DNS) on SEPA.

Assumptions:

- The City will coordinate SEPA checklist for public comment review, including coordination with the tribes and other tribal organizations.
- City to lead council presentation, neighboring utility review, and Ecology review processes.
- King County Utility Technical Review Committee (UTRC) review will not be required.

Deliverables:

- Response to Council and public questions.
- Updated Draft Sewer Comprehensive Plan following neighboring utility review.
- SEPA Checklist.

SEWER COMPREHENSIVE PLAN										
Fee Schedule										
Tasks	Principal in Charge	Project Manager	Lead Hydraulic Modeler	Project Engineer II	Project Engineer I	GIS Analyst	Associate Planner	Project Coordinator	Project Administrator	Sum of Hours
	\$95	\$70	\$77	\$47	\$44	\$43	\$50	\$38	\$38	
<b>Task 1 - Project Management</b>	Hours									
Task 1.1 - Project Work Plan	4	20	4	0	0	0	0	6	2	36
Task 1.2 - Client and Team Coordination	20	60	0	0	20	0	0	0	0	100
Task 1.3 - Monthly Invoices and Progress Reports	0	18	0	0	0	0	0	0	36	54
Task 1.4 - QA/QC Program	20	10	0	0	0	0	0	0	0	30
<b>Task 1 Subtotal</b>	<b>44</b>	<b>108</b>	<b>4</b>	<b>0</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>38</b>	<b>220</b>
<b>Task 2 - Data Collection and Review</b>										
Task 2.1 - Prepare Data Request and Transmit to City	2	8	0	0	16	2	2	2	0	32
Task 2.2 - Perform Additional Flow Monitoring	2	8	0	0	4	2	0	0	2	18
<b>Task 2 Subtotal</b>	<b>4</b>	<b>16</b>	<b>0</b>	<b>0</b>	<b>20</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>50</b>
<b>Task 3 - Conveyance System Analysis</b>										
Task 3.1 - Model and Flow Data Review	2	16	4	0	32	32	0	0	0	86
Task 3.2 - Physical Model Updates	2	16	4	0	40	0	0	0	0	62
Task 3.3 - Baseline Dry Weather Flow Generation and Loading	1	16	4	0	60	0	0	0	0	81
Task 3.4 - Baseline Dry Weather Model Calibration	1	12	4	0	40	0	0	0	0	57
Task 3.5 - Baseline Wet Weather Model Calibration	1	16	4	0	60	0	0	0	0	81
Task 3.6 - Baseline Model Workshop	4	6	0	0	8	0	0	0	0	18
Task 3.7 - 2050 (or 2044) Dry Weather Model Calibration	1	16	4	0	40	0	24	0	0	85
Task 3.8 - 2050 (or 2044) Wet Weather Model Calibration	1	0	4	0	32	0	0	0	0	37
Task 3.9 - 2050 (or 2044) Model Workshop	4	6	0	0	8	0	0	0	0	18
Task 3.10 - Buildout Dry Weather Model Calibration	1	16	4	0	40	0	24	0	0	85
Task 3.11 - Buildout Wet Weather Model Calibration	1	0	4	0	32	0	0	0	0	37
Task 3.12 - Buildout Model Workshop	4	6	0	0	8	0	0	0	0	18
Task 3.13 - Improvements Model	1	16	4	0	40	0	0	0	0	61
Task 3.14 - Documentation	2	12	4	0	32	0	0	0	0	50
Task 3.15 - Regional Alternatives Analysis (Optional)	2	12	4	0	60	0	0	0	0	78
<b>Task 3 Subtotal</b>	<b>28</b>	<b>166</b>	<b>48</b>	<b>0</b>	<b>532</b>	<b>32</b>	<b>48</b>	<b>0</b>	<b>0</b>	<b>854</b>
<b>Task 4 - WWTP Program</b>										
Task 4.1 - Support WWTP Program	2	8	0	4	0	0	0	4	0	18
<b>Task 4 Subtotal</b>	<b>2</b>	<b>8</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>18</b>
<b>Task 5 - O&amp;M Program</b>										
Task 5.1 - Support O&M Program	2	8	0	4	0	0	0	4	0	18
<b>Task 5 Subtotal</b>	<b>2</b>	<b>8</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>18</b>
<b>Task 6 - Draft Sewer Comprehensive Plan</b>										
Task 6.1 - Prepare Chapters 1, 2, 3, and 5	2	16	0	32	4	40	0	8	0	102
Task 6.2 - Deliver Chapters 1, 2, 3, and 5	2	2	0	2	0	0	0	0	0	6
Task 6.3 - Incorporate City Comments on Chapters 1, 2, 3, and 5	2	4	0	8	0	0	0	4	0	18
Task 6.4 - Prepare Chapters 4 and 6	2	12	0	32	4	16	8	8	0	82
Task 6.5 - Deliver Chapters 4 and 6	2	2	0	2	0	0	0	0	0	6
Task 6.6 - Incorporate City Comments on Chapters 4 and 6	2	4	0	8	0	0	0	4	0	18
Task 6.7 - Prepare Chapters 7 and 8	2	12	0	32	4	0	0	8	0	58
Task 6.8 - Deliver Chapters 7 and 8	2	2	0	2	0	0	0	0	0	6
Task 6.9 - Incorporate City Comments on Chapters 7 and 8	2	4	0	8	0	0	0	4	0	18
Task 6.10 - Prepare Chapter 9	2	4	0	32	16	16	0	4	0	74
Task 6.11 - Deliver Chapter 9	2	2	0	2	0	0	0	0	0	6
Task 6.12 - Incorporate City Comments on Chapter 9	1	4	0	4	0	0	0	2	0	11
Task 6.13 - Prepare Chapter 10	2	4	0	12	2	0	0	4	0	24
Task 6.14 - Deliver Chapter 10	2	2	0	2	0	0	0	0	0	6
Task 6.15 - Incorporate City Comments on Chapter 10	1	4	0	4	0	0	0	2	0	11

EXHIBIT B, continued

Task 6.16 - Deliver final Draft Sewer Comprehensive Plan	2	12	0	24	4	0	0	32	0		74
Task 6 Subtotal	30	90	0	206	34	72	8	80	0		520
Task 7 - Assist with Adoption and Approval											
Task 7.1 - SEPA Checklist	1	2	0	12	0	0	0	2	0		17
Task 7.2 - Public Comment Period	2	4	0	6	0	0	0	0	0		12
Task 7.3 - Council Presentation	2	3	0	4	0	0	2	2	0		13
Task 7.4 - Neighboring Utility Review	2	3	0	8	0	0	0	4	0		17
Task 7.5 - Ecology and Council Approval	2	12	0	10	0	0	0	0	0		24
Task 7 Subtotal	9	24	0	40	0	0	2	8	0		83
TOTAL HOURS - ALL TASKS	119	420	52	254	606	108	60	104	40		1763
TOTAL DIRECT COST PER PERSONNEL - ALL TASKS	\$11,305	\$29,400	\$4,004	\$11,968	\$26,664	\$4,644	\$3,000	\$3,952	\$1,520		\$96,457

Direct Hour Subtotal	\$96,457
Overhead Rate	148.24%
Overhead Subtotal	\$142,988.57
Fee Percentage	30%
Fee	\$28,937.24
Grand Subtotal	\$ 268,383.29
Expenses	\$ 295.68
Subconsultant Total	\$ 226,469.65
Design Grand Total	\$ 495,148.62

EXHIBIT B, continued

SEWER COMPREHENSIVE PLAN			
Subconsultant Fees			
Subconsultant:	Is this Sub a UDBE?	Work performed by Sub	
RH2 Engineering	<input type="checkbox"/>	Lift Station Evaluation; WWTP Program; O&M Program	\$ 142,600.00
SFE Global, Inc.	<input type="checkbox"/>	Flow Monitoring	\$ 76,274.65
FCS Group, Inc.	<input type="checkbox"/>	Financial Support	\$ 7,595.00
New Subconsultant	<input type="checkbox"/>		
New Subconsultant	<input type="checkbox"/>		\$ -
			\$ 226,469.65

**EXHIBIT C**  
**Scope of Work**  
**BHC Consultants, LLC**  
**Lynnwood Sewer Comprehensive Plan**  
August 2021

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## **Background**

The City of Lynnwood (City) has retained BHC Consultants, LLC (BHC) to update its Sewer Comprehensive Plan (SCP). As part of the SCP update, RH2 Engineering, Inc., (RH2) will provide facilities evaluation within the collection system, offsite and regional alternatives analyses for wastewater treatment with the goal of being consistent with the City's Facility Plan update, and O&M evaluation.

Information from the City's 2012 SCP and other ongoing work by RH2 on lift station upgrades and Facility Plan will be utilized to the extent possible to inform this update.

## **Task 1 – Project Management**

**Objective:** Monitor the scope of work, schedule, and budget and provide monthly invoices. Maintain the project records and manage the RH2 project team.

### **Approach:**

- 1.1 Review work performed for consistency with this Scope of Work, monitor budget and schedule, and prepare monthly invoices.
- 1.2 Provide BHC staff with periodic project status updates.
- 1.3 Maintain and store project records. Manage the RH2 project team.

### **Assumptions:**

- *All project records will be maintained and filed electronically only.*

### **RH2 Deliverables:**

- Monthly invoices documenting earned value compared to contract value in electronic PDF.
- Project records maintained and stored electronically.

## **Task 2 – Data Review and Coordination**

**Objective:** Attend kickoff and progress meetings, review data supplied by BHC, and provide coordination and support during reviews.

### **Approach:**

- 2.1 Attend one (1) project kickoff meeting with City staff, BHC, and other subconsultants.
- 2.2 Attend up to five (5) progress meetings with BHC and City staff during the development of the SCP. Review data supplied by BHC.



**Assumptions:**

- *It is assumed that BHC will work with the City to obtain historical SCADA data from the collections system and wastewater treatment plant (WWTP), as well as the level control setpoints for the lift stations, with no assistance from RH2 staff.*
- *It is assumed all meetings will be held virtually and no travel will be necessary.*

**RH2 Deliverables:**

- Attendance at project kickoff and progress meetings.
- Responses to public questions during virtual open house.

**Task 3 – Conveyance System Analysis**

**Objective:** Visit City lift stations. Prepare proposed improvements list for each lift station and develop budgetary-level cost estimates.

**Approach:**

- 3.1 Visit lift stations and document existing lift station conditions and equipment. *RH2 will visit all lift stations except Lift Station 8 since RH2 is currently working with the contractor to complete the Lift Station 8 Improvements project; therefore, RH2 has the documentation for Lift Station 8 on file.*
- 3.2 Prepare proposed improvements list for each lift station. Meet with the City to discuss the list of proposed lift station improvements. Update improvements list as necessary.
- 3.3 Prepare Capital Improvement Plan (CIP) level budgetary estimates for the lift station improvements.
- 3.4 Prepare planning-level capital estimates for the flow diversion plan.
- 3.5 Prepare draft conveyance system facilities analysis section of Chapter 6, including a summary of the existing lift stations, including history, pump capacity, motor horsepower, motor type, on-site power generation, etc.

**Assumptions:**

- *The City will perform lift station drawdown testing and provide results.*
- *RH2 will rely upon the accuracy and completeness of any information, data, and materials generated or produced by the City, BHC, or others in relation to this Scope of Work.*

**Provided by City:**

- Construction records for Lift Station 7 and Lift Station 14.
- Drawdown test results in electronic PDF.
- Attendance during the site visit.

**RH2 Deliverables:**

- Lift station site visit results and summary in electronic Word and PDF formats.
- Planning-level capital estimates in electronic PDF.
- Conveyance system facilities analysis summary in Word format.

**Task 4 – WWTP Program**

**Objective:** Evaluate wastewater treatment facilities off-site alternatives in addition to or instead of the treatment facilities upgrades recommended in the Facility Plan that is in progress. The Facility Plan recommendation is based on maximizing the capacity of the treatment facilities at the existing site. Provide comparison of these additional treatment location alternatives to the Facility Plan recommendations.

**Approach:**

- 4.1 Develop up to two (2) treatment facilities off-site alternatives and/or regional wastewater treatment options for comparison to the Facilities Plan recommendations based on upgrades at the existing WWTP site. Options may include locating a new WWTP elsewhere within the City of Lynnwood collection system area and conveying discharge to the existing outfall, or diverting some or all flow to a regional utility such as King County.
- 4.2 Develop planning-level estimates for the alternatives, incorporating costs developed in Task 3 for collection system changes.
- 4.3 Prepare comparative analyses between the Facility Plan's recommended alternative and additional siting alternatives and provide a recommendation for final implementation.
- 4.4 Update and incorporate the CIP from the Facility Plan and the recommended alternative in this Task into the SCP's overall CIP.
- 4.5 Provide an updated discussion of regulatory impacts of the Final Puget Sound Nutrient Reduction General Permit, expected to be issued and effective in January 2022.
- 4.6 Prepare draft of Chapter 7 – WWTP Improvement Program.

**RH2 Deliverables:**

- Draft Chapter 7 in Word format.

**Task 5 – O&M Program**

**Objective:** Document the sewer system's operations and maintenance (O&M) program for use in the SCP. Update the City's O&M manual.

**Approach:**

- 5.1 Evaluate staffing requirements for the sewer collection system and document recommendations.

- 5.2 Meet with the City's utilities supervisor and foreman for input on the current O&M program for the sewer collection system.
- 5.3 Prepare a draft O&M Program chapter.
- 5.4 Update the City's O&M manual to include monthly activities, including flushing. Consult with City staff for input on updates needed to O&M manual. Provide draft O&M manual updates for City review and comment. Update and finalize O&M manual to include City comments.

**RH2 Deliverables:**

- Draft Chapter 8 – Operations and Maintenance Program for City review and comment, including evaluation and recommendations of staffing requirements, in Word format.
- Draft O&M manual updates for City review and comment in Word format.
- Final O&M manual in electronic PDF.

**Task 6 – Final Draft Sewer Comprehensive Plan**

**Objective:** Prepare final draft of SCP chapters for incorporation into agency review SCP.

**Approach:**

- 6.1 Perform internal quality assurance and quality control (QA/QC) review of those chapters of the SCP prepared by RH2.
- 6.2 Assist with updates to those portions of Chapter 6 – Conveyance System Evaluation prepared by RH2 based on City review comments.
- 6.3 Update Chapter 7 – WWTP Improvement Program based on City review comments and prepare for incorporation into the draft SCP.
- 6.4 Update Chapter 8 – O&M Program based on City review comments and prepare for incorporation into the draft SCP.
- 6.5 Assist with updates to those portions of Chapter 9 – Capital Improvement Plan prepared by RH2 based on City review comments.

**Assumptions:**

- *BHC will lead coordination of finalizing the CSP, and delivery and any necessary City or agency reviews.*

**RH2 Deliverables:**

- Portions of Chapters 6 and 9 for incorporation into final draft SCP in Word format.
- Chapters 7 and 8 for incorporation into final draft SCP in Word format.

## **Task 7 – Assist with Adoption and Approval**

**Objective:** Provide support during City Council meeting and virtual open house. Review and respond to Ecology comments on final draft SCP.

**Approach:**

- 7.1 Provide support to BHC and the City to prepare for one (1) City Council meeting.
- 7.2 Respond to public questions during the month-long virtual open house.
- 7.3 Revise Chapters 7 and 8 and those portions of Chapters 6 and 9 prepared by RH2 to address review comments provided by Ecology and City Council.

**Assumptions:**

- *City will lead, distribute, and coordinate final approval by Ecology and City Council. The number of review comments are difficult to predict and highly variable. An initial allocation of twenty-four (24) hours has been included for Task 7 to assist the City with Ecology and Council approval.*
- *Ecology acceptance of the SCP is beyond the control of RH2, and no date is warranted or implied for Ecology response or SCP approval.*

**RH2 Deliverables:**

- Responses to public questions during virtual open house.
- Portions of Chapters 6 and 7 for incorporation into SCP in Word format.
- Final Chapters 7 and 8 for incorporation into SCP in Word format.

Project: Lynnwood Sewer Comprehensive Plan  
Client: City of Lynnwood  
Date: August 2021

Consultant Negotiated DSC	Title:	Staff Engineer	Project Engineer	Project Engineer	Project Engineer	Electrical Project Engineer	Electrical Project Manager	Controls Engineer	Staff Engineer	Project Engineer	Wastewater Process Expert	Project Manager	Principal	Admin.	Admin.	Total	Negotiated
	Name:	Professional II	Professional IV	Professional V	Professional VII	Professional III	Professional VII	Professional VII	Professional II	Professional V	Professional VIII	Professional VII	Professional VIII	Administrative II	Administrative IV	Task Hours	DSC
Task/Subtask List (WBS)	Hrly Rate:	\$ 52.62	\$ 62.13	\$ 66.89	\$ 76.08	\$ 57.70	\$ 76.08	\$ 76.08	\$ 52.62	\$ 66.89	\$ 79.25	\$ 76.08	\$ 79.25	\$ 27.90	\$ 39.63		
<b>Task 1 - Project Management</b>		0	0	0	0	0	0	0	0	0	0	26	0	12	12	50	\$2,788.44
Review Work Performed and Prepare Monthly Invoices												12		12		24	\$ 1,247.76
Provide City and BHC with Periodic Status Updates												12				12	\$ 912.96
Maintain and Store Project Records and Manage RH2 Project Team												2			12	14	\$ 627.72
<b>Task 2 - Data Collection, Review, and Coordination</b>		0	0	0	20	0	0	0	0	0	4	20	4	0	0	48	\$ 3,677.20
Attend Project Kickoff Meeting					4							4	2			10	\$ 767.14
Attend Up to Five Progress Meetings					16						4	16	2			38	\$ 2,910.06
<b>Task 3 - Conveyance System Analysis</b>		52	48	24	14	38	12	0	0	0	0	0	10	0	8	206	\$ 12,604.06
Visit Lift Stations to Document Existing Conditions		16	8	4	2	16	4									50	\$ 2,986.20
Prepare Proposed Improvements List for Lift Stations		12	4	4	2	8	4									34	\$ 2,065.60
Prepare CIP Level Budgetary Estimates for Lift Station Improvements			8	4	2	8	2									24	\$ 1,530.52
Prepare Planning-Level Estimates for Flow Diversion Plan		24	12	8	4								8			56	\$ 3,481.88
Prepare Draft Conveyance System Analysis Section of Chapter 6			16	4	4	6	2						2		8	42	\$ 2,539.86
<b>Task 4 - WWTP Program</b>		0	0	0	0	0	0	0	98	58	24	28	0	0	6	214	\$ 13,306.40
Develop up to Two Treatment Facilities Off-Site Alternatives									26	16	8	8				58	\$ 3,681.00
Develop Planning-Level Estimates for Alternatives									12	8	4	6				30	\$ 1,940.04
Prepare Comparative Analyses Between Facility Plan and Alternatives									20	12	6	6				44	\$ 2,787.06
Update and Incorporate CIP from Facility Plan and Recommended Alternative									12	8	0	2				22	\$ 1,318.72
Provide Updated Discussion of Regulatory Impacts									8	4	2	2				16	\$ 999.18
Prepare Draft Chapter 7 - WWTP Improvement Program									20	10	4	4			6	44	\$ 2,580.40
<b>Task 5 - O&amp;M Program</b>		0	32	10	6	0	0	0	0	0	0	0	2	0	12	62	\$ 3,747.60
Evaluate Staffing Requirements and Document Recommendations			8	4	2											14	\$ 916.76
Meet with City's Utilities Supervisor and Foreman for Input			4	4	2											10	\$ 668.24
Prepare Draft O&M Program Chapter			16	2	2								2		8	30	\$ 1,755.56
Update the City's O&M Manual and Finalize to Include City Comments			4											4		8	\$ 407.04
																0	\$ -
<b>Task 6 - Final Draft Sewer Comprehensive Plan</b>		0	10	0	14	4	2	0	0	10	4	6	10	0	12	72	\$ 4,779.82
Perform Internal QA/QC Review of Chapters					4								10		4	18	\$ 1,255.34
Assist with Updates to Chapter 6 - Conveyance System Evaluation			4		4	4	2								2	16	\$ 1,015.06
Update Chapter 7 - WWTP Improvement Program Based on City Comments										8	4	4			2	18	\$ 1,235.70
Update Chapter 8 - O&M Program Based on City Comments			4		4										2	10	\$ 632.10
Assist with Updates to Chapter 9 - Capital Improvement Plan			2		2					2		2			2	10	\$ 641.62
																0	\$ -
<b>Task 7 - Assist with Adoption and Approval</b>		0	0	6	8	0	0	0	0	14	4	18	4	0	2	56	\$ 4,029.14
Provide Support to BHC and City to Prepare for City Council Meeting					4					2	2	6	2		2	18	\$ 1,290.84
Respond to Public Questions During Virtual Open House					4					2	2	4	2			14	\$ 1,059.42
Revise Chapters to Address Comments from Ecology and City Council				6						10		8				24	\$ 1,678.88
Total Hours =		104	138	64	76	80	26	0	98	82	36	98	40	12	60	708	
Negotiated DSC =		\$ 5,472.48	\$ 8,573.94	\$ 4,280.96	\$ 5,782.08	\$ 4,616.00	\$ 1,978.08	\$ -	\$ 5,156.76	\$ 5,484.98	\$ 2,853.00	\$ 7,455.84	\$ 3,170.00	\$ 334.80	\$ 2,377.80		\$ 44,932.66

Negotiated DSC = \$ 44,932.66  
Overhead Cost (185.45%) = \$ 83,327.62 (% of DLC/Negotiated DSC)  
Fixed Fee (30%) = \$ 13,479.80 (% of DLC/Negotiated DSC)  
Subtotal = \$ 141,740.08  
Total Consultant Negotiated DSC = \$ 141,800.00 (Round up to nearest \$100)

Expenses

Reimbursable Expenses

Mileage at current IRS rate per mile  
Reprographics/Copies

\$ 290.00  
\$ 500.00  
Subtotal = \$ 790.00  
Subtotal = \$ 800.00

Subtotal Expenses

\$ 800.00

Total Consultant Negotiated DSC and Expenses

\$ 142,600.00

Maximum Allowable Consultant Fee (Rounded to Nearest \$100)

\$ 142,600.00

**Schedule C**  
**Agreed Specific Rates of Pay**

Consultant:  
RH2 ENGINEERING, INC

Staff Classification	Negotiated DSC	Overhead Multiplier	Fee Multiplier	Agreed Specific Rates of Pay
		185.45%	30.00%	
Professional I	\$ 47.87	\$ 88.77	\$ 14.36	\$ 151.00
Professional II	\$ 52.62	\$ 97.59	\$ 15.79	\$ 166.00
Professional III	\$ 57.70	\$ 107.00	\$ 17.31	\$ 182.00
Professional IV	\$ 62.13	\$ 115.23	\$ 18.64	\$ 196.00
Professional V	\$ 66.89	\$ 124.04	\$ 20.07	\$ 211.00
Professional VI	\$ 71.01	\$ 131.69	\$ 21.30	\$ 224.00
Professional VII	\$ 76.08	\$ 141.09	\$ 22.82	\$ 240.00
Professional VIII	\$ 79.25	\$ 146.97	\$ 23.78	\$ 250.00
Professional IX	\$ 79.25	\$ 146.97	\$ 23.78	\$ 250.00
Technician I	\$ 36.46	\$ 67.61	\$ 10.94	\$ 115.00
Technician II	\$ 39.63	\$ 73.49	\$ 11.89	\$ 125.00
Technician III	\$ 45.02	\$ 83.48	\$ 13.50	\$ 142.00
Technician IV	\$ 48.50	\$ 89.95	\$ 14.55	\$ 153.00
Administrative I	\$ 23.78	\$ 44.09	\$ 7.13	\$ 75.00
Administrative II	\$ 27.90	\$ 51.73	\$ 8.37	\$ 88.00
Administrative III	\$ 33.60	\$ 62.32	\$ 10.08	\$ 106.00
Administrative IV	\$ 39.63	\$ 73.49	\$ 11.89	\$ 125.00
Administrative V	\$ 45.33	\$ 84.07	\$ 13.60	\$ 143.00

In-House Copies	B/W - 8.5x11	\$ 0.09
In-House Copies	B/W - 8.5x14	\$ 0.14
In-House Copies	B/W - 11x17	\$ 0.20
In-House Copies	Color - 8.5x11	\$ 0.90
In-House Copies	Color - 8.5x14	\$ 1.20
In-House Copies	Color - 11x17	\$ 2.00
CAD Plots	Large	\$ 25.00
CAD Plots	Full	\$ 10.00
CAD Plots	Half	\$ 2.50
Mileage	Current IRS Rate	
Subconsultants	At cost	

Outside direct costs for permit fees, reports, maps, data, reprographics, couriers, postage, and non-mileage related travel expenses that are necessary for the execution of the project and are not specifically identified elsewhere in the contract will be billed at cost.



## EXHIBIT D

**SFE Global - Washington**  
1313 E Maple Street, Suite 201-408  
Bellingham, WA 98225  
Ph: 360-220-7224

**SFE Global - California**  
1104 Corporate Way  
Sacramento, CA 95831  
Ph: 888-567-9994

August 11, 2021

**Mr. Jordan Zier, PE**  
*Project Manager*

BHC Consultants  
1601 Fifth Avenue - Suite 500  
Seattle, WA 98101

**SUBJECT: CITY OF LYNNWOOD – 2021/2022 SANITARY SEWER FLOW MONITORING**

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Dear Mr. Zier:

Thank you for the opportunity to submit this proposal for sanitary sewer flow monitoring services. Technical services, instrumentation, and reporting supplied by SFE Global will be based on open channel sanitary sewer flow monitoring via typical manhole type installations. Data may be used for the purpose of assessing max, min, and average diurnal flow rates from sanitary systems and/or facility discharge points; system capacity; system response to rainfall events; and model calibration.

### **SFE GLOBAL**

SFE GLOBAL INC. (SFE) is a municipal and industrial service company specializing in underground infrastructure assessment and monitoring. We have been conducting services of this nature for Municipal, Government and Industrial clients since 1991. SFE has four offices with a total of 24 employees. We have excellent references with a track record for delivering project objectives on time and on budget. Our services include:



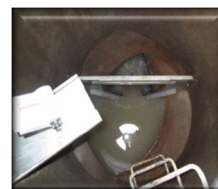
All Applications of Flow Monitoring and Water Quality Monitoring - Sanitary Sewers, Storm Sewers, Creeks, Culverts, Landfills, Industrial Effluent, Billing Stations, Temporary and Permanent Installations, LID (Low Impact Development) Performance Monitoring, and Complete Hydrologic Gauging Stations.



GoData Web-Based Data Management Platform – Versatile web-based data management system for all data types. Organize, Graph, Alarm, and Analyze various types of monitored infrastructure data



Meteorological Monitoring – Supply, Installation, and Monitoring of Complete Weather Stations



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**Technical Services**  
**Water – Wastewater – Industrial**



Rhodamine WT Dye Calibrations of Flow Monitoring Stations. Verify and Improve the Accuracy of your Existing Flow Monitoring Station.



Sewer Smoke Testing and Dye Testing. Reduce I&I and Illegal Sanitary Connections



Manhole Inspection Programs. Data Base Catalogued Inventory Complete with Condition Assessments.



Water and Sewer Pressurized Pipe Leak Detection and Flow Assessments



Reservoir Cleaning, Disinfection, and Inspection.



Domestic Water Flow testing and Data Logging Services for Water Model Calibration



Pipeline Pigging - Cleaning of Domestic Water Mains, Sewer Force Mains, Siphon Mains, and Industrial Product Pipelines. Renew Pipelines and Reduce Pumping Costs.



Inline Pipeline Condition Assessments – SmartFoam Pigs for Assessing Pipeline Leakage, Cracking, Corrosion, Pitting, Scaling, and Sediment Build-Up.



Pump and Lift Station Drawdown Testing and Assessments – Test and Analyze the Existing Condition and Performance of your Pump/Lift Stations



### ***SCOPE OF WORK AND ASSOCIATED FEES***

SFE Global understands the importance of quality workmanship and it is with this in mind that we approach every task. As such, SFE's quality control and quality assurance program will be in place for this project. Please review the scope of work and the associated fees as described below.

- SFE Global will supply, install, program, calibrate, maintain, download, and report on six (6) sanitary sewer flow monitoring stations for a 6-month term.
- Exact monitoring locations are still to be determined. For scope and budget purposes we have assumed typical open-channel manhole type monitoring stations.
- It is unknown at this time whether 3<sup>rd</sup> party traffic control permits and services will be required. A requirement for traffic control plans and services will be invoiced at cost plus 15%. The SFE Project Manager will complete an evaluation of traffic control needs during our standard assessment phase.



The SFE Global fees below have been generated through the aforementioned scope of work. Please contact SFE right away if we have misunderstood or misrepresented the desired scope of work. NOTE: A change in scope may affect the fees as proposed.

**SFE GLOBAL BUDGET FEES – BASED ON SIX (6) MONITORING STATIONS**

Type of Work	Specific Details	Fees
Planning, Site Assessments, Mobilization, Installation, Programming, Calibration	<ul style="list-style-type: none"> <li>Invoiced lump sum upon installation</li> </ul>	\$10,855.00
Monitoring, Maintenance, QA/QC, Data Acquisition, and Reporting	<ul style="list-style-type: none"> <li>Fees as shown is for 6-months</li> <li>Invoiced monthly at \$8,575</li> </ul>	\$51,450.00
Station Decommissioning and Final Flow Data	<ul style="list-style-type: none"> <li>Invoiced lump sum upon completion</li> </ul>	\$3,025.00
	<b>Sub-Total</b>	\$65,330.00
	<b>Tax (10.5%)</b>	\$6,859.65
	<b>Fees based on six (6) monitoring stations for 6-months</b>	<b>\$72,189.65</b>

**SUB-CONTRACTED AND/OR OPTIONAL FEES (AS REQUIRED)**

Type of Work	Specific Details	Fees
3 <sup>rd</sup> Party Traffic Control	<ul style="list-style-type: none"> <li>SFE will invoice based on actual costs plus 15%</li> <li>Budget shown is based on a desktop assessment of manhole locations. This may be further refined after physical assessments.</li> <li>Estimate is based on three locations requiring traffic permits, plans, and services for installation and removal only.</li> </ul>	\$4,085.00
Rainfall Monitoring Gauge	<ul style="list-style-type: none"> <li>Setup/Installation/Programming - \$325</li> <li>Monitoring and Reporting - \$425/month</li> </ul>	Optional
Custom Compound Weirs	<ul style="list-style-type: none"> <li>Custom Compound Weirs – Installed only for stations that would benefit from weir technology (low flows, steep slopes, high velocity) Allows for repeatable, accurate, flow monitoring under hydraulic conditions that are typically difficult to measure using AV flow meters.</li> </ul>	\$975ea

Thank you again for the opportunity. If you have any questions or require any further information, please do not hesitate to contact me directly.

Sincerely,  
**SFE Global**  
Mike Lemmen  
Director - Business  
SFE File#U21-130P2ML

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**Terms & Conditions:**

- *All invoices will have the appropriate tax added and will require payment within thirty (30) days.*
- *Quotation is valid for 30 days.*
- *Delays or disruptions through no fault of SFE and causing project interruption may result in a crew and equipment standby rate of \$285/hour.*
- *Any reports required will be submitted to our client in a digital format (.pdf)*
- *All flow data submitted is subject to a 60-day review period after which it will be deemed as accepted. Data review by SFE after this 60-day period will be at a rate \$125/hour.*

**EXHIBIT E**

# CITY OF LYNNWOOD

## SEWER UTILITY FINANCIAL CHAPTER

The following scope of service has been developed to meet the needs of the City of Lynnwood (City) based on a call with Jordan Zier, PE, Project Manager with BHC Consultants (Engineer). The City and Engineer would like assistance in completing a financial chapter for the Sewer Comprehensive Plan. The financial chapter will utilize the concurrent rate work planned to be performed for the City. The services to be provided as part of this scope are described below. The budget included represents only the additional tasks, which are not part of the rate study. If the rate study does not occur, the budget would have to be adjusted to account for the additional tasks planned to be completed as part of the rate study.

### TASK PLAN

#### TASK 1 | DATA COLLECTION

FCS GROUP will provide a data needs list encompassing the necessary data to complete the study. The data will be reviewed, analyzed and validated for inclusion in the study process.

#### TASK 2 | HISTORICAL FINANCIAL PERFORMANCE REVIEW

Review and document the financial operations (revenue and expenses) and financial condition (assets and liabilities) of the sewer utility for the previous six-year period. Summarize noteworthy financial trends.

#### TASK 3 | FINANCIAL POLICY REVIEW

Review the City's current fiscal policies for operating and capital reserves, system reinvestment funding, debt management, and debt service coverage and recommend changes if warranted. Policies established in the current rate study will be used in this task.

#### TASK 4 | CAPITAL FINANCING PLAN

Evaluate capital funding options and develop a capital financing plan for the 10-year and 20-year Capital Improvement Programs (CIP) for the sewer utility. The analysis will include a forecast of capital funding needs, borrowing requirements, and associated cash flows and cash balances over the study period. Evaluate and recommend an appropriate balance of funding from cash, GFCs, bonds, low interest loans and/or other available funding sources. The assumptions and results developed during the planned rate study will be utilized for this task. The budget provides for up to one (1) additional scenario.

## TASK 5 | OPERATING FORECAST

The City's operating budget will be used as the baseline for forecasting ongoing operating and maintenance (O&M) costs, debt service, and other financial obligations of for the sewer utility over the 10-year and 20-year study periods. Incorporate engineering planning growth forecasts and establish economic factors for cost escalation. Integrate additional O&M expenses identified as part of the updated CIP and/or any other changes in operational requirements. Similar to Task 4 Capital Financial Plan, the City's analysis developed in the rate study will be utilized for this task.

## TASK 6 | REVENUE NEEDS ASSESSMENT

Develop an operating cash flow projection for the 10-year and 20-year study period integrating fiscal policies, operating forecast and capital financing impacts. Compare forecasted financial requirements against forecasted revenue under existing rates to determine annual and cumulative revenue adjustments needed to ensure financial sustainability over time.

## TASK 7 | RATE FORECAST & AFFORDABILITY TEST

Develop a rate forecast for the 10-year period. Apply annual rate adjustments to the City's existing rate structures "across-the-board" meaning each rate class and rate charge (fixed and variable) will be adjusted equally. Note: this scope does not include changes to the City's existing rate structures. The Financial Chapter will include a narrative discussion of potential rate structure enhancements, if necessary.

Perform an affordability test as an indication of a residential customer's ability to pay the existing and forecasted rates. This includes an analysis and comparison of sewer system's existing and forecasted average residential bills to 2.0 percent of the median household income. This test will be conducted for the 10-year and 20-year study periods.

## TASK 8 | MEETINGS

One (1) internal review meeting is included to go over assumptions and results of the financial analysis and chapters. The meeting will be performed over an interactive conference call.

## TASK 9 | DOCUMENTATION

Draft the financial chapter for the sewer service for City staff and Engineer review. An electronic copy of each draft financial chapter and Excel-based tables will be provided to the City and Engineer to incorporate into the comprehensive planning documents. Incorporate requested changes, as appropriate, and submit the final version.

# BUDGET

The total proposed level of effort to complete the sewer financial chapter is summarized below and is estimated at \$19,870. With a planned rate study to be completed concurrently with the financial chapter effort, a savings of \$12,275 can be realized. The net cost of the financial chapter is estimated at \$7,595. Our normal billing practice is to bill based on time and materials actually expended, not-to-exceed the total budget.

TASK	Principal	Project Manager	Senior Analyst	Admin. Support	Total Estimated Hours	Total Budget	Rate Study Efficiency	Net Budget
<i>Hourly Billing Rates:</i>								
	\$270	\$195	\$145	\$90				
<b>Technical Tasks</b>								
Task 1   Data collection / validation			2	2	4	\$ 470	\$ -	\$ 470
Task 2   Historical financial performance review	1	4	8		13	2,210	-	2,210
Task 3   Fiscal policy review	2	2			4	930	(930)	-
Task 4 - 7   Financial plan	4	16	36		56	9,420	(8,665)	755
<b>TOTAL TECHNICAL</b>	<b>7</b>	<b>22</b>	<b>46</b>	<b>2</b>	<b>77</b>	<b>\$ 13,030</b>	<b>\$ (9,595)</b>	<b>\$ 3,435</b>
<b>PROCESS TASKS</b>								
Task 8   Meetings/Presentations								
Internal milestone review meetings (1 remote)		1	1		2	\$ 340	\$ -	\$ 340
City Council workshop w/ presentation material (1 on-remote)	2	8	4		14	2,680	(2,680)	-
Task 9   Documentation	2	4	16	2	24	3,820	-	3,820
<b>TOTAL PROCESS TASKS</b>	<b>4</b>	<b>13</b>	<b>21</b>	<b>2</b>	<b>40</b>	<b>\$ 6,840</b>	<b>\$ (2,680)</b>	<b>\$ 4,160</b>
<b>FINANCIAL CHAPTER ONLY BUDGET</b>	<b>11</b>	<b>35</b>	<b>67</b>	<b>4</b>	<b>117</b>	<b>\$ 19,870</b>	<b>\$ (12,275)</b>	<b>\$ 7,595</b>

## **CITY COUNCIL 9.B**

### **CITY OF LYNNWOOD CITY COUNCIL**

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**TITLE:** Dedication Agreement, Second Amendment: 42nd Avenue West Right of Way at Net River Development (Data Center/Landmark Dividend LLC)

**DEPARTMENT CONTACT:** Bill Franz, Public Works

**SUMMARY:**

The City of Lynnwood and the current owner, "Data Center", of the property located at 4200 194th Street SW, have negotiated a mutually beneficial Second Amendment to the Dedication Agreement executed in 2013 and First Amendment executed in 2014.

**PRESENTER:**

Bill Franz, Public Works Director

**ESTIMATED TIME:**

0

**BACKGROUND:**

In 2013, "DREAL 2004" was the owner of the real property located at 4200 194th Street SW, Lynnwood, Washington. The property owner agreed to dedicate a portion of their property to the City for future development by the City of 42nd Avenue West. In exchange for the Dedication, DREAL 2004 was granted the continued right to use the Dedication Area until the City actually constructs 42nd Avenue West. The City was also obligated to provide replacement parking to DREAL 2004 before the City commences construction of 42nd Avenue West.

In 2014, DREAL 2004 requested that the actual Dedication of the Dedication Area by DREAL 2004 to the City be deferred until the City is ready to proceed with construction of 42nd Avenue West and to effect the Dedication simultaneously with the conveyance of replacement parking by the City to DREAL 2004. The City determined that this timing of the Dedication and conveyance of replacement parking was in the best interests of the public. Thus, the parties entered into the First Amendment to accomplish those purposes.

Currently, Data Center (the new owner of the property) and the City have determined that the land area to be transferred to the City for future development of 42nd Avenue West should be revised as stated in this Second Amendment. The purpose of the Second Amendment is to shift the roadway further West avoiding the need to remove infrastructure (cooling units) that ByteGrid constructed which conflicts with the First Amendment's proposed location. Without this revision, the City would be responsible for relocating the equipment which would be costly (\$1M+) and potentially interrupt service at the data center. Shifting the road to the West will also avoid all parking impacts on the property, thus the Second Amendment will also delete from the Agreement the City's obligation to provide replacement parking on the property.

Additionally, as part of the Second Amendment, the southern portion of the property will be dedicated to the City as shown in Exhibits E and F of the Second Amendment.

It is the best interest of the City and Owner to allow the infrastructure to remain in place and relocate the new street accordingly.

### **SUGGESTED ACTION:**

Authorize the Mayor to enter into and execute on behalf of the City the Second Amendment to the Dedication Agreement with Data Center/Landmark Dividend LLC (LMRK DI PROPCO LLC (NetRiver (DREAL 2004))) for conveyance of City Center grid street right-of-way to the City along future 42nd Avenue West south of 194th Street SW.

### **PREVIOUS COUNCIL ACTIONS:**

During the March 25, 2013 Business Session (Dedication Agreement: 42nd Avenue West Right of Way at Net River Development), City Council approved the original Dedication Agreement between the City and property owner.

During the June 23, 2014 Business Session (Dedication Agreement, first amendment: 42nd Avenue West Right of Way at Net River Development), City Council approved the First Amendment to the Dedication Agreement between the City and the property owner.

### **FUNDING:**

There are no funds required for this Amendment.

### **VISIONS AND PRIORITIES ALIGNMENT:**

The Lynnwood Community Vision states that the City is to “Invest in efficient, integrated, local and regional transportation systems”, “be a city that is responsive to the wants and needs of our citizens”, “be a welcoming city that builds a healthy and sustainable environment” with a “vibrant city center”.

The 42nd Ave West Project supports that vision and results in an important improvement to the City’s infrastructure that links City of Lynnwood programs, policies, comprehensive plans, mission, and ultimately the Community Vision. The project is listed specifically in the City of Lynnwood 6 Year Transportation Improvement Plan (TIP) and Capital Facilities Plan (200800105). This project supports the development of the City Center to the urban densities envisioned for the Urban Centers designated in the PSRC's Vision 2040. The project has received Federal grants for design work and ROW acquisition.

Staff and the City Attorney are satisfied that this amendment is mutually beneficial and that the City's interests are still met towards acquisition of the right-of-way.

### **DEPARTMENT ATTACHMENTS**

Description:

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[2021 Second Amendment to 42nd Dedication Agreement - proposed.pdf](#)

[2014 First Amendment to Dedication Agreement - Record 201406260091 - Unofficial Copy.pdf](#)





1 RECORDED AT THE REQUEST OF  
2 AND AFTER RECORDING RETURN TO:

3  
4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_  
7 \_\_\_\_\_  
8

9  
10 SECOND AMENDMENT TO DEDICATION AGREEMENT  
11

12  
13 Grantor: LMRK DI PROPCO LLC  
14

15 Grantee: City of Lynnwood, Washington  
16

17 Abbreviated Legal  
18 Description: Parcel 4, City of Lynnwood Short Plat No. 78-5-16, Rec. No.  
19 7807180274, being a ptn of Lot 8, Blk 5, Alderwood Manor, V. 9, P.  
20 71, in Snohomish County, Washington.  
21

22 Tax Parcel No. 00372600500804  
23

24 Reference No.  
25 (If applicable): 201305010097 and 201406260091

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Recitals

A. In 2013, DREAL 2004 was the owner of the real property located at 4200 194<sup>th</sup> Street SW, Lynnwood, Washington and legally described on **Exhibit C**, attached hereto (the “Property”). Pursuant to the terms of the Agreement, DREAL 2004, as the property owner, agreed to dedicate a certain portion of the Property (the “Dedication Area”) to the City within fifteen (15) days of the effective date of the Agreement, for future development by the City of 42<sup>nd</sup> Avenue West (the “Dedication”). In exchange for the Dedication, DREAL 2004 was granted the continued right to use the Dedication Area until the City actually constructs 42<sup>nd</sup> Avenue West. The City was obligated to provide certain replacement parking to DREAL 2004 before the City commences construction of 42<sup>nd</sup> Avenue West, all as stated in Sections 2, 4.2 and 4.4 of the Agreement.

C. Data Center is the current owner of the Property. The Dedication Agreement and the First Amendment are covenants running with the Property, and are binding on Data Center and its successors in interest and assigns.

- Page 1 of 14 -

1  
2 NOW, THEREFORE, the City and Data Center, as the current owner of the Property,  
3 including the Transfer Area, agree to amend the Agreement, as amended by the First Amendment,  
4 as follows:  
5

6 1. Amendment to Exhibit C to the Agreement. Exhibit C to the Agreement, which  
7 states the legal description of the Property (formerly referred to as the DREAL 2004 property), is  
8 amended to read as **Exhibit C**, attached hereto and incorporated by this reference.  
9

10 2. Amendment to Exhibit D to the Agreement. Exhibit D to the Agreement, which  
11 depicts a map of the Property (formerly referred to as the DREAL 2004 property) and the location  
12 of the alignment of the future development of 42<sup>nd</sup> Avenue West, is amended to read as **Exhibit**  
13 **D**, attached hereto and incorporated by this reference.  
14

15 3. Amendment to Exhibit E to the Agreement. Exhibit E to the Agreement, which  
16 contains the legal description of the portion of the Property to be transferred or dedicated to the  
17 City for the future development of 42<sup>nd</sup> Avenue West, is amended to read as **Exhibit E**, attached  
18 hereto and incorporated by this reference (referred to above as the Transfer Area).  
19

20 4. Amendment to Exhibit F to the Agreement. Exhibit F to the Agreement, which  
21 contains a site map depicting the portion of the Property to be transferred or dedicated to the City  
22 for the future development of 42<sup>nd</sup> Avenue West, is amended to read as **Exhibit F**, attached hereto  
23 and incorporated by this reference (referred to above as the Transfer Area).  
24

25 5. Amendment to Section 1 of the Agreement. Section 1 of the Agreement is amended  
26 to read as follows:  
27

28 1. Purpose of Agreement. This Agreement states specific terms and  
29 conditions related to Data Center's transfer to the City of the Transfer Area, as defined  
30 below.  
31

32 6. Amendment to Section 2 of the Agreement. Section 2 of the Agreement, as  
33 amended by the First Amendment, is amended to read as follows:  
34

35 2. 42<sup>nd</sup> Avenue West Right-of-Way Property Transfer.  
36

37 2.1 Within ninety (90) days of the execution of this Second  
38 Amendment, Data Center shall apply to the City for a short subdivision of the Property, to  
39 create two separate legal lots, one of which shall be as legally described and depicted on  
40 **Exhibit E** and **Exhibit F**, attached hereto and incorporated by this reference (the "Transfer  
41 Area"). Data Center shall pay for all fees, costs and expenses related to the short  
42 subdivision application. The City shall process the short subdivision application in good  
43 faith.  
44

45 2.2 If the City approves the short subdivision application, then within  
46 fifteen (15) days of the issuance of the approval decision and the recording of the short

1 subdivision, Data Center shall convey the Transfer Area to the City by a statutory warranty  
2 deed, at no cost to the City, free of all liens and other encumbrances except those approved  
3 by the City, and in a form acceptable to the City (the "Transfer"). The City shall pay the  
4 cost of recording the deed and any and all additional fees including, but not limited to, real  
5 estate excise tax.

6  
7 2.3 If the City denies the short subdivision application, then within  
8 fifteen (15) days of the issuance of the denial decision, Data Center shall dedicate the  
9 Transfer Area to the City for right-of-way purposes, at no cost to the City, free of all liens  
10 and other encumbrances except those approved by the City, and in a form acceptable to the  
11 City (the "Dedication"). The City shall prepare recording documents and incur all  
12 associated costs of recording the Dedication.

13  
14 2.4 This Transfer or Dedication by Data Center to the City is contingent  
15 upon and subject to the City's full performance of all of its obligations set forth in this  
16 Agreement.

17  
18 7. Amendment to Section 3 of the Agreement. Section 3 of the Agreement, as  
19 amended by the First Amendment, is amended to read as follows:  
20

21 3. Conditions Prior to City Constructing 42<sup>nd</sup> Avenue West. In exchange for  
22 Data Center's Transfer or Dedication of the Transfer Area, and from the effective date of  
23 this Agreement until the time that the City constructs 42<sup>nd</sup> Avenue West, the parties agree  
24 to the following:  
25

26 3.1. Data Center shall be allowed to use (i.e., including without  
27 limitation the operation, maintenance, replacement and repair of any existing structures,  
28 equipment, systems and infrastructure, provided that all applicable laws and regulations  
29 are met) the Transfer Area, with Data Center having the same rights as if the property were  
30 still under Data Center ownership, until such time as the City, in its sole discretion,  
31 determines to construct the street improvements in any portion of the Transfer Area.  
32 However, no construction or expansion of buildings, utilities, or other structures or  
33 infrastructure shall be allowed inside of the Transfer Area, except as provided in Section  
34 4.6 below, and Data Center shall not grant any easement or license affecting the Transfer  
35 Area, unless approved by the City in its sole but reasonable discretion. Upon the City's  
36 provision of written notice to Data Center that the City is proceeding with construction of  
37 42<sup>nd</sup> Avenue West, Data Center shall have one hundred eighty (180) days (the "Removal  
38 Date") to remove all infrastructure and improvements located within the Transfer Area;  
39 except any infrastructure and improvements that the City authorizes to remain in place.  
40 Pursuant to Section 4.3 of the Agreement, the City shall reimburse Data Center for its actual  
41 costs and expenses incurred in connection with the removal and relocation of said  
42 infrastructure and improvements.  
43

44 3.2 There shall be no fee charged by the City for Data Center's or its  
45 employee's, tenant's and invitee's interim use of the Transfer Area.  
46

1  
2 8. Amendment to Section 4 of the Agreement. Section 4 of the Agreement, as  
3 amended by the First Amendment, is amended as follows:  
4

5 4. Conditions Upon City Construction of 42<sup>nd</sup> Avenue West. The decision to  
6 construct 42<sup>nd</sup> Avenue West, including but not limited to the timing of construction and the  
7 timing of the City's notice under Section 3.1 to Data Center that the City is proceeding  
8 with construction, shall be at the sole discretion of the City (provided that the City will  
9 exercise good faith in giving the notice under Section 3.1 only when the City is ready to  
10 proceed with the construction of 42<sup>nd</sup> Avenue West. The parties agree to the following:  
11

12 4.1 Data Center shall not contest in any way construction of 42<sup>nd</sup> Avenue  
13 West at any time in the future.  
14

15 4.2 Data Center's use of the building as a data center including the  
16 expansions applied for in 2012 shall be considered as vested and conforming as of February  
17 21, 2013.  
18

19 4.3 The City shall be responsible for all costs of constructing 42<sup>nd</sup> Avenue  
20 West in the Transfer Area including replacement/relocation of any existing Data Center  
21 infrastructure within the 42<sup>nd</sup> Avenue West right-of-way, which replacement/relocation  
22 must be done in such a manner that minimizes to the full extent possible any loss of power  
23 or loss of use of equipment, systems and infrastructure that are being relocated.  
24

25 4.4 The parties agree to work together to the maximum extent reasonably  
26 and legally appropriate to relocate the site access for the Property as appropriate with the  
27 construction of 42<sup>nd</sup> Avenue West, if any.  
28

29 4.5 During the City's construction of the 42<sup>nd</sup> Avenue West  
30 improvements in the Transfer Area, the City's construction activity shall not cause the  
31 Property to be in violation of exterior fire access requirements under the City's City Center  
32 Fire Lane Standards. Notwithstanding anything to the contrary as set forth herein, the City  
33 shall use best management practices and commercially reasonable efforts to prevent the  
34 construction of 42<sup>nd</sup> Avenue West from interfering with Data Center's, its tenants',  
35 licensees' or invitees' the access to the Property or from disturbing the operations of Data  
36 Center or its tenants, licensees or invitees.  
37

38 4.6 Prior to the construction of 42<sup>nd</sup> Avenue West in the Transfer Area,  
39 the City shall allow the usage of the Transfer Area utility services to the Property, provided  
40 that such usage does not interfere with the right-of-way usage.  
41

42 9. New Section. A new Section 8 is added to the Agreement to read as follows:  
43

44 8. Termination. This Agreement shall terminate upon the City completion of  
45 the construction of the 42<sup>nd</sup> Avenue West improvements in the Transfer Area.  
46

1           10.     DREAL 2004 Amended to Data Center. All references to “DREAL 2004” that are  
2 not amended by another Section of this Second Amendment shall be amended to state “Data  
3 Center.”  
4

5           11.     Continued Effect; Miscellaneous. Except as amended by this Second Amendment  
6 and the First Amendment, the Agreement shall remain in full force and effect in accordance with  
7 its terms. In the event that the terms of Agreement or the First Amendment conflict or are  
8 inconsistent with those of this Second Amendment, then the terms of this Second Amendment  
9 shall govern. This Second Amendment may be executed in multiple counterparts, each of which  
10 will be deemed an original, but together will constitute one (1) instrument. Each party may rely  
11 upon a facsimile or “pdf” counterpart of this Second Amendment signed by the other party with  
12 the same effect as if such party had received an original counterpart signed by such other party.  
13

14           12.     Covenant Running with the Land. The Agreement, as amended by the First  
15 Amendment and by this Second Amendment, remains a covenant running with the land and  
16 binding on the parties and their heirs, successors and assigns. This Second Amendment shall be  
17 recorded with the Snohomish County Recorder’s Office.  
18

19                               [SIGNATURES ARE ON THE FOLLOWING PAGES]

1  
2 Dated as of the day and year first above written.  
3

4 CITY OF LYNNWOOD

LMRK DI PROPCO LLC

5  
6 \_\_\_\_\_  
7 Nicola Smith, Mayor

\_\_\_\_\_, Authorized  
8 Signatory  
9

10  
11  
12 Approved as to Form:

13  
14 By: \_\_\_\_\_  
15 Rosemary Larson, City Attorney

1 STATE OF WASHINGTON

ss.

COUNTY OF \_\_\_\_\_

2  
3 I certify that I know or have satisfactory evidence that \_\_\_\_\_ is  
4 the person who appeared before me, and said person acknowledged that said person signed this  
5 instrument, on oath stated that said person was authorized to execute the instrument and  
6 acknowledged it as the Mayor of THE CITY OF LYNNWOOD, municipal corporation, to be the  
7 free and voluntary act of such municipal corporation for the uses and purposes mentioned in the  
8 instrument.

9  
10 Dated this \_\_\_\_ day of \_\_\_\_\_, 2021.

11  
12  
13 \_\_\_\_\_  
(Signature of Notary)

14  
15 \_\_\_\_\_  
(Legibly Print or Stamp Name of Notary)

16 Notary public in and for the state of Washington,  
17 residing at \_\_\_\_\_

18 My appointment expires \_\_\_\_\_  
19



1  
2 A notary public or other officer completing this certificate verifies only the identity of the  
3 individual who signed the document to which this certificate is attached, and not the  
4 truthfulness, accuracy, or validity of that document.  
5  
6  
7  
8

9 State of California

10  
11 County of Los Angeles  
12

13 On \_\_\_\_\_ before \_\_\_\_\_ me,  
14 \_\_\_\_\_ (here insert name and title of officer),  
15 personally appeared \_\_\_\_\_, who proved to me on  
16 the basis of satisfactory evidence to be the person(s) whose name (s) is/are subscribed to the within  
17 instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized  
18 capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity  
19 upon behalf of which the person(s) acted, executed the instrument.  
20

21 I certify under PENALTY OF PERJURY under the laws of the State of California that the  
22 foregoing paragraph is true and correct.  
23

24  
25 Witness my hand and official seal.  
26

27  
28 Signature \_\_\_\_\_ (Seal)

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PARCEL A:

SITUATE in the County of Snohomish, State of Washington.

That portion of Lot 8, Block 5, ALDER WOOD MANOR, according to the plat thereof recorded in Volume 9 of Plats, page 71, records of Snohomish County, Washington, lying South of the South margin of 194th Street Southwest as conveyed to the City of Lynnwood by deed recorded under Recording No. 7807110228, records of Snohomish County;

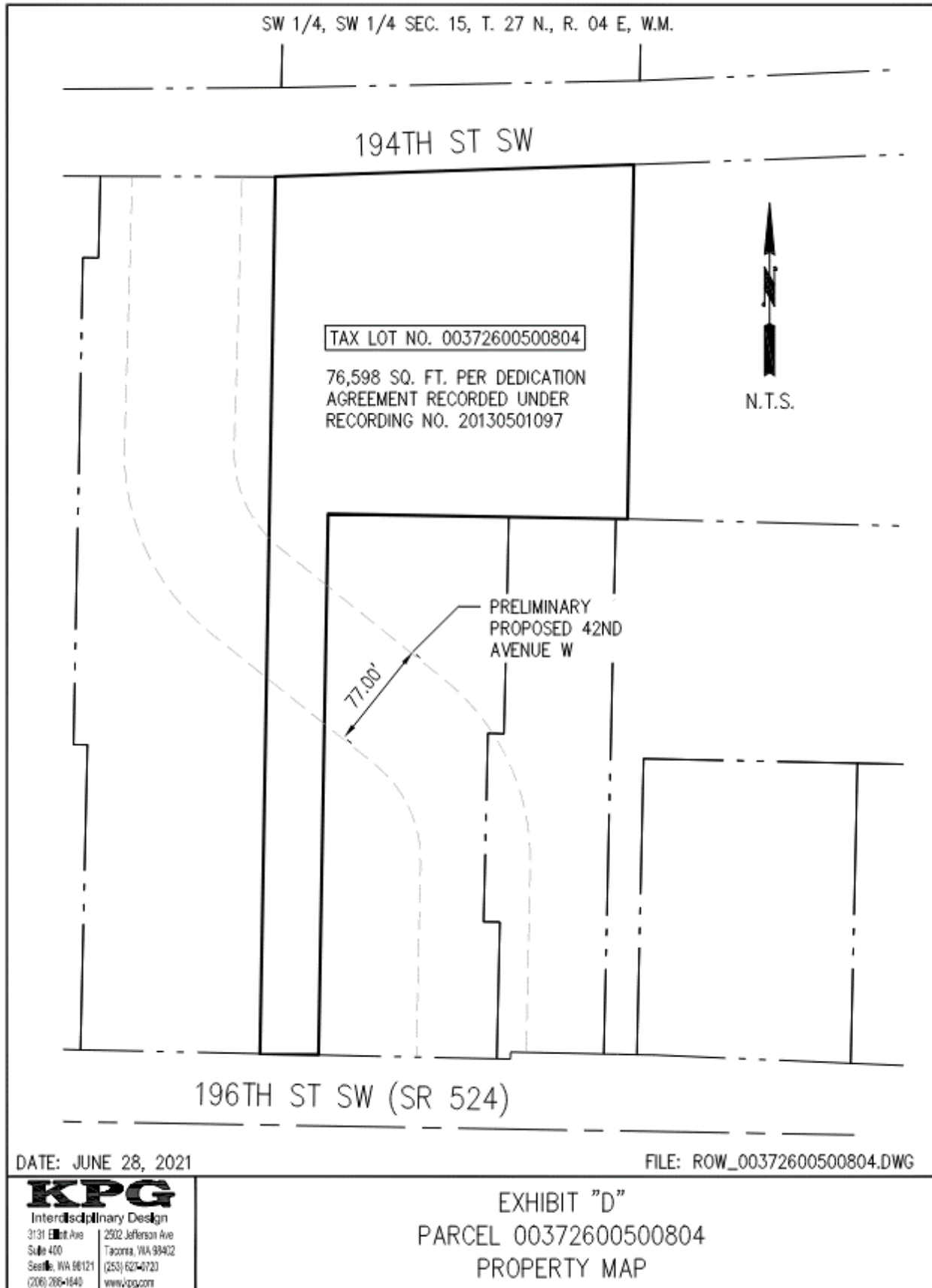
ALSO EXCEPT that portion thereof lying within Secondary State Highway No. 1-W;

AND EXCEPT the South 400 feet of the East 210 feet thereof;

BOTH SITUATE in the County of Snohomish, State of Washington.

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2  
3

**EXHIBIT D**  
**Map of Property**



**EXHIBIT E**

**Legal Description of Portion of Property to be Dedicated**

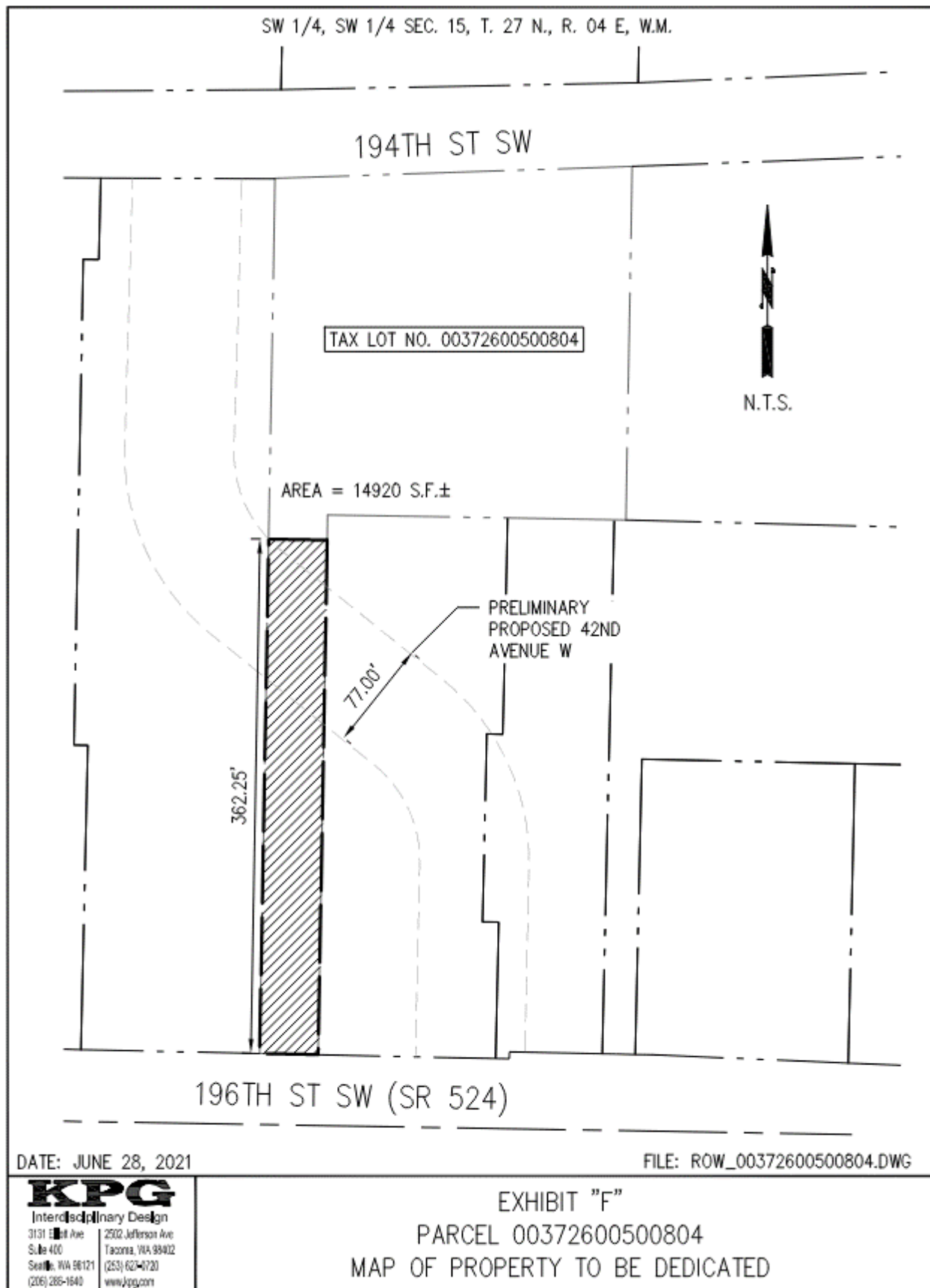
The southerly 362.25 feet of the Entire Parcel described in Exhibit “C” and depicted in Exhibit “F”.

Containing 14,920 square feet, more or less.

1  
2  
3

**EXHIBIT F**

**Map of Property to be Dedicated**



RECORDED AT THE REQUEST OF  
AND AFTER RECORDING RETURN TO:

FOSTER PEPPER PLLC  
1111 Third Avenue, Suite 3400  
Seattle, WA 98101  
Attention: Michael D. Kuntz

OLD REPUBLIC TITLE LTD. 07-118327  
78 / 7

FIRST AMENDMENT TO DEDICATION AGREEMENT

Grantor: DREAL 2004 LLC

Grantee: THE CITY OF LYNNWOOD, WASHINGTON

Abbreviated Legal  
Description: Parcel 4, City of Lynnwood Short Plat No. 78-5-16, Rec. No.  
7807180274, being a ptn of Lot 8, Blk 5, Alderwood Manor,  
V. 9, P. 71, in Snohomish County, Washington.

Tax Parcel No. 00372600500804

Reference No.  
(If applicable): 201305010097

Old Republic Title, Ltd. has  
placed this document of  
record as a customer  
courtesy and accepts no  
liability for the accuracy or  
validity of the document.

201406260091



## FIRST AMENDMENT TO DEDICATION AGREEMENT

This First Amendment to Dedication Agreement (the "Amendment") is made and takes effect this    day of June, 2014, by and between the City of Lynnwood, Washington, a municipal corporation (the "City") and DREAL 2004, LLC, a Washington limited liability company ("DREAL 2004") to amend that certain Dedication Agreement between the City and DREAL 2004 recorded under Snohomish County Recording No. 201305010097 (the "Agreement"). Capitalized terms not defined in this Amendment shall have the meanings set forth in the Agreement.

### Recitals

A. Pursuant to the terms of the Agreement, DREAL 2004 was and is obligated to dedicate certain property to the City for future development by the City of 42<sup>nd</sup> Avenue West (the "Dedication") within fifteen days of the effective date of the Agreement. In exchange for such Dedication, DREAL 2004 was and is granted the continued right to use such property until the City actually constructs 42<sup>nd</sup> Avenue West. The City is also obligated to provide certain replacement parking to DREAL 2004 before the City commences construction of 42<sup>nd</sup> Avenue West, as stated in Sections 2, 4.2 and 4.4 of the Agreement.

B. DREAL 2004 has requested that the actual Dedication of the property by DREAL 2004 to the City be deferred until the City is ready to proceed with construction of 42<sup>nd</sup> Avenue West and to effect such Dedication simultaneously with the conveyance of the replacement parking by the City to DREAL 2004. The City has determined that this timing of the Dedication and conveyance of replacement parking is in the best interests of the public.

NOW, THEREFORE, the City and DREAL 2004 agree to amend the Agreement as follows:

1. Amendment to First Sentence of Section 2 of the Agreement. The first sentence of Section 2 of the Agreement is amended to read as follows:

Within fifteen (15) days of the City providing written notice to DREAL 2004 that the City is proceeding with the construction of 42<sup>nd</sup> Avenue West and the Dedication must be completed, DREAL 2004 shall dedicate at no cost to the City, and in a form acceptable to the City, the necessary right-of-way along the DREAL Property west boundary for future 42<sup>nd</sup> Avenue West, in the location legally described and shown on Exhibits E and F (the "Dedication").

2. Amendment to Section 3 and Section 3.1 of the Agreement. Section 3 and Section 3.1 of the Agreement are amended to read as follows:

3. Conditions Prior to City Constructing 42<sup>nd</sup> Avenue West. In exchange for DREAL 2004's Dedication of its DREAL Property within the 42<sup>nd</sup> Avenue West

right-of-way, and from the effective date of this Agreement until the time that the City constructs 42<sup>nd</sup> Avenue West, the parties agree to the following:

3.1. DREAL 2004 shall be allowed to use (i.e., including without limitation the operation, maintenance, replacement and repair of any existing structures, equipment, systems and infrastructure, provided that all applicable laws and regulations are met) the Dedication portion of the 42<sup>nd</sup> Avenue West right-of-way area, with DREAL 2004 having the same rights as if the property were still under DREAL 2004 ownership, until such time as the City, in its sole discretion, determines to construct the street improvements in the Dedication right-of-way. However, no construction or expansion of buildings, utilities, or other structures or infrastructure shall be allowed inside of the Dedication right-of-way, except as provided in Section 4.7 below, and DREAL 2004 shall not grant any easement or license affecting the Dedication right-of-way area, unless approved by the City in its sole but reasonable discretion. Upon the City's provision of notice under Section 2 of this Agreement that the City is proceeding with construction of 42<sup>nd</sup> Avenue West, DREAL 2004 shall have one hundred eighty (180) days (the "Removal Date") to remove all infrastructure, buildings and improvements located within the Dedication property. Pursuant to Section 4.4 of the Agreement, the City shall reimburse DREAL 2004 for its actual costs and expenses incurred in connection with the removal and relocation of said infrastructure, buildings and improvements.

3. Amendment to the first sentence of Section 4 of the Agreement. The first sentence of Section 4 of the Agreement is amended as follows:

4. Conditions Upon City Construction of 42<sup>nd</sup> Avenue West. The decision to construct 42<sup>nd</sup> Avenue West, including but not limited to the timing of construction and the timing of the City's notice under Section 2 to DREAL 2004 that the City is proceeding with construction, shall be at the sole discretion of the City (provided that the City will exercise good faith in giving the notice under Section 2 only when the City is ready to proceed with the construction of 42<sup>nd</sup> Avenue West, and such notice shall designate the location at which the City intends to provide the replacement parking as required under Section 4.2).

4. Addition to Section 4.2 of the Agreement. A new sentence is added to Section 4.2 of the Agreement to read as follows:


The City shall grant the DREAL Parking Stalls to DREAL 2004, and the deed or permanent easement from the City to DREAL 2004 for the DREAL 2004 Parking Stalls, shall be recorded, before the existing parking stalls become unusable as a result of the construction of 42<sup>nd</sup> Avenue West (and DREAL 2004 shall have the right to continue to use the existing parking stalls until the deed or permanent easement has been delivered and recorded providing DREAL 2004 with the DREAL 2004 Parking Stalls).

5. Continued Effect. Except as amended by this Amendment, the Agreement shall remain in full force and effect in accordance with its terms.

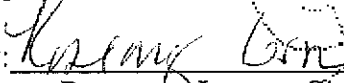
6. Covenant Running with the Land. The Agreement, as amended by this Amendment, remains a covenant running with the land and binding on the parties and their heirs, successors and assigns. This Amendment shall be recorded with the Snohomish County Recorder's Office.

Dated as of the day and year first above written.

CITY OF LYNNWOOD, a municipal corporation

  
\_\_\_\_\_  
Mayor

Approved as to Form:

By:   
\_\_\_\_\_  
Rosemary Larson, City Attorney

DREAL 2004, LLC, a Washington limited liability company

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF WASHINGTON

COUNTY OF Snohomish

SS.

I certify that I know or have satisfactory evidence that Nicola Smith is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the Mayor of THE CITY OF LYNNWOOD, municipal corporation, to be the free and voluntary act of such municipal corporation for the uses and purposes mentioned in the instrument.

Dated this 24 day of JUNE, 2014.



Susan M. Burns  
(Signature of Notary)

Susan M. Burns  
(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of Washington,  
residing at LYNNWOOD, WASHINGTON

My appointment expires 4-29-17

STATE OF WASHINGTON

COUNTY OF \_\_\_\_\_

SS.

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of DREAL 2004, LLC, a limited liability company, to be the free and voluntary act of such corporation for the uses and purposes mentioned in the instrument.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
(Signature of Notary)

\_\_\_\_\_  
(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of Washington,  
residing at \_\_\_\_\_

My appointment expires \_\_\_\_\_

5. Continued Effect. Except as amended by this Amendment, the Agreement shall remain in full force and effect in accordance with its terms.

6. Covenant Running with the Land. The Agreement, as amended by this Amendment, remains a covenant running with the land and binding on the parties and their heirs, successors and assigns. This Amendment shall be recorded with the Snohomish County Recorder's Office.

Dated as of the day and year first above written.

CITY OF LYNNWOOD, a municipal corporation

\_\_\_\_\_  
Mayor

Approved as to Form:

By: \_\_\_\_\_  
Rosemary Larson, City Attorney

DREAL 2004, LLC, a Washington limited liability company

\_\_\_\_\_  
By: Joe Vierra  
Its: Manager

STATE OF WASHINGTON

COUNTY OF \_\_\_\_\_

SS.

I certify that I know or have satisfactory evidence that J is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the Mayor of THE CITY OF LYNNWOOD, municipal corporation, to be the free and voluntary act of such municipal corporation for the uses and purposes mentioned in the instrument.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

(Signature of Notary)

(Legibly Print or Stamp Name of Notary)

Notary public in and for the state of Washington,  
residing at \_\_\_\_\_

My appointment expires \_\_\_\_\_

HAWAII  
~~STATE OF WASHINGTON~~  
~~CITY of~~  
COUNTY OF HONOLULU

SS.

I certify that I know or have satisfactory evidence that JOE VIERRA is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the MANAGER of DREAL 2004, LLC, a limited liability company, to be the free and voluntary act of such corporation for the uses and purposes mentioned in the instrument.

Dated this 27th day of MAY, 2014.

(Signature of Notary)

(Legibly Print or Stamp Name of Notary)

DAWN HIGA  
Notary public in and for the state of HAWAII Washington,  
residing at HONOLULU

My appointment expires 5/2/16

Doc. Date: UNDATED AT NOTARIZATION # Pages: 5  
Notary Name: Dawn Higa 1st Circuit  
Doc. Description: FIRST AMENDMENT TO DEDICATION AGREEMENT  
- 4 - REFERENCE # 201305010097

Notary Signature

Date

Dawn Higa 5/27/14

51260704.4  
51260704.5



201305010097 16 PGS  
05/01/2013 10:27am \$87.00  
SNOHOMISH COUNTY, WASHINGTON

CITY OF LYNNWOOD  
ATTN: DEPUTY CITY CLERK  
PO BOX 5008  
LYNNWOOD WA 98046

### DEDICATION AGREEMENT

THIS DEDICATION AGREEMENT ("Agreement") is entered into by the City of Lynnwood, Washington, a municipal corporation (hereinafter "City") and DREAL 2004, LLC, a Washington limited liability company ("DREAL 2004"), and in consideration of the mutual benefits to be derived by each of the named parties:

WHEREAS, the City Center Sub-Area Plan ("Sub-Area Plan") adopted by the City Council on March 14, 2005 (and amended September 2007), established a new conceptual grid street system and rights-of-way to provide better circulation, reduce block sizes, improve pedestrian movement and disperse the traffic from major arterials; and

WHEREAS, Sub-Area Plan policy CCT 6 states: "Develop a Finer Street Grid System: Develop a program and regulations to develop a finer street grid system within the City Center. The grid system should improve access within the City Center and continuously connect the arterials, where feasible"; and

WHEREAS, Ordinance 2627 adopted by the City Council on July 14, 2006 and amended February 27, 2012 by Ordinance 2937, established protection of the Sub-Area Plan's grid streets and specifically 42<sup>nd</sup> Avenue West for the necessary movement of traffic generated by the development in the City Center and placed requirements on land use development as it occurs to ensure the street's ultimate development (a copy of Sections 1 and 2 of Ordinance 2937 are attached as **Exhibit A**); and

*Legal: The southerly 616.20 ft of lot 3, Alderwood Manor, according to the plat thereof recorded in Volume 9 of plats, page 71, records of Snohomish County Washington*

*Tax ID # 00372600500804*

WHEREAS, the City Center Street Master Plan ("Street Master Plan") highlights 42<sup>nd</sup> Avenue West as a high priority action (a copy of the portion of the Street Master Plan pertaining to the DREAL Property (defined in the fifth Recital below) and the surrounding properties is attached hereto as **Exhibit B**); and

WHEREAS, DREAL 2004 is planning to expand its existing building on its real property in the Sub-Area Plan area, located at 4200 194<sup>th</sup> Street SW and legally described and shown on **Exhibits C and D**, attached hereto and herein incorporated by reference (the "DREAL Property"), and this expansion encroaches into the protected future 42<sup>nd</sup> Avenue West grid street; and

WHEREAS, the City wishes to accommodate DREAL 2004's current development expansion plans; and

WHEREAS, City codes give the Public Works Director authority to approve realignments of street ROW's to accommodate local conditions and facilitate construction; and

WHEREAS, the City and DREAL 2004 agree that, in order to accommodate a building addition on the DREAL Property, the City agrees to shift the street alignment of 42<sup>nd</sup> West to the west, and to agree to other concessions as stated herein, and for DREAL 2004 to voluntarily dedicate that portion of the right-of-way that remains located on the DREAL Property (the "Dedication" as defined in Section 2, herein) at no cost to the City and contingent upon the City's full performance on all of its obligations as set forth in this Agreement; and

WHEREAS, in exchange for these considerations, the City agrees to permit DREAL 2004's continued use of the Dedication until the time that the City determines at its sole discretion to move forward with construction of said portion of the roadway; and

WHEREAS, the City recognizes that once 42<sup>nd</sup> Avenue West is built, DREAL 2004 would lose access to parking stalls, and the City therefore agrees to provide alternate parking to the owners of the DREAL Property (or their assigns) as a part of the road project; and

WHEREAS, the City and DREAL 2004 agree to memorialize in this Agreement the responsibilities of each party now and in the future related to 42<sup>nd</sup> Avenue West; and

WHEREAS, this Dedication Agreement is consistent with the City's development regulations;

NOW, THEREFORE,

1. Purpose of Agreement. This Agreement hereby sets specific conditions of DREAL 2004 and the City related to DREAL 2004's dedication of the Dedication portion of the 42<sup>nd</sup> Avenue West right-of-way.



2. 42<sup>nd</sup> Avenue West Right-of-Way Dedication. Within fifteen (15) days of the effective date of this Agreement, DREAL 2004 shall dedicate at no cost to the City, and in a form acceptable to the City, the necessary right-of-way along the DREAL Property's west boundary for future 42<sup>nd</sup> Avenue West, in the location legally described and shown on **Exhibits E and F** (the "Dedication"). The City shall prepare recording documents and incur all associated costs of recording the Dedication. The City shall shift the street alignment for 42<sup>nd</sup> Avenue West consistent with the Dedication. This Dedication by DREAL 2004 is contingent upon and subject to the City's full performance on all of its obligations set forth in this Agreement, including without limitation, the City's deed, or granting a permanent exclusive easement, to DREAL 2004 of parking stalls lost due to construction of 42<sup>nd</sup> Avenue West (see Section 4.2 herein). If the City is unable to meet all of its obligations as set forth herein, then the City shall transfer back to DREAL 2004, or vacate, any dedication made by DREAL 2004 pursuant to this Agreement.

3. Conditions Prior to City Constructing 42<sup>nd</sup> Avenue West. In exchange for DREAL 2004's Dedication of its DREAL Property within the 42<sup>nd</sup> Avenue West right-of-way and until the time that the City constructs 42<sup>nd</sup> Avenue West, the parties agree to the following:

3.1 DREAL 2004 shall be allowed to use (i.e. including without limitation the operation, maintenance, replacement and repair of any existing structures, equipment, systems and infrastructure, provided all applicable laws and regulations are met) the Dedication portion of the 42<sup>nd</sup> Avenue West right-of-way area, with DREAL 2004 having the same rights as if the property were still under DREAL 2004 ownership, until such time as the City, in its sole discretion, determines to construct street improvements in the Dedication right-of-way area. However, no construction or expansions of buildings or other structures shall be allowed inside the Dedication right-of-way area, except as provided in Section 4.7 below, unless approved by the City at its sole but reasonable discretion.

3.2 There shall be no fee charged by the City for DREAL 2004's or its employee's, tenant's and invitee's interim use of the Dedication 42<sup>nd</sup> Avenue West right-of-way area.

3.3 The City shall apply all land use codes and ordinances to the site as if the Dedication area of the 42<sup>nd</sup> Avenue West right-of-way were still under DREAL 2004 ownership except that setback requirements and other standards related to street frontage shall be measured from the edge of the planned ROW.

3.4 DREAL 2004 shall meet all applicable land use codes pertaining to their planned building expansion project, and the City shall process all necessary permits or other approval applications in good faith in accordance with all applicable codes and laws.

4. Conditions Upon City Construction of 42<sup>nd</sup> Avenue West. The decision to construct 42<sup>nd</sup> Avenue West, including the timing of construction, shall be at the sole discretion of the City. The

parties agree to the following:

4.1 DREAL 2004 shall not contest in any way construction of 42<sup>nd</sup> Avenue West at any time in the future.

4.2 The City shall be responsible for providing DREAL 2004 parking stalls (the "DREAL Parking Stalls") in exchange for those lost upon construction of 42<sup>nd</sup> Avenue West. The DREAL Parking Stalls shall be on any property contiguous with and directly adjacent to the DREAL Property, provided that said DREAL Parking Stalls shall be reasonably accessible for use by the owners of the DREAL Property, and their tenants, employees and invitees, and provided further that said DREAL Parking Stalls shall have direct access to a public right-of-way. The land upon which the DREAL Parking Stalls are located shall either: a) be deeded in fee simple, free of all liens, to DREAL 2004; or b) have recorded an exclusive easement in perpetuity, running with the land in favor of DREAL 2004 or its successors, employees, tenants and invitees for exclusive use of said property for the DREAL Parking Stalls. Seventeen (17) parking stalls are required as a condition of the 2012 expansion of the DREAL 2004 facility. The City shall only be responsible for replacing those stalls that were in existence at the time of the 2012 expansion and lost due to construction of 42<sup>nd</sup> Avenue West.

4.3 DREAL 2004's use of the building as a data center including the expansions applied for in 2012 shall be considered as vested and conforming as of February 21, 2013.

4.4 The City shall be responsible for all costs of constructing 42<sup>nd</sup> Avenue West in the Dedication right-of-way area including replacement/relocation of any existing DREAL 2004 infrastructure and/or parking stalls within the 42<sup>nd</sup> Avenue West right-of-way, which replacement/relocation must be done in such a manner that minimizes to the full extent possible any loss of power or loss of use of structures, equipment, systems and infrastructure that are being relocated.

4.5 The parties agree to work together to the maximum extent reasonably and legally appropriate to relocate the site access for the DREAL Property as appropriate with the construction of 42<sup>nd</sup> Avenue West, if any.

4.6 During the City's construction of the 42<sup>nd</sup> Avenue West improvements in the Dedication area, the City's construction activity shall not cause the DREAL 2004 Property to be in violation of exterior fire access requirements under the City's City Center Fire Lane Standards.

4.7 Prior to the construction of 42<sup>nd</sup> Avenue West in the Dedication area, the City shall allow the usage of the Dedication area for ingress, egress and utility services to the DREAL property, provided that such usage not interfere with the right-of-way usage.

5. Covenant Running with Land. This Agreement shall be recorded and shall be a covenant

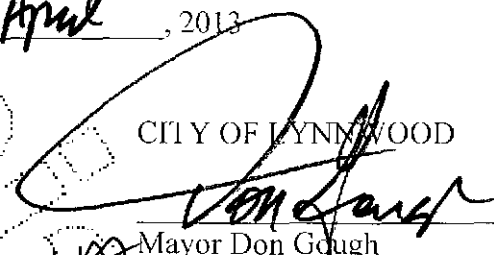
running with the land and binding on the parties and their heirs, successors, and assigns; provided, that the covenant shall terminate at such time, if any, that the City, in its sole and reasonable discretion, chooses to vacate the Dedication of the 42<sup>nd</sup> Avenue West right-of-way area.

6. Entire Agreement; Amendment. This is the entire agreement between the parties. Any prior understanding, written or oral, shall be deemed merged with its provisions. This Agreement shall not be amended except in writing with the express written consent of the parties hereto.

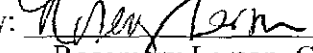
7. Effective Date; Recording. This Agreement shall be effective when recorded with the Snohomish County Auditor.

DATED this 16<sup>th</sup> day of April, 2013

CITY OF LYNNWOOD

  
Mayor Don Gough

APPROVED AS TO FORM:

By:   
Rosemary Larson, City Attorney

DREAL 2004, LLC

By: 

Joe Vieira, its Manager

Attachments:

Exhibit A: Sections 1 and 2 of Ordinance 2937

Exhibit B: Excerpt Relevant Portion of City Center Street Master Plan

Exhibit C: Legal Description of DREAL 2004's Property

Exhibit D: Map of DREAL 2004's Property  
Exhibit E: Legal Description of DREAL 2004's Property to be Dedicated  
Exhibit F: Map of DREAL 2004's Property to be Dedicated

## Exhibit A: Sections 1 and 2 of Ordinance 2937

WHEREAS, based on these findings, it is appropriate to amend the City of Lynnwood zoning code, City Center Design Guidelines, and Ordinance No. 2627, and,

WHEREAS, the City Council finds that it is in the interest of the public health, safety and welfare to adopt this ordinance, now therefore,

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

Section 1. Section 1 of Ordinance No. 2627 adopted by the Lynnwood City Council on July 10, 2006, is hereby amended as follows:

Section 1. The following new streets shall be located in the City Center Sub-Area:

The proposed new streets in the City Center would follow centerlines defined approximately as follows. Such streets may deviate pursuant to the determination of the Public Works Director from the centerlines described below, to take best advantage of physical conditions in the field and to coordinate with legal parcel boundaries.

42<sup>nd</sup> Avenue W would run generally in a straight line aligned parallel to existing 44<sup>th</sup> Avenue W, from existing 200<sup>th</sup> Street SW to existing 194<sup>th</sup> Place SW. The centerline would cross existing 194<sup>th</sup> Street SW approximately 680 feet east of the centerline of existing 44<sup>th</sup> Avenue W.

194<sup>th</sup> Street SW Extension would follow a meandering line proceeding from a point of beginning located on the centerline of existing 194<sup>th</sup> Street SW approximately 140 feet west of the centerline of existing 40<sup>th</sup> Avenue W, then bearing generally east-northeasterly to existing 36<sup>th</sup> Avenue W, crossing existing 36<sup>th</sup> Avenue W approximately 220 feet north of the point of beginning. From the centerline of 36<sup>th</sup> Avenue W the route would continue east-southeasterly approximately 78 feet, then east approximately 956 feet to the centerline of existing 33<sup>rd</sup> Avenue W, meeting existing 33<sup>rd</sup> Avenue W approximately 220 feet north of the point of beginning.

Section 2. Section 2 of Ordinance No. 2627 adopted by the Lynnwood City Council on July 10, 2006, is hereby amended as follows

Section 2. All development shall dedicate right of way for streets designated herein, and shall be a width in accordance with the adopted City Center Sub-Area plan or as approved by the Public Works Director. The Public Works Director may make a determination to waive or modify the extent of the dedication to ensure that the extent of the dedication, if any, is roughly proportional to the project impacts. The Public Works Director shall also have the authority to waive the requirement for right of way dedication for the streets designated herein and/or approve modified alignments if the Public Works Director finds that such waiver or modification does not impact the functions for those streets, including fire lane standards. For purposes of this ordinance, the term "development" shall include subdivisions, short subdivisions, planned unit developments, binding site plans and design review approvals. Appeals of the Public Works Director's decision shall be processed as a Process II application (LMC 1.35.200)."

Section 3. LMC Section 21.02.715 is hereby amended as follows.

**21.02.715 Sign, roof.**

## Exhibit B:

### Excerpt Relevant portion of City Center Street Master Plan

28 percent city-wide to other growth, and 2 percent to growth outside the current city limits based upon the relative origins and destinations of modeled traffic using each of the various streets.

The 2007 cost estimate for the combined *boulevards, collector streets* (principle and minor arterials) excluding the new local street network identified in the City Center Master Street Plan is \$128,922,000. Of this amount 65 percent can be attributed to City Center Traffic, 33 percent city-wide to other growth, and 2 percent to growth outside the current city limits.

The analysis of the new local streets indicates that their implementation is clearly supported as a project improvement related to the City Center. Implementing the new local streets through the development approval process offers design flexibility to implement the concept of local circulation through a project specific strategy that is more cost effective.

#### Phasing of City Center Street Master Plan

The likelihood of phased development supports a phased approach to the implementation of the City Center Street Master Plan. Not all of the improvements outlined in the City Center Street Master Plan are needed at once to accommodate the lot by lot or even block by block redevelopment that will likely occur. Infrastructure could be phased pursuant to the level of development that occurs over time. This approach will provide a cost effective provision of infrastructure based upon development as it occurs.

#### High Priority Actions

The following street projects are identified as the most important to initiated phased development.

- 196<sup>th</sup> Street SW widening to provide added capacity near term and create an identity for the corridor. This project includes completing 44<sup>th</sup> Avenue W by widening the northbound lanes south of 196<sup>th</sup> Street SW. The City should consider transit enhancements such as a Business Access and Transit Lane (BAT) along 196<sup>th</sup> Street SW for the widening project which will reduce congestion and facilitate transit usage. While not specifically analyzed, a BAT lane is consistent with the function of the curb lane of 196<sup>th</sup> Street SW due to the high volume of business access that now occurs.
- 194<sup>th</sup> Street SW: Extend this street to 33<sup>rd</sup> Avenue W to provide relief to 196<sup>th</sup> Street SW, and to connect the City Center to the City Center / Alderwood transition area to the northeast.
- 42<sup>nd</sup> Avenue W extension: Provide the initial access to the City Center Core and establish a new collector arterial street. This project provides a system improvement eligible for a wide range of funding sources. If included in an impact fee program, the cost to construct it could be recovered by future impact fees.
- 198<sup>th</sup> Street SW / Promenade: This street has sufficient vehicle capacity, and could be enhanced to implement the pedestrian circulation system envisioned in the City Center.
- Level of Service: The City adopted level of Service E for the City Center which is a more stringent standard than applied elsewhere city-wide. Consider a more flexible LOS standard for the City Center that uses LOS averaging to allow improvements to be phased over time, either in advance of or following development to provide additional development flexibility while addressing traffic mitigation.

## City Center Street Improvements Summary

The following table provides a cross reference between FHWA Arterial Classifications and City Center Subarea Urban Design Designations. All streets generally include 12 foot pedestrian corridors comprised of 7 foot sidewalks and 5 foot landscape strips or 12 foot sidewalks and tree pits. The Promenade Designation for 194<sup>th</sup> includes enhanced amenities as described in the City Center Subarea Plan.

**Table 2.**  
**City Center Street Master Plan Street Designations**

Street	Limits	Arterial Functional Classification	Urban Design Designation	Planned Lanes	Parking
44 <sup>th</sup>	1-5 to 196 <sup>th</sup>	Principle Arterial	Major Boulevard	7 plus	No
44 <sup>th</sup>	196 <sup>th</sup> to 194 <sup>th</sup>	Minor Arterial	Major Boulevard	5 plus	No
42 <sup>nd</sup>	200 <sup>th</sup> to 194 <sup>th</sup>	Unclassified	City Center Stds	3 plus	Yes
196 <sup>th</sup>	48 <sup>th</sup> to 36 <sup>th</sup>	Principle Arterial	Major Boulevard	7 plus	No
198 <sup>th</sup>	45 <sup>th</sup> to 40 <sup>th</sup>	Unclassified	Promenade Street	3	Yes
194 <sup>th</sup>	48 <sup>th</sup> to 40 <sup>th</sup>	Unclassified	City Center Stds	2/3	varies
194 <sup>th</sup>	40 <sup>th</sup> to 36 <sup>th</sup>	Unclassified	City Center Stds	2/3	varies
194 <sup>th</sup>	36 <sup>th</sup> to 33 <sup>rd</sup>	Unclassified	City Center Stds	3	varies
200 <sup>th</sup>	48 <sup>th</sup> to 40 <sup>th</sup>	Minor Arterial	City Center Stds	5 plus	No
201 <sup>st</sup>	44 <sup>th</sup> to 200 <sup>th</sup>	Unclassified	City Center Stds	2	Yes
36 <sup>th</sup>	196 <sup>th</sup> to 194 <sup>th</sup>	Minor Arterial	Major Boulevard	3	No
199 <sup>th</sup>	44 <sup>th</sup> to 40 <sup>th</sup>	Unclassified	City Center Stds	2	Yes
197 <sup>th</sup>	44 <sup>th</sup> to 40 <sup>th</sup>	Unclassified	City Center Stds	2	Yes
45 <sup>th</sup>	200 <sup>th</sup> to 194 <sup>th</sup>	Unclassified	City Center Stds	2	Yes
43 <sup>rd</sup>	200 <sup>th</sup> to 194 <sup>th</sup>	Unclassified	City Center Stds	2	Yes
41 <sup>st</sup>	200 <sup>th</sup> to 195 <sup>th</sup>	Unclassified	City Center Stds	2	Yes
40 <sup>th</sup>	200 <sup>th</sup> to 194 <sup>th</sup>	Collector Arterial	City Center Stds	2	Yes
195 <sup>th</sup>	45 <sup>th</sup> to 40 <sup>th</sup>	Unclassified	City Center Stds	2	Yes

### Arterial Operational Analysis

The arterials are forecast to operate near or at capacity, LOS E, in 2025 representing conditions similar, although potentially somewhat improved over today's operations. Critical intersections are similar to those of today. The LOS E standard recommended in the SEIS results in the need for intersection improvements typically calling for additional turn lanes. These lanes can be accommodated; however, the resulting roadway widths and crosswalk lengths become undesirable from a pedestrian perspective.

Current City policy that requires LOS E at all City Center intersections while allowing a LOS F city-wide appears counter to achieving a high density, mixed use, multi-modal city center. Based upon the intricate relationship of the City Center to the rest of the community, including the City Center within the parameters of a city-wide Transportation Business Plan, concurrency analysis, and impact fee structure is justified. In addition applying an LOS E averaging methodology within the City Center is in keeping with the proposed city-wide concurrency approach that considers the transportation network as a system, allowing some intersections to experience greater congestion while maintaining an overall LOS of E or better for traffic circulation. This approach within the City Center Subarea could reduce the size of some critical intersections such as 196<sup>th</sup> Street SW and 44<sup>th</sup> Avenue W, improve overall traffic circulation, and achieve the policy objective of a pedestrian environment.

The location and alignments of the new local streets (199<sup>th</sup> Street SW and 43<sup>rd</sup> Avenue W) are somewhat flexible and they can be shifted to accommodate the size of the park if necessary. The locations of the collector streets (198<sup>th</sup> Street SW, and 42<sup>nd</sup> Avenue W) are less flexible. The alignment and right-of-way for 198<sup>th</sup> Street SW already exist as does much of the roadway. The alignment of 42<sup>nd</sup> Avenue W must connect to adjacent streets north and south of City Center to accommodate traffic mitigation identified in the SEIS.

The traffic conditions adjunct to the park will vary with lower traffic volumes on the new local streets to the west and south of the park and higher traffic volumes on the collector streets to the north and east of the park. The intersection of the Promenade and 42<sup>nd</sup> Avenue W will have the highest traffic volumes and will be a primary crossing point for many park users.

The cost estimates prepared for the City Center Street Master Plan include the wider sidewalks and landscaping proposed for 198<sup>th</sup> Street SW (the Promenade) and include the right-of-way costs required to accommodate that section.

## **City Center Street Master Plan Compatibility with Transit**

The provision of transit to City Center is more completely addressed in the City of Lynnwood Mode Split for City Center Street Master Plan (Perteet 2009). This report identifies two transit improvements that require additional coordination with the City Center Street Master Plan. These improvements are the potential location of a bus Super Stop and the potential locations of Sound Transit stations in the City Center.

### **Super Stop Location**

The report identifies alternative locations for a bus Super Stop. A Super Stop is designed to accommodate multiple busses simultaneously to allow transfers between routes but also to establish a visible location that makes transit an obvious element of the streetscape. The potential impacts to traffic flow of several busses in a concentrated location are relatively minor on the new local streets identified in the City Center Street Master Plan but may be significant on the collector streets. The final determination for a Super Stop and selection of the final location for the Super Stop should address arterial traffic flow and the location of future ST Stations. Bus and/or BRT will remain a key component of the City Center under any ST scenario.

### **Light Rail Station Location coordinate this section with the updated Perteet report**

This report identifies alternative locations for a light rail stations in addition to the ST2 expansion. Conceptual discussions of ST2 light rail at the Lynnwood Transit Center / Park & Ride (LTC/PR) station involve an elevated station located in the southwest corner of the City Center. As such, it would generate SOV traffic from drivers to the station and bus ridership through the City Center to connect to ST. The remote location would not encourage non-motorized traffic or transit oriented development in the City Center, and would create a barrier for pedestrians along and across principle arterials and collector streets between the City Center and the LTC/PR.

The current proposed location for the ST2 light rail station is at the (LTC/PR). This would be an end of the line station and the majority of light rail passengers would drive to the station. The proposed ST2 station location is remote from the City Center and, results in significant traffic impacts to the adjacent street system, and necessitates the need for parking.

With the ST2 light rail station at LTC/PR, the City has concluded that a City Center LRT station is essential to meet regional and local goals for developing the City Center area. Due to location and access to the LTC/PR, it is not feasible to construct a single station that would serve both City Center development and Transit Center commuter demand. The City of Lynnwood Mode



considered city-wide system improvements, with a measurable related proportionate share of the costs of those projects being the responsibility of development within the City Center as well. There are several ways the developer share could be provided depending upon whether the improvements are project improvements or system improvements.

The developer share of project improvements could be funded by:

- Funded by individual developers on a piece meal basis.
- Multiple project improvements are fully funded by some developers with a latecomer's agreement to recover the added costs of the additional improvements from other developers.
- Multiple project improvements are funded by the city utilizing a Local Improvement District (LID) to finance the costs of a larger number of project improvements and assessing those costs to all property benefiting from the project.
- Conversion of the new local streets to privately owned facilities providing the functional intent as the local streets, but more integrated into the private development, and constructed and owned and operated by developers as part of their projects.

The developer share of system improvements could be funded by:

- The same mechanisms as above with the exception of the conversion to private facilities as system improvements must remain publicly owned.
- SEPA voluntary mitigation payments to provide the developer share of the project cost to the City.
- Impact fees to provide the developer share of City Center project costs to the City.
- Subsidize the developer share of system improvements with other sources including state or federal grants.
- Combinations of all of the above.

The system improvements/project improvements analysis suggests that the boulevards and collector streets such as 194<sup>th</sup> Street SW, 196<sup>th</sup> Street SW, 198<sup>th</sup> Street SW, 40<sup>th</sup> Avenue W, 42<sup>nd</sup> Avenue W and 44<sup>th</sup> Avenue W and 200<sup>th</sup> Street SW should be considered system improvements and the cost be made the joint responsibility of the development in the City Center Subarea, other development city-wide, adjacent agencies and the region. The cost of system improvements should be proportionally allocated to the public based upon the use of each arterial segment as shown in Table 4 above.

There are several ways the costs could be allocated:

- All costs are borne by the city with no developer contribution. The city would effectively subsidize the development cost.
- Costs are shared with the developers of City Center with specific SEPA voluntary mitigation payments to provide the developer share; and grants, general fund, bond and or levy funds to provide the public share.
- Costs are shared with all developers in the city using a city-wide impact fee to provide the developer share; and grants, general fund, bond and or levy funds to provide the public share.
- Costs are shared with all developers in the City Center using a Local Improvement District to provide the developer share; and grants, general fund, bond and or levy funds to provide the public share.
- Costs are allocated to non-city public sources such as state or federal grants. In this case the state or federal government would be subsidizing the city and developer share of the transportation improvements necessary for City Center.
- Combinations of all of the above.

## City Center Street Master Plan Phasing

The City Center Street Master Plan was developed for the build out condition assuming that 9.1 Million Square feet of development has occurred and the full City Center Street Master Plan has been implemented. This is important, in that the plan only describes a condition of full build out of the development and transportation system. For instance, interim periods were not analyzed to determine how much development could be supported by 50 percent of the street system, or what street improvements would be necessary for a specific parcel to redevelop in City Center.

The Market Analysis and Absorption Study (Johnson Gardner 2007) suggests that City Center will develop in phases as the market matures. Market conditions have changed significantly since the study was completed. The distributed ownership of numbers of small parcels also suggests that development will occur on an individual project-by-project basis unless significant assemblages of multiple parcels are completed.

The likelihood of phased development supports a phased approach to the implementation of the City Center Street Master Plan. Not all of the improvements outlined in the City Center Street Master Plan are needed at once to accommodate this type of lot-by-lot or even block-by-block redevelopment that will likely occur. The traffic operations analysis and road user share calculations in Table 4 provide some insight into potential phasing of the City Center Master Street Plan.

### High Priority Actions

The widening of 196<sup>th</sup> Street SW to provide added capacity near term and create an identity for the corridor. This project includes completing the widening of northbound 44<sup>th</sup> Avenue W as part of the SR 524 extension from 196<sup>th</sup> Street SW to Interstate 5. Consider a transit enhancement such as a Business Access and Transit Lane (BAT) for the widening project. While not specifically analyzed, a BAT lane is consistent with the function of the curb lane of 196<sup>th</sup> Street SW due to the high volume of business access that now occurs. The inclusion of BAT lanes will serve transit and address the projected mode split.

194<sup>th</sup> Street SW extension is part of the collector street system to provide relief to 196<sup>th</sup> Street SW and accommodate linkages to the Alderwood / City Center Transition Area to the northeast and access to south.

42<sup>nd</sup> Street W extension provides access into the City Center Core and establishes the collector street system. It is a system improvement eligible for a wide range of funding sources. If included in an impact fee program, the cost to construct it could be recovered by future impact fees.

198<sup>th</sup> Street SW/Promenade has vehicle capacity already and could be enhanced to improve marketability of the City Center core at a moderate cost.

Consider a more flexible LOS standard within the City Center that uses LOS averaging to allow improvements to be phased over time and slightly out of sync with development, either in advance of or following. This approach will be similar to the approach used in the development of a city-wide concurrency program.

Exhibit C:  
Legal Description of DREAL 2004's Property

(Grantor's Property)

The southerly 616.20 feet of Lot 8, Alderwood Manor, according to the plat thereof recorded in Volume 9 of Plats, page 71, records of Snohomish County, Washington;

EXCEPT the south 400 feet of the east 210 feet; and,

EXCEPT portion lying within Secondary State Highway No. 1-W (SR-524), acquired by Decree of Appropriation entered in Snohomish County Superior Cause No. 87248.

ALSO,

That portion of Lot 8, Alderwood Manor, according to the plat thereof recorded in Volume 9 of Plats, page 71, records of Snohomish County, Washington, lying southerly of the southerly right of way of 194<sup>TH</sup> Street S.W., as conveyed to the City of Lynnwood by deed recorded under Auditor's File Number 7807110228, records of Snohomish County, Washington and northerly of the north line of the southerly 616.20 feet of said Lot 8.

All subject to easements, restrictions, and reservations of record.

Exhibit D:  
Map of DREAL 2004's Property

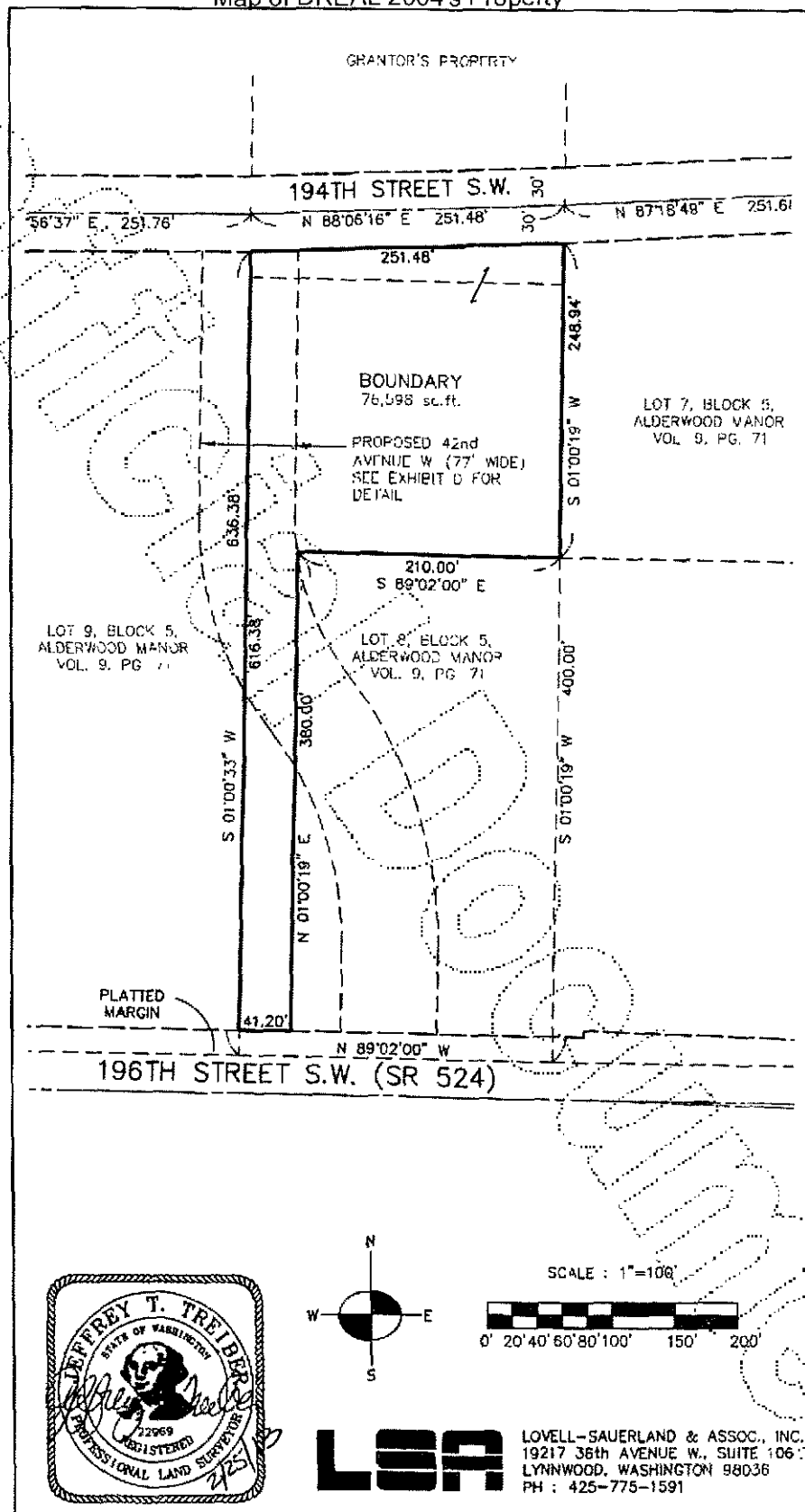


Exhibit E:

Legal Description of DREAL 2004's Property to be Dedicated

(Conveyance)

That portion of Lot 8, Alderwood Manor, according to the plat thereof recorded in Volume 9 of Plats, page 71, records of Snohomish County, Washington, described as follows:

Beginning at the southwest corner of said Lot 8;

thence North  $1^{\circ}00'33''$  East, along the west line of said Lot 8, a distance of 636.38 feet to the southerly margin of 194<sup>TH</sup> Street S.W. as conveyed to the City of Lynnwood by deed recorded under Auditor's File Number 7807110228, records of Snohomish County, Washington and the True Point of Beginning;

thence South  $1^{\circ}00'33''$  West, along said west line, a distance of 348.10 feet to an intersection with a curve to the left having a radius of 277.54 feet;

thence southerly, along the arc of said curve and consuming a central angle of  $8^{\circ}04'20''$ , an arc distance of 39.10 feet to the point of reverse curvature;

thence southerly along the arc of a curve having a radius of 270.44 feet and consuming a central angle of  $7^{\circ}00'31''$ , an arc distance of 33.08 feet to the west line of the east 210 feet of said Lot 8;

thence North  $1^{\circ}00'19''$  East, along said east line, a distance of 167.63 feet to an intersection with a curve to the right having a radius of 200.54 feet and from which intersection point the center of said curve bears North  $81^{\circ}39'12''$  East;

thence northerly, along the arc of said curve and consuming a central angle of  $9^{\circ}21'21''$ , an arc distance of 32.75 feet to the point of tangency on the east line of the west 38.50 feet of said Lot 8;

thence North  $1^{\circ}00'33''$  East, along said east line, a distance of 209.03 feet to said southerly margin of 194<sup>TH</sup> Street S.W.;

thence South  $88^{\circ}06'16''$  West, along said southerly margin, a distance of 38.55 feet to the True Point Beginning.

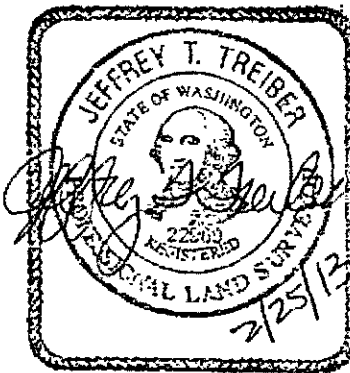
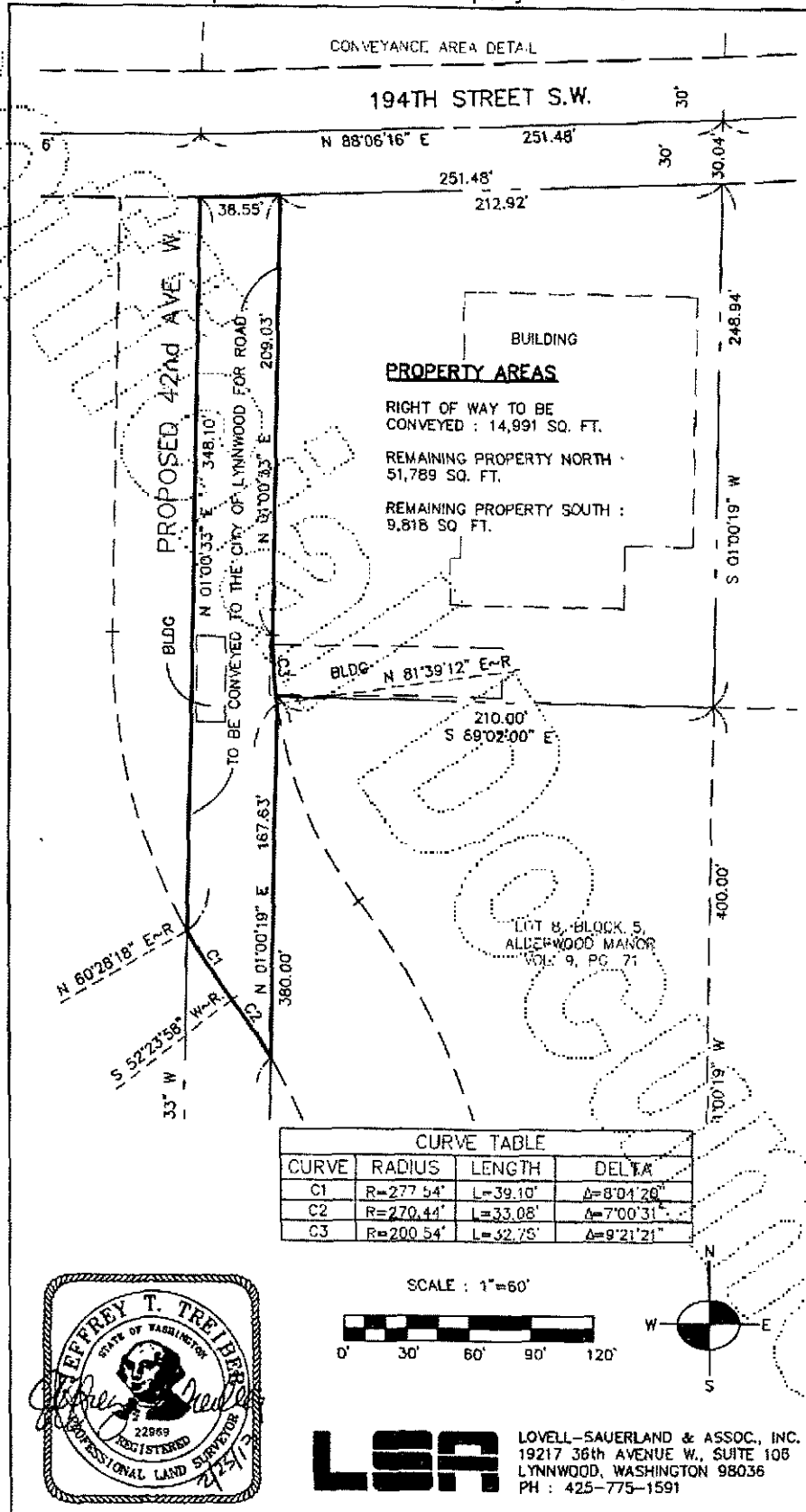


Exhibit F:  
Map of DREAL 2004's Property to be Dedicated



**CITY COUNCIL 9.C**  
**CITY OF LYNNWOOD**  
**CITY COUNCIL**

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**TITLE:** Voucher Approval

**DEPARTMENT CONTACT:** Michelle Meyer, Finance

**SUMMARY:**

Voucher Approval

**ESTIMATED TIME:**

0

**SUGGESTED ACTION:**

Approve claims in the amount of \$1,093,158.19 for the period 09/04/2021 through 09/17/2021.  
Approve payroll in the amount of \$1,161,134.33 dated 09/10/2021.

**DEPARTMENT ATTACHMENTS**

Description:

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## CITY COUNCIL 10.A

### CITY OF LYNNWOOD CITY COUNCIL

---

**TITLE:** Municipal Code Update: Animal Licenses

**DEPARTMENT CONTACT:** Karen Fitzthum, Executive Office

**SUMMARY:**

Update LMC per the request of the Police Department as it references the the methods of identifying animals.

**PRESENTER:**

Karen Fitzthum, City Clerk

**ESTIMATED TIME:**

10

**SUGGESTED ACTION:**

Adopt ordinance to update the references and action for animal control to provide for new identifying methods.

**DEPARTMENT ATTACHMENTS**

Description:

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[Ordinance animal tags \(8\\_10\\_19\).pdf](#)



## CITY OF LYNNWOOD

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING ANIMAL TAG REQUIREMENTS; AMENDING SECTIONS 3.104.060 AND 6.02.020 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, SUMMARY PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Lynnwood is a code city formed and operating under Title 35A RCW, among other laws, and as such has authority to regulate animals within the City's jurisdiction; and

WHEREAS, currently, LMC 6.02.020 requires that dogs, cats and pot-bellied pigs within the City limits must be licensed by the City, with certain exceptions; and

WHEREAS, the City's animal control officers have determined that there are difficulties in achieving compliance with the animal licensing system, an animal tag requirement would serve many of the same purposes as the formal licensing system, and an animal tag requirement would be a more cost effective approach; and

WHEREAS, animal tags are readily available for purchase or may be privately constructed or fabricated; and

WHEREAS, the City's animal control officers have determined that it is not necessary to require that pot-bellied pigs wear tags; and

WHEREAS, the City Council has determined that it is in the best interests of the citizens, and serves the public health, safety and general welfare, to eliminate the animal licensing system and replace it with a requirement that dogs and cats in the City must be have attached or affixed to the animal an identifying tag, with certain exceptions; now, therefore

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

**Section 1.** Section 6.02.020 of the Lynnwood Municipal Code is amended to read as follows:

**6.02.020 Animal tagsLicensing.**

A. License Identifying Tags Required. All dogs, ~~and cats and miniature pot-bellied pigs~~ over the age of six months within the city limits must have attached or affixed to the animal an identifying tag~~be licensed by the city~~ except:

1. Dogs and cats whose owners are nonresidents temporarily within the city;
2. Dogs and cats brought into the city for the purpose of participating in shows, exhibits, or competitions; and
3. ~~Dogs who are specially trained to assist visually impaired, hearing impaired, or otherwise physically disabled persons, if the dog is in training or is actually serving~~

as a guide or service dog as defined in Chapter 70.84 RCW, are required to be licensed; however, they are exempt from licensing fees;  
4-Dogs and cats kept and intended for sale by licensed pet stores; and homeless or feral animals.

B. Identifying Tags and Fees.

1. Tags. The animal's owner shall affix to the animal a tag that at a minimum contains the address where the animal's owner resides and a telephone number where the owner of the animal may be contacted. Additional information may be placed on the tag but is not mandatory. The police department or other animal control agency designated by the city council shall issue animal licenses consisting of a metal tag with a number corresponding to the number of the application to the applicant. The applicant is required to cause the tag to be attached or fixed to the animal. The tag is not transferable.

2. Fees. The tags are to be obtained from commercial vendors or may be privately constructed or fabricated. There are no fees charged by the City. The fees for the following, as shown in Chapter 3.104 LMC, shall be paid for licenses required under this chapter. Animal licenses shall be valid for one year from the date of purchase. The contract shelter for the animal control authority may sell animal licenses and reimburse the city via monthly invoices less the shelter's administrative fee.

a. Altered cats and dogs (annual).

b. Unaltered cats and dogs (annual).

c. Replacement tags (lost).

d. Late fees shall be charged on all license renewal applications submitted more than 30 days after the end of the assigned expiration month.

C. Any person who violates this section shall be guilty of a civil infraction and shall pay a monetary fine as follows: first offense, \$25.00; second offense, \$50.00. Any owner who fails to respond to a notice of civil infraction as promised or to appear at a requested hearing shall be guilty of a misdemeanor and may be punished by a fine not to exceed \$1,000 and confinement not to exceed 90 days. Any person who receives two infractions for violations of this section within one year and who subsequently violates this section shall be guilty of a misdemeanor and may, upon conviction, be punished by a fine not to exceed \$1,000 and confinement not to exceed 90 days.

**Section 2.** Section 3.104.060 of the Lynnwood Municipal Code is amended to read as follows:

**3.104.060 LMC Title 6 fees and charges.**

The fees and charges set forth in Table 3.104.060 are the city of Lynnwood fees and charges related to the provisions of LMC Title 6.

Table 3.104.060 – LMC Title 6 Fees and Charges

LMC TITLE 6 – ANIMAL FEES		
<del>Animals Fees</del>		
<del>Spayed or neutered cats and dogs</del>	<del>Annual from date of purchase</del>	<del>20.00</del>
<del>Microchipped altered cats and dogs</del>	<del>Annual from date of purchase</del>	<del>40.00</del>
<del>Unspayed or unneutered cats and dogs</del>	<del>Annual from date of purchase</del>	<del>40.00</del>
Late fee	-	10.00
Replacement tags (lost)	-	40.00
Dangerous Animal		
Annual registration fee		100.00
Impound and Boarding Fees		
Impound fees – Domestic animals		50.00
Boarding fees – Domestic animals	Per day	12.00
Per-animal fee based upon the cost that the contract shelter charges the city of Lynnwood – Domestic		Vendor rate
Transport fee – Domestic animals		25.00
Apprehension fee, first occurrence – Domestic animals		50.00
Apprehension fee, second occurrence – Domestic animals		75.00
Apprehension fee, third occurrence – Domestic animals		100.00
Impound fees – Livestock		100.00
Boarding fees – Livestock	Per day	Vendor rate
Impound fees – Other animals		80.00
Boarding fees – Other animals	Per day	Vendor rate

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

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

107  
108  
109 PASSED BY THE CITY COUNCIL the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

110  
111 APPROVED:

112  
113  
114 \_\_\_\_\_  
115 Nicola Smith, Mayor

116  
117 ATTEST/AUTHENTICATED:

118  
119  
120 \_\_\_\_\_  
121 Karen Fitzthum, Interim City Clerk

122  
123 APPROVED AS TO FORM:

124  
125  
126 \_\_\_\_\_  
127 Rosemary Larson, City Attorney

128  
129 FILED WITH ADMINISTRATIVE SERVICES: \_\_\_\_\_

130 PASSED BY THE CITY COUNCIL: \_\_\_\_\_

131 PUBLISHED: \_\_\_\_\_

132 EFFECTIVE DATE: \_\_\_\_\_

133 ORDINANCE NUMBER: \_\_\_\_\_

134  
135  
136  
137 On the \_\_\_\_\_ day of \_\_\_\_\_, 2021, the City Council of the City of Lynnwood,  
138 Washington, passed Ordinance No. \_\_\_\_\_. A summary of the content of said ordinance,  
139 consisting of the title, provides as follows:

140  
141 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
142 LYNNWOOD, WASHINGTON, ESTABLISHING ANIMAL TAG  
143 REQUIREMENTS; AMENDING SECTIONS 3.104.060 AND  
144 6.02.020 OF THE LYNNWOOD MUNICIPAL CODE; AND  
145 PROVIDING FOR SEVERABILITY, SUMMARY PUBLICATION  
146 AND AN EFFECTIVE DATE.

147  
148 The full text of this Ordinance will be mailed upon request.

149  
150 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

151  
152  
153

## CITY COUNCIL 10.B

### CITY OF LYNNWOOD CITY COUNCIL

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**TITLE:** PFD Candidate Interview

**DEPARTMENT CONTACT:** Lisa Harrison

**ESTIMATED TIME:**

30

**BACKGROUND:**

City Council appoints members to the Lynnwood Public Facilities District (LPFD) Board of Directors. The current term for Board members Wally Webster, Position #5, and Loren Simmonds, Position #3, expire in October 2021. Mr. Webster has asked for reappointment and has already been approved by council. Mr. Simmonds has decided not to seek reappointment.

The process to recruit and appoint LPFD Board members is undertaken pursuant to City Council Resolution No. 2010-07. The recruitment process has been initiated and the following candidates have applied for consideration:

- Mike Miller

See attached email of interested and recommendation forwarded by council member Smith. At the Business Meeting on September 27, 2021, the Council is scheduled to interview the candidate.

**SUGGESTED ACTION:**

Interview Mike Miller for the PFD position.

**DEPARTMENT ATTACHMENTS**

Description:

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[MMiller PFD app.pdf](#)

Lisa,

Here is my recommendation for the Public Facilities District opening. Mike Miller has been an outstanding citizen in our community for many years and would excel in this position.

Jim Smith  
Councilmember  
City of Lynnwood  
Get [Outlook for iOS](#)

---

**From:** Mike Miller <[mikem@sea-mountain.com](mailto:mikem@sea-mountain.com)>  
**Sent:** Sunday, September 12, 2021 4:47:55 PM  
**To:** Jim Smith <[jsmith@Lynnwoodwa.gov](mailto:jsmith@Lynnwoodwa.gov)>  
**Subject:** MIKE MILLER / LYNNWOOD PUBLIC FACILITIES DISTRICT

<https://www.lynnwoodwa.gov/Government/City-Council/Jim-Smith>

Sunday: 09/12/2021

To: Lynnwood City Council Member Jim Smith

Council Member Smith

Please excuse the informality of this application. My scanner has failed me this afternoon. I will put my tech guys on the job in the morning and send formal request.

I understand a Position on the Lynnwood Public Facilities District Commission has become vacant. I would like to apply for the position.

Michael W. Miller

5708-H 198<sup>th</sup> St. S.W.

Lynnwood Washington 9836

Ph# 425-773-2081

[mikeglobaltraveler@hotmail.com](mailto:mikeglobaltraveler@hotmail.com)

I am a -17- year resident of Lynnwood Washington. Currently I am President of the Board of Directors of the Lynnwood Food Bank.

**Past History:**

February 2021 – Present – President of the Board Lynnwood Food Bank.

March 2020 – February 2021 – Member of the Board Lynnwood Food Bank.

June 1993 – December 2021 A principle of the Sea-Mountain Insurance Brokers Inc / Northern Marine Insurance Inc. JOA - Lynnwood Washington.

April 1979 – June 1993 Owner and Principle Northern Marine Insurance Inc., - Juneau Alaska.

April 1975 – June 1993 – National Bank of Alaska, Southeast Alaska Advisory Board. – Juneau Alaska.

September 1970 – April 1979 Account Executive Dawson & Company Insurance Brokers – Juneau Alaska {Now known as Willis Inc., a London based global insurance brokerage}.

1963 – September 1970 U.S. Marine Corps, Active and Reserve.

May 1963 Graduated Nowata Senior Highschool. Nowata Oklahoma.

1959 – 1963, Full time Projectionist Brown Theaters Inc., Nowata Oklahoma {Great Job for a Highschool guy, Paid \$2.50 each showing – this computes to about \$27.50 in today's \$'s.}

Summer's City and Nowata County street and road maintenance {I paved Streets and Roads \$1.00 an Hour – This wasn't a Great Job but \$1.00 in 1959 is about \$12.50 today}

I have been fully employed since age 14.

**Career Highlights:**

April 1970 Started Northern Marine Insurance Inc., The Primary {only} Marine Insurance Brokerage in Alaska.

March 1979 – Oct 1979 Insured the Logistics, most of the vessels involved for the clean-up of the Exxon Valdez Oil Spill. A Lesson in Dealing with Environmental Disasters.

June 1993. Formed a Joint Operating Agreement with Sea-Mountain Insurance Brokers, Lynnwood Washington.

December 31 2020 the sale Northern Marine Insurance Inc., to Sea-Insurance Brokers Inc., Lynnwood Washington.

Thank you for considering me for this position.

Cordially

Mike Miller



## **CITY COUNCIL 11.A**

### **CITY OF LYNNWOOD CITY COUNCIL**

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**TITLE:** Municipal Code Update: Development and Business Services code references

**DEPARTMENT CONTACT:** Karen Fitzthum, Executive Office

**SUMMARY:**

References to Community Development and Economic Development through the code will be updates to reflect the adoption of the DBS Department in 2020.

**PRESENTER:**

Karen Fitzthum, City Clerk and Ashley Winchell, Planning Manager

**ESTIMATED TIME:**

10

**BACKGROUND:**

Council adopted ordinance 3381 forming the Development and Business Services Department in 2020. The enabling ordinance did not update all the references through out the LMC to the Community Development and Economic Development Departments. This ordinance will update those references.

**SUGGESTED ACTION:**

Adopt code corrections

**DEPARTMENT ATTACHMENTS**

Description:

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[Ordinance DBS Code Amendments Final.pdf](#)



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LYNNWOOD MUNICIPAL CODE TITLE 1, TITLE 3, TITLE 5, TITLE 7, TITLE 9, TITLE 10, TITLE 11, TITLE 12, TITLE 13, TITLE 16, TITLE 17, TITLE 18, TITLE 19, TITLE 20, AND TITLE 21, REMOVING REFERENCES TO THE COMMUNITY DEVELOPMENT DEPARTMENT AND ECONOMIC DEVELOPMENT DEPARTMENT, AND REPLACING THEM WITH REFERENCES TO THE DEVELOPMENT AND BUSINESS SERVICES DEPARTMENT; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION**

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WHEREAS, prior to the passing of the 2021 budget, the Community Development and Economic Development Departments existed to deliver services to Lynnwood communities; and

WHEREAS, significant internal studies were conducted by consultants to identify the best way to deliver said services; and

WHEREAS, in December of 2020, on the recommendation of these studies, the City Council adopted Ordinance 3381, which created the Development and Business Services Department, which consolidated the Community Development and Economic Development Departments; and

WHEREAS, Ordinance 3381 did not amend the Lynnwood Municipal Code to reflect the changes to and consolidation of the Community Development and Economic Development Departments into the Development and Business Services Department, and the City Council now desires to make the necessary revisions to the City Code;

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 amend the Lynnwood Municipal Code to remove references to the Community Development and Economic Development Departments and replace them with the Development and Business Services Department.

Section 2: Amendments. The Sections of the Lynnwood Municipal Code listed in Exhibit A of this ordinance, attached hereto and incorporated by this reference, are amended to read as provided in Exhibit A.

Section 3. 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 or word of this ordinance.

Section 4. Effective Date: This ordinance or an approved summary thereof consisting of its title shall be published in the City's official newspaper of record and shall take effect and be in full force five days following its publication.

PASSED this XX day of XXXXXXXX, 20XX, and signed in authentication of its passage this XX day of XXXXXXXX, 20XX.

APPROVED:

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

ATTEST/AUTHENTICATED:

APPROVED AS TO FORM:

\_\_\_\_\_  
Karen Fitzthum, City Clerk

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

## Exhibit A to Ordinance Updating Code References

### Title 1

#### **1.35.180 Amendment of an approved project or permit.**

A. General. Except as otherwise provided in this section, an amendment of an approved project or permit shall be treated as a new application for decision using Process I.

B. Administrative Amendment of Conditional Use Permits, Shoreline Conditional Use Permits, Special Use Permits, and Planned Unit Developments. The following additions and activities to an approved project or decision are exempt from conditional use permits, special use permits, and planned unit development review, unless otherwise required by city code or by the terms of a concomitant agreement:

1. Repair without a change in the dimensions or configuration of the structure or sign; or
2. The addition of minor structural elements such as fences, carports and mechanical equipment; or
3. Restriping of parking or circulation areas, minor adjustments to parking area layout; provided, the total number of stalls does not fall below the requirements of the zoning code; or
4. Minor adjustments in building height not to exceed 10 percent in height, or minor adjustments in building location not to exceed 10 feet in any direction; provided, the structures do not vary from zoning code requirements to any greater degree than as approved with the original application; or
5. Reductions in freestanding sign size and height, and minor increases in sign height not to exceed 10 percent in height or minor adjustments in sign location not to exceed five feet in any direction; provided, the sign(s) does not vary from zoning code requirements to any greater extent than as approved with the original application; or
6. Reductions in wall sign size, and minor adjustments in sign location on any one side of a building; or
7. Changes in color, design or in plant material.

C. Additional Criteria. In addition to those additions and activities listed in subsection (B) of this section, the ~~community development~~ development and business services director may determine that a proposed amendment to an approved project or permit is not suitable for administrative review if:

1. The proposal may result in any unmitigated significant adverse impact; and
2. The proposal is inconsistent with PUD/conditional use permit requirements or applicable design criteria; and
3. The proposal adds more than 300 square feet of new floor area per building, to approved building(s).

D. Appeal. The decision of the ~~community development~~ development and business services director pursuant to this section is appealable to the hearing examiner using Process II.

E. Decision Criteria for Administrative Amendment. The ~~community development~~ development and business services director shall act on a proposed amendment to an approved project or permit, including signs and sign programs, if:

- 111 1. The amendment maintains the design intent or purpose of the original approval, and does not  
112 modify zoning code requirements to any greater extent than any modification with the original  
113 application; and
- 114 2. The amendment maintains the quality of design or product established by the original approval;  
115 and
- 116 3. The amendment does not add more than the following:
- 117 a. More than 1,000 square feet for an existing or approved building; or
- 118 b. An addition of 1,000 square feet maximum for new structures; or
- 119 c. An increase of 20 percent of total existing sign for freestanding signs, and/or 20 percent  
120 increase of total existing sign area for wall signs not to exceed maximum allowed by code; and
- 121 4. An addition of up to 1,000 square feet per existing or approved building is automatically treated as  
122 an administrative amendment unless the addition is exempt under subsection (B) of this section; and
- 123 5. The amendment does not cause a significant adverse environmental impact beyond the site; and
- 124 6. The amendment is not precluded by the terms of the city code or by state law from being decided  
125 administratively; and
- 126 7. The applicant has carried the burden of proof and produced evidence sufficient to support the  
127 conclusion that the application merits approval or approval with modifications; and
- 128 8. The applicant has demonstrated that the proposal complies with the applicable criteria of the city  
129 code.
- 130 F. Conditions. The ~~community development~~ development and business services director may include  
131 conditions as part of the approval or approval with modifications to ensure conformance with the  
132 provisions of this section.
- 133 G. Written Proposed Decision. The ~~community development~~ development and business services director  
134 shall issue a written proposed decision on the administrative amendment which contains the following:
- 135 1. A description of the project or decision and the proposed administrative amendment; and
- 136 2. An analysis of the proposed administrative amendment using the applicable decision criteria and a  
137 determination that the administrative amendment is within the scope of an administrative amendment  
138 pursuant to subsection (E) of this section; and
- 139 3. A statement that the administrative amendment is proposed to be approved, approved with  
140 modifications or denied subject to the provisions of this section; and
- 141 4. A statement of facts upon which the proposed decision, including any conditions, was based and  
142 conclusions derived from those facts.
- 143 H. Notice of Decision.
- 144 1. Content. The ~~community development~~ development and business services director shall issue  
145 notice of the decision containing the following:
- 146 a. The name of the applicant, and if applicable, the project name; and
- 147 b. The street address of the subject property and a description in nonlegal terms sufficient to  
148 identify its location; and

- c. A vicinity map indicating the location of the subject property; and
  - d. The file number of the previously approved project or decision; and
  - e. A brief description of the previously approved project or decision and of the proposed administrative amendment; and
  - f. A statement that the decision of the director is appealable to the hearing examiner.
2. Distribution. The ~~community development~~ development and business services director shall issue the notice of the decision to:
- a. The applicant; and
  - b. Each owner of real property abutting or directly across a public right-of-way from all contiguous property owner by the applicant determined by projecting the property line of that property. (Ord. 3243 § 8, 2017; Ord. 2957 § 6, 2012; Ord. 2441 § 1, 2003; Ord. 2310 § 1, 2000)

## Title 3

### 3.82.030 Definitions.

A. "City" means the city of Lynnwood, Washington.

B. "Director" means the director of the city's department of ~~community development~~ development and business services or authorized designee.

C. "Owner" means the property owner of record.

D. "Multiple-unit residential" and "multiple-unit housing" are used synonymously in this chapter and mean a building having 20 or more dwelling units not designed or used as transient accommodations, not including hotels and motels, and designed for permanent residential occupancy resulting from new construction, rehabilitation or conversion of a vacant, underutilized or substandard building to multifamily housing.

E. "Permanent residential occupancy" means multiple-unit housing that provides either owner occupant housing or rental accommodations that is leased for a period of at least one month on a no-transient basis. This excludes accommodations that offer occupancy on a transient basis such as hotels and motels that predominately offer rental accommodations on a daily or weekly basis.

F. "Rehabilitation improvements" means modifications to existing structures that are vacant for 12 months or longer, which modifications substantially comply with existing building codes, or modifications to existing occupied structures, which modifications increase the number of multifamily housing units.

G. "Residential targeted area" means the area within or coterminous with the city center subarea boundary within the city's subregional center as defined and described in the city comprehensive plan, which has been designated by the city council as the residential targeted area in accordance with this chapter and Chapter 84.14 RCW, and which has been found by the city council to be lacking sufficient available, convenient, attractive, livable, and desirable residential housing to meet the needs of the public.

H. "Urban center" means the city center subarea described in LMC 3.82.140, where urban residents may obtain a variety of products and services including, but not limited to, shops, offices, banks, restaurants, governmental agencies and a mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both uses. (Ord. 2681 § 3, 2007)

### 3.82.070 Application procedures.

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

191 A. Prior to application for any building permit therefor, the applicant shall submit an application to the  
192 director.

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

195 1. A brief written description of the project, preliminary schematic site plan, preliminary floor plans of  
196 the multiple-unit housing units, the composition and size of the units, and the structure(s) in which  
197 they are proposed to be located;

198 2. A brief statement setting forth the grounds for qualification for exemption;

199 3. A statement from the owner acknowledging the potential tax liability when the project ceases to be  
200 eligible under this chapter; and

201 4. Verification by oath or affirmation of the information submitted. For rehabilitation projects, the  
202 applicant shall also submit an affidavit that existing dwelling units have been unoccupied for a period  
203 of 12 months prior to filing the application. (Ord. 3112 § 2, 2015; Ord. 2681 § 7, 2007)

204 **3.82.080 Application review and issuance of conditional certificate.**

205 The director may certify as eligible an application which is determined to comply with the requirements of  
206 this chapter. A decision to approve or deny an application shall be made within 90 days of receipt of a  
207 complete application.

208 A. Approval. If an application is approved by the director, the approval, together with a contract between  
209 the applicant and the city regarding the terms and conditions of the project, signed by the applicant, shall  
210 be presented to the city council with a recommendation that the council authorize the mayor to sign the  
211 contract. The contract may be a part of a development agreement, or similar development document.  
212 Once the contract is fully executed, the director shall issue a conditional certificate of acceptance of tax  
213 exemption. The conditional certificate expires three years from the date of approval unless an extension  
214 is granted as provided in this chapter.

215 B. Extension of Conditional Certificate. The conditional certificate may be extended by the director for a  
216 period not to exceed 24 consecutive months. The applicant shall submit a written request stating the  
217 grounds for the extension. An extension may be granted if the director determines that:

218 1. The anticipated failure to complete construction or rehabilitation within the required time period is  
219 due to circumstances beyond the control of the owner;

220 2. The owner has been acting and could reasonably be expected to continue to act in good faith and  
221 with due diligence; and

222 3. All the conditions of the original contract between the applicant and the city will be satisfied upon  
223 completion of the project.

224 C. Denial of Application. If the application is denied, the director shall state in writing the reasons for  
225 denial and shall send notice to the applicant at the applicant's last known address within 10 days of the  
226 denial. An applicant may appeal a denial to the city council by filing a written appeal with the city clerk  
227 within 30 days of notification by the city to the applicant that the application is denied. The appeal will be  
228 based upon the record made before the director with the burden of proof on the applicant to show that  
229 there is no substantial evidence on the record to support the director's decision. The decision of the city  
230 council in denying or approving the application is final. All other appeals of the director's decisions shall  
231 be made to the hearing examiner. (Ord. 2681 § 8, 2007)

232 **3.82.120 Cancellation of tax exemption.**

233 If at any time the director determines that the owner has not complied with the terms of the contract or  
234 with the requirements of this chapter, or that the property no longer complies with the terms of the  
235 contract or with the requirements of this chapter, or for any reason no longer qualifies for the tax

exemption, the tax exemption shall be canceled and additional taxes, interest and penalties shall be imposed pursuant to state law. This cancellation may occur in conjunction with the annual review or at any other time when noncompliance has been determined. If the owner intends to convert the multiple-unit housing to another use or, if applicable, if the owner intends to discontinue compliance with the affordable housing requirements, the owner shall notify the director and the Snohomish County assessor within 60 days of the change in use or intended discontinuance. Upon such change in use, the tax exemption shall be canceled and additional taxes, interest and penalties shall be imposed pursuant to state law.

A. Effect of Cancellation. If a tax exemption is canceled due to a change in use or other noncompliance, the Snohomish County assessor shall comply with applicable state law to impose additional taxes, interest and penalties on the property, and a priority lien may be placed on the land, pursuant to state law.

B. Notice and Appeal. Upon determining that a tax exemption is to be canceled, the director shall notify the property owner by certified mail, return receipt requested. The owner may appeal the determination by filing a notice of appeal with the city clerk within 30 days, specifying the factual and legal basis for the appeal. The hearing examiner will conduct a hearing at which the applicant and the city will be heard and all competent evidence received. The hearing examiner will affirm, modify, or repeal the decision to cancel the exemption based on the evidence received. (Ord. 2681 § 12, 2007)

## Title 5

### 5.04.010 Administrative authority – Definitions.

A. Except as specified herein, the ~~community development~~ development and business services director is authorized to administer, interpret, and enforce the provisions of this title. The director may promulgate forms, policies, and procedures as necessary to effectively and uniformly administer these provisions.

B. As necessary, the director may designate employees of the ~~community development~~ development and business services department or other city department to implement or enforce the provisions of this title. Enforcement of this title shall be based upon the authority and regulations set out in this title and in Chapters 1.01 and 1.40 LMC.

C. The following definitions shall apply in construing the provisions of this title, except where otherwise declared or clearly apparent from the context:

1. "Director" means the Lynnwood ~~community development~~ development and business services director or the director's designee.

2. "Department" means the ~~community development~~ development and business services department of Lynnwood, or any department that succeeds to the ~~community development~~ development and business services department's duties under this title.

3. "Business license clerk" means city employees or agents the ~~community development~~ development and business services director shall designate to administer this title, or any designee thereof.

4. "Business Licensing Service" or "BLS" both mean the office within the Washington State Department of Revenue providing business licensing services to the city of Lynnwood.

5. "Person," "firm," "business" or "corporation" are terms that may be used interchangeably in this chapter and mean any individual, receiver, assignee, trustee in bankruptcy, estate, joint venture, joint stock company, club, partnership, business trust, corporation, limited liability company, solicitor, canvasser, association or any group of individuals acting as a unit whether mutual, cooperative, fraternal, nonprofit or otherwise.

6. "Regulatory business licenses" are business licenses which require higher levels of scrutiny during initial approvals and renewals due to the nature of the business,



281 7. "Business," whether resident, nonresident or home occupation, means and includes all services  
282 and activities engaged in with the object of pecuniary gain, benefit or advantage to the persons, or to  
283 another person or class, directly or indirectly, whether part-time or full-time.

284 8. "Engaging or engage in business" means commencing, conducting or continuing in any business,  
285 and also the exercise of corporate or franchise powers, as well as liquidating a business when the  
286 liquidators thereof hold themselves out to the public as conducting such business.

287 a. This subsection (C)(8) sets forth examples of activities that constitute engaging in business in  
288 the city and establishes safe harbors for certain of those activities so that a person who meets  
289 the criteria may engage in de minimis business activities in the city without having to pay a  
290 business license fee. The activities listed in this section are illustrative only and are not intended  
291 to narrow the definition of "engaging in business" in this subsection (C)(8). If any activity is not  
292 listed, whether it constitutes engaging in business in the city shall be determined by considering  
293 all the facts and circumstances and applicable law.

294 b. Without being all-inclusive, any one of the following activities conducted within the city by a  
295 person, or its employee, agent, representative, independent contractor, broker or another acting  
296 on its behalf, constitutes engaging in business and requires a person to register and obtain a  
297 business license:

298 i. Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal  
299 property, intangible personal property, or real property permanently or temporarily located in  
300 the city.

301 ii. Owning, renting, leasing, using, or maintaining, an office, place of business, or other  
302 establishment in the city.

303 iii. Soliciting sales.

304 iv. Making repairs or providing maintenance or service to real or tangible personal property,  
305 including warranty work and property maintenance.

306 v. Providing technical assistance or service, including quality control, product inspections,  
307 warranty work, or similar services on or in connection with tangible personal property sold by  
308 the person or on its behalf.

309 vi. Providing technical assistance or service, including quality control, product inspections,  
310 warranty work, or similar services on or in connection with tangible personal property sold by  
311 the person or on its behalf.

312 vii. Installing, constructing, or supervising installation or construction of real or tangible  
313 personal property.

314 viii. Soliciting, negotiating, or approving franchise, license, or other similar agreements.

315 ix. Collecting current or delinquent accounts.

316 x. Picking up and transporting tangible personal property, solid waste, construction debris, or  
317 excavated materials.

318 xi. Providing disinfecting and pest control services, employment and labor pool services,  
319 home nursing care, janitorial services, appraising, landscape architectural services, security  
320 system services, surveying, and real estate services including the listing of homes and  
321 managing real property.

322 xii. Rendering professional services such as those provided by accountants, architects,  
323 attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs

324 and other sports organizations, chemists, psychologists, court reporters, dentists, doctors,  
325 detectives, laboratory operators, teachers, or veterinarians.

326 xiii. Meeting customers or potential customers, even when no sales or orders are solicited at  
327 the meetings.

328 xiv. Training or recruiting agents, representatives, independent contractors, brokers or others,  
329 domiciled or operating on a job in the city, acting on its behalf, or for customers or potential  
330 customers.

331 xv. Investigating, resolving, or otherwise assisting in resolving customer complaints.

332 xvi. In-store stocking or manipulating products or goods, sold to and owned by a customer,  
333 regardless of where sale and delivery of the goods took place.

334 xvii. Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or  
335 another acting on its behalf.

336 c. If a person, or its employees, agent, representative, independent contractor, broker or another  
337 acting on the person's behalf, engages in no other activities in or within the city but the following,  
338 it need not register and obtain a business license.

339 i. Meeting with suppliers of goods and services as a customer.

340 ii. Meeting with government representatives in their official capacity, other than those  
341 performing contracting or purchasing functions.

342 iii. Attending meetings, such as board meetings, retreats, seminars, and conferences, or  
343 other meetings wherein the person does not provide training in connection with tangible  
344 personal property sold by the person or on its behalf. This provision does not apply to any  
345 board of directors member or attendee engaging in business such as a member of a board of  
346 directors who attends a board meeting.

347 iv. Renting tangible or intangible property as a customer when the property is not used in the  
348 city.

349 v. Attending, but not participating in, a "trade show" or "multiple vendor events." Persons  
350 participating at a trade show shall review the city's trade show or multiple vendor event  
351 ordinances.

352 vi. Conducting advertising through the mail.

353 vii. Soliciting sales by phone from a location outside the city.

354 d. A seller located outside the city merely delivering goods into the city by means of common  
355 carrier is not required to register and obtain a business license; provided, that it engages in no  
356 other business activities in the city. Such activities do not include those in subsection (C)(8)(c) of  
357 this section.

358 e. The city expressly intends that engaging in business include any activity sufficient to establish  
359 nexus for purposes of applying the license fee under the law and the constitutions of the United  
360 States and the state of Washington. Nexus is presumed to continue as long as the taxpayer  
361 benefits from the activity that constituted the original nexus generating contact or subsequent  
362 contacts.

363 9. "Flea market" means and includes any person, firm or corporation, or company subleasing booths,  
364 stalls or tables within a building located within the limits of the city of Lynnwood for the purposes of  
365 placing before the public for sale, on a temporary basis, used goods, new wares or merchandise,

366 with the exception of secondhand items subject to Chapter 5.82 LMC regulating secondhand dealers.  
367 (Ord. 3343 § 1 (Exh. A), 2019; Ord. 3253 § 2 (Exh. B), 2017; Ord. 3189 § 2, 2016)

368 **5.04.030 Application for license – Decision of the director – Appeal.**

369 A. No license required under this chapter shall be issued except upon application made on forms  
370 prescribed by the city or as may be required for licenses administered through the Business Licensing  
371 Service. Each application for license, in addition to other requirements, shall indicate:

372 1. The physical address, mailing address, email address and phone numbers for the proposed  
373 business or occupation;

374 2. The type and nature of the proposed business or occupation which the applicant intends to  
375 operate on said premises;

376 3. The identity of the person or persons holding an ownership interest in the business, and those  
377 responsible for operation of the business, such as agents and officers of the corporation, business  
378 owner, or primary business manager. Telephone and email contact information shall be provided for  
379 each person identified as well as the name and contact information of the owner if the property is not  
380 owned by the business; and

381 4. Completion of supplemental application forms appropriate to the specific business.

382 B. Each license application shall be accompanied by the license fee specified by Chapters 3.104 and  
383 5.06 LMC, in addition to any other fees required by this code

384 C. Upon review of a complete application for a business license, the director shall take one of the  
385 following actions:

386 1. Approve the application; or

387 2. Approve the application with conditions necessary to ensure compliance with this title; or

388 3. Request additional information regarding the type and nature of the proposed business, or the  
389 responsible persons; or

390 4. Deny the application as provided by this section.

391 D. In the event the director denies a business license application, the director shall provide a written  
392 explanation of the reason for the denial to the applicant, with information regarding the right of appeal.  
393 The director may deny a business license application for reasons including but not limited to:

394 1. If the applicant fails to submit a complete application or additional information requested by the  
395 director;

396 2. If the application represents business practices that would cause any person to violate any federal,  
397 state or local law or regulation;

398 3. If the application contains misleading or inaccurate information;

399 4. If the applicant, corporate officer, or other responsible party has previously had his/her business  
400 license denied or revoked in Lynnwood or elsewhere within the past two years or if there is objective  
401 information that approval of the application will result in unlawful business activity; or

402 5. If uncorrected violation(s) of building, zoning, safety, fire or health laws or regulations are known to  
403 exist based upon prior inspections conducted by the city, or such violations will exist based on the  
404 business proposed in the license application.

405 E. Following the director's approval of the application, the business license shall be issued by the city, or  
406 its designee.

407 F. Upon denial of an application for a business license, the fee for business employees specified by  
408 Chapter 3.104 LMC shall be returned to the applicant with the denial decision. The application fee is  
409 nonrefundable and shall be retained to cover the costs of review.

410 G. An applicant who is denied a license, or any person objecting to the issuance of a license, may appeal  
411 the director's decision by filing a written notice of appeal with the ~~community development~~ department.  
412 The appeal must be filed within 10 business days of the director's decision, include the appeal fee  
413 specified by Chapter 3.104 LMC, and state the factual grounds for the appeal. The hearing examiner shall  
414 set a date for the appeal hearing. The city shall notify the parties of record by mail of the time and place of  
415 the hearing, which shall be conducted as specified by LMC 1.35.200 et seq., Chapter 2.22 LMC and the  
416 rules for hearings adopted pursuant to LMC 2.22.080. (Ord. 3343 § 1 (Exh. A), 2019; Ord. 3253 § 2 (Exh.  
417 B), 2017; Ord. 3189 § 4, 2016; Ord. 2955 § 2, 2012; Ord. 2877 § 5, 2011; Ord. 1089 § 4, 1979; Ord. 818  
418 § 3, 1975; Ord. 449, 1968; Ord. 82, 1961; Ord. 30 § 3, 1959)

419 **5.04.045 Revocation or suspension of business license.**

420 A. The director may revoke or suspend a business license when the business operation or the licensee  
421 meets the criteria for denial of a business license application specified by LMC 5.04.030. The business  
422 license may also be suspended if operations are found to be in violation of the conditions of approval, or  
423 based upon evidence of violations of the Lynnwood Municipal Code or other criminal activity, and the  
424 proponent is unable to rectify the violations after reasonable notice by the city.

425 B. Upon a determination by the director that there is a basis for revocation or suspension of a business  
426 license, the director shall notify the licensee by certified and regular mail of the director's decision to  
427 revoke or suspend the license. The written decision shall specify the basis for the director's  
428 determination, the effective date of the revocation or suspension, the corrective measures required to  
429 avoid revocation or suspension, and the procedures for appeal of the director's determination.

430 C. The decision of the director may be appealed by filing a written appeal with the ~~community~~  
431 ~~development~~ department within 10 business days of the date of the written decision, together with the  
432 appeal fee specified by Chapter 3.104 LMC. An appeal of the director's decision shall be conducted by  
433 the hearing examiner consistent with the provisions of LMC 1.35.200 et seq., LMC 5.04.030, Chapter  
434 2.22 LMC, and the rules for hearings adopted pursuant to LMC 2.22.080. Upon the filing of a timely  
435 appeal, the director's decision to revoke or suspend the business license shall be stayed pending a final  
436 decision by the hearing examiner on the appeal.

437 D. Once a business license has been revoked the license holders shall be barred from reopening any  
438 business in the city for a period of two years from the date of revocation. (Ord. 3343 § 1 (Exh. A), 2019;  
439 Ord. 3253 § 2 (Exh. B), 2017; Ord. 3189 § 7, 2016; Ord. 2877 § 6, 2011; Ord. 1089 § 5, 1979)

440 **5.50.200 Procedures for enforcement.**

441 A. Whenever the director determines that any violation of this chapter has occurred, the director or  
442 director's designee shall issue a notice of violation and suspension or revocation ("notice") to the  
443 licensee.

444 B. The notice shall be sent to the licensee by certified and regular mail. The written decision shall specify  
445 the basis for the director's determination along with the name of the person involved, dates and  
446 description of violation of this chapter, description of action proposed to be taken by the city, the effective  
447 date of the revocation or suspension and the procedures for appeal of the director's determination as  
448 stated in subsection (C) of this section.

449 C. The decision of the director may be appealed by filing a written appeal with the ~~community~~  
450 ~~development~~ department. The appeal must be filed within 10 business days of the director's decision,  
451 include the appeal fee specified by Chapter 3.104 LMC, and state the factual grounds for the appeal. The  
452 hearing examiner shall set a date for the appeal hearing. The city shall notify the parties of record by mail

of the time and place of the hearing, which shall be conducted as specified by LMC 1.35.200 et seq., Chapter 2.22 LMC and the rules for hearings adopted pursuant to LMC 2.22.080. Upon the filing of a timely appeal, the director's decision to revoke or suspend the business license shall be stayed pending a final decision by the hearing examiner on the appeal. (Ord. 3343 § 1 (Exh. A), 2019; Ord. 3253 § 2 (Exh. B), 2017; Ord. 2032 § 2, 1995; Ord. 1749 § 20, 1990)

#### **5.55.190 Suspension and/or revocation of license.**

##### **A. Suspension and Revocation Schedule.**

1. The director shall suspend any body scrub facility license for a period of 15 days upon the licensee's first violation of this chapter.

2. The director shall suspend any body scrub facility license for a period of 45 days upon the licensee's second violation of this chapter.

3. The director shall revoke any body scrub facility license upon the licensee's third violation of this chapter within three years. The period of any such revocation shall be one year.

4. The director shall suspend a body scrub facility license upon receipt of notice that the licensee's required insurance has been canceled until satisfactory proof of insurance is presented to the director.

5. Notwithstanding the provisions of LMC 5.55.080, the director shall deny the renewal of any body scrub facility license or revoke any such license if a licensee has:

a. Made any false or misleading statements on the application for license or misrepresentations to the city in order to induce or prevent action by the city;

b. In connection with the licensee's operation of a body scrub facility:

i. Engaged in an act of prostitution, or has promoted or permitted prostitution on the licensee's premises;

ii. Used or distributed controlled substances on the premises of a body scrub facility;

c. Failed or refused to qualify for or obtain any license required by Lynnwood or the state of Washington in connection with the licensee's operation of a body scrub facility.

##### **B. Notice Procedures for Suspension or Revocation and Hearing and Right to Appeal.**

1. Whenever the director has determined that a body scrub facility license shall be suspended or revoked, the director or director's designee shall issue a notice of suspension or notice of revocation to the licensee.

2. The notice shall be sent to the licensee by certified and regular mail. The written decision shall specify the basis for the director's determination along with the name of the person involved, dates and description of violation of this chapter, description of action proposed to be taken by the city, the effective date of the revocation or suspension and the procedures for appeal of the director's determination as stated in subsection (B)(3) of this section.

3. The decision of the director may be appealed by filing a written appeal with the ~~community development~~ department. The appeal must be filed within 10 business days of the director's decision, include the appeal fee specified by Chapter 3.104 LMC, and state the factual grounds for the appeal. The hearing examiner shall set a date for the appeal hearing. The city shall notify the parties of record by mail of the time and place of the hearing, which shall be conducted as specified by LMC 1.35.200 et seq., Chapter 2.22 LMC and the rules for hearings adopted pursuant to LMC 2.22.080. Upon the filing of a timely appeal, the director's decision to revoke or suspend the business license

495 shall be stayed pending a final decision by the hearing examiner on the appeal. (Ord. 3343 § 1 (Exh.  
496 A), 2019; Ord. 3253 § 2 (Exh. B), 2017; Ord. 2580 § 1, 2005)

497 **5.62.010 Definitions.**

498 As used in this chapter, the following words and phrases shall have the following meanings unless the  
499 context clearly requires otherwise:

500 A. "Business license clerk" means city employees or agents the ~~community development~~ development  
501 and business services director shall designate to administer this chapter, or any designee thereof.

502 B. "Panoram," "preview," "picture arcade," or "peep show" means any type of device which, for payment of  
503 a fee, membership fee, or other charge, is used to exhibit, project, illuminate, or display a photographed,  
504 videotaped, or magnetically reproduced image, picture, view, live entertainment, or other graphic display.  
505 All such devices are denominated in this chapter by the terms "panoram" or "panoram device." The terms  
506 "panoram" and "panoram device" as used in this chapter do not include games which employ pictures,  
507 views or video displays, or gambling devices regulated by the state.

508 C. "Panoram manager" means any person who manages, directs, administers, or is in charge of the  
509 affairs and/or the conduct of any panoram premises.

510 D. "Panoram premises" means any premises on which any panoram device is located and to which  
511 members of the public are admitted. The term "panoram premises" as used in this chapter does not  
512 include movie or motion picture theater auditoriums capable of seating more than five people.

513 E. "Panoram station" means the portion of any panoram premises on which a panoram device is located  
514 and from which the panoram picture, view, or graphic display is to be viewed. (Ord. 3343 § 1 (Exh. A),  
515 2019; Ord. 3253 § 2 (Exh. B), 2017; Ord. 1845 § 1, 1991; Ord. 1520 § 2, 1986)

516 **5.62.100 Suspension or revocation of licenses.**

517 A. Authority to Suspend or Revoke.

518 1. Upon the giving of 15 days' notice, the director or director's designee may suspend or revoke any  
519 license issued pursuant to this chapter for a period of time not to exceed one year where one or more  
520 of the following conditions exist:

521 a. The license was procured by fraud or false representation of fact in the application or in any  
522 report or record required to be filed with the clerk.

523 b. The building, structure, equipment, operation or location of the business for which the license  
524 was issued does not comply with the requirements or fails to meet the standards of this chapter  
525 or does not comply with or fails to meet the standards of other applicable health, zoning,  
526 building, fire, or safety laws of the state of Washington or Lynnwood.

527 c. The licensee, his or her employee, agent, partner, director, officer or manager has violated or  
528 knowingly permitted violation of any provisions of this chapter.

529 2. If the business license clerk finds that any of the conditions set forth in this section exist and such  
530 conditions constitute an immediate threat of serious injury or damage to any person or property, the  
531 business license clerk may immediately suspend or revoke any license issued hereunder without  
532 prior notice and opportunity to be heard so long as a hearing in accordance with subsection (B) of  
533 this section is thereafter provided.

534 B. Notice Procedures and Hearing and Right to Appeal.

535 1. Whenever the director has determined that a license required by this chapter shall be suspended  
536 or revoked, the director or director's designee shall issue a notice of suspension or notice of  
537 revocation to the licensee.

2. The notice shall be sent to the licensee by certified and regular mail. The written decision shall specify the basis for the director's determination along with the name of the person involved, dates and description of violation of this chapter, description of action proposed to be taken by the city, the effective date of the revocation or suspension and the procedures for appeal of the director's determination as stated in subsection (B)(3) of this section.

3. The decision of the director may be appealed by filing a written appeal with the ~~community development~~ **development and business services** department. The appeal must be filed within 10 business days of the director's decision, include the appeal fee specified by Chapter 3.104 LMC, and state the factual grounds for the appeal. The hearing examiner shall set a date for the appeal hearing. The city shall notify the parties of record by mail of the time and place of the hearing, which shall be conducted as specified by LMC 1.35.200 et seq., Chapter 2.22 LMC and the rules for hearings adopted pursuant to LMC 2.22.080. Upon the filing of a timely appeal, the director's decision to revoke or suspend the business license shall be stayed pending a final decision by the hearing examiner on the appeal. (Ord. 3343 § 1 (Exh. A), 2019; Ord. 3253 § 2 (Exh. B), 2017; Ord. 1845 § 8, 1991; Ord. 1520 § 11, 1986)

## Title 7

### **7.20.090 Continuity of government.**

A. City Council. In the event the emergency or disaster results in one or more council members being unavailable after a reasonable attempt at notice to convene by the chief elected official or emergency management director, those council members available for duty shall constitute the city council, and shall have full power to act by majority vote of those present for the purpose of meeting temporary, immediate and emergency needs brought on by the emergency or disaster.

B. Council Meetings at Other Than Usual Places. In the event it becomes imprudent, inexpedient, or impossible to conduct the affairs of the city at the regular or usual place or places, the city council may meet at any temporary place or places within or outside the territorial limits of the city on the call of the council's presiding officer. After the relocation, affairs of the city shall lawfully be conducted at the emergency temporary location or locations for the duration of the emergency or disaster.

C. Succession of Officials and Employees. During the course of an emergency, succession of positions, by department, in the event of unavailability shall be in the following order:

#### 1. Chief Elected Official.

a. Mayor;

b. Council president;

c. Council vice-president;

d. Remaining council members in order of position number on the council.

#### 2. Lynnwood Police Department.

a. Chief of police;

b. Deputy chief of police;

c. Commander of police;

d. Sergeant of police.

#### 3. Public Works Department.

- 579 a. Public works director;
- 580 b. Deputy public works director;
- 581 c. Engineering manager;
- 582 d. Operations and maintenance manager.
- 583 4. ~~Community Development~~ Development and Business Services.
- 584 a. ~~Community development~~ Development and business services director;
- 585 b. ~~Planning manager~~ Deputy development and business services director;
- 586 c. ~~Building official~~ Community planning manager;
- 587 5. Finance.
- 588 a. Finance director;
- 589 b. Senior manager for strategic planning;
- 590 c. Purchasing and central service manager.
- 591 6. Parks and Recreation.
- 592 a. Parks and recreation director;
- 593 b. Parks and recreation deputy director;
- 594 c. Recreation superintendent;
- 595 d. Parks superintendent.
- 596 7. Municipal Court.
- 597 a. Presiding judge;
- 598 b. Court administrator;
- 599 c. Operations supervisor;
- 600 d. Probation supervisor.
- 601 8. Information Technology.
- 602 a. IT director;
- 603 b. Systems manager;
- 604 c. Applications support manager.
- 605 9. Human Resources.
- 606 a. HR director;
- 607 b. HR manager. (Ord. 3310 § 1, 2018)



## Title 9

### **9.04.200 Chapter 57 IFC amended – Flammable and combustible liquid storage.**

Section 5704.1, General, is amended by adding the following:

1. In no case shall aboveground storage tanks over 100 gallons; whether fixed or portable, be located less than 20 feet from a property line or another building.
2. Tank size shall be limited to 1,000 gallons of any single product.
3. Listed tanks divided into two separate 1,000-gallon storage compartments are allowed, providing each compartment contains a different product (i.e. 1,000 gallons of gasoline and 1,000 gallons of diesel).

Section 5704.2.9.6, Above-Ground Tanks Outside of Buildings:

Section 5704.2.9.6.1, Locations Where Above-ground Tanks Are Prohibited, is deleted and replaced with the following:

Storage of flammable or combustible liquids (Class I and Class II liquids) in outside above-ground tanks is prohibited in all areas of the city except those zoned for industrial use; provided, that, above-ground flammable or combustible liquid tanks may be installed on property zoned general commercial, when approved by the Fire Marshal and the ~~Community Development~~ Development and Business Services Director, subject to the provisions of LMC Title 21, the requirements of the International Fire Code, as adopted by this chapter.

Section 5706, Special Operations:

Section 5706.4, Bulk Plants or Terminals, is amended by adding the following:

Storage of Class I, Class II and Class III-A liquids in bulk plants is prohibited in all areas of the city.

In the event of any conflict between the provisions of this chapter and the provisions of the edition of the International Fire Code as adopted by this chapter, the most restrictive requirements shall prevail. (Ord. 3306 § 2 (Exh. 2), 2018; Ord. 3196 § 1, 2016; Ord. 3007 § 1, 2013)

### **9.04.210 Section 6104 IFC amended – Location of LP-gas containers.**

Section 6104.2, Maximum Capacity Within Established Limits, is deleted and replaced with the following:

Bulk storage (in excess of 500 water gallons) of liquefied petroleum gases is allowed in areas of the City zoned for industrial and commercial use with the approval of the Fire Chief and ~~Community Development~~ Development and Business Services Director.

## Title 10

### **10.08.200 Public nuisance defined.**

A. Every act unlawfully done and every omission to perform a duty, which act or omission does any of the following, shall constitute a public nuisance:

1. Injures, endangers or unreasonably annoys the safety, health, comfort, or repose of the citizens of the city; or
2. Offends public decency; or

649 3. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, a  
650 public park, street, alley, highway, stream, canal, or basin; or

651 4. In any way renders any citizens of the city insecure in life or use of property.

652 B. The following acts, omissions or conditions, in addition to any others in violation of subsection (A) of  
653 this section, shall constitute a public nuisance:

654 1. Throwing, depositions, exposing, or causing to be disposed of, in any street or other public place  
655 within the city, any garbage, waste, refuse, litter, debris, or other offensive material, unless the  
656 disposal of such items in such place is specifically authorized by law;

657 2. Causing or allowing garbage, waste, refuse, litter, debris, or other offensive materials to be  
658 collected or deposited, or to remain in any place in the city, to the annoyance of any person, unless  
659 otherwise permitted by law;

660 3. Erecting, continuing, or using any building, room, property, or other place in the city for the  
661 exercise of any trade, employment, or manufacture which results in offensive odors or other  
662 annoyances being released, and which annoys, injures, or is offensive or detrimental to the health of  
663 the individuals there employed or residing, or the public;

664 4. Burning of refuse or other material in such a manner as to cause or permit the smoke, ashes, or  
665 gases arising from such burning to become discomforting or annoying, or to injure or endanger the  
666 health of any person or neighborhood;

667 5. All houses, rooms, booths, or other structures used as a place of resort where disorderly persons  
668 are allowed to congregate, or in which drunkenness is carried on or permitted;

669 6. Any pit, basin, hole, or other excavation which is unguarded and dangerous to life, or has been  
670 abandoned, or is no longer used for the purpose for which it was constructed, or is maintained  
671 contrary to law;

672 7. All obstructions to streets, rights-of-way, or other public ways in the city, and all excavations in or  
673 under the same, which are by ordinance prohibited, or which may be made without lawful permission,  
674 or which, having been made by lawful permission, are kept and maintained after the purpose thereof  
675 has been accomplished, or for an unreasonable length of time;

676 8. Erecting, maintaining, using, placing, depositing, leaving, or permitting to be or remain in or upon  
677 any private lot, building, structure, or premises, or in or upon any street, alley, sidewalk, park,  
678 parkway, or other public or private place in the city, any one or more of, but not limited to, the  
679 following conditions or things:

680 a. Any unsound, putrid, or unwholesome bone, meat, hides, skin, or the whole or parts of any  
681 dead animal or fish, or any unsound, putrid, or unwholesome substance; or the offal, garbage, or  
682 other offensive parts of any animals; or any noxious, offensive, dangerous or otherwise injurious  
683 chemicals or other materials such as oil, grease, poisons, explosives, radioactive materials, and  
684 other similar substances in such a manner as to be offensive or injurious to public health, or  
685 unpleasant or disagreeable to the adjacent residences or persons;

686 b. Any cellar, vault, drain, sewer, or septic tank to become, from any cause, noxious, foul,  
687 offensive, or injurious to public health, or unpleasant or disagreeable to the adjacent residences  
688 or persons;

689 c. Any noxious, foul, or putrid liquid or substances, or any liquid or substance likely to become  
690 noxious, foul, offensive, or putrid, to be discharged, placed or thrown upon or to flow from or out  
691 of any premises into, or upon, any adjacent premises, or any public street or alley, or to stand,  
692 remain, or be upon any premises;

693 9. All vacant, unused, or unoccupied buildings and structures within the city, which are allowed to  
694 become or remain open to entrance by unauthorized persons or the general public, because of  
695 broken, missing, or open doors, windows, or other openings, so that the same may be used by  
696 vagrants or other persons in a manner detrimental to the health and welfare of the inhabitants of the  
697 city;

698 10. Any refrigerator, icebox or deep-freeze locker having a capacity of one and one-half cubic feet or  
699 more or any other container manufactured, custom-made or homemade designed for storage which  
700 is discarded, abandoned or left in any place accessible to children and which has not had the door or  
701 latching mechanism removed to prevent the latching or locking of the door;

702 11. The depositing or allowing of irrigation or other water to run by any street, alley, or other public  
703 place, or to cause annoyance, damage, or hazard to any user of the street, alley, or other public  
704 place;

705 12. Vegetation left uncut and/or in an unkempt condition to the extent it creates safety or fire hazards,  
706 and/or pest harborages, or otherwise interferes with, annoys, injures or endangers the comfort,  
707 repose, health or safety of others, or obstructs or tends to obstruct, or renders dangerous for  
708 passage, any sidewalk, street or highway; or in any way renders other persons insecure in life, or in  
709 the use and enjoyment of property, shall constitute a public nuisance. The following conditions shall  
710 also constitute a public nuisance and are prohibited:

711 a. Trees, plants, bushes, shrubs, vines, other vegetation or parts thereof which overhang any  
712 sidewalk, street, alley or other public way which are growing in such a manner as to cause a  
713 sight distance hazard or to obstruct or impair the full use of the sidewalk, street, alley or other  
714 public way are declared to be a public nuisance;

715 b. Trees, plants, bushes, shrubs, grasses, vines, other vegetation or parts thereof that are  
716 growing and/or grown and died and are now causing a fire hazard or menace to public health  
717 and safety, or are degrading or causing a decline of the character of the neighborhood are also  
718 declared to be a public nuisance;

719 c. Grasses (lawn) within the yards of residential properties which are not maintained at a height  
720 of eight inches or less are also declared to be a public nuisance. The intent of this provision is to  
721 provide guidance and support for enforcement activities in cases where the city has determined  
722 there to be an egregious lack of yard maintenance;

723 13. The keeping, using, maintaining of any pen, stable, lot, place of premises in which any hog,  
724 cattle, or fowl may be confined or kept, in such manner as to be nauseous, foul, or offensive;

725 14. The keeping or harboring of any animal which by frequent or habitual howling, yelping, barking,  
726 or the making of other noises, or the keeping or harboring of any fowl which by frequent or habitual  
727 crowing or the making of other noises shall annoy or disturb a neighborhood or any considerable  
728 number of persons;

729 15. To own or occupy any premises upon which there shall be any trees or shrubbery which have  
730 become infested by caterpillars. It shall be the duty of every person owning or occupying any  
731 premises in the city of Lynnwood on which there shall be growing any fruit, shade or forest trees, or  
732 shrubbery of any kind, to keep the same free from caterpillars, and in the event that it is found that  
733 any fruit, shade or forest trees, or shrubbery have become infested with caterpillars, it is unlawful for  
734 the owner or occupant of any such premises on which there shall be growing any such trees or  
735 shrubbery to fail or neglect to promptly take and use such methods as may be necessary to  
736 effectually destroy such caterpillars, or to in lieu thereof destroy such trees or shrubbery;

737 16. On property residentially zoned, or property occupied by a single-family residence or duplex, the  
738 parking, storing or allowing to be parked or stored or kept:

739 a. Any commercial vehicles, as that term is defined in this section; or

740 b. More than four motor vehicles, but not including any recreational vehicles, trailers, unmounted

741 camper or canopy shells, motor homes, or boats over 14 feet in length; provided, it is an

742 affirmative defense to this section for the total to exceed four motor vehicles by the number of

743 licensed drivers who reside at the residence and whose driver's licenses are the same as the

744 residence; or

745 c. A total of not more than three combined number of recreational vehicles, motor homes,

746 trailers, unmounted camper or canopy shells, boats over 14 feet in length; and further provided,

747 that subsections (B)(16)(a) through (c) of this section are subject to the following:

748 i. One commercial vehicle up to 16,500 pounds gross vehicle weight may be parked on

749 property residentially zoned or property occupied by a single-family residence or duplex; and

750 ii. Any number of the total allowed may be parked, stored, or located upon a designated

751 driveway as defined in this subsection; and

752 iii. A total of not more than two of the total allowed may be parked, stored, or located

753 anywhere else on the property within the side or rear yards, subject to requirements of the

754 zoning, building, and fire codes; and

755 iv. A total of not more than two of the total allowed, and only if they are motor vehicles (not

756 including recreational vehicles, motor homes, trailers, unmounted camper or canopy shells,

757 boats over 14 feet in length), may be parked on private property adjacent to and within 20

758 feet of the right-of-way so long as:

759 (A) The area is surfaced by asphalt, concrete, gravel or similar material; and

760 (B) The parking area is immediately accessible to the traveled portion of the roadway

761 without intervening sidewalk; and

762 v. Any vehicle, recreational vehicle, trailer, boat, camper, or motor home must be currently

763 licensed and in operable condition;

764 d. This subsection does not apply to the following:

765 i. Any vehicle, including recreational vehicles, motor vehicles, trailers, camper shells, or

766 boats, when they are kept or located in or under any lawfully permitted and constructed

767 building;

768 ii. Temporary parking for a duration not to exceed 12 hours, for example, for temporary

769 repairs, cleaning, or guests, excluding temporary parking of commercial vehicles except as

770 otherwise provided in this section;

771 iii. Any property or situation where a development regulation applies. For example, the

772 limitation on number of vehicles would not apply at an apartment constructed pursuant to an

773 approved building plan and permit with approved parking plans. For further example, parking

774 would not be allowed in an approved landscaped area;

775 iv. To allow parking in or on the right-of-way, city-owned property, or fire lanes;

776 v. To allow the parking of any junk vehicles;

777 vi. Parking of motorcycles is exempt from this section;

778 e. "Designated driveway" means the clearly defined roadway leading from the street which is

779 surfaced by asphalt, concrete, gravel or similar material not to exceed 24 feet in width, or

780 otherwise as shown on city-approved building or site plans approved by the public works  
781 department. Where there is curb and gutter at the street, the driveway must have an approved  
782 curb cut. Where a property has more than one driveway, the vehicles may only be parked in one  
783 driveway in the area between the front of the residence or principal structure and the lot front  
784 line;

785 f. "Vehicle" or "motor vehicle" means a currently licensed motorized or nonmotorized conveyance  
786 that includes, but is not limited to, an automobile, car, truck, trailer, camper, motorcycle, or  
787 watercraft, in operable condition;

788 g. "Recreational vehicle" means a currently licensed motorized or nonmotorized conveyance that  
789 includes, but is not limited to, motor homes, travel trailers, folding tent trailers, truck campers  
790 removed from a truck or pickup, horse trailers, boat trailers with or without boats, utility trailers,  
791 and similar vehicles;

792 h. "Commercial vehicle" means any motor vehicle the principal use of which is the transportation  
793 of commodities, merchandise, produce, freight, vehicles, animals, passengers for hire, or which  
794 is used primarily in construction or farming, including but not limited to bulldozers, backhoes,  
795 tractors and cranes. Parking of commercial vehicles on property residentially zoned, or property  
796 occupied by a single-family residence or duplex, shall constitute a nuisance and is prohibited. It  
797 shall be a defense to a violation of this section that during the entire time that the commercial  
798 vehicle was parked in the residential neighborhood, the operator of the vehicle was actively  
799 engaged in making a delivery or providing services to residents in the immediate vicinity of  
800 where the vehicle was parked;

801 17. On any property, a recreational vehicle may be used as a dwelling no more than 30 cumulative  
802 days within a calendar year. When there is an existing dwelling unit in a permanent structure on the  
803 property and said structure is undergoing construction, a recreational vehicle may be used as a  
804 dwelling for more than 30 cumulative days within a calendar year. If a recreational vehicle is to be  
805 used as a dwelling unit in conjunction with ongoing construction the developer must notify the city at  
806 the time of building permit;

807 18. On any privately owned property, keeping, storing or allowing to be kept or stored any junk that is  
808 not wholly enclosed by a sight-obscuring fence (except for gates, which shall remain closed) so as to  
809 render the junk not visible to public rights-of-way or to adjacent properties. This section does not  
810 apply to any property or situation where a development regulation applies;

811 19. Using property as a junk yard, or dumping ground, or for the wrecking or disassembling of  
812 automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out,  
813 wrecked, or abandoned automobiles, trucks or other machinery of any kind, or of any of the parts  
814 thereof unless lawfully licensed to do so;

815 20. Allowing, retaining or otherwise permitting a building or structure to remain on any lot, site, tract  
816 or parcel of land in any zone of the city, if that building or structure meets each of the following four  
817 criteria:

818 a. For one year or more the building or structure has not been legally occupied by a permitted  
819 use within the land use zone where it is located; and

820 b. The building or structure does not meet minimum occupancy standards for a use permitted in  
821 the applicable zone; and

822 c. The value of the improvements needed to bring the building or structure into compliance with  
823 the minimum occupancy standards for a use permitted in the applicable zone would exceed 25  
824 percent of the assessed or appraised value, as determined by the ~~community development~~  
825 development and business services director or designee; and

826 d. The building or structure has any exterior openings closed by extrinsic devices, giving the  
827 building or structure the appearance that it is not occupied or used for any use allowed by the  
828 zoning code at the particular location.

829 This provision shall not apply to a building or structure listed on the National Register of Historic  
830 Places, Washington State Register of Historic Places, Washington State Cultural Resource  
831 Inventory, or Snohomish County Cultural Resource Inventory; and

832 21. Allowing, retaining or otherwise permitting a nonconforming building or structure, as defined in  
833 LMC Title 21, to remain on any lot, site, tract or parcel of land in any zone of the city if that building or  
834 structure cannot, under the requirements of the zoning code, be restored or repaired to allow  
835 occupancy by a use conforming to the zoning code.

836 This provision shall not apply to a building or structure listed on the National Register of Historic  
837 Places, Washington State Register of Historic Places, Washington State Cultural Resource  
838 Inventory, or Snohomish County Cultural Resource Inventory.

839 C. The following acts, in addition to any others in violation of subsection (A) or (B) of this section,  
840 constitute a public nuisance:

841 1. Conditions which are determined by the department director or department head responsible for  
842 enforcing an ordinance or chapter of the Lynnwood Municipal Code to be violations of the standards  
843 and requirements of the ordinance or code and unreasonably detrimental to the public health and  
844 safety, or welfare, so as to constitute a public nuisance. The criteria for determining whether a  
845 nuisance exists shall be based on the criteria in subsection (A) of this section and Chapter 7.48  
846 RCW.

847 D. Any determination of or with respect to a public nuisance is subject to review in accordance with Phase  
848 II Process, LMC 1.35.200. (Ord. 3311 § 4, 2018; Ord. 2828 § 1, 2010; Ord. 2822 § 1, 2010; Ord. 2821 §  
849 1, 2010; Ord. 2419 § 1, 2002; Ord. 2187 § 1, 1998; Ord. 2047 § 1, 1995; Ord. 2011 § 2, 1994)

#### 850 **10.08.220 Abatement/violation – Order.**

851 A. Upon the discovery of a nuisance, the chief of police, ~~community development~~ development and  
852 business services director, fire marshal, their designees, or other proper officer of the city may order the  
853 owner or other person creating, keeping, maintaining or permitting the same to abate it, and in default  
854 thereof to undertake the abatement on behalf of the city. At least 10 days before he/she commences  
855 abatement, save in these cases of immediate necessity, the officer shall notify the person creating,  
856 keeping, maintaining or permitting the nuisance, the property owner and any person in possession of the  
857 property, if known, of his/her intentions. The notice shall be served personally or by first class mail and  
858 shall describe with particularity the nature of the violation, the sections of this code or other law which are  
859 being violated and specifying a reasonable time within which the abatement must be accomplished. Such  
860 an order is subject to review in accord with the Phase II Process, LMC 1.35.200 et seq.

861 B. In addition to such other penalties as may be imposed, the hearing examiner or a court entering a  
862 finding of creating a public nuisance may order the abatement of the same on such terms and conditions  
863 as may be just and equitable. (Ord. 2187 § 1, 1998; Ord. 1994 § 2, 1994)

#### 864 **10.12.400 Designation of environments.**

865 A. Environmental Designations for Noise Abatement. Environmental designations for noise abatement  
866 (EDNA) are hereby declared. They are based primarily on the zoning ordinance but also take into  
867 consideration the present, future, and historical usage, as well as the usage of adjacent and other lands  
868 in the vicinity. Designation of such EDNAs are based on the following typical uses:

869 1. Class A EDNA – Lands where human beings reside and sleep. Typically Class A EDNA will be the  
870 following types of property used for human habitation:

871 a. Residential;

- 872 b. Multiple-family living accommodations;
- 873 c. Recreational and entertainment, e.g., camps, parks, camping facilities, and resorts;
- 874 d. Community service, e.g., orphanages, homes for the aged, hospitals, health, and correctional
- 875 facilities.

876 2. Class B EDNA – Lands involving uses requiring protection against noise interference with speech.  
877 Typically, Class B EDNA will be the following types of property:

- 878 a. Commercial living accommodations;
- 879 b. Commercial dining establishments;
- 880 c. Motor vehicle services;
- 881 d. Retail services;
- 882 e. Banks and office buildings;
- 883 f. Miscellaneous commercial services, property not used for human habitation;
- 884 g. Recreation and entertainment, property not used for human habitation, e.g., theaters,
- 885 stadiums, fairgrounds, and amusement parks;
- 886 h. Community services, property not used for human habitation, e.g., educational, religious,
- 887 governmental, cultural and recreational facilities.

888 3. Class C EDNA – Lands involving economic activities of such a nature that higher noise levels than  
889 experienced in other areas are normally to be anticipated. Typically, Class C EDNA will be the  
890 following types of property:

- 891 a. Storage, warehouse, and distribution facilities;
- 892 b. Industrial property used for the production and fabrication of durable and nondurable
- 893 manmade goods;
- 894 c. Agricultural and silvicultural property used for the production of crops, plant products or
- 895 livestock.

896 B. Zoning for Noise Abatement. The following land use zoning classifications as described in LMC Title  
897 21 are hereby assigned the EDNA classifications below:

ZONE	EDNA
Residential 8400 Sq Ft (RS-8)	Class A
Residential 7200 Sq Ft (RS-7)	
Residential 4000 Sq Ft (RS-4)	
Public (P-1)	
Multiple Residential Low Density (RML)	
Multiple Residential Medium Density (RMM)	
Multiple Residential High Density (RMH)	
Mobile Home Park (MHP)	

**ZONE****EDNA**

Limited Business (B-2)	Class B
Neighborhood Commercial (B-3)	
Planned Commercial Development (PCD)	
Community Business (B-1)	
General Commercial (CG)	
Planned Regional Shopping Center (PRC)	
City Center Core (CC-C)	
City Center West (CC-W)	
City Center North (CC-N)	
Mixed Use (MU)	
College District Mixed Use (CDM)	
Highway 99 Mixed Use (HMU)	
Business and Technical Park (BTP)	Class C
Light Industrial (LI)	

C. Enforcement in Unzoned or General Use Areas. Where no specific prior designation of EDNA has been made, the appropriate EDNA for properties involved in any enforcement activity will be determined by the ~~community development~~ **development and business services** director on the basis of the criteria of this section. (Ord. 3010 § 1, 2013; Ord. 2957 § 31, 2012; Ord. 1465 § 3, 1985; Ord. 1275 § 1, 1982)

### **10.12.500 Environmental noise levels.**

A. Maximum Permissible Environmental Noise Levels. No person shall cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise levels set forth in this section, with the point of measurement being at the property boundary of the receiving property or anywhere within. The noise limitations established are as set forth in the following table after any applicable adjustments provided for in this chapter are applied.

**Table I**  
**Maximum Permissible Environmental Noise Levels**

EDNA of Noise Source	EDNA of Receiving Property		
	Class A	Class B	Class C
Class A	55 dBA	57 dBA	60 dBA
Class B	57	60	65
Class C	60	65	70

B. Deviations. The following deviations from the maximum permissible noise levels are permitted:

1. Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNAs;



915 2. At any hour of the day or night the applicable noise limitations in Table I and the nighttime  
916 restrictions above may be exceeded for any receiving property by no more than:

917 a. Five dBA for a total of 15 minutes in any one-hour period; or  
918 b. Ten dBA for a total of five minutes in any one-hour period; or  
919 c. Fifteen dBA for a total of 1.5 minutes in any one-hour period.

920 C. Exemptions. The following shall be exempt from the provisions of subsection (A) of this section  
921 between the hours of 7:00 a.m. and 10:00 p.m.:

922 1. Sounds originating from residential property relating to temporary projects for the maintenance or  
923 repair of homes, grounds and appurtenances;  
924 2. Sounds created by the discharge of firearms on authorized shooting ranges;  
925 3. Sounds created by aircraft engine testing and maintenance not related to flight operation;  
926 provided, that aircraft testing and maintenance shall be conducted at remote sites whenever  
927 possible;  
928 4. Sounds created by the installation or repair of essential utility services;  
929 5. Sounds created by blasting.

930 D. Nighttime Exemption. The following shall be exempt from the provisions of subsection (B)(1) of this  
931 section:

932 1. Noise from electrical substations and existing, stationary equipment used in the conveyance of  
933 water by a utility.  
934 2. Noise from existing industrial installations which exceed the standards contained in these  
935 regulations and which, over the previous three years, have consistently operated in excess of 15  
936 hours per day as a consequence of process necessity and/or demonstrated routine normal operation.  
937 Changes in working hours or activity, which would affect exemptions under this regulation, require  
938 approval of the ~~community development~~ development and business services director.

939 E. Exemptions Other than Residential. The following shall be exempt from the provisions of subsection  
940 (A) of this section, except insofar as such provisions relate to the reception of noise within Class A  
941 EDNAs between the hours of 10:00 p.m. and 7:00 a.m.:

942 1. Sounds originating from temporary construction sites as a result of construction activity;  
943 2. Sounds originating from forest harvesting and silvicultural activity.

944 F. Other Exemptions. The following shall be exempt from all provisions of subsection (A) of this section:

945 1. Sounds created by motor vehicles being operated on a public highway when regulated by LMC  
946 10.12.600;  
947 2. Sounds originating from aircraft in flight and sounds that originate at airports which are directly  
948 related to flight operations;  
949 3. Sounds created by surface carriers engaged in interstate commerce by railroad;  
950 4. Sounds created by warning devices not operating continuously for more than five minutes, or bells,  
951 chimes, and carillons;

- 952 5. Sounds created by safety and protective devices where noise suppression would defeat the intent  
953 of the device or is not economically feasible;
- 954 6. Sounds created by emergency equipment and work necessary in the interests of law enforcement  
955 or for health, safety, or welfare of the community;
- 956 7. Sounds originating from motor vehicle racing events at existing, authorized facilities;
- 957 8. Sounds originating from officially sanctioned parades and other public events;
- 958 9. Sounds emitted from petroleum refinery boilers during startup of said boilers; provided, that the  
959 startup operation is performed during daytime hours whenever possible;
- 960 10. Sounds created by watercraft;
- 961 11. Sounds created by the discharge of firearms in the course of hunting;
- 962 12. Sounds caused by natural phenomena and unamplified human voices;
- 963 13. Sounds caused by motor vehicles, licensed or unlicensed, when operated off public highways,  
964 except when such sounds are received in Class A EDNAs.
- 965 G. Proviso. Nothing in these exemptions is intended to preclude the ~~community development~~  
966 development and business services director from requiring installation of the best available noise  
967 abatement technology consistent with economic feasibility.

968 H. For any source of sound which is periodic or impulsive and which is not measured with a sound level  
969 meter capable of accurately measuring impulsive sound, the levels established by this section shall be  
970 reduced by five dBA. (Ord. 2957 § 31, 2012; Ord. 1386 § 3, 1983; Ord. 1275 § 1, 1982)

971 **10.12.600 Motor vehicle noise levels.**

972 A. No person shall operate any motor vehicle or any combination of such vehicles upon any public  
973 highway under any conditions of grade, load, acceleration or deceleration in such a manner as to exceed  
974 the maximum permissible sound levels of the category of vehicle in Table II, as measured at a distance of  
975 50 feet from the center of the lane of travel within the speed limits specified, under procedures  
976 established by the State Commission on Equipment in Chapter 204-56 WAC, Procedures for Measuring  
977 Motor Vehicle Sound Levels.

978 **Table II**  
979 **In-Use Motor Vehicle Noise Performance Standards**  
980 **Measured at Fifty Feet**

	Maximum Sound Level, dBA Speed Zones		
Vehicle Category (type)	45 mph or less	Over 45 mph	Stationary Test
Motorcycles	78	82	N/A
Automobiles, light trucks and all other motor vehicles 10,000 pounds GVWR or less	72	78	N/A
	35 mph or less	Over 35 mph	
All motor vehicles over 10,000 pounds GVWR before 1986	86	90	86

All motor vehicles over 10,000 pounds GVWR, 1986 and after	(Reserved)	(Reserved)	(Reserved)
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B. No person shall operate any motor vehicle upon any public highway if the vehicle exhaust system exceeds the maximum permissible sound levels of Table III for the category and year of vehicle, as measured at a distance of 20 inches from the exhaust outlet under procedures established by the State Commission of Equipment in Chapter 204-56 WAC, Procedures for Measuring Motor Vehicle Sound Levels.

**Table III**  
**In-Use Motor Vehicle Exhaust System Noise Performance Standards**  
**Measured at Twenty Inches**

Vehicle Category (type)	Model Year	Maximum Sound Level, dBA
Motorcycles	Before 1986	99
	1986 and after	(Reserved)
Automobiles, light trucks and all other motor vehicles 10,000 pounds GVWR or less	Before 1986	95
	1986 and after	(Reserved)

C. Motor vehicle noise enforcement procedures are as follows:

1. Measurements shall be made with a sound level meter meeting Type 1, S1A, 2 or S2A requirements as specified in the American National Standards Specifications for Sound Level Meters (§ 1.4-1971) as required under measurement procedures established in Chapter 204-56 WAC, Procedures for Measuring Motor Vehicle Sound Levels.

2. Violation of any in-use motor vehicle noise standard set forth in this chapter shall be a traffic infraction, enforced by such authorities and in such manner as violations of Chapter 46.37 RCW.

3. Law enforcement personnel selected to measure vehicle sound levels shall have received training in the techniques of sound measurement and the operation of sound measuring instruments.

4. Any enforcement officer who by use of the initial inspection procedures of Chapter 204-56 WAC suspects that a motor vehicle may be in violation of the standards of this chapter may require the operator to have the vehicle presented for sound level measurement. Measurements of a motor vehicle may be performed at off-road sites to determine compliance with the in-use standards.

5. Any operator who fails to comply with the directive to present the vehicle to a sound level measurement test shall be in violation of this chapter. (Ord. 1290 § 1, 1982; Ord. 1275 § 1, 1982)

#### **10.12.700 Administration.**

A. The Lynnwood police department is authorized to administer and enforce the provisions of this chapter concerning noise disturbances and motor vehicle noise.

B. The Lynnwood ~~community development~~ development and business services department is authorized to administer and enforce those provisions of this chapter concerning all other noises created by residential, commercial and industrial sources.

C. All city departments are authorized to assist the police and ~~community development~~ development and business services departments in the administration and enforcement of this chapter. (Ord. 2957 § 30, 2012; Ord. 1275 § 1, 1982)

## Title 11

### 11.14.025 Responsible city department.

The ~~community development~~ development and business services director is hereby authorized and directed to enforce all provisions of this chapter. The director may prepare and require use of such forms and procedures as necessary for the administration of these regulations. (Ord. 3255 § 2 (Exh. B), 2017; Ord. 2741 § 1 (Exh. A), 2008; Ord. 1930 § 3, 1993. Formerly 11.14.030)

### 11.14.054 Mandatory program elements.

Each employer's CTR program shall include the following mandatory elements:

#### A. Employee Transportation Coordinator (ETC).

1. The employer shall designate an employee transportation coordinator to administer the employer's CTR program. A major employer with multiple sites may have one ETC for all sites.

2. The ETC shall oversee all elements of the employer's CTR program and act as liaison between the employer and the city.

3. The ETC and/or designee's name, location, and telephone number (and email address if available) shall be displayed prominently at each major worksite, and shall also be provided to the Lynnwood ~~community development~~ development and business services director. If the employer designates a new ETC, information about the new ETC shall be displayed and forwarded to the city within 30 days of the change.

4. Newly designated ETCs shall attend a training class organized by Community Transit within six months of being designated an ETC. All ETCs shall attend a training class or networking workshop organized by Community Transit at least once every 12 months.

5. ETCs will be required to attend at least six hours of networking or advanced training per year. Training and networking sessions may include marketing CTR programs to employees, trip planning, ridesharing, joint promotions and networking meetings. The objective is to have an effective transportation coordinator at each worksite.

B. Information Distribution. Information about alternatives to drive-alone commuting shall be provided to employees at least once a year and to new employees at time of hire. The summary of the employer's CTR program shall also be submitted to the city with the employer's program description and annual or biannual report.

C. Annual Worksite Promotion of Employer CTR Program. Major employers will hold at least one annual "transportation fair" or equivalent promotion which is available to all employees at each major worksite. (Ord. 3255 § 2 (Exh. B), 2017; Ord. 2741 § 1 (Exh. A), 2008; Ord. 2273 § 6, 1999; Ord. 1930 § 9, 1993)

## Title 12

### 12.18.300 Requirements.

A temporary construction office allowed under this chapter shall be located in a "commercial coach" that meets the requirements of the State Department of Labor and Industry (ref. Chapter 296-150C WAC, referred to herein by the term "coach"), and shall comply with the following requirements:

A. A minimum of five off-street parking spaces plus a van-accessible stall shall be provided. These spaces shall be located so that vehicles are not required to back onto a designated arterial street.

B. Access to the coach shall comply with all accessibility requirements, if applicable.

- 1057 C. The coach shall be removed from the site within 15 calendar days of completion of the project, as  
1058 determined by the public works director.
- 1059 D. The coach may be located in a required setback, except a setback that adjoins a single-family zone.
- 1060 E. A building permit is required for installing the coach, for installing access ramps (if required under  
1061 subsection B of this section), and for sewer, water and electrical connections.
- 1062 F. The coach must be labeled as a commercial coach by the Washington State Department of Labor and  
1063 Industries.
- 1064 G. If the floor area of the coach exceeds 400 square feet, the exterior walls shall provide one-hour fire  
1065 protection, or an approved sprinkler system shall be installed within the coach.
- 1066 H. The coach shall not be located in required fire lanes and shall be accessible to emergency equipment.
- 1067 I. Fire extinguishers shall be located in or around the coach, as required by the fire marshal.
- 1068 J. Temporary landscaping and temporary skirting shall be placed around the base of the coach, including  
1069 (but not limited to) small trees or shrubs spaced no more than four feet on-center. This landscaping may  
1070 be planted either in the ground or in temporary planter boxes or other containers. The landscaping shall  
1071 be subject to the approval of the ~~community development~~ development and business services director.  
1072 (Ord. 2361 § 5, 2001)

## 1073 Title 13

- 1074
- 1075 **13.40.020 Applicability.**
- 1076 The requirements of this chapter shall apply to all actions requiring the approval or issuance of a permit  
1077 by either the ~~community development~~ development and business services department or the public works  
1078 department, or projects involving 2,000 square feet or more of land-disturbing activity, new impervious  
1079 surface, or replaced impervious surface. (Ord. 2833 § 2, 2010)

## 1080 Title 16

- 1081
- 1082 **16.16.015 Definitions.**
- 1083 A. Section 201 USC Amended. Section 201 of the edition of the Uniform Sign Code adopted by this  
1084 chapter, entitled "General Definitions," is amended by adding thereto the following paragraph:
- 1085       Whenever the term "Code" is used herein, it shall mean the provisions of Chapter  
1086       16.16 LMC and the edition of the Uniform Sign Code as adopted by Chapter 16.16  
1087       LMC. Whenever the term "City" or "jurisdiction" is used herein, it shall mean the City  
1088       of Lynnwood. Whenever the term "Building Code" is used in this chapter, it shall  
1089       mean the International Building Code.
- 1090 B. Whenever the term "code" is used in this chapter, it shall mean the provisions of this chapter and the  
1091 provisions of the edition of the Uniform Sign Code as adopted by this chapter. Whenever the term "city" or  
1092 "jurisdiction" is used in this chapter, it shall mean the city of Lynnwood.
- 1093 C. Whenever a sign is not defined in this code, its definition shall be per LMC 21.02.665 through  
1094 21.02.720 as interpreted by the ~~community development~~ development and business services director.  
1095 (Ord. 2683 § 6, 2007; Ord. 1900 § 2, 1992)
- 1096 **16.40.200 Application.**
- 1097 The developer of a new single-family or multiple-family residential development or a multiple-family  
1098 development that is being rehabilitated may apply to a ~~community development~~ development and  
1099 business services department to allow a temporary office for sales or leasing of units in the development

1100 as part of applying for building permits for the development. Multiple-family housing includes apartments,  
1101 condominiums, townhouses, and housing designed or intended for use by senior citizens. (Ord. 2316 § 3,  
1102 2000)

1103 **16.40.300 Authority.**

1104 The ~~community development~~ development and business services director may approve an application for  
1105 a temporary on-site sales/leasing office if the director finds that the location and use of the office complies  
1106 with the purpose and regulations in this chapter and other applicable regulations in the Lynnwood  
1107 Municipal Code. Action taken pursuant to this section may be appealed through Process II, LMC  
1108 1.35.200. (Ord. 2316 § 4, 2000)

1109 **16.40.400 Requirements.**

1110 A temporary sales/leasing office allowed under this chapter shall be located in a “commercial coach” that  
1111 meets the requirements of the State Department of Labor and Industry (ref. Chapter 296-150C WAC)  
1112 referred to herein by the term “coach,” and shall comply with the following requirements:

1113 A. The site of the coach shall be separated from the construction area by fencing. Access for the public  
1114 into the construction area is prohibited; this prohibition shall be posted at all access gates to the  
1115 construction area.

1116 B. A minimum of five off-street parking spaces plus a van-accessible stall shall be provided on a paved  
1117 surface. These spaces shall be located so that vehicles are not required to back onto a designated  
1118 arterial street.

1119 C. Access to the coach shall comply with all accessibility requirements.

1120 D. The project developer shall post a cash deposit of \$5,000 to guarantee removal of the coach.

1121 E. The coach shall be removed from the site within 15 calendar days of issuance of the first certificate of  
1122 occupancy for the development or within 120 calendar days of issuance of a building permit for the  
1123 development, whichever occurs first. The director of ~~community development~~ development and business  
1124 services may grant a single extension of this time limit of no more than 60 calendar days upon a request  
1125 of the developer and a showing that construction of the development has been delayed due to no fault of  
1126 the developer. After removal of the coach, the sales/leasing office may relocate to a permanent building  
1127 on the development site.

1128 F. The coach may be located in a required setback, except a setback that adjoins a single-family zone.

1129 G. A building permit is required for installing the coach, for installing access ramps, and for sewer, water  
1130 and electrical connections.

1131 H. The coach must be labeled as a commercial coach by the Washington State Department of Labor and  
1132 Industries.

1133 I. If the floor area of the coach exceeds 400 square feet, the exterior walls shall provide one hour fire  
1134 protection, or an approved sprinkler system shall be installed within the coach.

1135 J. The coach shall not be located in required fire lanes and shall be accessible to emergency equipment.

1136 K. Fire extinguishers shall be located in or around the sales office, as required by the fire marshal.

1137 L. Persons not directly involved in construction/rehabilitation of the dwelling units (including, but not  
1138 limited to, office staff, potential buyers/lessors, or other visitors to the office) shall not be allowed access  
1139 to the construction area for any reason.

1140 M. Temporary landscaping shall be placed around the base of the coach, subject to the approval of  
1141 ~~community development~~ development and business services director. (Ord. 2316 § 5, 2000)

**16.40.500 Revocation.**

The ~~community development~~ development and business services director may revoke approval of a temporary sales/leasing office approved under this chapter if the director finds that the installation or use of the office violates one or more provisions of this chapter or the Lynnwood Municipal Code. The director shall notify the applicant and any other party to the original decision in writing of revocation. A decision to revoke approval of an office may be appealed pursuant to Process II. In the event of revocation, the office shall be closed immediately and all improvements related to the office shall be removed from the site within 15 calendar days of the effective date of the revocation. This authority shall be supplemental to, and in no way shall limit, separate authority to enforce the provisions of this title or code. (Ord. 2316 § 6, 2000)

## Title 17

**17.02.027 Planned action EIS – Additional provisions.**

**A. Periodic Update.**

1. No later than five years following approval of a planned action EIS, and every five years thereafter, the city's responsible official shall review the content of the EIS and determine whether the EIS adequately describes the probable significant adverse environmental impacts of development(s) designated as planned actions. If the responsible official determines that the EIS does not adequately describe the probable significant adverse environmental impacts, the responsible official shall issue a report identifying the inadequacies in the EIS. No development may be processed as a planned action until the deficiencies in the EIS have been addressed in additional environmental document(s).

2. If the official determines that the EIS does adequately describe the probable significant adverse environmental impacts, no new environmental document is required.

3. Notice of a determination under this subsection shall be provided to all parties of record for the planned action EIS and to anyone who has requested notification of action under this subsection.

4. Any determination pursuant to this subsection may be appealed by filing a written appeal with the responsible official no later than 14 calendar days following the date of issuance of the determination. Any such appeal shall be processed under Process II (LMC 1.35.200 et seq.).

**B. Fees for Preparation of a Planned Action EIS.**

1. Where a planned action EIS is prepared for activities initiated by some persons or entity other than the city, the responsible official may require payment of all of the costs for preparing the EIS (including, but not limited to, staff hours and consultant fees) by the person(s) or entity initiating the action, pursuant to LMC 17.02.260.

2. Where a planned action EIS is prepared at the initiation of the city, the city may charge a fee on future development that qualifies as a planned action in order to recover all costs of preparing the EIS. Such a fee shall be set in the ordinance designating the development that qualifies as a planned action, pursuant to WAC 197-11-168.

**C. Public Participation.**

1. The process for preparation of a planned action EIS shall include a public outreach plan designed for the inclusion of the public in the process. The goals of the public outreach plan shall be:

a. To give notice to the public of the intent to approve a planned action EIS; and

b. To solicit from the public comments on the potential environmental impacts of planned action development.



1186 2. The public outreach plan shall emphasize early and continuing public participation and shall  
1187 provide for: early notification of preparation of a planned action EIS (including a description of the  
1188 planned action process), opportunity for written comments (both in establishing the scope of the EIS  
1189 and in review of the draft EIS), public meetings after effective notice, provisions for open discussion,  
1190 communication programs, information services, and consideration and response to public comments.  
1191 Persons who have filed a written request with the ~~community development~~ development and  
1192 business services department shall be notified of preparation of the EIS and of opportunities to  
1193 participate in that process. (Ord. 2426 § 2, 2002)

1194 **17.02.029 Planned action permit process.**

1195 Applications for planned actions shall be processed as follows:

1196 A. Applications for planned actions shall be made on forms authorized by the SEPA responsible official,  
1197 shall include a SEPA checklist and other supporting materials as requested by the SEPA responsible  
1198 official, and shall be accompanied by applicable fees.

1199 B. The ~~community development~~ development and business services department shall determine whether  
1200 the application is complete as provided in LMC 1.35.015.

1201 C. Within 14 calendar days after the determination of completeness, the SEPA responsible official shall  
1202 determine that:

1203 1. The proposed project meets the description in the designating planned action ordinance; and

1204 2. The proposed project will implement any applicable conditions or mitigation measures identified in  
1205 the designating planned action ordinance; and

1206 3. The probable significant adverse environmental impacts of the proposed project have been  
1207 adequately addressed in the EIS prepared for the planned action, by reviewing an environmental  
1208 checklist or other project review form as specified in SEPA regulations and filed with the application;  
1209 and

1210 4. The proposed project is not an essential public facility, as defined in RCW 36.70A.200 or the city  
1211 of Lynnwood comprehensive plan.

1212 5. The proposed project meets the city's evaluation criteria for concurrency related transportation  
1213 impacts as provided for in the city of Lynnwood comprehensive plan. Projects failing to meet such  
1214 evaluation criteria shall be required to undergo SEPA environmental review to evaluate and address  
1215 transportation concurrency impacts. Use of SEPA to evaluate concurrency management shall occur  
1216 only until such time as the city adopts a concurrency management ordinance in accordance with  
1217 RCW 36.70A.070(6)(b).

1218 Within the same 14-day period, the SEPA official shall also determine whether the proposed project  
1219 meets the criteria of LMC 17.02.300(C)(1) and 17.02.300(C)(3) or the applicable designating planned  
1220 action ordinance.

1221 D. If the SEPA responsible official determines that a proposed project qualifies as a planned action  
1222 pursuant to subsection (C) of this section, then the application shall be processed in accordance with the  
1223 applicable permit review procedures; except that no SEPA threshold determination, EIS or additional  
1224 SEPA review shall be required. Although no SEPA threshold determination, EIS or additional SEPA  
1225 review shall be required for the proposed project, the city may use city code provisions and other  
1226 applicable laws to place conditions on the project that will mitigate nonsignificant impacts.

1227 E. Public notice and review for projects that qualify as planned actions shall be tied to the underlying  
1228 permit. If public notice is otherwise required by the provisions of Chapter 1.35 LMC for the underlying  
1229 permit, the notice shall state that the project has qualified as a planned action. If notice is not otherwise  
1230 required for the underlying permit, no special notice is required.



1231 F. If the SEPA responsible official determines that a project does not qualify as a planned action, the  
1232 SEPA responsible official shall so notify the applicant and prescribe a SEPA review procedure consistent  
1233 with the city's SEPA regulations and the requirements of state law. The notice to the applicant shall  
1234 describe the elements of the project and application that result in failure to meet the planned action  
1235 criteria.

1236 G. Projects that fail to qualify as planned actions may incorporate or otherwise use relevant elements of  
1237 the applicable EIS, as well as other relevant SEPA documents, to meet their SEPA requirements. The  
1238 SEPA responsible official may limit the scope of SEPA review for the nonqualifying planned action project  
1239 to those issues and environmental impacts not adequately or previously addressed in the planned action  
1240 EIS.

1241 H. The decision of the SEPA responsible official regarding qualification as a planned action shall be final  
1242 with no administrative appeals. (Ord. 2943 § 2, 2012)

1243 **17.02.040 Designation of responsible official (WAC 173-806-040).**

1244 A. For those proposals for which the city is the lead agency, the responsible official shall be the  
1245 ~~community development~~ development and business services director and/or his/her designee.

1246 B. For all proposals for which the city is the lead agency, the responsible official shall make the threshold  
1247 determination, supervise scoping and preparation of any required environmental impact statement (EIS),  
1248 and perform any other functions assigned to the "lead agency" or "responsible official" by those sections  
1249 of the SEPA rules that were adopted by reference in WAC 173-806-020.

1250 C. The city shall retain all documents required by the SEPA rules (Chapter 197-11 WAC) and make them  
1251 available in accordance with Chapter 42.11 RCW. (Ord. 2909 § 2, 2011; Ord. 1415 § 2, 1984)

1252 **17.02.195 Appeals (WAC 173-806-170).**

1253 A. The city establishes the following administrative appeal procedures under RCW 43.21C.075 (as  
1254 amended by Chapter 347, Laws of 1995 (ESHB 1724)), WAC 197-11-680 and RCW 43.21C.060. These  
1255 administrative appeal procedures supersede procedures for administrative appeals provided for in  
1256 Chapter 1.35 LMC.

1257 1. Any agency or person may appeal the city's procedural compliance with Chapter 197-11 WAC for  
1258 issuance of the following:

1259 a. Determination of nonsignificance;

1260 b. Mitigated determination of nonsignificance;

1261 c. Adequacy of an FEIS.

1262 2. A determination of significance (DS) shall not be subject to appeal.

1263 3. Appeals, with the appeal fee established in Chapter 3.104 LMC, must be filed within the following  
1264 timelines:

1265 a. An appeal of a determination of nonsignificance (DNS) or mitigated DNS must be filed in  
1266 writing with the ~~community development~~ development and business services department within  
1267 14 calendar days of the date that the DNS or mitigated DNS becomes final.

1268 b. Appeals of a final EIS must be filed in writing with the ~~community development~~ development  
1269 and business services department within 14 days of the issuance of the final EIS by the city.

1270 4. The appeal of a determination under SEPA shall be considered with the decision on the underlying  
1271 governmental action in the following manner:

- 1272 a. If the initial decision on the underlying governmental action is made by the hearing examiner  
1273 (e.g., conditional use permit), the SEPA appeal shall be heard by the hearing examiner at the  
1274 same time as the public hearing on the underlying action. The hearing examiner shall render a  
1275 decision on both the SEPA appeal and the underlying action.
- 1276 b. If the initial decision on the underlying governmental action is made by a city employee or  
1277 official with a right of appeal to the hearing examiner, the SEPA appeal shall be heard by the  
1278 examiner at the same time as the hearing on the appeal of the underlying action, if the  
1279 underlying action is appealed. The hearing examiner shall render a decision on both appeals. In  
1280 cases where the underlying action is not appealed, the hearing examiner shall conduct a public  
1281 hearing and render the decision on the SEPA appeal.
- 1282 c. If the initial decision on the underlying governmental action is made by the city council after a  
1283 public hearing, the SEPA appeal shall be heard and decided by the city council at the same  
1284 time.
- 1285 d. If the proposal is a nonproject action (i.e., legislative or other actions not meeting the definition  
1286 of a project permit pursuant to LMC 1.35.005, Project permit – Definition), then the hearing  
1287 examiner shall render a decision on the SEPA appeal (prior to the planning commission or city  
1288 council public hearing).
- 1289 B. If the city is the project proponent of the underlying action or is funding the project, is the SEPA lead  
1290 agency for the project, and exercises its right to conduct review under SEPA, including any appeals of the  
1291 city's procedural determinations under SEPA, before the city submits an application for any project permit  
1292 for the project or action, the hearing examiner shall hear and render a decision on the SEPA appeal.
- 1293 C. The decision on a SEPA appeal shall be final, with no additional administrative appeal.
- 1294 D. As provided in RCW 43.21C.075(3)(d), the environmental determination of the responsible official shall  
1295 be entitled to substantial weight.
- 1296 E. The appellant shall have the burden of establishing that the environmental determination is clearly  
1297 erroneous.
- 1298 F. Only one appeal of an environmental determination made by the responsible official shall be allowed  
1299 on a proposal. If more than one person files an appeal of an environmental determination on a proposal,  
1300 such appeals shall be consolidated.
- 1301 G. The city shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for  
1302 which a statute or ordinance establishes a time limit for commencing judicial appeal.
- 1303 Note: see also LMC 17.02.200(E). (Ord. 3256 § 2, 2017; Ord. 2957 § 14, 2012; Ord. 2073 § 1, 1996; Ord.  
1304 1451 § 1, 1985; Ord. 1415 § 2, 1984)
- 1305 Note: see also LMC 17.02.200(E).

## Title 18

### 18.04.040 Preparation of the proposed amendment list (PAL).

- 1308 A. Annual List of Suggested Amendments. The ~~community development~~ development and business  
1309 services director shall compile and maintain for public review an annual list of suggested amendments to  
1310 the comprehensive plan or subarea plans that are citywide in nature and that are not for personal gain,  
1311 project-related or site-specific.
- 1312 B. Public Participation Process – Suggested Amendments.
- 1313 1. The annual amendment process shall generally follow the citizen involvement program contained  
1314 in the introduction element of the comprehensive plan and shall provide for early and continuous

1315 public involvement with broad dissemination of proposals and alternatives, opportunity for written  
1316 comments, public meetings after effective notice, provisions for open discussion, communication  
1317 programs, information services, and consideration and response to public comments.

1318 2. The deadline for receipt of suggested plan amendments shall be 5:00 p.m. on April 1st of each  
1319 year, or the nearest working day if April 1st falls on a weekend.

1320 3. General public notice shall be given at least 60 days prior to the application deadline to inform the  
1321 public of the annual plan amendment process, the deadline for plan amendment suggestions and  
1322 applications and how to obtain additional information.

1323 C. Planning Commission and City Council Review.

1324 1. Immediately following the April 1st deadline for suggested amendments, the director of ~~community~~  
1325 ~~development~~ development and business services shall recommend a list of suggested amendments  
1326 for inclusion on the proposed amendments list for processing. The director shall base the  
1327 recommendation on a preliminary evaluation of the need, urgency, and appropriateness of the  
1328 suggested plan amendments, and the criteria set forth in the implementation element of the  
1329 comprehensive plan.

1330 2. The director's recommendation, and a brief description of each suggested plan amendment, shall  
1331 be forwarded to the planning commission for review and consideration. The planning commission  
1332 shall hold a public hearing to accept public comments on any or all of the suggested amendments  
1333 and to consider any additional suggestions for inclusion on the proposed amendments list that may  
1334 be offered. The planning commission's recommended proposed amendments list shall then be  
1335 finalized and forwarded to the city council. The commission shall base its recommendations on its  
1336 preliminary evaluation of the need, urgency and appropriateness of the suggested plan amendments,  
1337 and the criteria set forth in the implementation element of the comprehensive plan.

1338 3. The city council shall consider the planning commission's recommendations, and may hold  
1339 another public hearing. The city council shall determine which items shall be included in the annual  
1340 amendment process. The city council shall base this decision on the same criteria used by the  
1341 planning commission. (Ord. 2441 § 2, 2003; Ord. 2239 § 1, 1999; Ord. 2085 § 2, 1996)

1342 **18.04.050 Application for comprehensive plan amendment.**  
1343 The city will review a formal application for a specific project-related or site-specific comprehensive plan  
1344 amendment filed by proponents of land development projects, property owners, citizens, hearing  
1345 examiner, other agencies or other interested persons.

1346 Applications for plan amendments shall be processed as follows:

1347 A. Application Submittal Requirements. The applicant shall:

1348 1. Deposit funds or post bond for required fees and costs as set forth in Chapter 3.104 LMC;

1349 2. Complete required submittal documents on forms of the ~~community development~~ development  
1350 and business services department, that include at a minimum:

1351 a. Name and address of applicant;

1352 b. Description of proposed plan amendment and associated development proposals (if  
1353 applicable). Project-related amendments shall include plans, information and/or studies that  
1354 accurately depict existing and proposed use(s) and improvements. Proposed plan amendments  
1355 that do not specify proposed use(s) and potential impacts will be assumed to have maximum  
1356 impact to the environment, and public facilities and services;

1357 c. Map (if appropriate) showing area affected by proposed plan amendment;

- 1358 d. Narrative evaluation showing how the amendment and associated development proposals (if  
1359 any):
- 1360 i. Promote the public health, safety, and welfare;
- 1361 ii. Are consistent, or in conflict with, or otherwise related to the criteria in the implementation  
1362 element of the comprehensive plan;
- 1363 iii. Comply with GMA; and
- 1364 iv. Address potential impact and proposed mitigation relating to the environment, and public  
1365 facilities and services;
- 1366 3. The ~~community development~~ **development and business services** director may request the  
1367 applicant submit additional information that in the director's opinion is reasonably necessary and  
1368 appropriate for review of the proposed amendment.

1369 B. Application Submittal Deadline. The deadline for receipt of formal amendment applications shall be  
1370 5:00 p.m. on April 1st of each year, or the nearest working day if April 1st falls on a weekend. (Ord. 2656  
1371 §§ 1, 2, 2006; Ord. 2441 § 2, 2003; Ord. 2242 § 3, 1999; Ord. 2239 § 2, 1999; Ord. 2085 § 2, 1996)

## 1372 Title 19

### 1373 1374 **19.05.017 Exemptions.**

1375 The provisions of this chapter do not apply to the following:

- 1376 A. Cemeteries and other burial plots while used for that purpose;
- 1377 B. Divisions of land into lots, tracts or parcels where each lot is five acres or larger. For this purpose, in  
1378 computing the area of any lot under this paragraph that borders on a street or road, the lot size shall be  
1379 expanded to include that area that would be bounded by the centerline of the street or road and the side  
1380 lot lines of the lot running perpendicular to such centerline;
- 1381 C. Divisions of land made by testamentary provisions or the laws of descent;
- 1382 D. Divisions of land into lots or tracts classified for industrial or commercial uses when approved by the  
1383 city in accordance with Chapter 19.75 LMC, Binding Site Plans;
- 1384 E. Except as otherwise provided, a division made for the purpose of alteration by adjusting boundary  
1385 lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site,  
1386 or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension  
1387 to meet city code; provided, that such alterations shall be first approved by the ~~community development~~  
1388 **development and business services** director who shall initial the revised plat map and shall cause same  
1389 to be recorded with the Snohomish County auditor's office at the applicant's expense. Any change in the  
1390 number of lots shall be accomplished as a plat or short plat;
- 1391 F. Divisions of land into lots or tracts if:
- 1392 1. The improvements constructed or to be constructed thereon will be included in one or more  
1393 condominiums or owned by an association or other legal entity in which the owners of units therein or  
1394 their owners' associations have a membership or other legal or beneficial interest;
- 1395 2. The division of land is approved by the city in accordance with Chapter 19.75 LMC, Binding Site  
1396 Plans; and
- 1397 3. The binding site plan contains thereon the following statement: "All development of the land  
1398 described herein shall be in accordance with the binding site plan, as it may be amended. Upon

1399 completion, the improvements on the land shall be included in one or more condominiums or owned  
1400 by an association or other legal entity in which the owners of units therein or their owners'  
1401 associations have a membership or other legal or beneficial interest";

1402 G. Division of land due to condemnation, or purchase thereof in lieu of condemnation, by an agency or  
1403 division of government vested with the power of condemnation. (Ord. 2463 § 3, 2003; Ord. 1808 § 5,  
1404 1991)

1405 **Chapter 19.10**

1406 **DEFINITIONS**

1407 Sections:

1408	19.10.005	Definitions generally.
1409	19.10.010	Alley.
1410	19.10.015	Applicant.
1411	19.10.020	Binding site plan.
1412	19.10.025	Block.
1413	19.10.030	Bond.
1414	19.10.035	Boundary line adjustment.
1415	19.10.040	Buffer strip.
1416	19.10.045	City.
1417	19.10.050	City council.
1418	19.10.055	Collector arterial.
1419	19.10.057	Common areas.
1420		
1421	19.10.065	Comprehensive plan.
1422	19.10.067	Condominium.
1423	19.10.070	County auditor.
1424	19.10.075	County treasurer.
1425	19.10.080	Cul-de-sac.
1426	19.10.085	Declaration of short subdivision.
1427	19.10.090	Dedication.
1428	19.10.093	Development and Business Services director.
1429	19.10.095	Easement.
1430	19.10.097	Fee simple unit lot subdivision.
1431	19.10.100	Final approval.
1432	19.10.105	Final subdivision plat.
1433	19.10.110	Hearing examiner.
1434	19.10.112	Homeowners' association.
1435	19.10.115	Improvements.
1436	19.10.120	Lot.
1437	19.10.125	Lot combination.
1438	19.10.130	Minor arterial.
1439	19.10.135	Owner.
1440	19.10.136	Panhandle.
1441	19.10.140	Parcel.
1442	19.10.142	Parent lot.
1443	19.10.145	Pedestrian way.
1444	19.10.150	Plat.
1445	19.10.155	Preliminary approval.
1446	19.10.160	Preliminary plat.
1447	19.10.165	Principal arterial.
1448	19.10.170	Private roadway.
1449	19.10.175	Public street or right-of-way.

1450 19.10.180 Public works director.  
1451 19.10.185 Short plat.  
1452 19.10.190 Short subdivision.  
1453 19.10.195 Subdivider.  
1454 19.10.200 Subdivision.  
1455 19.10.205 Townhouse.  
1456 19.10.210 Unit lot.  
1457 19.10.220 Zero lot line townhouse development.

1458 **19.10.093 Development and Business Services director.** “Development and Business Services  
1459 director” means the director of the development and business services department for the city of  
1460 Lynnwood or the director’s designated representative.

1461  
1462 **19.15.005 Administrator – Powers and duties.**

1463 The ~~community development~~ development and business services director is vested with the duty of  
1464 administering the subdivision regulations within the city of Lynnwood up to and through the plat approval  
1465 stage. After preliminary plat approval, it shall be the duty of the public works director to administer the  
1466 subdivision regulations through the plat construction stage. After completion of the construction stage, it  
1467 shall be the duty of the ~~community development~~ development and business services director to  
1468 administer the subdivision regulations through the final plat approval and plat recording.

1469 The ~~community development~~ development and business services director and public works director may  
1470 prepare and require the use of such forms and procedures as are essential to the administration of such  
1471 regulations. (Ord. 2463 § 5, 2003; Ord. 1314 § 5, 1983)

1472 **19.15.010 Plat approval process.**

1473 The procedures and responsibilities for processing plat applications shall be as follows:

1474 A. Hearing Examiner. The hearing examiner is authorized to hold a public hearing on all preliminary plats  
1475 and to render a decision pursuant to Process I. In making the decision, the hearing examiner shall make  
1476 findings of fact and conclusions of law to indicate that the proposed subdivision is in conformance with the  
1477 zoning ordinance and other applicable land use controls, this title and state law.

1478 B. ~~Community development~~ Development and Business Services Department.

1479 1. The ~~community development~~ development and business services department shall coordinate all  
1480 activities concerning the preliminary plat including routing departmental and outside agency reviews  
1481 and recommendations and consolidating staff recommendations to the hearing examiner. This  
1482 provision shall not be construed to conflict with the duties of other named city officials as mentioned  
1483 in this title.

1484 2. The ~~community development~~ development and business services director shall have authority to  
1485 approve final plats. No plat may be approved unless the ~~community development~~ development and  
1486 business services director makes a formal finding of fact that the proposed final plat is in  
1487 conformance with the zoning code and all other applicable land use regulations, this title and state  
1488 law. (Ord. 3271 § 3, 2017; Ord. 2957 § 17, 2012; Ord. 2463 § 5, 2003; Ord. 2074 § 2, 1996; Ord.  
1489 1314 § 5, 1983)

1490 **19.20.005 Pre-application conference.**

1491 Any subdivider or developer who desires to subdivide land within the city of Lynnwood is encouraged to  
1492 consult the ~~community development~~ development and business services department in order to become  
1493 familiar with the requirements of this title. The public works department and fire marshal’s office should  
1494 also be consulted at this time for advice and assistance in understanding the engineering requirements of  
1495 the city of Lynnwood. (Ord. 2463 § 6, 2003; Ord. 1314 § 6, 1983)

1496 **19.20.010 Preliminary plat application.**

1497 A complete preliminary plat application and environmental checklist shall be submitted to the ~~community~~  
1498 ~~development development and business services~~ department for any platting or subdivision of land  
1499 regulated under this title. A complete application shall contain the following materials:

1500 A. Completed application form. Application shall be made on forms provided by the ~~community~~  
1501 ~~development development and business services~~ department and completed by the applicant.

1502 B. Completed environmental checklist (one original and three copies). A completed State Environmental  
1503 Policy Act checklist shall be prepared on forms provided by the ~~community development development~~  
1504 ~~and business services~~ department.

1505 C. If requested by an applicant for preliminary plat approval, a preliminary plat shall be processed  
1506 simultaneously with application for rezones, variances, planned unit developments, site plan approvals,  
1507 and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to  
1508 these actions permit simultaneous processing per RCW 58.17.070. The applicant shall submit to the  
1509 ~~community development development and business services~~ department, in writing, any request to  
1510 concurrently review other application(s) being processed simultaneously with the preliminary plat.

1511 D. Eight copies of the preliminary plat which shall be prepared by a registered surveyor in the state of  
1512 Washington and containing the following information:

1513 1. The name of the preliminary plat, subdivision or dedication;

1514 2. The date, scale, acreage, north arrow, vertical control datum and certification of the registered land  
1515 surveyor. The scale shall be one inch equals 50 feet for sites two acres in size or less, and one inch  
1516 equals 100 feet for sites greater than two acres in size. A scale for smaller projects may be used if  
1517 approved by the city;

1518 3. The name and address of the owner(s), developer(s), and any party(ies) of interest;

1519 4. The legal description of all affected tracts and legal descriptions for all proposed lots or  
1520 dedications;

1521 5. Snohomish County assessor parcel numbers for all affected tracts;

1522 6. Boundary lines of the tracts to be subdivided, and corresponding bearings and dimensions and  
1523 actual dimensions of the tract to be platted, subdivided, or dedicated;

1524 7. The location, width, and designations of all existing or platted streets or other public ways or  
1525 easements within or adjacent to the proposed development and all other features such as buildings,  
1526 utilities, watercourses, power lines, and section lines;

1527 8. All parcels and tracts being reserved or dedicated as parks, playgrounds, streets, alleys or other  
1528 public and semi-public uses;

1529 9. The approximate dimensions of all lots and blocks with lot area, lot numbers and block  
1530 designations;

1531 10. The contours, with intervals of five feet or less which shall be referenced to mean sea level datum  
1532 or such datum acceptable to the public works director. The contour intervals shall extend reasonably  
1533 beyond the boundaries of the site;

1534 11. The zoning of tracts and lands adjacent thereto;

1535 12. The location of any sensitive areas as defined in LMC Title 17 as known to the applicant at time  
1536 of submittal.



1537 E. Eight copies of the conceptual utility plan containing the following information:

1538 1. A layout showing location and sizes of sewer lines, catch basins, pumps or other drainage and  
1539 sewage structures;

1540 2. A layout of a proposed water distribution system;

1541 3. The grades of proposed streets and methods of storm drainage;

1542 4. A tree retention, land clearing and/or grading plan.

1543 F. A vicinity map shall accompany the proposed plat. The vicinity map shall show all adjacent subdivision,  
1544 streets and tract lines and bordering lines of adjacent property. It shall show how the streets and public  
1545 ways in the proposed subdivision may connect with existing and proposed streets and public ways in  
1546 neighboring subdivisions or unplatted property to produce an advantageous development of the entire  
1547 neighborhood.

1548 G. A master plan and schedule if the property is intended to be developed in phases.

1549 H. Payment for preliminary plat fee (see Chapter 2.23 LMC).

1550 I. Payment for any required application as per subsection (C) of this section; provided, that if an  
1551 application is a combined planned unit development and plat, only the plat fee shall be assessed.

1552 J. Payment for environmental checklist (see Chapter 2.23 LMC).

1553 K. If deemed necessary by the public works director, and/or ~~community development~~ development and  
1554 business services director, those items found in subsection (E) of this section.

1555 L. One 11-inch by 17-inch reduction each of subsections (D) and (E) of this section.

1556 M. Additional information may be determined to be needed due to site conditions or proposed  
1557 improvements, in order for the city to review and approve the proposed development. Other information  
1558 required may include, but not be limited to, critical area assessments, traffic impact assessments,  
1559 preliminary engineering designs, etc. (Ord. 2463 § 6, 2003; Ord. 2074 § 3, 1996; Ord. 1314 § 6, 1983)

1560 **19.20.020 Referral to city departments and other agencies.**  
1561 The ~~community development~~ development and business services department shall distribute a copy of  
1562 the preliminary plat to the public works department; one copy to the building official; one copy to the  
1563 police department; one copy to the fire department; one copy to the parks and recreation department; one  
1564 copy to the Edmonds school district; one copy to the Snohomish County P.U.D.; one copy to the  
1565 Snohomish County health department; and one copy to any utility or public agency that may be affected  
1566 by the proposed plat.

1567 Whenever the property proposed to be subdivided is located within one-half mile of the corporate limits of  
1568 another city, town or unincorporated county, a copy of the proposed preliminary plat shall be distributed to  
1569 the respective jurisdiction. Also, whenever the property is located adjacent to the right-of-way of a state  
1570 highway, one copy of the proposed plat shall be transmitted to the Department of Transportation. (Ord.  
1571 2463 § 6, 2003; Ord. 1314 § 6, 1983)

1572 **19.20.022 Notice requirements.**  
1573 The ~~community development~~ development and business services director shall provide notice of public  
1574 hearings when appropriate in accordance with the notification requirements set forth in LMC 1.35.440.  
1575 (Ord. 2957 § 18, 2012; Ord. 2463 § 6, 2003)



1576 **19.20.040 Time limits, extensions and effect of preliminary plat approval.**

1577 A. The hearing examiner shall approve, approve with conditions, disapprove or return to the applicant for  
1578 modification all preliminary plats of proposed subdivisions within the time frame specified by RCW  
1579 58.17.140.

1580 B. The subdivider shall submit to the city a final plat meeting all requirements of this title within the time  
1581 frame specified by RCW 58.17.140. Failure to do so will result in the expiration of preliminary plat  
1582 approval; provided, however, that upon written application to the ~~community development~~ development  
1583 and business services department at least 30 days prior to the expiration of the time period and upon  
1584 satisfactory showing that a good faith effort has been made to submit the final plat within the time period,  
1585 the ~~community development~~ development and business services director or designee may grant a single,  
1586 one-year extension of time in which to submit the final plat for approval.

1587 C. Approval of a preliminary plat by the hearing examiner is approval of the proposed subdivision's  
1588 design, and relationship with adjoining property. The engineering, construction and installation of  
1589 improvements and final platting detail shall be subject to approval of the public works director. Approval of  
1590 the preliminary plat shall authorize the subdivider to proceed with the preparation of the final plat in  
1591 conformance with the approved preliminary plat and the conditions stipulated. Upon the approval of  
1592 detailed construction plans by the public works director, construction and installation of the improvements  
1593 may proceed. (Ord. 2957 § 22, 2012; Ord. 2463 § 6, 2003; Ord. 2074 § 4, 1996; Ord. 1314 § 6, 1983)

1594 **19.20.045 Methods and procedure for carrying out improvements.**

1595 A. If the preliminary plat is approved by the hearing examiner, the city may accept a bond or other secure  
1596 method providing for and securing to the city the actual construction and installation of minimum  
1597 improvements in accordance with the provisions of LMC 19.20.042 within one year by any of the following  
1598 methods:

1599 1. By furnishing the city of Lynnwood with a performance bond satisfactory to the public works  
1600 director and city attorney, in which guarantee is given the city that the installation of the minimum  
1601 improvements will be carried out as provided in LMC 19.20.042 and according to the specifications of  
1602 the public works director within one year;

1603 2. By actual installation of improvements in accordance with the installation requirements and under  
1604 the supervision of the public works director and furnishing a bond approved by the city attorney  
1605 securing successful operation of the improvements for a period of 24 months following completion  
1606 and acceptance thereof by the city;

1607 3. By formation of a local improvement district;

1608 4. By a cash deposit with the city or suitable escrow;

1609 5. By a combination of these methods; and

1610 6. By such other reasonable guarantee acceptable to the public works director and approved by the  
1611 city attorney.

1612 B. The subdivider may then make application for such permits from the local officers, officials and  
1613 authorities as are necessary to proceed with the installation of the plat improvements.

1614 C. After completing all minimum improvements, the subdivider shall make written request to the public  
1615 works director for inspection. After finding that all improvements have been completed or provided for in  
1616 accordance with the installation standards, the public works director shall so notify the ~~community~~  
1617 development development and business services director.

1618 D. Upon receipt of this notification, the ~~community development~~ development and business services  
1619 director shall advise the subdivider that a final plat may be submitted for that portion of the area contained  
1620 in the proposed plat, subdivision, or dedication in which minimum improvements have been installed or

1621 concerning which a performance bond or other acceptable surety has been posted. The subdivider may  
1622 then submit the final plat in accordance with Chapter 19.25 LMC. (Ord. 2957 § 23, 2012; Ord. 2463 § 6,  
1623 2003; Ord. 1314 § 6, 1983)

Chapter 19.25

FINAL PLAT APPLICATION PROCEDURE

Sections:

- 19.25.005 Application.
- 19.25.010 Supplementary materials.
- 19.25.015 Sequence for obtaining signatures.
- 19.25.020 Review by public works director.
- 19.25.030 Review by ~~community development~~ development and business services director.
- 19.25.035 Filing.
- 19.25.040 Expiration.
- 19.25.045 Validity of land use.
- 19.25.050 Review of decision.

**19.25.005 Application.**

A. Submittal to the ~~Community Development~~ Development and Business Services Department. After approval of the preliminary plat and the detailed construction plans and within the time limits set forth in LMC 19.20.040, the subdivider shall prepare a final plat and the supplementary materials required by this chapter. The final plat shall be submitted to the ~~community development~~ development and business services department along with the supplementary materials as per LMC 19.25.010.

B. Conformance with Preliminary Plat. The final plat shall conform to the preliminary plat approved by the hearing examiner and to any conditions that may have been part of the approval. Slight deviations from the approved preliminary plat may be allowed if the ~~community development~~ development and business services director and/or public works director determine such deviations are necessary because of unforeseen technical problems.

C. Submittal Requirements. The final plat shall be prepared on mylar or other similar material, 18 inches by 24 inches in size, allowing one-half inch for border, by a registered land surveyor in accordance with the requirements of the public works director surveying standards and shall contain the following information:

1. All documents, maps, and survey notes shall contain the name of the subdivision or be clearly referenced to it, and shall contain the name and address of the subdivider and his surveyors or engineer, or be clearly referenced to it.

2. The legal description of the plat and the following information shall appear in the following sequences on the final plat, lettered in ink either by hand or mechanical device:

Know all men by these presents that \_\_\_\_\_, the undersigned owner(s) in fee simple, and encumbrances of the land hereby platted, hereby declare this plat and dedicate(s) to the use of the public forever, all streets and easements or whatever public property there is shown on the plat and the use thereof for any and all public purposes; also, the right to make all necessary slopes for cuts or fills upon the lots, blocks, tracts, etc., shown on this plat in the reasonable original grading of all streets, shown hereon.

Signed & Sealed \_\_\_\_\_

State of Washington )

)ss

County of Snohomish )

1667 This is to Certify that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me the  
 1668 undersigned, a Notary Public, personally appeared \_\_\_\_\_ to me known to the  
 1669 the person(s) who executed the foregoing dedication and acknowledged to me that  
 1670 \_\_\_\_\_ signed and sealed the same as \_\_\_\_\_ free and  
 1671 voluntary act and deed for the uses and purposes mentioned.

1672 Witness my hand and official seal the day and year last above written.

1673 \_\_\_\_\_  
 1674 Notary Public in and for the State of Washington, residing at  
 1675 \_\_\_\_\_  
 1676 Commission expires \_\_\_\_\_

1677 I hereby certify that the plat of \_\_\_\_\_ is based on actual survey and  
 1678 subdivision of Section \_\_\_\_\_, Township \_\_\_\_\_, North, Range \_\_\_\_\_  
 1679 E.W.M., that the distances and courses and angles are shown thereon correctly, that  
 1680 proper monuments have been set and lot block corners staked on the ground.

1681 Signed \_\_\_\_\_ (Seal)  
 1682 Licensed Land Surveyor

1683 Examined & Approved this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

1684 \_\_\_\_\_  
 1685 ~~Community Development~~ Development and Business Services Director

1686 Examined & Approved this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

1687 \_\_\_\_\_  
 1688 Public Works Director

1689 Attest:  
 1690 \_\_\_\_\_  
 1691 Administrative Services Director

1692 Filed for record at the request of the city of Lynnwood this \_\_\_\_ day of \_\_\_\_\_, A.D.,  
 1693 20\_\_\_\_, at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock, \_\_.M., and recorded in Volume  
 1694 \_\_\_\_\_ of Plats, on Page \_\_\_\_\_, records of Snohomish County, Washington.

1695 \_\_\_\_\_  
 1696 Snohomish County Auditor

1697 \_\_\_\_\_  
 1698 Deputy County Auditor

1699 I, \_\_\_\_\_, Treasurer of Snohomish County, Washington, do  
 1700 hereby certify that all taxes on the above described tract have been fully paid up to  
 1701 and including the year of 20\_\_\_\_.

1702 \_\_\_\_\_  
 1703 Snohomish County Treasurer

1704 3. The boundary lines with accurate distances and bearings, location, and width of all existing  
 1705 previously recorded public highways approaching and intersecting the boundaries of the subdivision  
 1706 shall be shown on the map and referenced to the United States Coast and Geodetic Survey datum or

1707 the plain coordinate system for the state of Washington, and/or acceptable data prescribed by the  
1708 public works director.

1709 4. The map shall accurately show the boundary lines of all parks and playgrounds and the rights-of-  
1710 way of all public streets contained in the plat, subdivision, or dedication, and shall contain thereon,  
1711 suitably inscribed, and described, a statement of dedication of these rights-of-way, playgrounds,  
1712 parks, and other necessary areas.

1713 5. The final plat shall clearly show the following information:

1714 a. The lines and names of all streets or other public ways, parks, playgrounds, tracts and  
1715 easements intended to be dedicated for public use, or granted for use of inhabitants of the  
1716 subdivision;

1717 b. The lines and names of all existing or platted streets or other public ways, parks, playgrounds,  
1718 and easements adjacent to the final plat, subdivision or dedication, including municipal  
1719 boundaries, township lines, and section lines;

1720 c. The lengths and bearings of all straight lines, curve radii, arcs and semi-tangents of all curves;

1721 d. All dimensions along the lines of each lot, with the true bearings plus any other data  
1722 necessary for the location of any lot lines or corners in the field;

1723 e. Suitable primary control points, approved by the public works director or descriptions and ties  
1724 to such control points, to which all dimensions, angles, bearings and similar data given on the  
1725 plat shall be referred;

1726 f. The name of all subdivisions immediately adjacent thereof;

1727 g. The date, true north point, scale and date of survey;

1728 h. The boundary of the tract, with courses and distances marked thereon, as determined by a  
1729 field survey made by a registered land surveyor of the state of Washington and to close with an  
1730 error of not more than one foot in 5,000; and

1731 i. Storm water system maintenance requirements as approved by the public works director.

1732 6. The subdivider shall submit complete field and computation notes showing original or re-  
1733 established corners, with description of the same; showing true bearings and distances to  
1734 established street lines and monuments, turning angles, points of curvature, length of tangents, and  
1735 the actual traverse showing error of enclosure and method of balancing with sketches showing all  
1736 distances, angles and calculations required to determine corners and distances of the plat,  
1737 subdivision, or dedication.

1738 The final plat as submitted to the city shall contain a certificate from the county treasurer indicating that all  
1739 taxes on said property included in the proposed plat, subdivision, or dedication have been paid and a  
1740 certificate from the county assessor and city treasurer indicating that all assessments on this property  
1741 have been paid in accordance with Chapter 188, Section 1, Laws, 1927, as hereafter amended (RCW  
1742 58.08.030). (Ord. 3271 § 2 (Exh. A), 2017; Ord. 2957 § 24, 2012; Ord. 2463 § 7, 2003; Ord. 1314 § 7,  
1743 1983)

1744 **19.25.015 Sequence for obtaining signatures.**  
1745 Signatures required by LMC 19.25.005 for dedications, acknowledgments, and endorsements normally  
1746 shall be obtained in the following sequence:

1747 A. A notarized signature of the owners in fee simple;

1748 B. The licensed land surveyor;

1749 C. The ~~community development~~ development and business services director;

1750 D. The public works director;

1751 E. The administrative services director;

1752 F. The Snohomish County treasurer; and

1753 G. The Snohomish County auditor. (Ord. 3271 § 2 (Exh. A), 2017; Ord. 2463 § 7, 2003; Ord. 1390 § 1,  
1754 1984; Ord. 1314 § 7, 1983)

1755 **19.25.020 Review by public works director.**

1756 A. The public works director shall:

1757 1. Inspect the detail and computation of the final plat for conformance with the specifications and  
1758 standards of this title; the public works director's determinations shall be conclusive;

1759 2. Inspect the final plat for conformance with the preliminary plat approved by the city council and the  
1760 conditions made a part of such approval; and

1761 3. Determine either that all required improvements have been installed in accordance with these  
1762 regulations or that certain improvements may properly be deferred as per LMC 19.20.045(A).

1763 B. When the public works director is satisfied with the detail and computations of the plat, determines that  
1764 the plat conforms with the approved preliminary plat and conditions set thereon, and determines that  
1765 improvements either are complete or may properly be deferred, he/she shall signify his/her approval in  
1766 writing and forward his/her approval along with the plat and the supplementary material to the ~~community~~  
1767 development development and business services director for review.

1768 C. If the public works director is not satisfied with the detail and computations of the final plat; finds that  
1769 the plat does not conform with the approved preliminary plat and conditions, determines that  
1770 improvements were installed incorrectly; or is not satisfied with the extent or manner in which completion  
1771 of improvements would be deferred, he shall withhold his signature until the matter is corrected or  
1772 resolved by the subdivider to the satisfaction of the public works director. (Ord. 3271 § 2 (Exh. A), 2017;  
1773 Ord. 2463 § 7, 2003; Ord. 1390 § 2, 1984; Ord. 1314 § 7, 1983)

1774 **19.25.030 Review by ~~community development~~ development and business services director.**

1775 After the review by the public works director, the ~~community development~~ development and business  
1776 services director shall review the proposed final plat for conformance with the preliminary plat and  
1777 conditions approved by the hearing examiner, considering the factors set forth below. The ~~community~~  
1778 development development and business services director shall determine whether:

1779 A. The final plat conforms to the approved preliminary plat conditions set thereon;

1780 B. The public use and interest will be served by the subdivision and the final plat meets the requirements  
1781 of Chapter 58.17 RCW and of this title;

1782 C. Improvements have been completed or properly guaranteed to be completed in accordance with LMC  
1783 19.20.045;

1784 D. The dedications, certifications, acknowledgments and signatures required have been fully stated and  
1785 obtained;

1786 E. Proposed covenants are in satisfactory form and ready for recording with the final plat; and

1787 F. Any other supplementary materials required by this title or by the city have been satisfactorily  
1788 completed.

1789 If the ~~community development~~ development and business services director affirmatively makes the above  
1790 determinations, the public works director, ~~community development~~ development and business services  
1791 director, and the administrative services director shall sign on the face of the original mylar drawing of the  
1792 final plat. If the city withholds approval, it shall return the plat sheets and supplementary materials to the  
1793 applicant and provide a statement of reasons for its decision and of the changes necessary to permit  
1794 granting approval. (Ord. 3271 § 2 (Exh. A), 2017; Ord. 2463 § 7, 2003; Ord. 1314 § 7, 1983)

1795 **19.45.005 Plat variance procedure.**

1796 It is recognized that in some cases pertaining to particular plats, circumstances may justify the granting of  
1797 plat variances from the standards of this title. Applications for plat variances shall be coordinated with  
1798 preliminary plat review. Petitioners for plat variances shall describe fully the variance sought and the  
1799 grounds for the application, and shall bear the burden of proof that approval of such application conforms  
1800 to the criteria of LMC 19.45.010. The ~~community development~~ development and business services  
1801 director shall develop separate recommendations on plat variance applications and forward them to the  
1802 hearing examiner along with the recommendation on the preliminary plat. The director's recommendation  
1803 and the hearing examiner's action may be for a lesser degree of variation from a standard than sought by  
1804 the applicant, and may include conditions. The hearing examiner shall have sole authority to approve plat  
1805 variances from the standards of this title. (Ord. 2957 § 25, 2012; Ord. 2463 § 11, 2003; Ord. 1314 § 11,  
1806 1983)

1807 **Chapter 19.50**

1808 **SHORT SUBDIVISIONS**

1809 Sections:

- 1810 19.50.005 Applicability.
- 1811 19.50.010 Administration.
- 1812 19.50.015 Exemptions.
- 1813 19.50.020 Preliminary short subdivision application.
- 1814 19.50.022 Review procedure.
- 1815 19.50.025 ~~Community development~~ Development and Business Services director's review and  
1816 recommendation of short subdivisions.
- 1817 19.50.027 Mayor's review and determination of short plats.
- 1818 19.50.028 Mayor to make written findings.
- 1819 19.50.030 Preliminary approvals.
- 1820 19.50.035 Final approval and recording.
- 1821 19.50.040 Final short plat application.
- 1822 19.50.045 General standards.
- 1823 19.50.050 General requirements.
- 1824 19.50.055 Public street rights-of-way.
- 1825 19.50.060 Survey – When required – Monuments and markers.
- 1826 19.50.070 Violation – Injunctive relief.
- 1827 19.50.080 Assurance of discontinuance.
- 1828 19.50.090 Unapproved short plat – Not to be filed.

1829 **19.50.010 Administration.**

1830 The ~~community development~~ development and business services director shall have the responsibility  
1831 and duty of administering the provisions of this chapter. The mayor shall have sole authority to summarily  
1832 approve or disapprove a proposed short plat under the guidelines set forth in this chapter and to approve  
1833 or disapprove final applications of short subdivisions. The ~~community development~~ development and  
1834 business services director shall prepare and require the use of such forms as needed essential to the  
1835 implementation of this title. (Ord. 2463 § 12, 2003; Ord. 1314 § 12, 1983)

1836 **19.50.020 Preliminary short subdivision application.**

1837 Any person desiring to divide land under the provisions of this title situated in the city of Lynnwood into  
1838 nine or fewer lots shall submit an application for short subdivision approval to the ~~community~~  
1839 ~~development~~ development and business services director together with payment of related fees and costs  
1840 as set forth in Chapter 3.104 LMC.

1841 A. Applications for a preliminary short plat subdivision shall be submitted on forms prescribed by the  
1842 ~~community-development~~ development and business services director. All applications submitted to the  
1843 ~~community-development~~ development and business services director shall be complete and contain the  
1844 following material:

- 1845 1. The name, address and telephone number of the owner(s);
- 1846 2. A written statement by the owner showing the entire contiguous ownership of land in which there is  
1847 an interest by reason of ownership, contract for purchase, earnest money agreement or option by  
1848 any person, firm or corporation in any manner connected with the development, and the names and  
1849 addresses and telephone numbers of all such persons, firms or corporations;
- 1850 3. The existing zoning classifications;
- 1851 4. The square footage computation of each lot or parcel. The square footage of land contained in  
1852 access panhandles and/or private roads may be included in the lot size computation when serving no  
1853 more than one lot from a right-of-way. Building area shall be demonstrated at time of preliminary  
1854 review/approval;
- 1855 5. The source of water supply;
- 1856 6. The method of sewage disposal;
- 1857 7. A survey prepared by a licensed surveyor registered in the state of Washington. However, if the  
1858 ~~community-development~~ development and business services director determines that existing  
1859 conditions so warrant because of previous development, construction or subdividing, the requirement  
1860 of a survey of the property to be subdivided may be waived for the preliminary short plat, but a  
1861 survey shall be required for the final short plat;
- 1862 8. For the same reasons as stated in subsection (A)(7) of this section, a current ownership certificate  
1863 from a recognized title company at the preliminary short plat stage may be waived for the preliminary  
1864 short plat; however, it shall be required for final short plat approval.

1865 B. Map. A map shall be prepared on a sheet of reproducible material, having dimensions of eight and  
1866 one-half inches by 14 inches, and containing the following information:

- 1867 1. The date, scale and north arrow;
- 1868 2. The boundary lines, to scale, of the tract to be subdivided and each lot contained therein;
- 1869 3. The dimensions, square footage and number assigned to each proposed lot;
- 1870 4. All existing structures;
- 1871 5. All setback dimensions for existing structures; and
- 1872 6. The location of any sensitive areas as defined by LMC Title 17 as known to the applicant at time of  
1873 submittal. (Ord. 3158 § 3, 2015; Ord. 3154 § 3, 2015; Ord. 2463 § 12, 2003; Ord. 2242 § 6, 1999)

1874 **19.50.022 Review procedure.**

1875 A. Procedure of a Short Plat Application. When the ~~community-development~~ development and business  
1876 services director determines that the proposed short plat application contains the required information



1877 and data as a basis for its approval or disapproval, a file number and a date of receipt shall be affixed and  
1878 copies of the short plat application shall be distributed to the following for their review and comment:

1879 1. County health officer;

1880 2. All city departments; and

1881 3. Federal, state or local agency which may have an interest in the short plat as determined by the  
1882 ~~community development~~ development and business services director.

1883 B. Review by agencies shall be completed within 10 working days from the date of referral. If any agency  
1884 cannot complete the review within 10 days they shall so notify the ~~community development~~ development  
1885 and business services director with reasons for the need for more time and an estimate of when the  
1886 review can be completed.

1887 C. All city departments and other agencies shall notify the ~~community development~~ development and  
1888 business services director of their concerns and shall so list their concerns for consideration by the mayor  
1889 in his findings for approval or denial of the short plat. (Ord. 2463 § 12, 2003)

1890 **19.50.025 ~~Community Development~~ Development and Business Services director's review and**  
1891 **recommendation of short subdivisions.**

1892 Within 90 days of filing of a valid short plat application or a longer period as agreed to by the applicant or  
1893 as required by Chapter 43.21C RCW, the ~~community development~~ development and business services  
1894 director shall review the reports and comments received. The director shall include in his recommendation  
1895 to the mayor a determination that the short subdivision is or is not in conformance with the following as  
1896 they now exist or as they may be amended:

1897 A. The goals, policies and objectives of the Lynnwood comprehensive plan;

1898 B. The Lynnwood comprehensive parks and recreation plan;

1899 C. The Lynnwood zoning code;

1900 D. The standards of this title and Chapter 58.17 RCW;

1901 E. The Lynnwood comprehensive street and arterial plan;

1902 F. The standards of LMC Title 17, Environment;

1903 G. The Lynnwood water system comprehensive plan;

1904 H. The Lynnwood comprehensive trunk storm drainage plan, and Chapter 13.40 LMC, Drainage Plans;

1905 I. The compatibility of the plat to the existing neighborhoods;

1906 J. Other plans and programs as the city of Lynnwood may adopt. (Ord. 2463 § 12, 2003; Ord. 1808 § 3,  
1907 1991; Ord. 1314 § 12, 1983)

1908 **19.50.027 Mayor's review and determination of short plats.**

1909 After receipt of the ~~community development~~ development and business services director's determination,  
1910 the mayor shall within the time period specified above:

1911 A. Approve the short subdivision (preliminary or final) as per LMC 19.50.030 and 19.50.035; or

1912 B. Return the short plat to the applicant for corrections or for the applicant's construction of improvements  
1913 in a manner consistent with official findings; or

1914 C. Disapprove the short subdivision and the short plat thereof with written findings. (Ord. 2463 § 12, 2003;  
1915 Ord. 1808 § 3, 1991; Ord. 1314 § 12, 1983)

1916 **19.50.030 Preliminary approvals.**

1917 A. If the adopted recommendations require the meeting of conditions, construction of improvements, or  
1918 time is necessary for the obtaining of required certifications, then the approval action shall be preliminary  
1919 approval. Preliminary approvals shall be for two years whereby the conditions of approval and required  
1920 improvement shall be accomplished. If good cause is shown and a written request is received at least two  
1921 weeks prior to the deadline, the mayor may grant the applicant one additional 12-month time extension  
1922 for meeting conditions of approval and/or construction of improvements.

1923 B. Exception. Effective until June 1, 2010, the applicant or agent of record for any unexpired short  
1924 subdivision approval granted on or before the effective date of the ordinance codified in this section, or  
1925 expired short subdivision valid as of January 1, 2009, may submit a written application in the form of a  
1926 letter with supporting documentation to the ~~community development~~ development and business services  
1927 department requesting an additional one-time, one-year time extension. The extension for a currently  
1928 unexpired short subdivision shall be one year from the expiration date, for a total of two one-year  
1929 extensions. The extension for an expired short subdivision shall be valid for one year from the date of the  
1930 retroactive extension approval. The mayor shall make a decision using the procedures set forth for  
1931 extensions in this section. (Ord. 2824 § 2, 2010; Ord. 2463 § 12, 2003; Ord. 1314 § 12, 1983)

1932 **19.50.040 Final short plat application.**

1933 A. The final short plat application shall contain the following information:

- 1934 1. The gross and net square footage computation of each lot, parcel, and/or tract;  
1935 2. The source of water supply;  
1936 3. The method of sewage disposal;  
1937 4. A survey prepared by a licensed surveyor registered in the state of Washington.

1938 B. Map. A map shall be prepared on a sheet of reproducible material, having dimensions of 18 inches by  
1939 24 inches, and containing the following information:

- 1940 1. A legal description of the property to be subdivided and legal descriptions of lots, tracts, or parcels  
1941 therein together with the legal description of private roads and easements therein, if any, all prepared  
1942 or approved and sealed by a licensed surveyor registered in the state of Washington. The ~~community~~  
1943 development development and business services director may substitute the map for several  
1944 narrative legal descriptions if it provides as good or better description of property lines;  
1945 2. The date, scale and north arrow;  
1946 3. The boundary lines, to scale, of the tract to be subdivided and each lot contained therein;  
1947 4. The number assigned to each lot;  
1948 5. The location, names, widths and auditor's file number of any existing easements, existing and  
1949 proposed roads, existing and proposed rights-of-way for public services utilities within the area  
1950 contained within the short subdivision, and within 100 feet thereof, and location of the nearest city  
1951 streets;  
1952 6. The boundaries of all lands reserved in the deeds for the common use of the property owners of  
1953 the short subdivision;  
1954 7. The location of permanent and topographic features which will have an impact upon the short  
1955 subdivision, such as all existing or platted streets adjacent to the short subdivision, easements,  
1956 tracts, buildings, watercourses, rights-of-way, all utility rights-of-way, township lines and section lines;

1957 8. Statement. Land within this short subdivision shall not be further subdivided for a period of five  
1958 years unless a final plat is filed pursuant to Chapter 19.25 LMC and Chapter 58.17 RCW;

1959 9. Signature block for approval by the mayor;

1960 10. Storm water system maintenance requirements as approved by the public works director;

1961 11. A certificate as per RCW 58.17.165.

1962 C. Supporting Documents. The following documentation shall accompany each application for approval of  
1963 a final short plat:

1964 1. A vicinity map clearly identifying the location of the property being short subdivided, having a scale  
1965 of not more than 400 feet to the inch;

1966 2. Copies of restrictions, if any, proposed to be imposed upon the use of the land. Such restrictions  
1967 must be recorded either prior to or simultaneously with the short plat;

1968 3. In any short subdivision where lots are served or to be served by a private street, the subdivider  
1969 shall furnish copies of such further covenants or documents that will result in:

1970 a. Each lot owner having access thereto having responsibility for maintenance of any private  
1971 street contained within the short subdivision;

1972 b. Such covenants or documents shall obligate any seller to give actual notice to any prospective  
1973 purchaser of the method of maintenance of the private street which notice shall be caused to be  
1974 included in any deeds or contracts relating to such sale, and such covenants or documents shall  
1975 be recorded either prior to or simultaneously with the moment the short subdivision becomes  
1976 effective;

1977 4. A current title certificate consisting of a report prepared by a recognized title company, showing  
1978 interest of the persons signing the final short plat and showing restrictions encumbering the land. All  
1979 parties of interest shall sign the plat map. (Ord. 3311 § 6, 2018; Ord. 3158 § 4, 2015; Ord. 2463 § 12,  
1980 2003; Ord. 1314 § 12, 1983)

1981 **19.50.045 General standards.**

1982 A. Design. The design of the short plat and short subdivision plans shall conform with the requirements of  
1983 any official control relating to the land use which may be adopted to implement the Lynnwood  
1984 comprehensive plan or any element thereof, or any other official plan; provided, that in the event of a  
1985 discrepancy among standards and requirements, the responsible department may exercise professional  
1986 judgment to determine which standard or requirement shall control.

1987 The design, shape, size and orientation of the short subdivision shall be appropriate to the use for which  
1988 the divisions of land are intended, the character of the area in which they are located, and site  
1989 characteristics including sanitation needs, utilities, steep slopes, access, slide hazards, water supply,  
1990 poor drainage or flood hazards and any other unique conditions or features which may warrant protection  
1991 of the public interest.

1992 B. Easements. Easements shall be provided where necessary for road utility installation and  
1993 maintenance, public or private access, drainage, and buffer strip or protective easements.

1994 C. Overall Plan. A generalized plan for the entire ownership shall be required to indicate that the road  
1995 pattern and general arrangement for the short subdivision can be coordinated with the entire tract when  
1996 fully developed. Topographic information may be required if conditions so warrant.

1997 Where property is short subdivided into divisions, lots or tracts of one acre or more, the ~~community~~  
1998 ~~development~~ development and business services director may require an arrangement of divisions, lots

1999 or tracts and roads such as to permit later resubdivision in conformity with zoning, access, division, lot or  
2000 tract standards, when such resubdivision complies with this title.

2001 D. Survey Standards. A survey conducted by or under the supervision of a registered land surveyor shall  
2002 be made of every short subdivision filed for approval in Lynnwood. The surveyor shall certify on the short  
2003 plat that it is a true and correct representation of the lands actually surveyed. All surveys shall conform to  
2004 standards, practices and principles for land surveying. (Ord. 2463 § 12, 2003; Ord. 1314 § 12, 1983)

2005 **19.50.050 General requirements.**  
2006 In addition to the design standards of Chapter 19.35 LMC, the following are applicable to all short  
2007 subdivisions:

2008 A. Lots.

2009 1. All lots shall provide for the minimum depth, width, width at the building line and area as required  
2010 by the zoning code, LMC Title 21.

2011 2. The ~~community development~~ development and business services director shall designate the yard  
2012 designations for lots within short plats to ensure that the location of buildings will be compatible to the  
2013 existing development in the area. In determining setbacks, under no circumstance shall a house be  
2014 allowed to be constructed within five feet of a private road whether held in a separate tract or access  
2015 easement, as required by the zoning code for an interior lot in a single-family residential zone. The  
2016 determined setbacks shall be indicated on the final short plat map.

2017 B. Utilities.

2018 1. All utility improvements shall be prepared and certified by a licensed professional engineer,  
2019 registered in the state of Washington.

2020 2. All utility improvements shall be designed in conformance with the standards of the public works  
2021 department. (Ord. 3311 § 7, 2018; Ord. 3158 § 5, 2015; Ord. 2671 § 1, 2007; Ord. 2463 § 12, 2003;  
2022 Ord. 1314 § 12, 1983)

2023 **19.55.030 Approval authority.**  
2024 The ~~community development~~ development and business services director or designee shall approve a  
2025 proposed boundary line adjustment only upon finding that the standards of this chapter have been  
2026 satisfied. A boundary line adjustment shall not:

2027 A. Create any additional lot, tract, parcel, site or division;

2028 B. Result in a lot, tract, parcel, site or division which contains increased density or insufficient area or  
2029 dimension to meet the minimum requirements for area and dimensions as set forth in the zoning code  
2030 and building codes and regulations. This provision shall not be construed to require correction or remedy  
2031 of preexisting nonconformities or substandard conditions;

2032 C. Diminish or impaired drainage, water supply, existing sanitary sewage disposal, and access or  
2033 easement for vehicles, utilities, and fire protection for any lot, tract, parcel, site or division;

2034 D. Create or diminish any easement or deprive any parcel of access or utilities;

2035 E. Increase the nonconforming aspects of any existing nonconforming lot relative to the zoning and land  
2036 use regulations;

2037 F. Replat, amend, or vacate a plat or short subdivision; or

2038 G. Amend the conditions of approval for previously platted property. (Ord. 2463 § 13, 2003)

2039 **19.55.040 Survey and preparation of boundary line adjustment.**  
 2040 Applications for boundary line adjustments shall be submitted on forms provided by the city of Lynnwood  
 2041 ~~community development~~ development and business services department, and include a map prepared by  
 2042 a licensed surveyor with the following information:

2043 A. All existing and proposed property lines;  
 2044 B. Existing structures and setbacks from proposed property lines;  
 2045 C. Legal descriptions of existing lots and proposed lots;  
 2046 D. Existing easements;  
 2047 E. Survey calculations; and  
 2048 F. Any other information as may be required by the Snohomish County auditor as condition of recording.  
 2049 (Ord. 2463 § 13, 2003)

2050 **19.55.050 Application.**  
 2051 Applications for boundary line adjustments shall be made on forms provided by and submitted to  
 2052 ~~community development~~ development and business services department. (Ord. 2463 § 13, 2003)

2053 **19.55.060 Review procedure.**  
 2054 A. A complete application for a boundary line adjustment shall be reviewed and action taken on within 90  
 2055 working days of complete application submittal. The department shall not be considered to be in receipt of  
 2056 a complete application unless and until such time as the applicant meets the requirements of LMC  
 2057 19.55.040.

2058 B. Prior to approval, a proposed boundary line adjustment shall be reviewed by the public works director  
 2059 and the ~~community development~~ development and business services director or their designees.

2060 C. The ~~community development~~ development and business services director or designee shall approve a  
 2061 proposed boundary line adjustment only upon finding that the standards of this chapter have been  
 2062 satisfied.

2063 D. The approval of a boundary line adjustment shall not be a guarantee that future permits will be granted  
 2064 for any structure or development within a lot affected by the boundary line adjustment. (Ord. 2463 § 13,  
 2065 2003)

2066 **19.55.070 Recording.**  
 2067 All approved boundary line adjustments shall be recorded with the Snohomish County auditor upon  
 2068 approval by the Snohomish County treasurer's office and the city of Lynnwood ~~community development~~  
 2069 development and business services director or designee. (Ord. 2463 § 13, 2003)

2070 **19.60.030 Procedure.**  
 2071 The ~~community development~~ development and business services director or designee shall approve a  
 2072 proposed lot combination only upon finding that the standards of this chapter have been satisfied. (Ord.  
 2073 2463 § 14, 2003)

2074 **19.60.050 Application.**  
 2075 Applications for lot combinations shall be submitted on forms provided by the city of Lynnwood  
 2076 ~~community development~~ development and business services department. The completed application  
 2077 shall be submitted to the ~~community development~~ development and business services department, and  
 2078 shall include the information specified in LMC 19.55.040 and any other information as may be required by  
 2079 the Snohomish County auditor as a condition of recording. (Ord. 2463 § 14, 2003)

2080 **19.60.060 Review procedures.**  
2081 The ~~community development~~ development and business services department shall not be considered to  
2082 be in receipt of a complete application unless and until the applicant meets the requirements of LMC  
2083 19.55.050 and shall be subject to the following:

2084 A. Prior to approval, a proposed lot combination or consolidation shall be reviewed by the public works  
2085 director and ~~community development~~ development and business services director or their designees;

2086 B. The ~~community development~~ development and business services director or designee, with the  
2087 concurrence of the public works director or designee, shall approve the proposed lot combination or  
2088 consolidation only upon finding that the standards of this chapter have been satisfied; and

2089 C. The approval of the lot combination or consolidation shall not be a guarantee that future permits will be  
2090 granted for any structure or development within a lot affected by the combination or consolidation. (Ord.  
2091 2463 § 14, 2003)

2092 **Chapter 19.75**

2093 **BINDING SITE PLANS**

2094 Sections:

2095 19.75.003 Purpose.

2096 19.75.005 Applicability.

2097 19.75.010 Definitions.

2098 19.75.015 Compliance required.

2099 19.75.020 Minimum requirements.

2100 19.75.025 Administrator – Powers and duties.

2101 19.75.030 Binding site plan process function.

2102 19.75.035 Preliminary binding site plan application.

2103 19.75.037 Processing procedures.

2104 19.75.040 Notice to adjacent property owners.

2105 19.75.045 ~~Community development~~ Development and Business Services director recommendation on  
2106 preliminary binding site plan.

2107 19.75.050 Action of the mayor.

2108 19.75.055 Factors to be considered in the preliminary binding site plan.

2109 19.75.060 Time limits, extensions, effect of preliminary binding site plan approval, and flexibility through  
2110 development agreements.

2111 19.75.065 Methods and procedure for carrying out improvements.

2112 19.75.070 Final binding site plan application procedure.

2113 19.75.075 Binding site plan supplementary materials.

2114 19.75.080 Review by public works director.

2115 19.75.085 Filing and recording binding site plan.

2116 19.75.090 Expiration.

2117 19.75.095 Development.

2118 19.75.100 Requirements for the final binding site plan.

2119 19.75.105 Design and development standards.

2120 19.75.110 Variances.

2121 19.75.115 Binding site plan revisions.

2122 **19.75.025 Administrator – Powers and duties.**

2123 The ~~community development~~ development and business services director is vested with the duty of  
2124 administering the binding site plan regulations within the city of Lynnwood up to and through the  
2125 preliminary approval. After preliminary approval it shall be the duty of the public works director to  
2126 administer the binding site plan regulations through the final approval, recording and construction stage.



2127 The ~~community development~~ development and business services director and public works director may  
2128 prepare and require the use of such forms and procedures as are essential to the administration of such  
2129 regulations. (Ord. 2463 § 15, 2003)

2130 **19.75.030 Binding site plan process function.**

2131 The functions and responsibilities for processing binding site plan applications for the city of Lynnwood  
2132 shall be as generally outlined below:

2133 A. ~~Community Development~~ Development and Business Services Department. The ~~community~~  
2134 ~~development~~ development and business services department shall coordinate all activities concerning the  
2135 preliminary binding site plan including routing departmental and outside agency reviews and  
2136 recommendations and consolidating staff recommendations. The ~~community development~~ development  
2137 and business services department shall make a recommendation indicating that the proposed binding site  
2138 plan is in conformance with the zoning ordinance and other applicable land use controls, this title and  
2139 state law;

2140 B. Mayor. The mayor shall review the ~~community development~~ development and business services  
2141 director's recommendation. The mayor shall have sole authority to approve a final binding site plan. (Ord.  
2142 2463 § 15, 2003)

2143 **19.75.035 Preliminary binding site plan application.**

2144 A. Pre-Application Conference. Any subdivider or developer who desires to subdivide land within the city  
2145 of Lynnwood is encouraged to consult the ~~community development~~ development and business services  
2146 department on an informal basis in order to become familiar with the requirements of this title. The public  
2147 works, fire departments and building official should also be consulted at this time for advice and  
2148 assistance in understanding their department's respective requirements.

2149 B. Preliminary Binding Site Plan. No binding site plan shall be considered until a completed application is  
2150 submitted. A person who wishes to have a binding site plan considered by the city shall obtain an  
2151 application form and environmental checklist from the ~~community development~~ development and  
2152 business services department. The applicant shall then submit to the ~~community development~~ development  
2153 and business services department the following materials which together shall comprise a  
2154 complete application:

- 2155 1. Completed application form;
- 2156 2. Completed environmental checklist (environmental impact statement (EIS) if required);
- 2157 3. Eight copies of the binding site plan which shall be prepared by a registered surveyor in the state  
2158 of Washington with the following information:
  - 2159 a. The name of the binding site plan or dedication;
  - 2160 b. The date, scale, area, north arrow, vertical control datum and certification of the registered  
2161 land surveyor;
  - 2162 c. The name and address of the owner(s), developer(s), and any party(ies) of interest;
  - 2163 d. A legal description of the binding site plan or dedication;
  - 2164 e. Boundary lines (to scale) and actual dimensions of the tract to be platted, subdivided, or  
2165 dedicated;
  - 2166 f. The location, width, and designations of all existing or platted streets or other public ways or  
2167 easements within or adjacent to the proposed development and all other features such as  
2168 buildings, utilities, watercourses, power lines, and section lines;
  - 2169 g. The zoning of tracts and lands adjacent thereto;

2170 h. The contours, with intervals of five feet or less which shall be referenced to mean sea level  
2171 datum or such datum acceptable to the public works director;

2172 i. The approximate dimensions of all lots and blocks with lot area, lot numbers and block  
2173 designations; and

2174 j. All parcels and tracts being reserved or dedicated as native growth protection areas, parks,  
2175 playgrounds, streets, alleys, or other public and semi-public uses;

2176 4. A master plan and schedule if the property is intended to be developed in phases;

2177 5. Payment for binding site plan fee;

2178 6. Payment for environmental checklist;

2179 7. The following items, if deemed necessary by the public works director and/or ~~community~~  
2180 ~~development~~ development and business services director:

2181 a. A layout showing location and sizes of sewer lines, catch basins, pumps or other drainage  
2182 and sewage structures;

2183 b. A layout of a proposed water distribution system;

2184 c. The grades of proposed streets and methods of storm drainage;

2185 d. A tree retention, land clearing and/or grading plan; and

2186 e. Any other study, plan, layout, cross-section, or documentation deemed necessary;

2187 8. The names and addresses of adjacent property owners.

2188 C. Fees. Application and review fees relating to the binding site plan process are as follows: fees and  
2189 costs are as set forth in Chapter 3.104 LMC.

2190 D. Referrals. The ~~community-development~~ development and business services department shall  
2191 distribute a copy of the binding site plan to the public works department; one copy to the building official;  
2192 one copy to the police department; one copy to the fire department; one copy to the parks and recreation  
2193 department; one copy to the Edmonds school district; one copy to the Snohomish County P.U.D.; one  
2194 copy to the Snohomish County health department; and one copy to any utility or public agency that may  
2195 be affected by the proposed plat.

2196 Whenever a binding site plan is proposed within one-half mile of the corporate limits of another city, town  
2197 or unincorporated county, a copy of the proposed preliminary binding site plan shall be distributed to the  
2198 respective jurisdiction. Also, whenever the property is located adjacent to the right-of-way of a state  
2199 highway, one copy of the proposed binding site plan shall be transmitted to the Department of  
2200 Transportation. (Ord. 2656 §§ 1, 2, 2006; Ord. 2463 § 15, 2003; Ord. 2242 § 7, 1999)

2201 **19.75.040 Notice to adjacent property owners.**

2202 A. Notices to Property Owners. The city shall send adjacent property owners notice that a binding site  
2203 plan application has been filed with the city. The city will only be required to send notice to the addressee  
2204 found on the city of Lynnwood utility billing records, or if no record for any given lot, then notice mailed to  
2205 the last owner of record in the office of the county treasurer shall be deemed proper notice. Mail  
2206 notification of condominium owners shall be sent to the designated agent for service of process,  
2207 according to the records of the county auditor. The notice by mail requirement shall be satisfied by  
2208 substantial compliance with this section. Notice is deemed sent once placed in the mail.



2209 B. Adjacent property owners shall have 10 working days from the date sent in which to submit written  
 2210 comment to the ~~community development~~ development and business services department. (Ord. 2463 §  
 2211 15, 2003)

2212 **19.75.045 ~~Community development~~ Development and Business Services director**  
 2213 **recommendation on preliminary binding site plan.**  
 2214 The ~~community development~~ development and business services director shall be responsible for  
 2215 reviewing all proposed applications together with accompanying materials and documents, referral  
 2216 comment and public comments. Based on the above, the ~~community development~~ development and  
 2217 business services director shall make a recommendation on the application to the mayor or return it to the  
 2218 applicant with a request for additional information. If the ~~community development~~ development and  
 2219 business services director makes a recommendation, such recommendation shall be for approval,  
 2220 disapproval, or approval with conditions. The recommendation of the ~~community development~~  
 2221 development and business services director shall be advisory only. Sole authority to approve or  
 2222 disapprove shall reside with the mayor. (Ord. 2463 § 15, 2003)

2223 **19.75.050 Action of the mayor.**  
 2224 After reviewing the recommendation of the ~~community development~~ development and business services  
 2225 director, the mayor within two weeks shall:

2226 A. Adopt the recommendation of the ~~community development~~ development and business services  
 2227 director; or

2228 B. Remand the binding site plan back to the ~~community development~~ development and business services  
 2229 director for further consideration. (Ord. 2463 § 15, 2003)

2230 **19.75.055 Factors to be considered in the preliminary binding site plan.**  
 2231 ~~Community development~~ Development and Business Services director recommendations and mayoral  
 2232 action on preliminary binding site plans shall be based on review of Chapter 58.17 RCW and other factors  
 2233 that follow:

2234 A. The preliminary binding site plan shall conform to and it shall be the applicant's burden to demonstrate  
 2235 conformance to the following factors:

- 2236 1. The Lynnwood comprehensive parks and recreation plan;
- 2237 2. The Lynnwood zoning code, LMC Title 21;
- 2238 3. The standards of this title and Chapter 58.17 RCW;
- 2239 4. The Lynnwood six-year transportation and improvement plan;
- 2240 5. The standards of LMC Title 17, Environment, as may be amended;
- 2241 6. The Lynnwood water system comprehensive plan;
- 2242 7. The Lynnwood comprehensive flood and drainage management plan, as may be amended, and  
 2243 Chapter 13.40 LMC, as may be amended;
- 2244 8. The compatibility of the binding site plan to the existing adjacent developments;
- 2245 9. The land clearing code, Chapter 21.08 LMC;
- 2246 10. The federal flood hazard area map and criteria, Chapter 16.46 LMC; and
- 2247 11. Other plans and programs as the city of Lynnwood may adopt.

2248 B. The ~~community development~~ development and business services director, public works director and  
2249 mayor shall determine whether appropriate provisions are made for the public use and interest by the  
2250 proposed binding site plan. More specifically, they shall determine if appropriate provisions are made in  
2251 the binding site plan for, but not limited to:

- 2252 1. The public health, safety and general welfare;
- 2253 2. Open spaces, parks and playgrounds;
- 2254 3. Storm drainage;
- 2255 4. Streets, alleys, sidewalks, trails and other public ways;
- 2256 5. Water supplies; and
- 2257 6. Sanitary and solid waste disposal.

2258 If it is found that the public use and interest will not be served by the binding site plan, the ~~community~~  
2259 ~~development~~ development and business services director shall recommend disapproval. If the mayor  
2260 finds that the public use and interest will not be served he shall disapprove the application. (Ord. 2463 §  
2261 15, 2003)

2262 **19.75.065 Methods and procedure for carrying out improvements.**

2263 If the preliminary binding site plan is approved by the mayor, the city may accept a bond or other secure  
2264 method providing for and securing to the city the actual construction and installation of minimum  
2265 improvements in accordance with the provisions of LMC 19.75.105 within one year by any of the following  
2266 methods, except where modified in accordance with the provisions of LMC 19.75.060(D):

2267 A. By furnishing the city of Lynnwood with a performance bond satisfactory to the city attorney, in which  
2268 guarantee is given the city that the installation of the minimum improvements will be carried out as  
2269 provided in LMC 19.75.060 herein and in accordance with city specifications within one year;

2270 B. By actual installation of improvements in accordance with the provisions of LMC 19.75.060 contained  
2271 herein and in accordance with the installation requirements and under the supervision of appropriate city  
2272 departments and furnishing a bond approved by the city attorney securing successful operation of the  
2273 improvements for a period of 24 months following completion and acceptance thereof by the city;

2274 C. By formation of a local improvement district;

2275 D. By a cash deposit with the city or suitable escrow;

2276 E. By a combination of these methods; and

2277 F. By such other reasonable guarantee acceptable to the city attorney.

2278 The applicant may then make application for such permits from the local officers, officials and authorities  
2279 as are necessary to proceed with the installation of the binding site plan improvements.

2280 After completing all minimum improvements, the applicant shall make a request to the appropriate  
2281 department for inspection. After finding that all improvements have been completed or provided for in  
2282 accordance with the installation standards, the appropriate department shall so notify the ~~community~~  
2283 ~~development~~ development and business services director.

2284 If applicant uses another approved method for carrying the improvements out, the appropriate department  
2285 will so notify the ~~community development~~ development and business services director.

2286 Upon receipt of this notification, the ~~community development~~ development and business services director  
2287 shall advise the applicant that a final binding site plan may be submitted for that portion of the area

2288 contained in the proposed binding site plan, or dedication in which minimum improvements have been  
2289 installed or concerning which a performance bond or other acceptable surety has been posted. The  
2290 applicant may then submit the final binding site plan application in accordance with LMC 19.75.070. (Ord.  
2291 3373 § 6, 2020; Ord. 2463 § 15, 2003)

2292 **19.75.070 Final binding site plan application procedure.**

2293 After approval of the preliminary binding site plan and the detailed construction plans and within the time  
2294 limits set forth in LMC 19.75.060, the applicant shall prepare a final binding site plan and the  
2295 supplementary materials required by this chapter. The final application shall be submitted to the  
2296 ~~community development~~ development and business services department along with the supplementary  
2297 materials as per LMC 19.75.075, and shall:

2298 A. Be drawn to the specifications and contain the information required by LMC 19.75.105;

2299 B. Conform to the preliminary binding site plan approved by the mayor and to any conditions that may  
2300 have been part of the approval. Slight deviations from the approved preliminary binding site plan may be  
2301 allowed if the ~~community development~~ development and business services director and/or public works  
2302 director determine such deviations are necessary because of unforeseen technical problems and comply  
2303 with the spirit and intent of the preliminary approval and will not be detrimental to the public health, safety  
2304 or welfare or injurious to other properties in the area. Examples of slight deviations are (but not limited to):

2305 1. Modification of lot lines which do not violate any development codes or regulations of the city;

2306 2. Reconfiguration of parking lots or landscape areas that would conform to city standards and the  
2307 spirit and intent of the preliminary binding site plan approval;

2308 3. Relocation of fire lanes that would conform to city regulations and approved by the fire department;

2309 4. Relocation of utilities that would conform to city regulations and approved by the public works  
2310 department;

2311 5. Modification of building configurations that does not significantly increase the floor area, increase  
2312 the height of the building resulting in an increase in the number of stories, or violate any city  
2313 regulations;

2314 C. Include all of the area shown in the approved preliminary binding site plan; and

2315 D. Include, in the manner specified by LMC 19.75.105, all formal, irrevocable offers of dedication to the  
2316 public and space for the acknowledgments, endorsements and certifications required by LMC 19.75.100.  
2317 (Ord. 2463 § 15, 2003)

2318 **19.75.080 Review by public works director.**

2319 A. The public works director shall:

2320 1. Inspect the detail and computation of the final binding site plan for conformance with the  
2321 specifications and standards of this title; the public works director's determinations shall be  
2322 conclusive;

2323 2. Inspect the final binding site for conformance with the preliminary binding site plan approved by  
2324 the mayor and the conditions made a part of such approval; and

2325 3. Determine either that all required improvements have been installed in accordance with these  
2326 regulations or that certain improvements may properly be deferred as per LMC 19.75.065.

2327 When the public works director is satisfied with the detail and computations of the binding site plan,  
2328 determines the binding site plan conforms with the approved preliminary binding site plan and conditions  
2329 set thereon, and determines that improvements either are complete or may properly be deferred, he shall  
2330 signify his approval by signing the original and mylar copy of the final. Thereafter, he shall forward the

2331 binding site plan and the supplementary material to the ~~community development~~ development and  
2332 business services director for review.

2333 B. Review by ~~Community Development~~ Development and Business Services Director. After the inspection  
2334 by the public works director, the ~~community development~~ development and business services director  
2335 shall review the proposed final binding site plan for conformance with the preliminary binding site plan  
2336 and conditions approved by the mayor.

2337 If the ~~community development~~ development and business services director finds the final binding site plan  
2338 to be conforming, the director shall signify approval by signing the original drawing and mylar copies, then  
2339 shall forward them to the mayor for approval. (Ord. 2463 § 15, 2003)

2340 All development must be in accordance with the recorded binding site plan. (Ord. 2463 § 15, 2003)

2341 **19.75.100 Requirements for the final binding site plan.**  
2342 The final binding site plan, containing all the information specified in this section, shall be prepared in a  
2343 neat and legible manner in drawing ink and on high grade tracing material, 18 inches by 24 inches in size,  
2344 allowing one-half inch for border.

2345 A. All documents, maps, and survey notes shall contain the name of the binding site plan or be clearly  
2346 referenced to it, and shall contain the name and address of the applicant and his surveyors or engineer,  
2347 or be clearly referenced to it.

2348 B. The legal description of the binding site plan and the following information shall appear in the following  
2349 sequences on the final binding site plan, lettered in ink either by hand or mechanical device:

2350 Know all men by these presents that \_\_\_\_\_, the undersigned  
2351 \_\_\_\_\_ owner \_\_\_\_\_ in fee simple, and encumbrances of the  
2352 land hereby platted, hereby declare this binding site plan and dedicate(s) to the use  
2353 of the public forever, all streets and easements or whatever public property there is  
2354 shown on the binding site plan and the use thereof for any and all public purposes;  
2355 also, the right to make all necessary slopes for cuts or fills upon the lots, blocks,  
2356 tracts, etc., shown on this binding site plan in the reasonable original grading of all  
2357 streets, shown hereon.

2358 Signed & Sealed \_\_\_\_\_

2359 State of Washington )  
2360 )ss  
2361 County of Snohomish )

2362 This is to Certify that on this \_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_, before me the  
2363 undersigned, a Notary Public, personally appeared \_\_\_\_\_ to me known to the  
2364 person(s) who executed the foregoing dedication and acknowledged to me that  
2365 \_\_\_\_\_ signed and sealed the same as \_\_\_\_\_ free and  
2366 voluntary act and deed for the uses and purposes mentioned.

2367 Witness my hand and official seal the day and year last above written.

2368 \_\_\_\_\_  
2369 Notary Public in and for the State of Washington, residing at  
2370 \_\_\_\_\_  
2371 Commission expires \_\_\_\_\_

2372 I hereby certify that the binding site plan of \_\_\_\_\_ is based on actual  
2373 survey and subdivision of Section \_\_\_\_\_, Township \_\_\_\_\_, North, Range \_\_\_\_\_

2374 \_\_\_\_\_ E.W.M., that the distances and courses and angles are shown thereon  
 2375 correctly, that proper monuments have been set and lot block corners staked on the  
 2376 ground.

2377 Signed \_\_\_\_\_ (Seal)  
 2378 Licensed Land Surveyor

2379 Examined & Approved this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_.  
 2380 \_\_\_\_\_  
 2381 Public Works Director

2382 Examined & Approved this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_.  
 2383 \_\_\_\_\_  
 2384 ~~Community Development~~ Development and Business Services Director

2385 Attest:  
 2386 \_\_\_\_\_  
 2387 Finance Officer/City Clerk

2388 Filed for record at the request of the city of Lynnwood this \_\_\_\_ day of \_\_\_\_\_, A.D.,  
 2389 20\_\_, at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock, \_\_.M., and recorded in Volume  
 2390 \_\_\_\_\_ of Plats, on Page \_\_\_\_\_, records of Snohomish County, Washington.

2391 \_\_\_\_\_  
 2392 Snohomish County Auditor

2393 \_\_\_\_\_  
 2394 Deputy County Auditor

2395 I, \_\_\_\_\_, Treasurer of Snohomish County, Washington, do  
 2396 hereby certify that all taxes on the above described tract have been fully paid up to  
 2397 and including the year of 20\_\_\_.

2398 \_\_\_\_\_  
 2399 Treasurer, Snohomish County

2400 \_\_\_\_\_  
 2401 Deputy Treasurer

2402 C. The boundary lines with accurate distances and bearings, location, and width of all existing previously  
 2403 recorded public highways approaching and intersecting the boundaries of the subdivision shall be shown  
 2404 on the map and referenced to the United States Coast and Geodetic Survey datum or the plain  
 2405 coordinate system for the state of Washington, and/or acceptable data prescribed by the public works  
 2406 director.

2407 D. The map shall accurately show the boundary lines of all parks and playgrounds and the rights-of-way  
 2408 of all public streets contained in the plat, subdivision, or dedication, and shall contain thereon, suitably  
 2409 inscribed, and described, a statement of dedication of these rights-of-way, playgrounds, parks, and other  
 2410 necessary areas.

2411 E. The final binding site plan shall clearly show the following information:

2412 1. The lines and names of all streets or other public ways, parks, playgrounds, and easements  
 2413 intended to be dedicated for public use, or granted for use of inhabitants of the subdivision;

- 2414 2. The lines and names of all existing or platted streets or other public ways, parks, playgrounds, and  
2415 easements adjacent to the final plat, subdivision or dedication, including municipal boundaries,  
2416 township lines, and section lines;
- 2417 3. The lengths and bearings of all straight lines, curve radii, arcs and semi-tangents of all curves;
- 2418 4. All dimensions along the lines of each lot, with the true bearings plus any other data necessary for  
2419 the location of any lot lines or corners in the field;
- 2420 5. Suitable primary control points, approved by the public works director or descriptions and ties to  
2421 such control points, to which all dimensions, angles, bearings and similar data given on the plat shall  
2422 be referred;
- 2423 6. The name of all subdivisions immediately adjacent thereof;
- 2424 7. The date, true north point, scale and date of survey;
- 2425 8. The boundary of the tract, with courses and distances marked thereon, as determined by a field  
2426 survey made by a registered land surveyor of the state of Washington and to close with an error of  
2427 not more than one foot in 5,000; and
- 2428 9. Storm water system maintenance requirements as approved by the public works director.
- 2429 F. The applicant shall submit complete field and computation notes showing original or re-established  
2430 corners, with description of the same; showing true bearings and distances to established street lines and  
2431 monuments, turning angles, points of curvature, length of tangents, and the actual traverse showing error  
2432 of enclosure and method of balancing with sketches showing all distances, angles and calculations  
2433 required to determine corners and distances of the binding site plan or dedication.
- 2434 G. The final binding site plan as submitted to the ~~community development~~ development and business  
2435 services director shall contain a certificate from the county treasurer indicating that all taxes on said  
2436 property included in the binding site plan or dedication, have been paid and a certificate from the county  
2437 assessor and city treasurer indicating that all assessments on this property have been paid in accordance  
2438 with Chapter 188, Section 1, Laws, 1927, as hereafter amended (RCW 58.08.030). (Ord. 3271 §§ 7, 8,  
2439 2017; Ord. 2463 § 15, 2003)

2440 **Title 21**  
2441

2442 **Chapter 21.02**

2443 **DEFINITIONS**

- 2444 Sections:
- 2445 21.02.005 Generally.
- 2446 21.02.010 Accessory.
- 2447 21.02.011 Accessory dwelling unit.
- 2448 21.02.012 Adult establishment(s).
- 2449 21.02.013 Adult family home.
- 2450 21.02.014 Adult retail use(s).
- 2451 21.02.015 Alley.
- 2452 21.02.020 Alteration.
- 2453 21.02.025 Amendment.
- 2454 21.02.030 Amusement center.

2455	21.02.035	Antiques and antique shop.
2456	21.02.040	Apartment hotel.
2457	21.02.045	Apartment house.
2458	21.02.046	Arterial, collector.
2459	21.02.047	Arterial, minor.
2460	21.02.048	Arterial, principal.
2461	21.02.049	Assisted living facility.
2462	21.02.055	Automobile, boat and trailer sales area.
2463	21.02.070	Automobile wrecking.
2464	21.02.075	Automobile wrecking yard.
2465	21.02.077	Awning, nonrigid.
2466	21.02.080	Basement.
2467	21.02.081	Battery charging station.
2468	21.02.082	Battery exchange station.
2469	21.02.085	Billboard.
2470	21.02.087	Biotechnology.
2471	21.02.090	Block front.
2472	21.02.100	Boarding, lodging, or rooming house.
2473	21.02.105	Building area.
2474	21.02.125	Building, enclosed.
2475	21.02.130	Building code.
2476	21.02.136	Building, office.
2477	21.02.145	Building height.
2478	21.02.150	<i>Repealed.</i>
2479	21.02.155	Building, main.
2480	21.02.171	Building, service.
2481	21.02.175	Building site.
2482	21.02.180	Bulk.
2483	21.02.190	Business or commerce.
2484	21.02.191	Business park and technical park.
2485	21.02.192	Business services.
2486	21.02.193	Business site.
2487	21.02.194	Business site, individual.
2488	21.02.195	Business site, multiple.
2489	21.02.197	Carnival.
2490	21.02.200	Carport.
2491	21.02.205	Cellar.
2492	21.02.208	Cemetery.
2493	21.02.209	Charging levels.
2494	21.02.211	Child day care.
2495	21.02.212	Child day-care facility.
2496	21.02.213	Child day-care center.
2497	21.02.215	Children – Resident home.
2498	21.02.220	Children – Institutions.
2499	21.02.225	Church.
2500	21.02.230	Circus.
2501	21.02.232	City.
2502	21.02.235	Clinic.
2503	21.02.240	Club.
2504	21.02.245	Commission.
2505	21.02.246	Common areas.
2506		
2507	21.02.250	Conditional use.
2508	21.02.255	Conditional use permit.
2509	21.02.257	Condominium.
2510	21.02.260	Conforming use.

2511	21.02.265	Conforming building.
2512	21.02.266	Congregate care.
2513	21.02.267	Convenience store.
2514	21.02.268	Council, regularly scheduled meeting.
2515	21.02.272	<i>Repealed.</i>
2516	21.02.273	<i>Repealed.</i>
2517	21.02.274	Development agreement.
2518	21.02.275	Development agreement regulations.21.02.275.5 Development and Business Services
2519		director.
2520	21.02.276	Distribution center.
2521	21.02.290	Dwelling.
2522	21.02.295	Dwelling, types of.
2523	21.02.300	Dwelling unit.
2524	21.02.304	Electric vehicle.
2525	21.02.308	Electric vehicle charging station.
2526	21.02.312	Electric vehicle infrastructure.
2527	21.02.316	Electric vehicle parking space.
2528	21.02.318	Essential public facility.
2529	21.02.320	Essential public facility, local.
2530	21.02.322	Essential public facility, state and regional.
2531	21.02.325	Family.
2532	21.02.326	Family child care home.
2533	21.02.327	Fast food eating establishment.
2534	21.02.329	Fee simple unit lot subdivision.
2535	21.02.330	Fence.
2536	21.02.333	Festoon.
2537	21.02.335	First permitted.
2538	21.02.340	Floor area.
2539	21.02.350	Floor area ratio.
2540	21.02.355	Fraternity, sorority, or group student house.
2541	21.02.357	Frontage, street.
2542	21.02.358	Frontage, building.
2543	21.02.360	Garage, parking.
2544	21.02.365	Garage, private.
2545	21.02.375	Gas station.
2546	21.02.380	Grade, lot.
2547	21.02.382	Green belt.
2548	21.02.384	Gross leaseable area.
2549	21.02.385	Hazardous waste.
2550	21.02.386	Hazardous waste storage.
2551	21.02.387	Hazardous waste treatment.
2552	21.02.388	Heat pump.
2553	21.02.390	Hedge.
2554	21.02.395	Height of building.
2555	21.02.400	Heliport.
2556	21.02.405	Helistops.
2557	21.02.415	Home occupation.
2558	21.02.417	Homeowners' association.
2559	21.02.420	Hospital.
2560	21.02.425	Hospital, mental (including hospitals for treatment of alcoholics).
2561	21.02.430	Hospital or clinic, small animal.
2562	21.02.435	Hotel.
2563	21.02.441	<i>Repealed.</i>
2564	21.02.442	Industrial park.
2565	21.02.450	Junk yard.
2566	21.02.455	Kennel.



2567	21.02.460	Live/work unit.
2568	21.02.465	Livestock.
2569	21.02.475	Lodging house.
2570	21.02.480	Lot.
2571	21.02.485	Lot area and dimensions.
2572	21.02.490	Lot coverage.
2573	21.02.495	Lot lines.
2574	21.02.500	Lot types.
2575	21.02.501	Manufactured home.
2576	21.02.502	Manufactured home development.
2577	21.02.503	Marijuana.
2578	21.02.504	Marijuana concentrates.
2579	21.02.505	Marijuana-infused products.
2580	21.02.506	Marijuana processing.
2581	21.02.507	Marijuana producing or production.
2582	21.02.508	Marijuana retailing or marijuana retailer.
2583	21.02.509	Marijuana, usable.
2584	21.02.510	Medical marijuana collective garden.
2585	21.02.511	Marquee.
2586	21.02.512	Mini-day-care program.
2587	21.02.513	Mobile home.
2588	21.02.514	Mobile home park.
2589	21.02.515	Motel.
2590	21.02.516	Motor hotel.
2591	21.02.517	Municipal services.
2592	21.02.518	Municipal shops.
2593	21.02.519	Mural, decorative.
2594	21.02.520	Nonconforming building or structure.
2595	21.02.521	Nonconforming use.
2596	21.02.525	Nursery school.
2597	21.02.530	<i>Repealed.</i>
2598	21.02.531	Occupiable space.
2599	21.02.532	Office, on-site service.
2600	21.02.533	On-site hazardous waste treatment and storage facility.
2601	21.02.535	Open space, required.
2602	21.02.537	Owner.
2603	21.02.540	<i>Repealed.</i>
2604	21.02.545	Parent lot.
2605	21.02.550	Parking area, private.
2606	21.02.555	Parking area, public.
2607	21.02.556	Park and pool lots.
2608	21.02.560	Parking space.
2609	21.02.563	Parking, tandem.
2610	21.02.564	Park trailer.
2611	21.02.565	Person.
2612	21.02.566	Personal service shop.
2613	21.02.567	Pet grooming.
2614	21.02.570	Pet shop.
2615	21.02.575	Place.
2616	21.02.576	Planned unit development.
2617	21.02.577	Planning commission.
2618	21.02.578	Premises.
2619	21.02.580	Principal use.
2620	21.02.585	Professional offices.
2621	21.02.586	Professional services.
2622	21.02.587	Private road.

2623	21.02.589	Public entrance, primary.
2624	21.02.590	Public utility facilities.
2625	21.02.593	Rapid charging station.
2626	21.02.595	Reclassification of property.
2627	21.02.600	Reclassification of use.
2628	21.02.605	Recorded.
2629	21.02.609	Recreational area, active.
2630	21.02.610	Recreational area or community club house, noncommercial.
2631	21.02.612	Recreational vehicle – RV.
2632	21.02.615	Recreational area, commercial.
2633	21.02.617	Recycling collection center.
2634	21.02.622	Refuse and recycling collection area.
2635	21.02.624	Research and development.
2636	21.02.625	Residence.
2637	21.02.627	Respite care.
2638	21.02.640	Sanitarium.
2639	21.02.645	Schools, elementary, middle and high.
2640	21.02.650	Screening.
2641	21.02.655	Secondhand stores.
2642	21.02.657	Secure community transition facility (SCTF).
2643	21.02.658	Self-service storage facility.
2644	21.02.659	Senior housing.
2645	21.02.660	Service station, full.
2646	21.02.661	Service station, self.
2647	21.02.662	Setback.
2648	21.02.663	Setback, building line.
2649	21.02.664	Shipping container.
2650	21.02.665	Shopping center.
2651	21.02.666	Sign.
2652	21.02.667	Sign, awning.
2653	21.02.670	Sign, banner.
2654	21.02.672	Sign, business.
2655	21.02.674	Sign, construction.
2656	21.02.676	Sign, electronic changing message.
2657	21.02.678	Sign face.
2658	21.02.679	Sign, feather.
2659	21.02.680	Sign, freestanding.
2660	21.02.682	Sign, ground.
2661	21.02.685	Sign, incidental.
2662	21.02.687	Sign, individual letter.
2663	21.02.688	Sign, inflatable.
2664	21.02.689	Sign, institution identification.
2665	21.02.690	Sign, internal information.
2666	21.02.692	Sign, nonconforming.
2667	21.02.694	Sign, marquee.
2668	21.02.695	Sign, monument.
2669	21.02.697	Sign, mural.
2670	21.02.698	Sign, off-premises.
2671	21.02.700	Sign, on-premises.
2672	21.02.702	Sign, pole.
2673	21.02.704	Sign, political.
2674	21.02.705	Sign, portable.
2675	21.02.707	Sign, projecting.
2676	21.02.708	Sign, readerboard.
2677	21.02.710	Sign, real estate.
2678	21.02.711	Sign, real estate open house or directional.

2679 21.02.713 Sign, residential development identification.  
 2680 21.02.715 Sign, roof.  
 2681 21.02.716 Sign, sale of household goods.  
 2682 21.02.718 Sign, wall.  
 2683 21.02.720 Sign area.  
 2684 21.02.722 Solar collector.  
 2685 21.02.723 Solar energy system.  
 2686 21.02.725 Solar greenhouse, attached.  
 2687 21.02.726 Solar sunspace, attached.  
 2688 21.02.728 Specialty retail center.  
 2689 21.02.730 Specified sexual activities.  
 2690 21.02.731 Specified anatomical areas.  
 2691 21.02.733 Stand.  
 2692 21.02.735 Story.  
 2693 21.02.737 Street.  
 2694 21.02.738 Street line.  
 2695 21.02.740 Street, principal.  
 2696 21.02.741 Street, side.  
 2697 21.02.743 Structure.  
 2698 21.02.744 Supervised drug consumption facilities.  
 2699 21.02.745 Temporary special event.  
 2700 21.02.746 Trade or business school.  
 2701 21.02.748 Theater.  
 2702 21.02.750 Theater, drive-in.  
 2703 21.02.755 To place.  
 2704 21.02.760 Townhouse.  
 2705 21.02.765 Trailer park, trailer court, mobile home park and public trailer camp.  
 2706 21.02.770 Unit lot.  
 2707 21.02.775 Use.  
 2708 21.02.780 Use or structure, accessory.  
 2709 21.02.785 Use or structure, conditional.  
 2710 21.02.795 Use or building, principal.  
 2711 21.02.800 Variance.  
 2712 21.02.803 Warehouse.  
 2713 21.02.805 Wireless communications facility.  
 2714 21.02.806 Wireless communications facility, attached.  
 2715 21.02.807 Wireless communications support structure.  
 2716 21.02.810 Wholesale store.  
 2717 21.02.815 Yard.  
 2718 21.02.820 Yards, types and measurements.  
 2719 21.02.825 Yard, rear line of required front.  
 2720 21.02.827 Zero lot line townhouse development.  
 2721 21.02.830 Zone.

2722

2723 **21.02.275.5 Development and Business Services director.** "Development and Business Services  
 2724 director" is the head of the development and business services department, the director's authorized  
 2725 representative or any representative authorized by the mayor.

2726 **Chapter 21.04**

2727 **GENERAL PROVISIONS**

2728 Sections:

2729 21.04.015 Purpose.

2730 21.04.018 Enforcement by ~~community development~~ development and business services director.

2731 21.04.020 Interpretation of text and map.

2732 21.04.030 Site-specific development regulations.

2733 21.04.120 Liability of officials and employees.

2734 21.04.220 Licenses issued in conflict void.

2735 21.04.221 Relocation of structures upon taking of lands for public use – General.

2736 21.04.222 Relocation of structures upon taking of lands for public use – Hardship to owner.

2737 21.04.300 Interpretation of the zoning code.

2738 21.04.310 *Repealed.*

2739 21.04.400 Scope.

2740 21.04.410 *Repealed.*

2741 21.04.420 *Repealed.*

2742 21.04.430 Temporary freestanding signs during street construction.

2743 21.04.500 *Repealed.*

2744 21.04.600 Record evidence of approvals and permits.

2745 21.04.900 Penalty for violation.

2746 21.04.920 Monitoring and enforcement procedures.

2747 21.04.950 Severability.

2748 21.04.960 No impact by original adoption.

2749 21.04.999 Savings clause.

2750 **21.04.018 Enforcement by ~~community development~~ development and business services director.**

2751 The ~~community development~~ development and business services director is charged with the

2752 implementation and enforcement of the provisions of this title, except Chapter 21.08 LMC, Tree

2753 Preservation and Protection, which shall be implemented and enforced by the director of public works.

2754 The ~~community development~~ development and business services director may designate employees of

2755 the ~~community development~~ development and business services department to implement or enforce the

2756 provisions of this title. Enforcement of this title is done under the authority and according the regulations

2757 set out in this chapter and in Chapters 1.01, 1.40 and 1.45 LMC. (Ord. 2441 § 4, 2003; Ord. 2020 § 3,

2758 1994; Ord. 1704 § 3, 1989)

2759 **21.04.020 Interpretation of text and map.**

2760 This title shall consist of the text hereof and in addition thereto that certain map entitled, “City of

2761 Lynnwood Official Zoning Map.” The map as adopted by the latest ordinance shall be kept on file at the

2762 ~~community development~~ development and business services department of the city of Lynnwood. Said

2763 map is by this reference incorporated herein and hereby made an integral part of this title. (Ord. 2441 § 4,

2764 2003; Ord. 2020 § 3, 1994; Ord. 190 Art. 1 § 1.2, 1964)

2765 **21.04.120 Liability of officials and employees.**

2766 The ~~community development~~ development and business services director or any employee charged with

2767 the enforcement of this title, acting in good faith and without malice for the city in the discharge of his or

2768 her duties, shall not thereby render the director liable personally and the director is hereby relieved from

2769 all personal liability for any damage that may accrue to persons or property as a result of any act required

2770 or by reason of any act or omission in the discharge of his or her duties. Any suit brought against the

2771 ~~community development~~ development and business services director or employee, because of such act

2772 or omission performed by that person in the enforcement of any provisions of this title, shall be defended

2773 by the city until final termination of the proceedings. (Ord. 2441 § 4, 2003; Ord. 2020 § 3, 1994; Ord. 1704

2774 § 2, 1989; Ord. 190 Art. XIII § 13.1e, 1964)

2775 **21.04.300 Interpretation of the zoning code.**

2776 The procedure and criteria that the city will use in deciding upon a written request to interpret the

2777 provisions of this title (zoning code), and in issuing any other written interpretation of the zoning code are

2778 set forth in this section. The interpretation of the provisions of a concomitant zoning agreement (CZA),

2779 other permit or written approval issued pursuant to this title will be treated as an interpretation of the

2780 zoning code.

2781 A. Applicability. The following provisions apply to each written request to interpret the provisions of this  
 2782 title and to any other interpretation of the zoning code issued by the ~~community development~~  
 2783 development and business services director.

2784 B. Purpose of Interpretation. An interpretation of the provisions of this title clarifies conflicting or  
 2785 ambiguous wording, or the scope or intent of the provisions of the code. An interpretation of the  
 2786 provisions of the zoning code may not be used to amend that code.

2787 C. Who May Request. Any person may request a written interpretation of the provisions of this title. In  
 2788 addition, the ~~community development~~ development and business services director may issue an  
 2789 interpretation on the director's own initiative.

2790 D. Applicable Procedure. The ~~community development~~ development and business services director shall  
 2791 interpret the provisions of this title in conformance with this section.

2792 E. Submittal Requirements. Any person requesting an interpretation of this title shall submit a written  
 2793 request specifying each provision of this title for which an interpretation is requested, why an  
 2794 interpretation of each provision is necessary and any reasons or material in support of a proposed  
 2795 interpretation.

2796 F. Factors for Consideration. In making an interpretation of the provisions of this title, the ~~community~~  
 2797 ~~development~~ development and business services director shall consider:

2798 1. The applicable provisions of the zoning code including their purpose and context; and  
 2799 2. The implications of the interpretation for development within the city as a whole; and  
 2800 3. The impact of the interpretation on other provisions of the zoning code; and  
 2801 4. The intent of the city council as reflected by the council minutes, findings, and conclusions, and  
 2802 other documents found within the ~~community development~~ development and business services  
 2803 department file on the provisions in question, if any; and  
 2804 5. The comprehensive plan and other relevant codes and policies; and  
 2805 6. The opinion of the city attorney on the interpretation.

2806 G. Limitation on Authority. The ~~community development~~ development and business services director may  
 2807 not make an interpretation of any provision of the zoning code which modifies or conflicts with any other  
 2808 provision of the zoning code, unless the purpose of the interpretation is to resolve a conflict between  
 2809 provisions of the zoning code.

2810 H. Enforcement. An interpretation of the zoning code issued in accordance with these provisions may be  
 2811 enforced in the same manner that any provision of the zoning code is enforced. The ~~community~~  
 2812 ~~development~~ development and business services director shall maintain and make available for public  
 2813 inspection all written interpretations of the zoning code with a current index of such interpretations.

2814 I. Time Limitation. An interpretation of this title remains in effect until rescinded in writing by the  
 2815 ~~community development~~ development and business services director.

2816 J. Response to Written Request. The ~~community development~~ development and business services  
 2817 director shall mail a written response to any person filing a written request to interpret the provisions of  
 2818 the zoning code within 25 days of having received that request.

2819 K. Appeal of Interpretation by Director. When an interpretation is made in response to a written request  
 2820 pursuant to these provisions, the person filing the written request may appeal the decision of the  
 2821 ~~community development~~ development and business services director using Process II, LMC 1.35.200 et  
 2822 seq. The fee for such an appeal shall be the amount established in Chapter 3.104 LMC and must be paid

2823 by the appellant at the time of filing the appeal. (Ord. 2699 § 27, 2007; Ord. 2441 § 4, 2003; Ord. 2020 §  
2824 3, 1994)

2825 **21.04.430 Temporary freestanding signs during street construction.**

2826 During the reconstruction of Highway 99, the ~~community-development~~ development and business  
2827 services director may allow temporary freestanding signs to identify a business or multiple businesses  
2828 impacted by that construction, subject to the following regulations:

2829 A. No more than one sign for each driveway;

2830 B. Maximum area: 25 square feet;

2831 C. Maximum height: five feet above curb grade (following construction);

2832 D. Such sign shall not be located in the "intersection sight distance triangle" and "driveway sight distance  
2833 triangle" described in LMC 21.10.100, or otherwise interfere with driver vision and vehicle visibility;

2834 E. Such sign shall be removed no more than 30 calendar days following completion of each phase of  
2835 work on the portion of Highway 99 that impacts the business, as determined by the ~~community~~  
2836 development development and business services director. Currently, the phases are as follows:

2837 Phase I: Southern city boundary to 208th Street SW;

2838 Phase II: 208th Street SW to 168th Street SW;

2839 Phase III: 168th Street SW to Northern city boundary;

2840 F. A sign permit is required; permit fees shall be waived. (Ord. 2441 § 4, 2003; Ord. 2296 § 1, 2000)

2841 **21.04.920 Monitoring and enforcement procedures.**

2842 The ~~community-development~~ development and business services director shall adopt procedures for  
2843 enforcing the regulations for the development and use of property in this title, including monitoring  
2844 compliance with conditions of approval for permits issued under this title. Such procedures shall include:

2845 A. The ~~community-development~~ development and business services department shall review all proposed  
2846 construction plans and permits for compliance with all permit conditions and the standards and  
2847 requirements of this title. This review shall be completed concurrent with review(s) by other city  
2848 departments. The ~~community-development~~ development and business services department shall not  
2849 approve a construction permit until compliance has been verified.

2850 B. As part of the final inspection process for new construction, ~~community-development~~ development and  
2851 business services department staff shall confirm that all permit conditions and the standards and  
2852 requirements of this title have been met. The department shall not approve a certificate of occupancy  
2853 (COA) or other final approval until compliance has been verified, except that, at the discretion of the  
2854 director, bonds or other guarantees may be posted by the project sponsor to insure final completion of  
2855 landscaping or other improvements that are not related to public health or safety. If guarantees  
2856 acceptable to the city are provided, the department may approve the certificate of occupancy or other  
2857 final approval.

2858 C. The department shall inspect properties and projects on an as-needed basis to insure continued  
2859 compliance with all permit conditions.

2860 D. The director shall notify a property owner of any violation of one or more permit conditions and provide  
2861 opportunity for the owner to cause the violation to be corrected.

2862 E. Violations which are not corrected in the amount of time specified in the notice of violation may be cited  
2863 under one or more of the following: Chapters 10.08, 16.04, and 21.04 LMC. Any appeal of such a citation

2864 shall be processed according to Process II, LMC 1.35.200 et seq. (Ord. 2441 § 4, 2003; Ord. 2075 § 1,  
2865 1996)

2866 **21.04.960 No impact by original adoption.**

2867 The original adoption of this title (December, 1994) is intended only to reorganize then-existing zoning  
2868 regulations and requirements; it is intended not to make any substantive change to then-existing property  
2869 rights. Since it is possible that such a large reorganization of this title may cause an unintended property  
2870 right impact, the ~~community development~~ development and business services director is authorized to  
2871 apply the regulations and requirements of LMC Title 20 at the date of adoption of LMC Title 21 to a  
2872 specific parcel or project in lieu of the applicable regulations and requirements of LMC Title 21 if the  
2873 director finds conclusively that the adoption of this title substantively changed zoning regulations for that  
2874 parcel or project. An appeal to the director's decision under this section may be appealed pursuant to  
2875 Process II, LMC 1.35.200 et seq. (Ord. 2441 § 4, 2003; Ord. 2020 § 3, 1994)

2876 **21.08.250 Landscape applications, installation, and maintenance standards.**

2877 A. Application Procedures.

2878 1. The landscaping application shall be submitted to the ~~community development~~ development and  
2879 business services department either with the development proposal application, if any, or as an  
2880 independent application if the landscaping requirements are triggered by the thresholds above (LMC  
2881 21.08.200). The submittal requirements are listed on the landscaping application sheet and include a  
2882 landscape plan.

2883 a. All landscape plans must bear the seal or signature of a qualified landscape professional.

2884 2. Fee. With the application, the applicant shall submit a fee. The fee for a landscaping application is  
2885 set forth as miscellaneous plan review in Chapter 3.104 LMC. If the application is part of a project  
2886 design review (PDR) application, the fee shall be determined per the PDR chapter of the LMC (LMC  
2887 21.25.115). The application will not be accepted unless it is accompanied by the required fee.

2888 B. Installation, Irrigation, Maintenance, and Bonding.

2889 1. Installation Prior to Occupancy. All landscaping that fulfills the city code requirements must be  
2890 installed prior to occupancy of any structure located on the same site. If, due to extreme weather  
2891 conditions or some unforeseen emergency, all required landscaping cannot be installed prior to  
2892 occupancy, then a cash deposit, guarantee account, or bond (the cost of installation may be included  
2893 in the construction maintenance bond per LMC 13.40.110) must be provided to the city as financial  
2894 security to guarantee installation of the remaining landscaping, as provided in LMC 21.04.920.

2895 2. Landscaping in Right-of-Way. Property owners who install landscaping on portions of right-of-way  
2896 not covered by impervious surfaces must provide the city with a written release of liability for  
2897 damages which may be incurred to the planting area from any public use of the right-of-way and  
2898 must indemnify the city against any injuries occurring within that portion of right-of-way so utilized.  
2899 Such release and indemnity shall be subject to approval by the city attorney. If acquisition of a  
2900 portion of the private property for the purpose of a public right-of-way creates a nonconformance, the  
2901 nonconformance shall be regulated per LMC 21.12.500.

2902 3. Irrigation, Maintenance, and Bonding.

2903 a. Irrigation Plan. The landscape plan shall include an irrigation plan. Irrigation must be  
2904 appropriate to the type of landscaping installed and be engineered to use as little water as  
2905 necessary for plant survival and healthy growth. Any existing naturally landscaped portions of  
2906 the site must not be irrigated. Irrigation systems shall meet the following requirements:

2907 i. All irrigation systems shall include an automatic controller with an overriding rain sensor  
2908 switch to turn off irrigation during rainfall events.

- 2909 ii. The irrigation plan shall show zones, connecting nozzles, distribution valves, irrigation  
2910 lines, sprinkler heads or drip lines, and timer location, as well as other information integral to  
2911 the proposed irrigation system.
- 2912 iii. Landscape plans that use xeriscaping methods (per LMC 21.08.300(I)) do not require  
2913 permanent irrigation systems in the areas using drought-tolerant plants. However, temporary  
2914 drip irrigation systems may be necessary for establishing plants. The irrigation plan must  
2915 show the temporary irrigation system(s) and include details on when the temporary system  
2916 will be removed.
- 2917 iv. Landscape plans must provide adequate watering of the newly installed trees for a  
2918 minimum of three years.
- 2919 b. Whenever landscaping is required to be installed according to this title the plant material shall  
2920 be regularly maintained and kept in a healthy condition by the property owner or their agent in  
2921 accordance with this chapter and approved development plans in perpetuity or until a new  
2922 landscape plan is submitted and approved by the city.
- 2923 c. Maintenance must include regular weeding, removal of litter from landscaped areas, and  
2924 repair or replanting so that the landscaping continues to comply with requirements and/or  
2925 approved development plans.
- 2926 d. Xeriscaping shall be maintained as shown on the approved site plan, and all dry landscape  
2927 materials shall follow industry standards of fire prevention, upkeep, and preventative  
2928 maintenance.
- 2929 e. The construction bond must include calculations for the cost of maintenance and replacement  
2930 of damaged or destroyed landscaping during construction. Bonded landscaping must include all  
2931 proposed landscaping (and retained existing landscaping per LMC 21.08.300(H)) in the  
2932 development plans approved by the city. Monitoring and enforcement of landscaping conditions  
2933 of approval must follow LMC 21.04.920.

2934 C. Exceptions.

2935 1. Applicant Request. The applicant may request a reduction to a required landscape buffer. The  
2936 request must be made in writing and must describe fully the reduction and the basis for the request.  
2937 The fee for processing a request may be found under LMC 3.104.210 – LMC Title 21 fees and  
2938 charges. The applicant or person(s) requesting the buffer reduction may request a reduction if they  
2939 can prove that, due to the intensity of existing or proposed landscaping, change in topography  
2940 between properties, use of the properties along the abutting property line, or other characteristics of  
2941 the abutting properties, a reduced buffer width or deviation from the landscape code requirements  
2942 will provide adequate separation and screening between properties. The person(s) requesting the  
2943 buffer reduction bear the burden of proof that the reduced buffer will provide adequate separation  
2944 and screening between properties.

2945 a. At least 28 calendar days prior to acting on a request for buffer reduction, notice of the  
2946 request must be mailed to the owners of all properties that abut the site of the proposed  
2947 reduction. Content of the notice shall include: (i) the date of the reduction request; (ii) the date  
2948 the landscape application was submitted (if already submitted); (iii) the date of the issuance of  
2949 the notice of reduction request; (iv) a description of the requested reduction; (v) a list of other  
2950 project permits in the application (if any); (vi) a list of any studies required for reviewing the  
2951 project (if any); (vii) a list of other permits that may be required for the project, to the extent  
2952 known by the city (if any); (viii) a listing of any existing environmental documents that evaluate  
2953 the proposed reduction (if any); (ix) the location where the application and any other supporting  
2954 documents may be reviewed; (x) the date comments must be received by the city; and (xi)  
2955 contact information for submitting comments. Action on a request may not be taken until this  
2956 noticing period has expired.



2957 b. Anyone may appeal a determination regarding an exception by the director under this  
 2958 subsection by filing a written statement of the reason(s) for the appeal with the ~~community~~  
 2959 ~~development~~ development and business services department. Such an appeal shall be  
 2960 processed pursuant to the Process II procedures in Chapter 1.35 LMC.

2961 D. Nonconforming Uses. Proposals for properties with nonconforming uses and sites must meet the  
 2962 landscaping requirements under Chapter 21.12 LMC for alteration or improvement of nonconforming  
 2963 structures and site. (Ord. 3326 § 2, 2019)

2964 **21.08.300 General landscaping standards.**  
 2965 A. General Site Preparation.

2966 1. Compacted Soil. During site preparation soil must be loosened or uncompacted in landscape  
 2967 areas where necessary due to compaction. Soil must be uncompacted, at minimum, down to 24  
 2968 inches below surface grade in any landscape buffer, street frontage, or parking lot landscaping  
 2969 areas. Depth of soil that is loosened or uncompacted may be less if recommended by the qualified  
 2970 landscape professional. Where necessary soil amendments may be added from a verified source.

2971 2. Root Barriers. Trees planted within 10 feet of a public street, sidewalk, paved trail, or walkway  
 2972 must be a deep-rooted species and must be separated from hardscapes by a root barrier to prevent  
 2973 physical damage to public improvements.

2974 3. Alternative Root Diversion. Alternative root diversion and barrier techniques will be considered if  
 2975 the applicant states the root diversion method on the landscape plans and provides a letter and any  
 2976 exhibits from the qualified landscape professional explaining how the method achieves the desired  
 2977 outcome.

2978 B. General Plant Standards (Groundcover, Shrubs, and Trees).

2979 1. Plant Selection. Plants must be appropriate for the Puget Sound lowland region. Permitted plants  
 2980 and trees are allowed as described below.

2981 a. Prohibited Plants. Plants listed by the Washington State Noxious Weed Control Board in their  
 2982 Noxious Weed List or subsequent document, or commonly known as invasive species, are  
 2983 prohibited from being planted in the city.

2984 b. Permitted Plants. Landscaping materials installed shall include species native to the Puget  
 2985 Sound lowland region of the Pacific Northwest or noninvasive species that have adapted to the  
 2986 climactic conditions of the region. Drought-tolerant or drought-resistant vegetation is preferred.

2987 2. Plant Variety. Plant material should include a variety of seasonal colors, forms, and textures that  
 2988 contrast or complement each other with a mixture of evergreen and deciduous trees, shrubs, and  
 2989 groundcover and low-maintenance perennials. Preference must be given to plant material which can  
 2990 be maintained in its natural form without pruning over material requiring regular pruning or plants  
 2991 pruned into artificial shapes. Continuous expanses of uniform landscape treatment along an entire  
 2992 street front should be avoided.

2993 C. General Tree Standards.

2994 1. Trees must be selected from the city's Tree Preservation and Protection Guidelines and meet the  
 2995 following standards:

2996 a. A mixture of deciduous and evergreen trees must be planted in all landscaped areas of a site  
 2997 with exceptions noted in the specific landscaping sections of this chapter.

2998 b. Trees must be suitable to the site and, if applicable, provide adequate screening throughout  
 2999 the entire life of the tree.

3000 c. Deciduous and evergreen trees must be a minimum of eight feet in height and have a caliper  
3001 size of at least two inches at time of planting.

3002 d. Trees must be planted so that, when they reach maturity, there will be a minimum of 10 feet of  
3003 clearance on-center between trees.

3004 e. Tree selection within all landscape areas, including street trees, must comply with Snohomish  
3005 PUD utility requirements, other existing utilities (stormwater, water, and wastewater conveyance  
3006 systems), lighting, existing and proposed signage, adjacent trees, existing natural features, tree  
3007 root growth, solar access, planting area width, and overall height of selected trees at maturity.

3008 f. Trees must be arranged to promote energy conservation wherever practical: This includes  
3009 using deciduous trees on the south and west sides of buildings to provide shade from summer  
3010 sun and evergreen trees on the north side of buildings to dissipate effects of winter wind and  
3011 rain.

3012 g. Tree branches must be trimmed to provide a minimum of six feet of clearance measured from  
3013 the ground to the branch to prevent sight and pedestrian obstructions. Tree branches must be  
3014 trimmed to provide eight feet of clearance when overhanging vehicular use areas.

3015 h. If more than 10 trees are required to be installed, no more than 40 percent of the new trees  
3016 may be of a single species. This applies to the new trees to be planted, not to the existing trees  
3017 on the site.

3018 i. The specific number of trees required for a landscaped area on a site may be found under the  
3019 respective section of this chapter.

3020 j. Trees may be planted in linear rows, staggered rows, or clustered. However, all trees shall be  
3021 planted a minimum of five feet on-center from back of public sidewalk edge.

3022 2. In several sections of this chapter, a specific number of trees are required per linear foot of  
3023 landscape area. Trees are categorized in the city's Tree Preservation and Protection Guidelines into  
3024 three types: small, medium, and large. If an applicant desires to use a combination of types, the  
3025 applicant must first calculate how many small trees would be required by this chapter. Small trees  
3026 may be substituted for medium or large trees and large or medium trees may be substituted for small  
3027 trees according to the table below:

3028 **Table 21.08.01: Tree Substitution Table**  
3029

Number of Small Trees	Substitution
2	1 Large Tree
1.5	1 Medium Tree

3030  
3031 D. General Shrub and Groundcover Standards.

3032 1. Groundcover. All areas of exposed earth not covered by trees or other plants must have living  
3033 groundcover installed unless otherwise permitted.

3034 2. Motorist Visibility. In driveway and roadway sight triangles and parking lot frontage strips, shrubs  
3035 and groundcover must be composed of low evergreen shrubs or a mix of evergreen and non-  
3036 evergreen shrubs with a maximum growth height of three feet.

3037 3. Nonliving Groundcover. Nonliving groundcover (noncompacted, unless a functional part of a LID  
3038 system) may not be used as living groundcover substitutes. However, up to three percent of the site's

3039 entire landscaped area may be landscaped with nonliving groundcover. Nonliving groundcover may  
3040 not be installed within three feet of pedestrian walkways.

3041 4. Landscape Areas Abutting Parking Stalls. If curbing or wheel stops are installed along an edge of  
3042 a parking space that abuts a landscaped area, groundcover or plants may be installed adjacent to  
3043 the stall. Otherwise a minimum area of two feet from the pavement edge shall be free of plants or  
3044 shrubs. Grasses or groundcover may be planted in this area.

#### 3045 E. General Fence and Hedge Standards.

3046 1. Vision-Obscuring Fences and Hedges. Fences are required in several landscaping types  
3047 described in this chapter. The standards for fences and hedges must meet any applicable  
3048 requirements in Chapter 21.10 LMC.

3049 a. Exceptions. The following exceptions apply:

3050 i. Height of fences or shrub hedges must be limited to maximum six-foot height in buffer  
3051 landscape and frontage landscape areas.

3052 ii. Where a fence is required or used to meet vision-obscuring purposes, a new fence shall  
3053 not be required in those cases where a fence already exists which meets the intent of this  
3054 section. However, if the existing fence is ever removed, demolished or partially destroyed,  
3055 then the owner of the property shall be required to replace the fence at that time in  
3056 accordance with the requirements of this code.

3057 iii. In those cases where the slope of the land is such that the location of a fence required by  
3058 this code is impractical or ineffective in satisfying the intent of this section, the ~~community~~  
3059 ~~development~~ development and business services director may, at his discretion, permit a  
3060 location which more adequately satisfies the intent of this section.

#### 3061 F. General Pedestrian Walkway and Sight Triangle Standards.

3062 1. Pedestrian connections and walkways may traverse landscaped areas. All areas of a landscape  
3063 buffer strip must be landscaped except where occupied by a pedestrian sidewalk, path, or vehicular  
3064 driveway.

3065 2. Pedestrian connections are encouraged across landscaped areas to connect multifamily and  
3066 single-family residential zones, to commercial zones, and between commercial zones, for ease of  
3067 resident access to grocery, retail, and other commercial businesses. Such pedestrian connections  
3068 must be no wider than five feet.

#### 3069 G. Low Impact Development (LID) Facilities and Landscaping.

3070 1. The city encourages landscaping to utilize low impact development (LID) practices where feasible.  
3071 Applicants that incorporate these features may count them towards required landscaping and tree  
3072 planting requirements.

3073 2. LID Facilities. Areas of vegetation planted in stormwater LID facilities (except for permanently  
3074 flooded or ponded areas) and for which there is a city-approved maintenance plan, as prescribed in  
3075 the city's Engineering Design Standards Manual, may count towards:

3076 a. The minimum landscape coverage areas per the landscaping requirements outlined in the  
3077 zone's appropriate design standards; or

3078 b. The minimum landscaped area required in the buffer landscaping strip as per this chapter; or

3079 c. The minimum parking lot or parking structure buffer landscaping strip pursuant to LMC  
3080 21.08.350.

3081 H. Existing Natural Vegetation Preservation.

3082 1. Existing naturally vegetated areas may be retained and count towards landscaping standards  
3083 based on location of the naturally vegetated area, species of trees, diameter at breast height of trees,  
3084 and types of existing understory plantings.

3085 a. The existing naturally vegetated area must meet or exceed the minimum number of trees (in  
3086 any combination of large, medium, or small from the Lynnwood Tree Preservation Guidelines)  
3087 that would otherwise be required for buffer landscaping.

3088 b. Any invasive or noxious weed plant species as described in subsection (B) of this section or  
3089 diseased, dead, or dying trees must be removed prior to installation of supplemental plantings.

3090 c. Supplemental Plantings. The city may require the applicant to plant trees, shrubs, and  
3091 groundcover according to the requirements of this section to supplement existing vegetation and  
3092 provide adequate buffer between properties.

3093 d. An identified critical area buffer that encroaches into or overlaps the site's required general  
3094 site landscaping area or landscape buffer area may be counted where it overlaps the area  
3095 required to be covered by general landscaping or buffer landscaping requirements.

3096 e. Protection Techniques. The applicant must use the protection techniques described in LMC  
3097 17.15.160(B) to ensure protection of existing trees and soil on construction sites.

3098 2. The existing naturally vegetated area must be delineated on the landscaping plan and must meet  
3099 the following criteria:

3100 a. For general site landscaping areas and buffers, credit for existing natural areas must be  
3101 based on the existing trees in the naturally vegetated area. The number of new trees required  
3102 may be reduced by two for every one existing tree preserved in the existing natural area.

3103 b. In order for existing trees to be counted they must be listed in the City Recommended Tree  
3104 List and have a minimum diameter at breast height (DBH) of eight inches.

3105 c. Trees listed in the table "Trees Not Recommended" in the Lynnwood Tree Preservation  
3106 Guidelines shall not be credited towards the required number of trees for a general or buffer  
3107 landscape area.

3108 d. Existing trees with a DBH of less than eight inches shall not count towards credit for  
3109 landscaping but must not be removed unless tree health is assessed in accordance with  
3110 subsection (H)(2)(e) of this section.

3111 e. Existing tree health must be assessed by an ISA certified arborist with tree risk assessment  
3112 qualification (TRAQ). Only healthy trees must be shown for preservation on the landscape plan.  
3113 Diseased, dying, dead, or overcrowded trees too closely spaced for adequate tree health must  
3114 be marked for removal on the plan by the qualified landscape professional, licensed arborist or  
3115 horticulturalist.

3116 f. Existing trees that meet the required DBH in the naturally landscaped areas shall be identified  
3117 on the landscape plan and listed in a table showing DBH, species, and health status on the  
3118 landscape plan.

3119 g. At least 75 percent of the ground surface of the naturally landscaped area must be covered  
3120 with existing natural, living, vegetated groundcover, shrubs, or plants.

3121 h. The licensed arborist or horticulturalist must identify the existing groundcover, shrubs, or  
3122 plants and show the various areas of predominant groundcover on the landscape plans using  
3123 differentiating fill patterns. Identified species of the predominant groundcover must be included in

3124 the table. Estimated coverage area of the groundcover, shrubs, or plants must be totaled and  
 3125 expressed as a percentage of the entire ground surface area of the naturally vegetated area.

3126 3. The ~~community development~~ development and business services director or designee may  
 3127 approve a natural vegetated area with fewer trees or less groundcover than required; provided, that if  
 3128 it is a buffer area, the natural vegetation must provide the same amount of buffering between zones  
 3129 or a parking area and adjacent property, as required in this chapter.

3130 I. Xeriscaping. Xeriscape is a process by which sound horticultural, landscaping, and efficient water-using  
 3131 principles come together to provide an attractive, but low maintenance, and low water using landscape.  
 3132 Xeriscaping styles can be quite variable depending on the suitability of low water use plants for the  
 3133 region's climate.

3134 1. Xeriscaping shall meet the following four principles:

3135 a. Good Design. Design should be based on careful selection of low water use plants or drought-  
 3136 tolerant plants;

3137 b. Soil Improvement. Improvements including the addition of manure, compost, or other organic  
 3138 materials which can be amended into the soil should be used;

3139 c. Limited Lawn Areas. Minimizing high water use grass areas results in minimal lawn  
 3140 maintenance; and

3141 d. Efficient Water Use. Drip irrigation systems are preferred. Water between 12:00 midnight and  
 3142 6:00 a.m. to lower the evaporation rate of water.

3143 2. Low water use varieties of turf must be used. High water use turf must be limited to no more than  
 3144 25 percent of the landscaped area and remaining landscaped area must be of low water or drought-  
 3145 resistant turf varieties, groundcover, native grasses, shrubs, or trees.

3146 3. Plants and trees selected for low water use shall be well-suited to the climate, soils, and  
 3147 topographic conditions of the site and must be low water use plants once established.

3148 4. Low water use or drought-resistant trees appropriate to the Puget Sound lowland region of the  
 3149 Pacific Northwest must be selected (use the Lynnwood Tree Preservation and Protection Guidelines  
 3150 or the Washington State University (WSU) hardy plants for waterwise landscapes list for guidance).

3151 5. Plants with similar water use requirements must be grouped together in distinct hydrozones and  
 3152 be irrigated with appropriate levels of water.

3153 6. Up to six inches of mulch may be used in limited areas around young plants to assist them with  
 3154 gaining root structure while they establish themselves.

3155 7. Plants and trees with a variety of textures, colors, and profiles must be used to create visual  
 3156 interest. (Ord. 3326 § 2, 2019)

3157 **21.16.230 Decorative murals.**  
 3158 Decorative or artistic murals may be painted or otherwise placed on any building or structure in any zone  
 3159 without a sign permit. However, a rendition of the mural shall be reviewed and approved by the  
 3160 ~~community development~~ development and business services department prior to placement to ensure  
 3161 that it is not considered a mural sign.

3162 The following criteria shall be used to make this determination administratively:

3163 A. The mural shall not contain any commercial messages or commercial logos or graphics or colors  
 3164 specifically identified with a particular business.

3165 B. The mural shall not contain an image that depicts a business, product, service or commercial activity  
3166 that occurs or takes place on the site where the mural is located. (Ord. 2957 § 30, 2012; Ord. 2310 § 42,  
3167 2000)

3168 **21.16.255 Banners.**

3169 A. The display of banners, as defined by Chapter 21.02 LMC, shall be consistent with the regulations of  
3170 the Lynnwood Municipal Code.

3171 B. For special events, the display of banners shall conform to the provisions of Chapter 5.30 LMC.

3172 C. For civic events, the display of banners shall conform to the provisions of LMC 21.16.260.

3173 D. The display of construction signs shall conform to the provisions of LMC 21.16.280.

3174 E. For all other types of banners, display shall conform to the provisions of this section.

3175 F. A banner permit is required for the installation and display of each type of banner authorized by this  
3176 section. The fee for a banner permit shall be as specified by Chapter 3.104 LMC.

3177 G. Banners shall be securely fastened as specified by the permit. Banners shall be maintained in good  
3178 condition and shall be free of tears, rips, fading, delamination, detachment, etc. Banners shall not obscure  
3179 or obstruct safety and fire protection equipment, appliances or signage.

3180 H. Banner for Pre-Grand Opening Event.

3181 1. For the purposes of this section, a “pre-grand opening event” is a one-time occurrence associated  
3182 with new development or significant building expansion/renovation.

3183 2. A banner for a pre-grand opening event may be authorized in addition to and displayed  
3184 concurrently with a construction sign.

3185 3. A banner for a pre-grand opening event shall be removed prior to the issuance of a certificate of  
3186 occupancy or certificate of completion.

3187 4. A banner for a pre-grand opening event shall not be displayed concurrently with a banner for a  
3188 grand opening event or a periodic event.

3189 5. A banner for a pre-grand opening event shall conform to the provisions of Table 21.16.255J.

3190 I. Banner for Grand Opening Event.

3191 1. For the purposes of this section, a “grand opening event” is a one-time occurrence associated with  
3192 an event such as issuance of a new business license, business relocation, issuance of a new  
3193 certificate of occupancy, a change in ownership, significant building expansion or renovation, etc.

3194

3195 2. A banner for a grand opening event shall not be displayed concurrently with a banner for a pre-  
3196 grand opening event or a periodic event.

3197 3. In conjunction with a permit for a grand-opening banner, the ~~community-development~~ development  
3198 and business services director may also authorize a banner upon an existing freestanding sign  
3199 cabinet for the purpose of identifying a temporary business or use. The purpose is to allow a  
3200 temporary business or occupancy to utilize the freestanding sign area associated with that building  
3201 floor area. Such banner shall be designed to match the size and proportions of the existing  
3202 freestanding sign area or cabinet, and may be displayed during the time allowed for the grand-  
3203 opening banner.

3204 J. Additional provisions for a banner for a pre-grand opening event and grand opening event are as  
 3205 specified by Table 21.16.255J.

3206 **Table 21.16.255J**

<b>Banner for Pre-Grand Opening Event and Grand Opening Event</b>	<b>Commercial Use</b>	<b>Public, Institutional, or Nonprofit Use</b>	<b>Multiple-Family Residential Use</b>
1. Pre-grand opening event			
a. One-time banner	Permitted	Permitted	Permitted
b. Maximum duration of banner (consecutive days)	30	30	30
2. Grand opening event			
a. One-time banner	Permitted	Permitted	Permitted
b. Maximum duration of banner (consecutive days)	45	45	45
3. Maximum number of banners	1 per occupancy's street frontage	1 per occupancy's street frontage	1 per occupancy's street frontage
4. Permitted location (unless otherwise authorized)	On building, at business occupancy	On building	On building
5. Maximum size of banner (based upon floor area of occupancy)			
a. 0 – 15,000 sq. ft.	32 sq. ft.	32 sq. ft.	32 sq. ft.
b. 15,001 – 30,000 sq. ft.	48 sq. ft.	48 sq. ft.	40 sq. ft.
c. 30,001 – 60,000 sq. ft.	60 sq. ft.	60 sq. ft.	60 sq. ft.
d. Greater than 60,000 sq. ft.	72 sq. ft.	72 sq. ft.	72 sq. ft.
6. Minimum interval between displays (applies to grand opening banners and all periodic displays)	30	30	–

3207  
 3208 K. Banner for Periodic Event.

3209 1. For the purposes of this section, a “periodic event” is a unique occurrence of limited duration that  
 3210 is not a special event as defined by Chapter 5.30 LMC. A periodic event may be associated with and  
 3211 limited to a single occupancy, or a group of occupancies.

3212 2. Additional provisions for a banner for a periodic event are as specified by Table 21.16.255K.

3213 **Table 21.16.255K**

<b>Banner for Periodic Event</b>	<b>Commercial Use</b>	<b>Public, Institutional, or Nonprofit Use</b>	<b>Multiple-Family Residential Use</b>
1. Periodic event			
a. Maximum number of events per calendar year	2	2	–
b. Maximum duration of banner (consecutive days)	30	30	–
2. Maximum size of banner (based upon floor area of occupancy)			
a. 0 – 15,000 sq. ft.	32 sq. ft.	32 sq. ft.	32 sq. ft.
b. 15,001 – 30,000 sq. ft.	48 sq. ft.	48 sq. ft.	40 sq. ft.

Banner for Periodic Event	Commercial Use	Public, Institutional, or Nonprofit Use	Multiple-Family Residential Use
c. 30,001 – 60,000 sq. ft.	60 sq. ft.	60 sq. ft.	60 sq. ft.
d. Greater than 60,000 sq. ft.	72 sq. ft.	72 sq. ft.	72 sq. ft.
3. Maximum number of banners	1 per occupancy's street frontage	1 per occupancy's street frontage	1 per occupancy's street frontage
4. Minimum interval between pre-grand opening event or grand opening event and periodic event (consecutive days)	30	30	–
5. Minimum interval between periodic events (consecutive days)	30	30	–
6. Permitted location (unless otherwise authorized)	On building, at business occupancy	On building	On building

3214  
3215 (Ord. 3052 § 2, 2014)

3216 **21.18.100 Parking plans to be approved prior to permit issuance.**

3217 No building, grading or tenant improvement permit shall be issued until plans showing provisions for the  
3218 required off-street parking have been submitted and approved by the ~~community development~~  
3219 ~~development and business services~~ director (director) as conforming to the standards of this chapter.  
3220 Space needed to meet the current minimum parking standards of this code for buildings or uses already  
3221 established on a property may not be used to meet the requirements for another building or use, except  
3222 as otherwise allowed by LMC 21.18.900. (Ord. 2730 § 1, 2008; Ord. 2020 § 9, 1994; Ord. 1359 § 1, 1983;  
3223 Ord. 478 § 1, 1969; Ord. 190 Art. XI § 11.1, 1964)

3224 **21.18.150 Notice of director's decision and appeal from director's decision.**

3225 The following shall apply to decisions made by the ~~community development~~ ~~development and business~~  
3226 ~~services~~ director pursuant to LMC 21.18.300 (Location of parking), 21.18.820 (Administrative adjustment  
3227 to parking or stacking lane capacity, or compact parking limitation), 21.18.850 (Commute trip reduction  
3228 modification to off-street parking capacity requirements), and 21.18.900 (Shared parking):

3229 A. Public notice of impending decision shall be prepared, published and posted in accordance with the  
3230 requirements of LMC 21.25.130.

3231 B. A decision may be appealed by filing a written statement of the basis of the appeal with the ~~community~~  
3232 ~~development~~ ~~development and business services~~ department within 14 calendar days of the date of the  
3233 decision. Such appeal shall be processed pursuant to Process II (LMC 1.35.200 et seq.). (Ord. 2730 § 1,  
3234 2008)

3235 **21.18.800 Capacity requirements.**

3236 Off-street parking shall be provided in accord with the following tables:

3237 **Table 21.18.01**  
3238

Automotive Uses	Number of Parking Stalls Required <sup>(1)</sup>
Full- and Self-Service Stations and Gas Stations	One per service island + stacking lane requirements + required parking for grocery store, auto repair or other uses on site (if any)
Mobile and Manufactured Home Sales	One per 3,000 SF of outdoor display area
Motor Vehicle Accessories, Parts and Supplies (without repair)	See General Retail
Motor Vehicle (including Truck) Rental	One for every fleet vehicle, plus one for every 300 SF of sales/service office space. Truck stalls shall be sized appropriately. LMC 21.18.700(B) (attendant parking) may apply if all vehicles are parked and retrieved by attendants. If there is



Automotive Uses	Number of Parking Stalls Required <sup>(1)</sup>
	a repair/maintenance facility on the site, it shall have additional parking as required for auto repair uses
Motor Vehicle Repair, without Sales (including lube, tune-up, tire, brake and muffler service)	Four per service bay, station or lift. This may include stacking lane spaces. High turnover uses, such as quick oil-change shops, shall have a minimum of one stacking space located before and one after each work bay/station. Shops where customers leave vehicles for later pick-up may place parking elsewhere on the property
Motor Vehicle Sales and Service	One per 1,000 SF of GFA and one per 1,500 SF of outdoor sales area
Car Wash: – Full service  – Automatic (unattended)  – Self-service	Two per service lane or bay + stacking space requirements + parking for retail uses (if any). One per 3,000 SF GFA (minimum one stall) + one for each vacuum (if any) + stacking lane requirements. One for every five wash bays (not including stalls in wash bays) + stacking lane requirements + one at each vacuum (if any)

**Table 21.18.02**

Eating and Entertainment Uses	Number of Parking Stalls Required
Adult Cabarets (with or without alcoholic beverage service)	One per 100 SF GFA
Bars, Taverns, Saloons and Cocktail Lounges	One per 100 SF GFA
Restaurant, Dine-in (building code occupant load for 20 or more)	One per 100 SF GFA
Restaurant with Drive-Through Service (building code occupant load for 20 or more, plus drive-through window or facility)	One per 100 SF GFA + stacking lane requirements
Drive-Through/Take-Out Food/Beverage Stand: (establishment primarily serving drive-through and/or take-out clientele, but which may have incidental seating for less than 20 (building code occupant load))	One per 200 SG GFA + stacking lane requirements

**Table 21.08.03**

Institutional Uses	Number of Parking Stalls Required
Libraries	One per 250 SF GFA
Museums and Art Galleries (not including retail galleries or studios)	One per 500 SF GFA
Colleges, Universities or Institutions of Higher Learning	One per employee and faculty member, plus one per three full-time-equivalent students
Business and Trade Schools (e.g., beauty, cosmetology, secretarial, music, art, dance, vocational and occupational training, extension programs, etc.)	One for every 100 SF GFA
Hospitals (includes offices within the hospital building, but parking for medical office buildings, even if co-located with the hospital, shall be in accordance with Table 21.18.04)	Five per licensed bed
Nursing, convalescent and rest homes	See residential uses
Schools, Elementary and Middle and Equivalent Private or Parochial Schools	One per six student capacity ("capacity" means the designed capacity of the school, even if actual enrollment varies by year),

<b>Institutional Uses</b>	<b>Number of Parking Stalls Required</b>
	plus sufficient off-street space for safe loading and unloading of students from school buses. The proponent shall demonstrate how special event parking will be provided through a combination of on-site, on-street (where public parking is available) and off-site parking provisions.
Schools, Senior High and Equivalent Private or Parochial Schools	One per three student capacity
Child Day Care Centers, Preschools, Nursery Schools and Kindergartens <sup>(2)</sup>	One per employee required by WAC 170-295-2090 plus: When enrollment is known: 45 students or less: 1 per 5 students More than 45 students: 8 + 1 per 40 students When enrollment is not known: For 2,500 SF or less: 1/300 SF For more than 2,500 SF: 8 + 1/5,000 SF

**Table 21.18.04**

<b>Office Uses</b>	<b>Number of Parking Stalls Required</b>
Dental or Medical Clinics (including chiropractors, psychologists/psychiatrists, outpatient surgery centers, optometrists, offices for fitting and repair of hearing aids and prosthetics, massage therapists, nonresident drug and alcohol counseling and treatment centers and similar)	One per 200 SF GFA
Office Buildings/Offices Not Providing On-Site Services: Less than 25,000 SF GFA 25,000 – 100,000 SF GFA 100,000 – 500,000 SF GFA Over 500,000 SF GFA	3.8 per 1,000 SF GFA 3.5 per 1,000 SF GFA 3.0 per 1,000 SF GFA 2.8 per 1,000 SF GFA
Offices Providing On-Site Service	One per 200 SF GFA

**Table 21.18.05**

<b>Personal Service Uses</b>	<b>Number of Parking Stalls Required</b>
Banks, Credit Unions and Saving and Loan Institutions	One per 200 SF GFA; minimum 10 stalls + stacking space requirements if there is a drive-through banking facility
Personal Care Services (e.g., barber shops, beauty salons, cosmetologists, nail salons, electrolysis/hair-removal salons, tattoo and piercing establishments and similar)	Two per treatment station but not less than four per 1,000 SF GFA
Dry Cleaning or Laundry Service	One per 400 SF GFA + stacking lane requirements for drive-through window (if any)
Dry Cleaning or Laundry, Self-Service (laundromat)	One per two washing or dry cleaning machines

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Table 21.18.06

Places of Assembly	Number of Parking Stalls Required
Auditoriums or Assembly Places with Fixed Seats	One per four seats or one per eight feet of bench or pew
Auditoriums or Assembly Places without Fixed Seats	One per 50 SF GFA
Churches, Synagogues, Mosques, Temples, and Other Places of Religious Worship <sup>(3)</sup>	One per four seats or one per eight feet of bench or pew in the main sanctuary or worship room or per 50 SF GFA if there is no fixed seating. Additional parking is required for auditoriums, classrooms, community rooms, offices, etc., if they are used for parking generating uses simultaneous with worship services
Clubs and Lodges	One per four seats or one per eight feet of bench or pew
Funeral Homes or Mortuaries	One per four seats or one per eight feet of bench or pew
Stadiums	One per four seats or one per eight feet of bench or pew

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Table 21.18.07

Entertainment/Recreational Activities	Number of Parking Stalls Required
Billiard Halls	Three per table, but not less than five per 1,000 SF GFA
Bowling Alleys	Five per lane
Dance Hall, Dance Club, Nightclub or Discotheque	One per two persons building code occupant load standard
Live Theater/Playhouse	One per three seats
Movie Theater	One per four seats
Handball or Tennis Courts or Racquet Clubs	One per 40 SF GFA used for assembly plus two per court
Health, Fitness and Athletic Clubs	Five per 1,000 SF GFA
Skating Rinks (ice or roller)	One per 250 SF GFA
Swimming Pools (indoor and outdoor)	One per 10 swimmers, based on pool capacity as defined by the Washington State Department of Health
Video, Computer Game and Pinball Arcades	One per machine or game unit

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Table 21.18.08

Residential Uses	Number of Parking Stalls Required
Single-Family Residences	Two plus requirement for accessory unit (if any)
Convalescent, Nursing or Rest Homes, Sanitariums, Skilled Nursing Facilities	1.5 per 1,000 SF GFA
Rooming Houses, Fraternities and Sororities	One per accommodation
Hotels, Motels or Other Overnight Accommodations	One per unit or room, plus additional parking in accordance with these tables for restaurants, convention facilities and any other businesses or facilities associated with the motel or hotel

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3265

Residential Uses	Number of Parking Stalls Required
Mobile and Manufactured Home Parks	One per dwelling and one guest stall per five dwellings
Multiple-Family Residential	Two per dwelling unit with two or more bedrooms 1.75 per dwelling unit with one bedroom 1.5 per studio or efficiency unit over 500 SF 1.25 per studio or efficiency unit 500 SF or less
Senior and Retirement Housing * <sup>(4)</sup> Senior Apartments or Units  Independent Living Community Assisted Living Residences Alzheimers/Dementia Care Facility Continuing Care Community  *Senior housing types as defined by American Seniors Housing Association	0.25 stalls per unit less than requirement for same category of general multi-family units above One per two living units One per three accommodations See Convalescent/Nursing Home Total of requirements for each of the above types of accommodations
Respite Care	One per staff member plus one per 10 persons receiving care

Table 21.18.09

Retail Uses	Number of Parking Stalls Required
Durable Goods Retail: (e.g., appliances, furniture, lumber and building supplies, home decoration and furnishing showrooms, lighting and electrical supplies, nurseries, greenhouses and garden supplies (but not retail florists), pool, spa and patio furniture sales and similar uses)	Less than 6,000 SF GFA: One per 300 SF GFA; minimum five per tenant 6,000 SF GFA or more: One per 500 SF GFA
Service Retail: (e.g., appliance repair, pet grooming, check cashing, clothing rental (e.g., costumes and formal wear), cleaners, film and photo processing, locksmiths, postal convenience centers, pawn shops, printing and copying services, shoe repair, tailors and dressmakers, tool and equipment rental, travel agents and similar uses)	One per 400 SF GFA
General Retail: (e.g., antiques; art and art supplies; auto parts, supplies and accessories (without service); bicycles; bookstores; bridal shops; camera and photo supplies; candy; china and glassware; clothing and shoes; coins, stamps and collectibles; computer, audio, stereo, TV and home electronics; department, discount and variety stores; dry goods, fabric, sewing, needlework and craft supplies; gift, novelty and souvenir shops; hobby shops; jewelry, watch and clock stores; sheets, towels and housewares; leather and luggage stores; musical instruments; pets and pet supplies; record and music stores; retail florists; stationers and office and school supplies; thrift, second-hand and consignment stores; tobacco and smoke shops; toy stores; other specialty retail and similar uses)	One per 300 SF GFA
Convenience Retail: (e.g., supermarkets, grocery, and food stores (including bakers, butchers, produce stands, etc.); drug stores and pharmacies; liquor stores; news stands; extended-hour convenience stores; video and CD rentals, etc.)	One per 200 SF GFA
Regional Shopping Centers developed per the PRC zone and having gross leaseable area less than 1,140,000 sq. ft.	Five per 1,000 SF gross leaseable area
Regional Shopping Centers developed per the PRC zone and having gross leaseable area of 1,140,000 sq. ft. or greater	4.5 per 1,000 SF gross leaseable area
Shopping Centers, other than those in the PRC zone: Less than 400,000 SF GFA	Four per 1,000 SF GFA. Eating and entertainment uses are calculated separately

Retail Uses	Number of Parking Stalls Required
400,000 SF GFA and more	Five per 1,000 SF

**Table 21.18.10**

Industrial Uses	Number of Parking Stalls Required
Apparel Manufacturing	One per 350 SF GFA
Baking, Bottling and Canning Establishments	One per 600 SF GFA
Engraving	One per 350 SF GFA
Machinery Repair without Sales	Three per employee, or one per 200 SF GFA, whichever is greater
Manufacturing and Assembly Businesses, and Other Light Industrial including research and testing but not apparel, printing and related business	One per 600 SF GFA
Printing or Publishing Business	One per 350 SF GFA
Self-Service Storage Facilities	One per 60 storage units, or one per 3,000 SF GFA, whichever is greater, with an adequate number of stalls configured to facilitate loading/unloading of storage units.
Warehouses (not including self-service storage facilities)	One per employee or two per 3,000 SF GFA, whichever is greater

**Table 21.18.11**

Other Uses	Number of Parking Stalls Required
Utility Establishments without Regular Employment (e.g., wireless communication facilities, automatic telephone exchanges, "Telco Hotels," electrical distribution (transformer) yards, unmanned pump and lift stations, etc.)	One stall
Veterinary Clinics	Two per 1,000 SF GFA
Mixed Occupancies	The sum of the various uses computed separately. This does not apply to shopping centers
Uses Not Included on Any Table	Same as the most similar use, as determined by the <b>community development development and business services</b> director. The director may refer to the most recent edition of the Institute of Transportation Engineers (ITE) Parking Generation Manual or other professionally conducted and reviewed parking studies for guidance

Key:

SF: Square Feet

GFA: Gross Floor Area

(1) All parking stall requirement calculations that result in a fractional requirement shall be rounded up to the next highest whole number of stalls.

3284 (2) The student portion of the day-care parking requirement does not apply to “on-site” day-care facilities  
 3285 provided for children of employees (or other persons (e.g., students) associated with a corporation,  
 3286 agency or institution) usually present on-site with the enrolled child. Day care centers located in or on a  
 3287 building, or corporate, institutional or similar campus primarily serving on-site employees, but also open to  
 3288 outside enrollment, may reduce the parking requirement proportional to on-site enrollment. The employee  
 3289 parking requirement may be reduced to the extent the space occupied by the day care is already “parked”  
 3290 on-site under other requirements of this section.

3291 (3) This parking ratio may be reduced by the director in accordance with LMC 21.18.820 if it is found that  
 3292 at least 75 percent of the congregates reside within three-quarters miles of the facility, and/or that  
 3293 religious restrictions on use of automobiles or other characteristics of the religious services or  
 3294 congregation can be demonstrated to reduce parking demand.

3295 (4) Property owner may be required to enter into a covenant agreeing the development will be maintained  
 3296 as senior (age-restricted) housing, and not be converted to general market units unless required extra  
 3297 parking is provided.

3298 (Ord. 3243 § 7, 2017; Ord. 3177 § 3, 2016; Ord. 2947 § 4, 2012; Ord. 2730 § 1,  
 3299 2008; Ord. 2528 § 1, 2004; Ord. 2490 § 3, 2004; Ord. 2409 § 1, 2002; Ord. 2388 §  
 3300 12, 2001; Ord. 2295 § 10, 2000; Ord. 2020 § 9, 1994; Ord. 1781 § 3, 1990; Ord.  
 3301 1766 § 10, 1990; Ord. 1758 § 2, 1990; Ord. 1442 § 1, 1985; Ord. 1426 § 2, 1984;  
 3302 Ord. 1359 § 2, 1983; Ord. 1214 §§ 3, 4, 1981; Ord. 1125 § 1, 1980; Ord. 930 § 2,  
 3303 1977; Ord. 887 § 1, 1976; Ord. 811 § 1, 1975; Ord. 478 § 1, 1969; Ord. 190 Art. XI §  
 3304 11.6, 1964)

3305 **21.18.810 Stacking lanes for drive-through facilities.**

3306 All uses and facilities providing drive-through services shall provide stacking lanes and stacking spaces in  
 3307 compliance with the standards of this section.

3308 A. Required Stacking Spaces. Each service window, lane or point shall have the following minimum  
 3309 number of stacking spaces. All uses shall have at least one space in each lane after the last island,  
 3310 window, bay or other service point, but shall have more if required by the table.

Type of Drive-Through Use	Minimum Required Number of Stacking Spaces
Gas or Service Station	2 stacking spaces per service lane in addition to space(s) at the pump(s). Lanes may have multiple pumps, but if any pump or pump island can be accessed from both sides, then each side constitutes a separate lane
Restaurant with Drive-Through (see Table 21.18.02 for definitions)	6 spaces per lane. If an order window, board or device is used, minimum 3 spaces shall be in advance of the order point
Take-Out/Drive-Through Food/Beverage Stand (see Table 21.18.02 for definitions)	4 spaces per service lane in addition to the space at the service window
Car Wash – Full-Service or Automatic	2 stacking spaces for each wash bay in addition to the vehicle(s) in the wash bay. If hand drying and/or detailing is provided, then minimum 3 spaces beyond the wash bay,

Type of Drive-Through Use	Minimum Required Number of Stacking Spaces
	otherwise 1 space beyond the end of the wash bay
Car Wash – Self-Serve	1 stacking space per wash bay (not including the space in the bay or spaces at vacuums)
Drive-Through Oil Change, Lube, Tune-Up	Minimum 1 space before (and 1 space after) each service bay
Drive-Through Bank Teller or ATM, Pharmacy, Cleaners, Film and Photo Processing, and Similar Uses	3 spaces per service lane in addition to the space at the service window or point.
Other Uses	<del>Community development</del> <u>Development and Business services</u> director determination based on most nearly comparable use. Director may require analysis by a traffic engineer.

3311  
3312 B. Stacking Space Dimensions. Each stacking space shall be a minimum of 20 feet long and 10 feet wide  
3313 on straight segments, and minimum 12 feet wide on curved segments with a minimum 25 feet centerline  
3314 radius.

3315 C. Stacking Lane Design.

3316 1. Stacking lanes shall be delineated from traffic aisles, other stacking lanes and parking areas with  
3317 striping, curbing, landscaping, or use of alternative paving materials.

3318 2. Entrances and exits of stacking lanes shall be clearly marked with directional signs.

3319 3. Stacking lanes shall be designed to prevent circulation congestion both within the site, and on  
3320 adjacent public streets. The circulation shall:

3321 a. Separate drive-through traffic from other on-site circulation;

3322 b. Not impede or impair access to or out of parking stalls;

3323 c. Not impede or impair vehicle or pedestrian traffic movement;

3324 d. Minimize conflict between pedestrian and vehicle traffic with physical and visual separation;

3325 e. Not interfere with required loading/unloading and trash storage areas.

3326 D. Stacking Space Location.

3327 1. No stacking space shall be located closer than 50 feet from any lot in a residential zone.

3328 2. A solid wall or fence shall be placed along the property line of any abutting lot zoned for residential  
3329 use so as to block lights from vehicles in the stacking lanes.

3330 E. Order Placing Facilities.

3331 1. Outdoor facilities such as menu boards, speakers, windows, dispensers, etc., shall be a minimum  
3332 of 50 feet from any residential zone.

3333 2. Menu boards shall be a maximum of 30 square feet, and shall be designed, placed and shielded  
3334 so as to not cast glare on public streets or adjacent properties. The term "menu board" is not limited  
3335 to food, but may be any listing of products, services, etc., from which the customer makes a choice or  
3336 which provides product information.

3337 3. Outdoor speakers must comply with the noise restrictions of Chapter 10.12 LMC. (Ord. 2730 § 1,  
3338 2008)

3339 **21.18.820 Administrative adjustment to parking or stacking lane capacity, or compact parking**  
3340 **limitation.**

3341 A. The ~~community development~~ development and business services director shall have the authority to  
3342 administratively reduce the parking capacity requirements of LMC 21.18.800 or stacking lane  
3343 requirements of LMC 21.18.810, by not more than 20 percent or to increase the proportion of compact  
3344 stalls by up to 10 percent (rounded to the nearest whole number of stalls) upon presentation of empirical  
3345 evidence acceptable to the director that a particular use of property will generate different parking  
3346 demands than other similar uses. Such evidence may include:

3347 1. Parking studies performed by a qualified engineer or professional parking consultant.

3348 2. Parking surveys conducted at similar and comparably situated uses. The applicant or owner shall  
3349 bear the burden of demonstrating that the survey methodology is correct and applicable to the  
3350 situation.

3351 3. Other empirical evidence that in the professional judgment of the director clearly demonstrates that  
3352 the particular use or property will generate less parking demand than similar uses.

3353 4. A plan, map or diagram showing the proposed parking layout and how vehicular ingress/egress,  
3354 pedestrian access, landscaping, and all other requirements of this code and applicable citywide  
3355 design guidelines will be provided.

3356 B. On approving such administrative reduction, the director shall make written findings that:

3357 1. The reduction will not be a grant of special privilege inconsistent with parking requirements for  
3358 similar uses.

3359 2. The level or amount of the reduction granted is consistent with the empirical evidence in the study  
3360 or survey.

3361 3. Granting the reduction will not be detrimental to the public welfare, or injurious to other property or  
3362 improvements in the vicinity.

3363 4. The nature or configuration of the use or facility is such that its future occupancy by uses  
3364 generating significantly higher parking demand is unlikely.

3365 5. The reduction is consistent with the purpose and intent of the comprehensive plan and zoning  
3366 code.

3367 C. The director may require a parking management plan or agreement, or other conditions of approval  
3368 reasonably necessary to ensure compliance with any of the findings required by subsection (B) of this  
3369 section.

3370 D. A reduction in parking allowed by this section may not be in addition to parking reductions allowed by  
3371 LMC 21.18.850 and/or 21.18.900 unless supported by a professional parking study that justifies the entire  
3372 reduction.

3373 E. The director shall have the authority to administratively reduce the parking capacity requirements of  
3374 LMC 21.18.800 by not more than 50 percent when, in addition to meeting the requirements of  
3375 subsections (A) through (D) of this section, the applicant or owner:



3376 1. Provides a site plan acceptable to the director showing how the additional number of stalls  
3377 otherwise required by LMC 21.18.800 could subsequently be provided on the site (sometimes  
3378 referred to as “landbanking” or “ghost parking”). The additional parking must meet all required yard,  
3379 setback, access requirements and other requirements of this chapter. These areas shall be set aside  
3380 and landscaped in such a manner that they will not be used for parking. The additional parking may  
3381 be provided in surface or structured parking as determined by the city to be practically feasible and  
3382 compatible with the site plan.

3383 2. Conducts a study of actual parking use to be carried out by a qualified consultant within three  
3384 years after the facility is fully occupied. The parking study shall be subject to approval by the director.  
3385 The city may require construction of some or all of the additional parking if the parking study  
3386 demonstrates need. If the owner fails to comply, the city may, but shall not be obligated to, undertake  
3387 construction of the required additional parking. Any costs and expenses incurred by the city shall be  
3388 the responsibility of the owner.

3389 3. Provides a bond or other financial guarantee in a form acceptable to the city sufficient to finance  
3390 construction of the additional parking, and to pay for the study of actual parking use.

3391 4. Provides a binding covenant, easement or other legal agreement guaranteeing the provisions of  
3392 this section. The covenant shall be in a form acceptable to the city attorney and recorded with the  
3393 Snohomish County auditor. (Ord. 2730 § 1, 2008)

3394 **21.18.850 Commute trip reduction modification to off-street parking capacity requirements.**

3395 A. The property owner(s) of employment sites having 100 or more employees present during any shift  
3396 change (if applicable) for the following use classifications and/or combination thereof may apply to the  
3397 director to reduce the parking capacity requirements for employees up to 50 percent:

3398 1. Banks and offices providing on-site services;

3399 2. Offices not providing on-site service;

3400 3. Manufacturing, including research and testing, bottling, and baking establishments, and canneries,  
3401 but not including apparel, printing, and related.

3402 B. Review Criteria. In reviewing such applications, the director shall find that such reduction of parking  
3403 capacity requirements will not create an adverse environmental impact on the site; on existing or potential  
3404 uses adjoining the subject property or in the general vicinity of the subject property; or on the traffic  
3405 circulation system in the vicinity.

3406 C. Alternative Commute Programs. The applicant, owner, and/or proponent shall show through  
3407 appropriate studies, reports, and/or documentation, as determined by the public works director and/or  
3408 ~~community development~~ development and business services director, that the alternative program(s)  
3409 proposed in lieu of the parking capacity requirements will not cause the above stated impacts. Alternative  
3410 programs which may be considered include, but are not limited to, the following:

3411 1. Private vanpool operation;

3412 2. Transit/vanpool fare subsidy;

3413 3. Imposition of a charge for parking;

3414 4. Provision of subscription bus services;

3415 5. Flexible work hour schedule;

3416 6. Capital improvements for transit services;

3417 7. Preferential parking for carpools/vanpools;

- 3418 8. Reduction of parking fees for carpools and vanpools;
- 3419 9. Establishment of a transportation coordinator position to implement and monitor a carpool, vanpool  
3420 and transit programs;
- 3421 10. Bicycle parking facilities; and
- 3422 11. Spacing of shifts.
- 3423 D. Covenants, Guarantees or Agreements. If approved, the city shall require such covenants, guarantees,  
3424 or agreements as necessary to ensure that the agreed on alternative program(s) reducing the parking  
3425 capacity requirements will be a permanent and effective solution. Such covenants, guarantees, or  
3426 agreements shall include, but not be limited to, the following:
- 3427 1. That the reduced parking be a condition of occupancy of the building and/or building permit;
- 3428 2. That measures shall be taken immediately if the alternative program(s) prove unsuccessful in  
3429 reducing the required parking;
- 3430 3. That the level of management overseeing the alternative program(s) be specified; and
- 3431 4. That reports be prepared and submitted annually by the property owner(s) documenting the  
3432 effectiveness of the alternative program(s). (Ord. 2957 § 31, 2012; Ord. 2730 § 1, 2008; Ord. 2020 §  
3433 9, 1994; Ord. 1359 § 3, 1983)
- 3434 **21.18.900 Shared parking.**
- 3435 A. Purpose. Cumulative parking requirements for mixed-use occupancies or shared facilities may be  
3436 reduced where it can be shown that the peak parking requirements of the various uses occur at different  
3437 times of the day, week or year. Methods for calculating parking reduction and submission requirements  
3438 are outlined in this section. This section does not apply within the city center zoning districts.
- 3439 B. Authority. The ~~community development~~ **development and business services** director (director) may  
3440 approve a reduction in the number of required parking stalls at a property, as provided in this section.
- 3441 C. Parking Reduction Determination. Two methods for determining parking reduction are as follows:
- 3442 1. Table 21.18.20, Parking Occupancy Rates. When a parking reduction is requested based on  
3443 parking demand calculations from Table 21.18.20, the applicant shall submit a parking demand  
3444 summary showing the calculations outlined in this section. (Note: occupancy rates in the table  
3445 include a “safety” margin beyond typical average peak demand. A parking study may yield greater  
3446 reduction.) To determine the number of parking stalls required:
- 3447 a. Determine the minimum required minimum number of parking stalls for each use from LMC  
3448 21.18.800.
- 3449 b. Multiply the minimum required number of stalls by the “occupancy rate” for the corresponding  
3450 use in Table 21.18.20 (or as determined by a parking study) to produce an adjusted minimum  
3451 requirement for each use for weekday day, evening and night periods, and for weekend day,  
3452 evening and night periods.
- 3453 c. Sum the adjusted minimum number of stalls for each use for each time period to produce an  
3454 aggregate adjusted minimum number of stalls for each period.
- 3455 d. The greatest of the aggregate adjusted minimum number of stalls for each period shall be the  
3456 minimum number of shared parking stalls required.
- 3457 e. Parking reserved for specified individual persons, positions, businesses, or offices, hotel or  
3458 residential units do not count toward shared parking.

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**Table 21.18.20: Parking Occupancy Rates**

Use <sup>(a)</sup>	Weekdays <sup>(a)</sup>			Weekends <sup>(a)</sup>		
	Day (7:00 a.m. – 6:00 p.m.)	Evening (6:00 p.m. – 11:00 p.m.)	Night (11:00 p.m. – 7:00 a.m.)	Day (8:00 a.m. – 5:00 p.m.)	Evening (5:00 p.m. – 12:00 a.m.)	Night (12:00 a.m. – 8:00 a.m.)
Residential	60%	100%	100%	80%	100%	100%
Office/Industrial/Warehouse	100%	20%	5%	5%	5%	5%
Retail/Commercial	90%	80%	5%	100%	79%	5%
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70% <sup>(b)</sup>	100%	10%	70% <sup>(b)</sup>	100%	20%
Theater (Movie or Live)	40%	80%	10%	80%	100%	10%
Entertainment/Recreation	40%	100%	10%	80%	100%	10%
Convention/Conference	100%	100%	5%	100%	100%	5%
Church/Religious Institution <sup>(c)</sup>	10%	5%	5%	100%	50%	5%

(a) Weekends are the period from 6:00 p.m. on Friday to 6:00 p.m. on Sunday.

(b) Fast food and breakfast/lunch oriented facilities = 100%

(c) The ~~community development~~ development and business services director, on finding that a religious institution holds its primary religious services during a non-“weekend” period, may require “weekend” parking on the appropriate weekday(s) and/or allow “weekday” parking on Saturday and/or Sunday. In making such determination, the director may consider parking studies at comparable institutions or may require a site-specific study.

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**2. Parking Study. For:**

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a. Uses not found in Table 21.18.20; or

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b. Parking reductions based on seasonal variation or other time frames not found in the table; or

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c. A parking reduction greater than provided for in the table; or

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d. A total reduction of more than 50 stalls below the number required by LMC 21.18.800. The minimum number of parking stalls shall be determined by a parking study performed by a qualified parking or traffic consultant, planner or civil engineer. The study shall be subject to approval by the ~~community development~~ development and business services director.

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**3. Demand Analysis. A parking demand analysis, which substantiates the basis for granting a reduced number of stalls. The analysis shall take into account the following:**

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a. Parking Survey. Parking surveys shall determine parking occupancy rates for day and evening peaks on the seven days of the week. The seven days of observation may take place over the span of two consecutive typical weeks. In the case of new construction, or addition of new uses, the surveys shall observe a comparable development with a similar mix of uses. A combination of developments may be necessary to cover all proposed uses. The approximate square-footages of the various uses of the comparison projects will be compared to the proposed project to allow the ratios of uses to be rated accordingly. In the case of enlargement or substitution of existing uses, the surveys shall document the occupancy rates of the existing parking facility.

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3482 b. Proximity and Convenience Factors. The ~~community development~~ development and business  
3483 services director may consider the following factors in approving the parking reduction:

- 3484 i. Distance between sharing uses and the parking facility.
- 3485 ii. Pedestrian connections between sharing uses and the parking facility.
- 3486 iii. Vehicular connections.
- 3487 iv. Whether parking will be paid, gated, by valet or other special features.
- 3488 v. Location proximity to other shared parking developments.
- 3489 vi. Proximity to transit corridors and stops.
- 3490 vii. Special trip reduction programs in accordance with LMC 21.18.850.

3491 c. Captive Market Parking. Parking requirements for office, retail, restaurant, hotel, and  
3492 convention/conference uses may be reduced where it can be determined that some portion of  
3493 the patronage of these businesses comes from other uses located within a maximum walking  
3494 distance of 500 feet. Parking requirements may be reduced up to 75 percent where such a  
3495 reduction can be supported by surveys conducted at similar establishments.

3496 D. Application and Supplemental Materials. Applications for a parking reduction shall be in writing and  
3497 accompanied by the following:

- 3498 1. The parking demand summary or parking study in accordance with subsection (C) of this section.
- 3499 2. A shared parking operations plan prepared to the satisfaction of the director showing that:
  - 3500 a. Parking stalls conveniently serve the uses intended;
  - 3501 b. Consideration is given to appropriate location of high versus low turnover stalls;
  - 3502 c. Directional signage is provided where appropriate; and
  - 3503 d. Pedestrian links between uses and parking areas meet the requirements of LMC 21.18.300.
- 3504 3. A covenant or other agreement for shared parking in a form acceptable to the city. The covenant  
3505 shall:
  - 3506 a. Be executed by the owners of said lot or parcel and/or parties having beneficial use thereof;
  - 3507 b. Be enforceable against the owner, the parties having beneficial use and their heirs,  
3508 successors and assigns;
  - 3509 c. Contain a specific statement that the property owner understands and agrees that the  
3510 implementation of shared parking may restrict the number and type of uses that may in future  
3511 occupy the property; and
  - 3512 d. Be recorded with the Snohomish County auditor.
- 3513 4. Where the requested reduction is 50 stalls or more:
  - 3514 a. A site plan showing how the additional number of stalls otherwise required could be  
3515 subsequently provided on the site ("landbanking"). The additional area shall meet all dimensional  
3516 standards, access aisle, required yards, landscaping, setbacks and driveways for the property  
3517 and all other requirements of this chapter. The additional parking may be provided in a surface

3518 lot or structured facility as determined by the director to be practical, feasible and compatible  
3519 with the site plan for the use.

3520 b. Alternatively the property owner shall provide a performance bond sufficient to construct the  
3521 number of stalls in a shared or municipal facility or to fund a shuttle van/bus operation or other  
3522 trip reduction elements that would reduce parking demand sufficiently. The performance bond  
3523 shall be available for two years after initial occupancy.

3524 c. The covenant required by subsection (D)(3) of this section shall further guarantee that the  
3525 property owner will provide additional stalls if the director, upon thorough investigation of the  
3526 actual use of parking, determines that the approved reduction be modified or revoked due to  
3527 insufficient parking supply by showing occupancy rates over 98 percent for at least two  
3528 consecutive hours on at least three separate days within a single month.

3529 d. A fee sufficient to pay for a parking study of actual parking accumulation to be carried out  
3530 within two years of occupancy. The performance bond and/or fee may be waived when in the  
3531 determination of the director, previous experience with similar shared parking projects indicates  
3532 it is unlikely a serious deficiency would result. (Ord. 2730 § 1, 2008)

3533 **21.20.300 Who may initiate.**

3534 The city council, the planning commission or the ~~community development~~ development and business  
3535 services director with the concurrence of either body may initiate an amendment to the text of the zoning  
3536 code. (Ord. 2441 § 6, 2003; Ord. 2020 § 10, 1994; Ord. 1358 § 1, 1983; Ord. 1348 § 7, 1983; Ord. 1151 §  
3537 1, 1980; Ord. 953 § 1, 1978)

3538 **21.22.500 Submittal requirements.**

3539 Application for a reclassification of property(ies) shall be made on forms prescribed by the city, and shall  
3540 be accompanied by the following information; provided, that the ~~community development~~ development  
3541 and business services director may waive any of these items, pursuant to LMC 1.35.015(A), upon request  
3542 by the applicant and a finding that the item is not necessary to analyze the application:

3543 A. A site plan of the property, drawn to scale, showing existing natural features, existing and proposed  
3544 grades, existing and proposed utility improvements, existing and proposed rights-of-way and  
3545 improvements, and existing and proposed structures and other improvements, and particularly identifying  
3546 the location of parking for the proposed use; this site plan shall also show structures, other improvements  
3547 and natural features that are located within 50 feet of the project site; this information may be shown on  
3548 several sheets if needed for readability;

3549 B. A vicinity map, showing the location of the site in relation to nearby streets and properties;

3550 C. A summary table of project statistics, including site area, building coverage, coverage by impervious  
3551 surface, required and proposed parking, and similar data, as required, to evaluate conformance of the  
3552 proposed project with city regulations;

3553 D. A written statement addressing the decision criteria;

3554 E. A legal description of the property, including parcel number;

3555 F. A statement to the effect that the applicant or applicants are the sole owners of the property;

3556 G. Photographs of the site;

3557 H. A completed SEPA checklist (for environmental review), unless the project is categorically exempt from  
3558 SEPA review;

3559 I. A list of other permits that are or may be required for development of the property (issued by the city or  
3560 by other government agencies), insofar as they are known to the applicant;

3561 J. A list of other city permits that are to be processed concurrently with this permit, pursuant to LMC  
3562 1.35.080;

3563 K. Payment of a fee, as shown in LMC 21.22.920. (Ord. 2441 § 7, 2003; Ord. 2075 § 2, 1996; Ord. 2020  
3564 § 11, 1994)

3565 **21.24.200 Application, hearing and notice.**  
3566 Application for a conditional use permit shall be made on forms prescribed by the city, and shall be  
3567 accompanied by the following information; provided, that the ~~community development~~ development and  
3568 business services director may waive any of these items, pursuant to LMC 1.35.015(A), upon request by  
3569 the applicant and finding that the item is not necessary to analyze the application:

3570 A. A site plan of the property, drawn to scale, showing existing natural features, existing and proposed  
3571 grades, existing and proposed utility improvements, existing and proposed rights-of-way and  
3572 improvements, and existing and proposed structures and other improvements, and particularly identifying  
3573 the location of parking for the proposed use; this site plan shall also show structures, other improvements  
3574 and natural features that are located within 50 feet of the project site; this information may be shown on  
3575 several sheets if needed for readability;

3576 B. A landscape plan, showing existing and proposed landscaping and fencing;

3577 C. A vicinity map, showing the location of the site in relation to nearby streets and properties;

3578 D. A written summary of the proposal, including the goals of the proposal, the section(s) of this municipal  
3579 code which require approval of the application, and the relationship of the arrangement of buildings and  
3580 other structures, parking, and landscaping to those goals and to development and use of adjoining  
3581 properties;

3582 E. A summary table of project statistics, including site area, building coverage, coverage by impervious  
3583 surface, required and proposed parking, and similar data, as required, to evaluate conformance of the  
3584 proposed project with city regulations;

3585 F. A list of uses for which the conditional use permit is sought and the gross floor area or gross lot area  
3586 that each use would occupy;

3587 G. A written description of the proposed operation of the use, including hours of operation, number of  
3588 employees, and any proposed storage or use of hazardous materials;

3589 H. A written statement addressing the decision criteria;

3590 I. A legal description of the property, including parcel number;

3591 J. A statement to the effect that the applicant or applicants are the sole owners of the property;

3592 K. Photographs of the site;

3593 L. A completed SEPA checklist (for environmental review), unless the project is categorically exempt from  
3594 SEPA review;

3595 M. A list of other permits that are or may be required for development of the property (issued by the city of  
3596 by other government agencies), insofar as they are known to the applicant;

3597 N. A list of other city permits that are to be processed concurrently with this permit, pursuant to LMC  
3598 1.35.080;

3599 O. Deposit funds or post bond for required fees and costs as set forth in Chapter 3.104 LMC;

3600 P. Exterior elevation of all existing and proposed structures;



3601 Q. A colors and materials board showing all proposed colors and materials;

3602 R. If the project is to be developed or occupied in phases, a schedule for each phase;

3603 S. A list of all development standards for which the applicant is requesting relaxation, pursuant to this

3604 section, and an explanation of the reason or justification for relaxation of each standard.

3605 A conditional use permit application shall be processed in accordance with the procedures set forth in

3606 Process I, LMC 1.35.100 et seq. (Ord. 2656 §§ 1, 2, 2006; Ord. 2441 § 8, 2003; Ord. 2242 § 9, 1999;

3607 Ord. 2075 § 3, 1996; Ord. 2020 § 12, 1994; Ord. 1630 § 5, 1988; Ord. 1135 § 5, 1980; Ord. 522 § 2,

3608 1969; Ord. 494 § 2, 1969)

3609 **21.24.310 Extension.**

3610 Upon application of the applicant or agent of record, the ~~community development~~ development and

3611 business services director may extend a conditional use permit, not to exceed one year, if:

3612 A. Unforeseen circumstances or conditions necessitate the extension of the conditional use permit; and

3613 B. Termination of the conditional use permit would result in unreasonable hardship to the applicant, and

3614 the applicant is not responsible for the delay; and

3615 C. The extension of the conditional use permit will not cause substantial detriment to existing uses in the

3616 immediate vicinity of the subject property.

3617 D. Exception. Effective until June 1, 2010, the applicant or agent of record for any unexpired conditional

3618 use permit approval granted on or before the effective date of the ordinance codified in this section, or

3619 expired conditional use permit valid as of January 1, 2009, may submit a written application in the form of

3620 a letter with supporting documentation to the ~~community development~~ development and business

3621 services department requesting an additional one-time, one-year time extension. The extension for a

3622 currently unexpired conditional use permit shall be one year from the expiration date. The extension for

3623 an expired conditional use permit shall be valid for one year from the date of the retroactive extension

3624 approval. The director shall make a decision using the criteria set forth for extensions in this section. (Ord.

3625 2824 § 4, 2010)

3626 **21.24.400 Compliance with conditions of permit required.**

3627 The conditions of the permit shall be fully complied with, and upon failure to comply, the ~~community~~

3628 ~~development~~ development and business services director may investigate and enforce the conditions of

3629 the conditional use permit in the same manner as an ordinance violation. The ~~community development~~

3630 ~~development and business services~~ director may also initiate a hearing by the hearing examiner to

3631 determine the degree of noncompliance. Upon finding a substantial degree of noncompliance the hearing

3632 examiner may recommend to the city council that the permit be revoked. Should the hearing examiner

3633 recommend that the permit be revoked the city council shall consider the matter as though it were an

3634 appeal of the examiner's decision in accordance with LMC 1.35.150 through 1.35.160. Continuation of the

3635 use after a permit has been revoked by the city council shall be considered an illegal occupancy and

3636 subject to each and every legal remedy available to the city. (Ord. 2441 § 8, 2003; Ord. 2020 § 12, 1994;

3637 Ord. 494 § 2, 1969)

## Chapter 21.25

### PROJECT DESIGN REVIEW

3640 Sections:

3641 21.25.050 Procedure.

3642 21.25.100 Administrative decision by ~~community development~~ development and business services

3643 director.

3644 21.25.105 Administration.

3645 21.25.110 Purpose of review.  
3646 21.25.115 Applications.  
3647 21.25.120 Compliance with State Environmental Policy Act.  
3648 21.25.125 Official file.  
3649 21.25.130 Public notice of impending decision.  
3650 21.25.135 Burden of proof.  
3651 21.25.140 Written comments.  
3652 21.25.145 Director's decision.  
3653 21.25.150 Design departure.  
3654 21.25.155 Limitation on modification.  
3655 21.25.160 Effect of the decision.  
3656 21.25.165 Lapse of approval – General.  
3657 21.25.170 Lapse of approval – Time extension.  
3658 21.25.175 Bonds or other financial security.  
3659 21.25.180 Complete compliance required.  
3660 21.25.185 Process on appeal to hearing examiner.

3661 **21.25.100 Administrative decision by ~~community development~~ development and business**  
3662 **services director.**

3663 LMC 21.25.100 through 21.25.185 shall apply to multiple-family, commercial, industrial and other  
3664 nonresidential project design review decisions of the ~~community development~~ development and business  
3665 services director whenever a provision of the Lynnwood Municipal Code requires project design review.  
3666 (Ord. 2388 § 13, 2001)

3667 **21.25.105 Administration.**

3668 Various places in this title indicate that applications for certain multiple-family, commercial, industrial and  
3669 other nonresidential development are permitted only if it complies with Lynnwood Citywide Design  
3670 Guidelines and approved pursuant to the provision of this chapter. In addition, various parts of this title  
3671 that also require design review for remodeling and expansion of existing multiple-family, commercial,  
3672 industrial and other nonresidential development shall also comply with Lynnwood Citywide Design  
3673 Guidelines and be approved pursuant to the provisions of this chapter. The ~~community development~~  
3674 development and business services director will make the decision on compliance with the Lynnwood

3675 **21.25.125 Official file.**

3676 A. Contents. The director shall compile an official file on the application containing the following:

- 3677 1. All application material submitted by the applicant.  
3678 2. All written comments received on the matter.  
3679 3. The written decision of the director.  
3680 4. If the decision of the director is appealed, the following will be included in the file:  
3681 a. The letter of appeal;  
3682 b. All written comments received regarding the appeal;  
3683 c. The staff report on the appeal;  
3684 d. The decision of the hearing examiner on the appeal.  
3685 5. Any other information relevant to the matter.

3686 B. Availability. The official file is a public record. It is available for inspection and copying in the  
3687 ~~community development~~ development and business services department during regular business hours.  
3688 (Ord. 2388 § 13, 2001)



3689 **21.25.140 Written comments.**

3690 The director shall consider all written comments and information regarding the requested decision that is  
3691 received by the ~~community development~~ development and business services department prior to the date  
3692 on which the decision is to be made. (Ord. 2388 § 13, 2001)

3693 **21.25.170 Lapse of approval – Time extension.**

3694 A. Application. Prior to the lapse of approval under LMC 21.25.165, the applicant may submit a written  
3695 application in the form of a letter with supporting documentation to the ~~community development~~  
3696 development and business services department requesting a one-time extension of those time limits of up  
3697 to one year.

3698 B. Criteria. The request must demonstrate that the applicant is making substantial progress on the  
3699 development activity, remodel or expansion of existing development approved under this process and  
3700 that circumstances beyond the applicant's control prevent compliance with the time limits of LMC  
3701 21.25.165.

3702 C. Review Process. An application of a time extension will be reviewed and decided upon by the director.

3703 D. Appeals. Any person who is aggrieved by the granting or denying of a request for a time extension  
3704 under this section may appeal that decision. The appellant must file a letter of appeal indicating how the  
3705 decision on the time extension affects the appellant's property and presenting any relevant material or  
3706 information supporting the appellant's contention. The appeal will be heard and decided upon using  
3707 Process II as identified in LMC 1.35.200.

3708 E. Exception. Effective until June 1, 2010, the applicant or agent of record for any unexpired project  
3709 design review approval granted on or before the effective date of the ordinance codified in this section, or  
3710 expired project design review valid as of January 1, 2009, may submit a written application in the form of  
3711 a letter with supporting documentation to the ~~community development~~ development and business  
3712 services department requesting a one-time, one-year time extension. The extension for a currently  
3713 unexpired project design review approval shall be one year from the expiration date, for a total of two  
3714 one-year extensions. The extension for an expired project design review approval shall be valid for one  
3715 year from the date of the retroactive extension approval. The department director shall make a decision  
3716 using the procedures set forth for extensions in this section. (Ord. 2824 § 6, 2010; Ord. 2388 § 13, 2001)

3717 **21.25.185 Process on appeal to hearing examiner.**

3718 Any party of record may appeal the decision of the director by filing a written request for appeal with the  
3719 ~~community development~~ development and business services department within 14 calendar days of the  
3720 date of issuance of the decision. An appeal filed within this time limit shall be processed pursuant to  
3721 Process II, as identified in LMC 1.35.200. (Ord. 2388 § 13, 2001)

3722 **21.26.250 Applicable procedure.**

3723 The city will process an application for a variance from the provisions of the zoning code through Process  
3724 I, LMC 1.35.100 et seq. The ~~community development~~ development and business services director is the  
3725 applicable department director. (Ord. 2441 § 9, 2003; Ord. 2020 § 13, 1994)

3726 **21.26.300 Submittal requirements.**

3727 Application for a variance shall be made on forms prescribed by the city, and shall be accompanied by  
3728 the following information; provided, that the ~~community development~~ development and business services  
3729 director may waive any of these items, pursuant to LMC 1.35.015(A), upon request by the applicant and a  
3730 finding that the item is not necessary to analyze the application:

3731 A. A site plan of the property, drawn to scale, showing existing natural features, existing and proposed  
3732 grades, existing and proposed utility improvements, existing and proposed rights-of-way and  
3733 improvements, and existing and proposed structures and other improvements, and particularly identifying  
3734 the location of parking for the proposed use; this site plan shall also show structures, other improvements  
3735 and natural features that are located within 50 feet of the project site; this information may be shown on  
3736 several sheets if needed for readability;

- 3737 B. A landscape plan, showing existing and proposed landscaping and fencing;
- 3738 C. A vicinity map, showing the location of the site in relation to nearby streets and properties;
- 3739 D. A written summary of the proposal, including the goals of the proposal, the section(s) of this municipal  
3740 code which require approval of the application, and the relationship of the arrangement of buildings and  
3741 other structures, parking, and landscaping to those goals and to development and use of adjoining  
3742 properties;
- 3743 E. A summary table of project statistics, including site area, building coverage, coverage by impervious  
3744 surface, required and proposed parking, and similar data, as required, to evaluate conformance of the  
3745 proposed project with city regulations;
- 3746 F. A list of uses for which the site will be used and the gross floor area or gross lot area that each use  
3747 would occupy;
- 3748 G. A written description of the proposed use of the site, including hours of operation, number of  
3749 employees, and any proposed storage or use of hazardous materials;
- 3750 H. A written statement addressing the decision criteria;
- 3751 I. A legal description of the property, including parcel number;
- 3752 J. A statement to the effect that the applicant or applicants are the sole owners of the property;
- 3753 K. Photographs of the site;
- 3754 L. A completed SEPA checklist (for environmental review), unless the project is categorically exempt from  
3755 SEPA review;
- 3756 M. A list of other permits that are or may be required for development of the property (issued by the city or  
3757 by other government agencies), insofar as they are known to the applicant;
- 3758 N. A list of other city permits that are to be processed concurrently with this permit, pursuant to LMC  
3759 1.35.080;
- 3760 O. Payment of related fees and costs as set forth in Chapter 3.104 LMC;
- 3761 P. Exterior elevations of all existing and proposed structures;
- 3762 Q. If the project is to be developed or occupied in phases, a schedule for each phase;
- 3763 R. A colors and materials board showing all proposed colors and materials. (Ord. 2656 §§ 1, 2, 2006;  
3764 Ord. 2441 § 9, 2003; Ord. 2242 § 10, 1999; Ord. 2075 § 4, 1996; Ord. 2020 § 13, 1994)
- 3765 **21.26.500 Extension.**  
3766 Upon application of the applicant or agent of record, the ~~community development~~ development and  
3767 business services director may extend a variance, not to exceed two years, if:
- 3768 A. Unforeseen circumstances or conditions necessitate the extension of the variance; and
- 3769 B. Termination of the variance would result in unreasonable hardship to the applicant, and the applicant is  
3770 not responsible for the delay; and
- 3771 C. The extension of the variance will not cause substantial detriment to existing uses in the immediate  
3772 vicinity of the subject property.
- 3773 D. Exception. Effective until June 1, 2010, the applicant or agent of record for any unexpired variance  
3774 approval granted on or before the effective date of the ordinance codified in this section, or expired

variance valid as of January 1, 2009, may submit a written application in the form of a letter with supporting documentation to the ~~community development~~ development and business services department requesting an additional one-time, one-year time extension. The extension for a currently unexpired variance shall be one year from the expiration date, for a total of two one-year extensions. The extension for an expired variance approval shall be valid for one year from the date of the retroactive extension approval. The hearing examiner shall make a decision using the criteria set forth for extensions in this section. (Ord. 2824 § 8, 2010; Ord. 2441 § 9, 2003; Ord. 2020 § 13, 1994)

#### **21.30.500 Form and contents of applications.**

The ~~community development~~ development and business services director shall prescribe the form on which applications are made for planned unit development projects and prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it complies with such requirements and is verified as to the correctness of information given by the signature of the applicant attesting thereto.

A. Site Map. There shall be included as a part of the application an accurate map drawn to a scale of not less than 100 feet to the inch showing the boundaries of the site, names, and dimensions of all streets bounding or touching the site; the proposed location and horizontal and vertical dimensions of all buildings and structures proposed to be located on the site; proposed location and dimensions of "open space," if any, within the site; proposed public dedications, if any, within the site; location, dimensions, and design of off-street parking facilities showing points of ingress to and egress from the site; and existing topographic contours at intervals of not more than five feet together with proposed grading, drainage, and landscaping.

B. Written Statement. The explanatory text shall contain a written statement of the general purposes of the project and an explanation of all features pertaining to uses and other pertinent matters not readily identifiable in map form. The adoption of the text specifying the particular nonresidential uses permitted to locate on the site, if any, shall constitute a limitation to those specific uses.

C. Area for Public Purposes. If the planned unit development contains any area that may require acquisition for public purposes such as opening and widening of streets or alleys, such features in addition to being indicated on the planned unit development map, shall also be shown in exact detail on a separate map to be processed and adopted in the manner prescribed for adoption of official controls. Such official control shall be identified in the official controls related to such elements of the comprehensive plan as involve the identification and preservation of future rights-of-way for public thoroughfares or areas for other public uses; provided however, in lieu thereof or in combination with such official controls, a plat may be filed and processed as required by the subdivision regulations. Hearings on the planned unit development, the official control, plat, and reclassification, if involved, shall be separately noted in the public notice of hearing, but may be held concurrently, and action on each shall be taken separately. (Ord. 2957 § 31, 2012; Ord. 2020 § 15, 1994; Ord. 190 Art. XII § 12.4, 1964)

#### **21.42.110 Limitations on use.**

A. Agricultural and Horticultural Activities. Agricultural and horticultural activities, including plant nurseries, must be devoted to the raising of plants. No structures, uses, or accessory uses or structures are permitted, except those specifically authorized by the conditional use permit. Agricultural and horticultural activities, including plant nurseries, which are less than one acre in size are permitted uses. Agricultural and horticultural activities, including plant nurseries, which are one acre or more in size require a conditional use permit.

B. Public Utility Facilities. Public utility facilities necessary for the transmission, distribution or collection of electric, telephone, wireless communication, telegraph, cable television, natural gas, water, and sewer utility services, excluding sewer treatment plants, offices, repair shops, warehouses, and storage yards shall be subject to the following additional standards:

1. Such facilities shall not be injurious to the neighborhood or otherwise detrimental to the public welfare;

3824 2. The applicant shall demonstrate the need for the proposed public utility facility to be located in a  
3825 residential area, the procedures involved in the site selection and an evaluation of alternative sites  
3826 and existing facilities on which the proposed facility could be located or co-located;

3827 3. A site development plan shall be submitted showing the location, size, screening and design of all  
3828 buildings and structures, including fences, the location, size, and nature of outdoor equipment, and  
3829 the location, number, and species of all proposed landscaping;

3830 4. The facility shall be designed to be aesthetically and architecturally compatible with the natural and  
3831 built environment. This includes, but is not necessarily limited to, building design and the use of  
3832 exterior materials harmonious with the character of the surrounding neighborhood and the use of  
3833 landscaping and privacy screening to buffer the facilities and activities on the site from surrounding  
3834 properties. Any equipment or facilities not enclosed within a building (e.g., towers, transformers,  
3835 tanks, etc.) shall be designed and located on the site to minimize adverse impacts on surrounding  
3836 properties;

3837 5. All wireless communications facilities shall comply with national, state or local standards,  
3838 whichever is more restrictive, in effect at the time of application, for non-ionizing electromagnetic  
3839 radiation;

3840 6. The applicant shall demonstrate a justification for the proposed height of the structures and an  
3841 evaluation of alternative designs which might result in lower heights. If additional height over that  
3842 allowed in the zone is justified it may be approved by the city;

3843 7. The applicant shall include an analysis of the feasibility of future consolidated use of the proposed  
3844 facility with other public utility facilities.

3845 C. Provided, that this subsection shall not apply to utility facilities located on a property which are  
3846 accessory to the residential use of that property or to the transmission, distribution or collection lines and  
3847 equipment necessary to provide a direct utility connection to the property or neighboring properties, or to  
3848 those utility facilities located on public rights-of-way, nor shall it apply to utility facilities installed within new  
3849 subdivisions, which shall be evaluated prior to plat approval and do not require a separate conditional use  
3850 permit.

3851 D. Park and Pool Lots. Park and pool lots may be permitted by conditional use permit. In considering an  
3852 application for such a use, the hearing examiner shall review all impacts of the proposed use upon the  
3853 surrounding neighborhood including, but not limited to, location, traffic, displacement of required stalls,  
3854 noise, hours of operation, ingress and egress, signage, parking lot illumination, and aesthetic impacts. In  
3855 single-family zones, park and pool lots should not be the principal use of a property, but an accessory use  
3856 to a permitted or conditional use in that zone. The applicant for such a permit shall submit a site plan  
3857 indicating:

3858 1. The property boundaries;

3859 2. The location of all buildings on the site with the floor areas of each use indicated;

3860 3. The location and dimensions of all existing or proposed parking stalls, including the designation of  
3861 those to be available to park and pool users; and

3862 4. The location and type of all existing or proposed landscaping.

3863 The applicant shall also submit drawings of proposed signage and an analysis of the parking demand of  
3864 any existing uses on the site and the anticipated demand by park and pool users.

3865 E. Child Day-Care Centers.

3866 1. Considerations. Child day-care centers may be permitted by issuance of a conditional use permit.  
 3867 Before approval or denial of an application, the hearing examiner will consider the need for the  
 3868 activity in the area and all possible impacts in the area including but not limited to the following:

- 3869 a. Any adverse or significant changes, alterations or increases in traffic flow that could create a  
 3870 hazardous situation as either a direct or indirect result of the proposed activity;
- 3871 b. Any abnormal increase in demand for any public service, facility or utility;
- 3872 c. The size, location, and access of the proposed site; and
- 3873 d. Any adverse effects on the standard of livability to the surrounding area.

3874 2. Requirements. In any case, the approval of the conditional use permit shall include the following  
 3875 requirements:

- 3876 a. The applicant must be state-licensed before the operation of the facility;
- 3877 b. Adequate off-street parking must be provided;
- 3878 c. All outdoor play areas must be fenced with a minimum of 800 square feet plus an additional  
 3879 80 square feet per additional child over 10;
- 3880 d. Site and sound screening standards for the outdoor play area must be met;
- 3881 e. The applicant must provide off-street access to the facility from the public right-of-way for the  
 3882 purpose of pickup and delivery of children;
- 3883 f. The applicant must indicate the ages of the children to be cared for;
- 3884 g. See LMC 21.16.290(A) for sign regulations.

3885 F. Manufactured Home Developments. Permitted under the provisions for planned unit developments.  
 3886 See Chapters 21.30 and 21.70 LMC.

3887 G. Accessory Dwelling Units. Accessory dwelling units shall be permitted subject to the provisions of this  
 3888 subsection.

3889 1. Purpose.

- 3890 a. To provide the opportunity for resident homeowners to enjoy companionship and security from  
 3891 tenants while maintaining the privacy of a single-family residence;
- 3892 b. To create additional affordable housing in Lynnwood;
- 3893 c. To allow a property owner to continue to reside in a neighborhood after a lifestyle change, in  
 3894 particular, by having the opportunity to receive rental income;
- 3895 d. To develop housing that is appropriate to smaller households; and
- 3896 e. To protect neighborhood stability, property values, and the appearance and character of  
 3897 single-family neighborhoods by regulating the installation and use of accessory dwelling units  
 3898 and by ensuring that properties continue to be owner-occupied.

3899 2. Permitted Zones. Attached ADUs shall be permitted in the RS-7 and RS-8 zones. Detached ADUs  
 3900 shall only be permitted in the RS-8 zone.

3901 3. Number. A maximum of one ADU shall be permitted on a lot. A lot cannot have both an attached  
 3902 and a detached ADU.

3903 4. Location. Attached ADUs may be added to or within the principal residence in compliance with the  
3904 RS-7 or RS-8 development standards. Detached ADUs are required to meet all development  
3905 standards for the RS-8 zone and shall be located only in the rear yard.

3906 The unit may be created by either building new habitable space or by converting existing habitable  
3907 space, or by a combination of new construction and conversion.

3908 5. Development Standards. Any new construction shall meet all the development standards for the  
3909 applicable zone, except as modified by this section, and shall comply with all applicable city codes,  
3910 including but not limited to required setbacks and the requirements of the adopted building, electrical,  
3911 fire, mechanical and plumbing codes. Only one electric meter, and one water meter, shall be allowed  
3912 for the entire parcel, serving both the primary unit and the detached ADU.

3913 6. Size. The maximum gross floor area shall be 800 square feet or 40 percent of the habitable square  
3914 footage of the primary unit, whichever is less. A maximum of one bedroom shall be provided for units  
3915 less than 600 square feet in size; a maximum of two bedrooms shall be provided for units 600 square  
3916 feet or greater in size. When calculating the square footage of the unit, covered exterior elements  
3917 such as decks and porches will not be included. The total size of all such covered exterior elements  
3918 shall not exceed 200 square feet and the design shall be consistent with the primary dwelling unit.

3919 7. Design. The ADU/DADU shall be designed so that the appearance of the building containing the  
3920 principal residence remains that of a single-family residence. At a minimum, the plans for the unit  
3921 shall conform to the following guideline: the ADU/DADU shall match the exterior materials and design  
3922 of the principal residence, and the pitch of the roof of the ADU/DADU should match that of the  
3923 principal residence, as much as practical. Any new landscaping should conform with or improve  
3924 existing landscaping.

3925 8. Screening. The entrance(s) to an attached ADU shall be located in such a manner as not to  
3926 appear as a second primary entrance to the structure which encompasses the principal residence.  
3927 For an attached ADU, only one primary entrance shall be permitted; a second street-facing entrance  
3928 may be permitted if it is sufficiently screened from view using either fencing, landscaping, or a  
3929 combination thereof.

3930 9. Parking. One off-street parking space, having minimum dimensions of nine feet by 17.5 feet  
3931 (standard vehicle parking), shall be provided for studio and one-bedroom units and two off-street  
3932 parking spaces shall be provided for two-bedroom units, in compliance with Chapter 21.18 LMC.  
3933 Such parking shall be in addition to the two parking spaces required for the main residence;  
3934 provided, that if at the time of the ADU application the property is nonconforming as to parking for the  
3935 main residence, the applicant shall not be required to correct that nonconformity as a condition of  
3936 approval of the ADU application. Parking shall be paved in conformance with standard city  
3937 requirements and made to appear as one driveway servicing the primary residence. Parking may be  
3938 located in a garage, carport, or in an off-street area reserved for vehicle parking. Parking may be  
3939 located in tandem with parking spaces for the primary unit. Only one driveway may be used to meet  
3940 the parking requirement. Parking may not encroach into any portion of the front setback, or the public  
3941 or private right-of-way (including any landscaped portion).

3942 10. Accessibility. In order to allow for barrier-free accessible design, the ~~community development~~  
3943 development and business services director may allow for reasonable deviations from the  
3944 requirements of this section to install features or facilities that facilitate accessibility. Such features or  
3945 facilities shall comply with the city's building and fire codes, more particularly with the requirements  
3946 for a Type A unit as referenced by the adopted standards of Chapter 16.04 LMC.

3947 11. Owner Occupancy. The property owner (title holder or contract purchaser) must occupy either the  
3948 primary dwelling unit or the accessory dwelling unit as their permanent residence. Owners shall sign  
3949 and record with Snohomish County an affidavit in a form acceptable to the city attesting to their  
3950 occupancy.

3951 12. Permitting. No construction permit or occupancy permit for any structure or other improvements  
 3952 for an ADU or DADU shall be issued until and unless a permit for the unit is approved and recorded  
 3953 pursuant to this subsection.

3954 a. Application and Fee. The property owner shall submit an application for an ADU or DADU  
 3955 permit to the ~~community development~~ development and business services director, including  
 3956 plans for creating the ADU (including design plans for any new construction), evidence of current  
 3957 ownership (or purchase contract), certification of owner occupancy, payment of related fees and  
 3958 costs as set forth in Chapter 3.104 LMC, and such other information as the director may require  
 3959 in order to determine whether the application conforms with city requirements.

3960 b. Action. The ~~community development~~ development and business services director shall  
 3961 approve the application and issue an ADU permit if he/she finds that the application conforms  
 3962 with the requirements of this section and other applicable sections of this code. The application  
 3963 shall be exempt from the following procedure:

3964 i. Notice of impending decision, LMC 1.35.330.

3965 c. Validity. Any ADU permit issued pursuant to this section shall be issued only to the property  
 3966 owner and shall be valid only so long as the permit holder owns the property in title or as a  
 3967 contract purchaser. Such permit shall expire automatically upon any transfer of property  
 3968 ownership from the permit holder. Continued occupancy of the ADU as a separate living unit  
 3969 shall require application for a new permit by the contract purchaser or new property owner and  
 3970 renewal of the permit by the director. The ~~community development~~ development and business  
 3971 services director shall renew any permit under this subsection if he/she finds that the unit  
 3972 complies with all provisions of this section. Any permit approved under this subsection shall not  
 3973 be effective until evidence of recording is presented to the director. The fee for ADU or DADU  
 3974 permit renewal shall be the same as that for an administrative amendment, as set forth in  
 3975 Chapter 3.104 LMC.

3976 d. Extension of Tenancy after Property Sale. If a property is sold and the new owner files an  
 3977 application for a permit, the tenants may continue to reside at the property for the remainder of  
 3978 any lease, or up to 90 calendar days, whichever is longer, except that such residency  
 3979 continuation shall not exceed one year. A single additional continuation of up to six months may  
 3980 be granted by the director, upon written request by both the tenant and the (new) property  
 3981 owner, if she/he finds that termination of residency by the tenants would impose a substantial  
 3982 and unusual hardship on the tenants.

3983 e. Recording. The permit shall be recorded by the property owner and any subsequent owners  
 3984 with the Snohomish County auditor's office to indicate the presence of the ADU. At a minimum,  
 3985 the recorded information shall:

3986 i. Be recorded as a deed restriction which runs with the land;

3987 ii. Identify the address of the property;

3988 iii. State that the owner(s) reside(s) in either the primary unit or the ADU for entire calendar  
 3989 year;

3990 iv. Include a written description and/or a floor and site plan of the approved unit;

3991 v. Include a statement of the requirements and conditions of approval, as determined by the  
 3992 director;

3993 vi. Include a statement that the owner will notify any prospective purchasers of the limitations  
 3994 of this section; and



3995                   vii. Provide for the revocation of the issued permit for the ADU if any of the requirements of  
3996                   this subsection are violated.

3997                   Any permit approved under this subsection shall not be effective until evidence of recordation is  
3998                   presented to the director within 10 calendar days of notice of approval.

3999                   f. Expiration. Any permit for a new ADU shall expire two years from the date of approval unless a  
4000                   building permit for the ADU has been obtained. The director may grant a single one-year  
4001                   extension to this time limit, provided a written request for the extension is received two weeks  
4002                   prior to expiration.

4003                   g. Cancellation. Cancellation of an ADU may be accomplished by the property owner by  
4004                   recording with the Snohomish County auditor's office and by filing with the city a certificate  
4005                   stating that the ADU no longer exists on the property. Cancellation may also result from an  
4006                   enforcement action by the city.

4007                   h. Complaint. Upon receipt of a complaint of noncompliance, the city may require proof by the  
4008                   owner that all requirements of this section are met.

4009                   i. Revocation. In addition to the conditions imposed during the permit approval process, permits  
4010                   for ADUs shall expire automatically whenever:

4011                   i. The ADU is substantially altered and is thus no longer in conformance with the plans and  
4012                   drawings reviewed and approved by the city;

4013                   ii. The subject parcel ceases to maintain the required number of parking spaces; or

4014                   iii. The property owner(s) cease(s) to reside in either the primary unit or the ADU for the  
4015                   entire calendar year, the owner-occupied unit is rented, or the current owner fails to record  
4016                   the certificate as required under this section.

4017                   j. Appeal. Any action by the director may be appealed by the applicant to the hearing examiner  
4018                   only for noncompliance with these regulations; provided, that such appeal shall be filed in writing  
4019                   within 10 calendar days of mailing of a notice of action. Such appeal shall be processed as  
4020                   provided for in Process II, LMC 1.35.200 et seq.

4021                   13. Subdivision Prohibited. No ADU may be sold as separate property or as a condominium, or in  
4022                   any way be part of a subdivision of the lot upon which it is located, unless that subdivision conforms  
4023                   with all provisions of the Lynnwood Municipal Code.

4024                   14. Home Occupations. Home occupations may be allowed in either the primary unit or the ADU, but  
4025                   not both, provided the home occupation is reviewed and approved in accordance with LMC  
4026                   21.42.300 and any other applicable provisions of this code. (Ord. 3311 § 17, 2018; Ord. 3283 § 5,  
4027                   2018; Ord. 3239 § 4, 2016; Ord. 2824 § 10, 2010; Ord. 2823 § 3, 2010; Ord. 2656 §§ 1, 2, 2006; Ord.  
4028                   2586 § 2, 2005; Ord. 2466 § 1, 2003)

4029                   **21.42.210 Additional development standards.**

4030                   A. Parking Requirements. Each dwelling unit must provide on-site parking for two motor vehicles in  
4031                   accordance with the stall dimensions specified in LMC 21.18.700, Figure 21.18.1.

4032                   1. Covered or uncovered vehicle storage areas may not be within any required front or street side  
4033                   yard setback.

4034                   2. Use of pervious paving, "grasscrete" or similar materials for driveways and parking areas is  
4035                   encouraged. Paving of driveways and parking areas with wheel strips only (sometimes referred to as  
4036                   "Hollywood" or "California" driveways) is permitted for single-family residential parking only (including  
4037                   parking required for accessory units), however driveway aprons and other areas within the public  
4038                   right-of-way shall be paved in accordance with city standards.



4039 B. Fences and Hedges. Fence and hedge regulations for the residential zones are as provided in Chapter  
4040 21.10 LMC.

4041 C. Minimum Lot Area in RS-8 and RS-7 Zones. Within RS-8 or RS-7 zoned land the required minimum lot  
4042 size standards for individual lots will be considered to be met if the average lot size of the lots in the  
4043 subdivision or short subdivision (the total land area within lots divided by the number of lots) is equal to or  
4044 larger than the required minimum lot size allowed in the respective zone; provided, that:

4045 1. No lot shall be smaller than 90 percent of the required minimum lot size in that zone;

4046 2. Not more than a 25 percent increase over the required minimum lot size for any individual lot shall  
4047 be credited in computing average lot size;

4048 3. Corner or reverse corner lots shall not be smaller than the required minimum lot size allowed in  
4049 that zone;

4050 4. A lot which is, by these provisions, smaller than the required minimum lot size is allowed a  
4051 reduction of five feet from the required minimum lot width;

4052 5. Final plats or short plats which utilize lot size averaging shall list the lot areas of all lots on the face  
4053 of the plat; and

4054 6. Preliminary plats approved utilizing lot size averaging shall not receive final approval by divisions  
4055 unless each division individually satisfies these provisions.

4056 D. Minimum Lot Area in RS-4 Zone. Within the RS-4 zone the minimum lot size is 4,000 square feet per  
4057 single-family dwelling.

4058 E. Small Lot Single-Family Dwelling Development Standards. Single-family dwellings built on lots zoned  
4059 RS-4 shall meet the requirements contained within this section unless approved as part of a multiple-  
4060 family development pursuant to the regulations within Chapter 21.43 LMC. It is the intent of these  
4061 development standards that single-family dwellings on small lots be compatible with neighboring  
4062 properties, friendly to the streetscape, and in scale with the lots upon which they are constructed. A  
4063 minimum area for the application of the RS-4 zone shall be one acre. The ~~community development~~  
4064 development and business services director is authorized to promulgate guidelines, graphic  
4065 representations, and examples of housing designs and methods of construction that do or do not satisfy  
4066 the intent of these standards.

4067 1. Where lots front on a public street or private access easement, the dwelling shall have doors and  
4068 windows facing the street or private access easement. Dwellings shall have a distinct entry feature  
4069 such as a porch or weather covered entryway with minimum dimensions of six feet by six feet.  
4070 Covered porches open on three sides may encroach six feet into a required front yard setback.

4071 2. If the lot abuts an alley in addition to a public street, the garage or off-street parking area shall take  
4072 access from the alley, unless precluded by steep topography. Where the garage, or off-street parking  
4073 area, is accessed from an alley no curb cuts shall be permitted on the public street.

4074 3. If there is no alley access and the lot fronts on a public street or private access easement, the front  
4075 of the garage shall be set back a minimum of five feet from the main front plane of the dwelling, and  
4076 the dwelling shall have entry, window, and/or roofline design treatment which emphasizes the  
4077 dwelling more than the garage.

4078 4. Driveways shall not exceed 20 feet in width in the required front yard setback area.

4079 5. Dwellings built on lots without direct frontage on a public street shall be situated to respect the  
4080 privacy of abutting dwellings and to create usable yard space for the dwelling(s).

- 4081 6. Lot coverage by the living space of a dwelling shall not exceed 40 percent. Total lot coverage by  
4082 the dwelling and any other buildings on the lot shall not exceed 50 percent.
- 4083 7. Landscaping shall be provided to enhance the streetscape, to provide privacy for dwellings on  
4084 abutting lots, and to provide separation and buffering on easement access drives.
- 4085 8. Accessory structures are limited to a total amount of 200 square feet in floor area, excepting  
4086 garages.
- 4087 9. All dwelling units shall be built to the Built Green™ standards (Three-Star level) as administered by  
4088 the Master Builders Association of King and Snohomish Counties.
- 4089 10. All dwelling units shall conform to only those Citywide Design Guidelines, adopted by reference in  
4090 LMC 21.25.145(B)(3), contained in the section on multiple-family housing and listed as follows by  
4091 subject:
- 4092 a. Site entry feature.
- 4093 b. Pitched roof forms.
- 4094 c. Windows.
- 4095 d. Materials.
- 4096 e. Parking structures.
- 4097 F. Pre-Existing Subdivisions. Any lot described on a plat duly recorded in the land records of Snohomish  
4098 County prior to January 1, 1970, may be used for a one-family dwelling if the lot dimensions and area are  
4099 in conformance with LMC 21.12.300, and the buildings to be located thereon conform to all other  
4100 standards of the residential zone within which the lot is located. (Ord. 3326 § 19, 2019; Ord. 2730 § 2,  
4101 2008; Ord. 2586 § 2, 2005; Ord. 2512 § 1, 2004; Ord. 2466 § 1, 2003)
- 4102 **21.42.250 Development standards for park facilities.**
- 4103 A. Buildings and structures at properties designated “Parks, Recreation and Open Space” on the future  
4104 land use plan map of the comprehensive plan shall be subject to the development standards in LMC  
4105 21.42.200; provided, that the ~~community development~~ development and business services director may  
4106 authorize a reduction in the minimum setback from a public street to the following:
- 4107 1. Structures and buildings no more than one story in height and with a gross floor area of 1,000  
4108 square feet or less: 10 feet.
- 4109 2. Structures and buildings either more than one story in height or with a gross floor area greater  
4110 than 1,000 square feet (or both): 25 feet.
- 4111 3. Provided, that the director finds:
- 4112 a. The standards in LMC 21.42.200 would not allow use of a building or structure in the park as  
4113 that building or structure is intended to be used; and
- 4114 b. Use of the building or structure would not adversely affect adjoining properties.
- 4115 B. Notice of such approval shall be mailed to owners of property that adjoin the site of the proposed  
4116 building or structure. Approval of a building or structure under this section may be appealed within 14  
4117 calendar days of issuance of a determination under this section using Process II. The date of issuance  
4118 shall be three days following the date of mailing of the notice. (Ord. 2466 § 1, 2003)

4119 **21.42.300 Home occupations.**

4120 A home occupation may be permitted by issuance of a business license, pursuant to LMC Title 5,  
4121 provided the business complies with this and other applicable sections of the Lynnwood Municipal Code.

4122 A. Area Used. A home occupation may only be conducted in the principal building and not in an  
4123 accessory building. The area devoted to the home occupation may comprise no more than 25 percent of  
4124 the area of the principal building. Any extension of the home occupation to the outdoors, including, but not  
4125 limited to, paving of yards for parking, outdoor storage or activity, indoor storage or activity visible from  
4126 outdoors (e.g., in an open garage) is prohibited.

4127 B. Access. Access to the space devoted to the home occupation shall be from within the dwelling, not  
4128 internally closed off or separated from the living areas of the dwelling, and not from a separate outside  
4129 entrance.

4130 C. Employment. No one other than members of the resident household may perform labor or personal  
4131 services on the premises.

4132 D. Stock in Trade. The processing, storing, and occasional sale of handicrafts made on the premises and  
4133 other small products is allowed, subject to compliance with other conditions of this title. Such stock must  
4134 be incidental to the main activity permitted by the home occupation. The display or storage of goods  
4135 outside the premises or in a window is prohibited.

4136 E. Equipment, Use, and Activities. No equipment may be used and no activities may be conducted which  
4137 would result in noise, vibration, smoke, dust, odors, heat, glare, or other conditions exceeding in duration  
4138 or intensity those normally produced by a residential use. Normal residential use shall be construed as  
4139 including the above impacts only on an occasional weekend or evening basis (e.g., in connection with a  
4140 hobby or home/yard maintenance), and not on a daily basis. Outdoor storage of equipment, materials, or  
4141 more than one vehicle related to the business is prohibited. There shall be no production, generation, or  
4142 storage of any hazardous waste or substance. Those individuals who are engaged in home occupations  
4143 shall make available to the fire or county health departments for review the material safety data sheets  
4144 which pertain to all potentially toxic and/or flammable materials associated with the use.

4145 F. Traffic. A home occupation shall not generate traffic in excess of normal residential traffic. Normal  
4146 residential traffic for the purposes of regulating home occupation traffic shall be defined as 10 trips per  
4147 day and one trip per hour. There shall not be more than one client on the premises at any one time. One  
4148 client constitutes those arriving in a single vehicle. Delivery services such as the Post Office, UPS, FedEx  
4149 and similar, which make normal deliveries to residential neighborhoods, shall not be included in the  
4150 assessment. Trips, whether personal or for business, by residents of the dwelling, shall also not be  
4151 included. Home occupations that generate traffic or parking are limited to the hours of 7:00 a.m. to 9:00  
4152 p.m.

4153 G. Certain Uses Specifically Prohibited. The following uses are specifically prohibited as home  
4154 occupations:

- 4155 1. Automotive repairs or detailing;
- 4156 2. Small engine and major appliance repair;
- 4157 3. Boarding, grooming, kenneling, or medical treatment of animals;
- 4158 4. Contractors' shops (with the exception of administrative and office functions);
- 4159 5. On-site sale of firewood;
- 4160 6. Sheet metal fabrication;
- 4161 7. Unlicensed or uncertified (by state licensing or an accrediting agency, when available) health care
- 4162 or other physical or personal services administered directly to the client at this location;

4163 8. Beauty/barber shops and other similar activities having more than one station;

4164 9. Any other use as determined by the ~~community development~~ development and business services

4165 director with a significant potential to violate one or more of the conditions of this section.

4166 H. Signs. Any home occupation sign must meet the residential sign regulations in LMC 21.16.290. Such

4167 signs shall display only the name and address.

4168 I. Exemptions. The following shall not be regulated under this section: garage sales, yard sales, bake

4169 sales, and similar as long as they do not occur more than three times per year per home.

4170 J. Process.

4171 1. Applications. Home occupations shall be reviewed concurrently with the business license

4172 application pursuant to LMC Title 5. Applications for home occupation related business licenses shall

4173 also include a copy of a site plan showing parking and a floor plan for the premises showing access

4174 and the square footage of the total premises and the square footage allocated to the business. All

4175 home occupation business license applications shall be acknowledged by the property owner (if

4176 other than the applicant).

4177 2. Conditions. The director of the ~~community development~~ development and business services

4178 department may impose additional conditions to mitigate any potential adverse impacts of the home

4179 occupation to the surrounding uses.

4180 3. Business License. A business license shall be obtained from the city clerk's office and shall be

4181 maintained. If the license is not maintained, the home occupation approval shall become null and

4182 void and a new business license application shall be required to reestablish the use.

4183 4. Review, Enforcement, and Penalties.

4184 a. A violation of any provision of this section shall be a civil infraction. Enforcement activities will

4185 be conducted pursuant to LMC 1.40.020.

4186 b. A home occupation may be suspended or revoked by the director of the ~~community~~

4187 ~~development~~ development and business services department as an administrative decision. The

4188 director may base his action on:

4189 i. Lack of compliance with the conditions of the permit of the business license or its approval,

4190 or with the provisions of the development code; or

4191 ii. Upon finding that the operation of the home business creates a nuisance or hazard, or has

4192 been abandoned, or was procured by mistake, fraud or deception.

4193 K. Inspection. The city of Lynnwood fire marshal and building official reserve the right to inspect a home

4194 occupation to ensure that related alterations and equipment are consistent with fire and building codes.

4195 (Ord. 2883 § 1, 2011; Ord. 2586 § 2, 2005; Ord. 2466 § 1, 2003)

4196 **21.43.110 Limitations on uses.**

4197 A. Agricultural and Horticultural Activities. Agricultural and horticultural activities, including plant nurseries,

4198 must be devoted to the raising of plants. No structures, uses, or accessory uses or structures are

4199 permitted, except those specifically authorized by the conditional use permit. Agricultural and horticultural

4200 activities, including plant nurseries, which are less than one acre in size are permitted uses. Agricultural

4201 and horticultural activities, including plant nurseries, which are one acre or more in size require a

4202 conditional use permit.

4203

4204 B. Public Utility Facilities. Public utility facilities necessary for the transmission, distribution or collection of  
4205 electric, telephone, wireless communication, telegraph, cable television, natural gas, water, and sewer  
4206 utility services, excluding sewer treatment plants, offices, repair shops, warehouses, and storage yard,  
4207 shall be subject to the following additional standards:

4208 1. Such facilities shall not be injurious to the neighborhood or otherwise detrimental to the public  
4209 welfare;

4210 2. The applicant shall demonstrate the need of the proposed public utility facility to be located in a  
4211 residential area, the procedures involved in the site selection and an evaluation of alternative sites  
4212 and existing facilities on which the proposed facility could be located or co-located;

4213 3. A site development plan shall be submitted showing the location, size, screening and design of all  
4214 buildings and structures, including fences, the location, size, and nature of outdoor equipment, and  
4215 the location, number, and species of all proposed landscaping;

4216 4. The facility shall be designed to be aesthetically and architecturally compatible with the natural and  
4217 built environment. This includes, but is not necessarily limited to, building design and the use of  
4218 exterior materials harmonious with the character of the surrounding neighborhood and the use of  
4219 landscaping and privacy screening to buffer the facilities and activities on the site from surrounding  
4220 properties. Any equipment or facilities not enclosed within a building (e.g. towers, transformers,  
4221 tanks, etc.) shall be designed and located on the site to minimize adverse impacts on surrounding  
4222 properties;

4223 5. All wireless communications facilities shall comply with national, state or local standards,  
4224 whichever is more restrictive, in effect at the time of application, for nonionizing electromagnetic  
4225 radiation;

4226 6. The applicant shall demonstrate a justification for the proposed height of the structures and an  
4227 evaluation of alternative designs which might result in lower heights. If additional height over that  
4228 allowed in the zone is justified it may be approved by the city;

4229 7. The applicant shall include an analysis of the feasibility of future consolidated use of the proposed  
4230 facility with other public utility facilities.

4231 C. Provided, that this subsection shall not apply to utility facilities located on a property which are  
4232 accessory to the residential use of that property or to the transmission, distribution or collection lines and  
4233 equipment necessary to provide a direct utility connection to the property or neighboring properties, or to  
4234 those utility facilities located on public rights-of-way, nor shall it apply to utility facilities installed within new  
4235 subdivisions, which shall be evaluated prior to plat approval and do not require a separate conditional use  
4236 permit.

4237 D. Park and Pool Lots. Park and pool lots may be permitted by conditional use permit. In considering an  
4238 application for such a use, the hearing examiner shall review all impacts of the proposed use upon the  
4239 surrounding neighborhood including, but not limited to, location, traffic, displacement of required stalls,  
4240 noise, hours of operation, ingress and egress, signage, parking lot illumination and aesthetic impacts. In  
4241 single-family zones, park and pool lots should not be the principal use of a property, but an accessory use  
4242 to a permitted or conditional use in that zone.

4243 The applicant for such a permit shall submit a site plan indicating:

4244 1. The property boundaries;

4245 2. The location of all building on the site with the floor areas of each use indicated;

4246 3. The location and dimensions of all existing or proposed parking stalls, including the designation of  
4247 those to be available to park and pool users;

4248 4. The location and type of all existing or proposed landscaping.

4249 The applicant shall also submit drawings of proposed signage and an analysis of the parking demand of  
4250 any existing uses on the site and the anticipated demand by park and pool users.

4251 E. Child Day-Care Centers.

4252 1. Considerations. Child day-care centers may be permitted by issuance of a conditional use permit.  
4253 Before approval or denial of an application, the hearing examiner and city council will consider the  
4254 need for the activity in the area and all possible impacts in the area including but not limited to the  
4255 following:

4256 a. Any adverse or significant changes, alterations or increases in traffic flow that could create a  
4257 hazardous situation as either a direct or indirect result of the proposed activity;

4258 b. Any abnormal increase in demand for any public service, facility or utility;

4259 c. The size, location, and access of the proposed site; and

4260 d. Any adverse effects on the standard of livability to the surrounding area.

4261 2. Requirements. In any case, the approval of the conditional use permits shall include the following  
4262 requirements:

4263 a. The applicant shall be state-licensed before the operation of the facility;

4264 b. Adequate off-street parking must be provided;

4265 c. All outdoor play areas must be fenced with a minimum of 800 square feet plus an additional  
4266 80 square feet per additional child over 10;

4267 d. Site and sound screening standards for the outdoor play area must be met;

4268 e. The applicant must provide off-street access to the facility from the public right-of-way for the  
4269 purpose of pickup and delivery of children;

4270 f. The applicant must indicate the ages of the children to be cared for;

4271 g. See LMC 21.16.290(A) for sign regulations.

4272 F. Manufactured Home Developments. Permitted under the provisions for planned unit developments.  
4273 See Chapters 21.30 and 21.70 LMC.

4274 G. Two-Family Dwelling and Multiple Dwelling Units. In RML, RMM and RMH zones, if there is more than  
4275 one dwelling unit on the premises, there shall be not less than two units in a building, except as to the  
4276 odd-numbered unit which may stand alone.

4277 H. Senior Housing, Independent Living Communities, Assisted Living Facilities, Congregate Care and  
4278 Continuing Care Communities.

4279 1. Number of Residents. The number of persons who will be residing in the property shall be  
4280 generally consistent with the potential density of persons as would be expected from multiple  
4281 dwelling units, except that the maximum number of units for housing for the elderly and handicapped  
4282 shall be no greater than one and one-half times the number of units which would be allowed for  
4283 multiple-family housing within the respective zone.

4284 2. Impact on Surrounding Area. The allowing of the proposed use shall not adversely affect the  
4285 surrounding area.

4286 3. Staff Evaluation and Recommendation. Before any conditional use permit for the uses designated  
4287 in this subsection is considered by the hearing examiner, a joint recommendation concerning  
4288 development of the land and/or construction of the buildings shall be prepared by the fire and  
4289 ~~community development~~ development and business services departments, specifying the conditions  
4290 to be applied if approved. If it is concluded that the application for a conditional use permit should be  
4291 approved, each requirement in the joint recommendation shall be considered and any which are  
4292 found necessary for protection of the health, safety, and general welfare of the public shall be made  
4293 part of the requirements of the conditional use permit. In any case, the approval of the conditional  
4294 use permit shall include the following requirements:

4295 a. The proposal's proximity to stores and services, safety of pedestrian access in the vicinity,  
4296 access to public transit, and design measures to minimize incompatibility between the proposal  
4297 and surrounding businesses;

4298 b. Compliance with state, federal, and local regulations pertaining to such use, a description of  
4299 the accommodations and the number of persons accommodated or cared for, and any structural  
4300 requirements deemed necessary for such intended use;

4301 c. The amount of space around and between buildings shall be subject to approval of the fire  
4302 chief as being adequate for reasonable circulation of emergency vehicles or rescue operations  
4303 and for prevention of conflagration;

4304 d. The proposed use will not adversely affect the surrounding area as to present use or  
4305 character of the future development;

4306 e. Restriction to such intended use except by revision through a subsequent conditional use  
4307 permit.

4308 4. Open Space. A minimum of 200 square feet of passive recreation and/or open space shall be  
4309 provided. Senior housing and care facilities have a need for recreational open space but is of a  
4310 passive nature. Therefore, passive recreation space and/or open space shall be provided. Up to 50  
4311 percent of the requirement may be indoors; provided, that the space is utilized exclusively for passive  
4312 recreation or open space (i.e., arts and crafts rooms, solariums, courtyards). All outdoor recreation  
4313 and/or open space areas shall be set aside exclusively for such use and shall not include areas held  
4314 in reserve for parking, as per LMC 21.18.800. All open space and/or recreational areas shall be of a  
4315 permanent nature and they may be restricted to use by tenants only. The use of private and semi-  
4316 private patios and balconies in meeting these requirements is not permitted.

4317 I. Office Uses. The intended uses shall comply with the following minimum standards:

4318 1. No portion of the building in which the offices are permitted shall be occupied as a resident.

4319 2. The office use shall be generally professional in nature, which use shall include but not be limited  
4320 to medical and dental offices or clinics, accountants, architects, attorneys at law, chiropractors,  
4321 engineers, land surveyors, and opticians; provided, accessory retail uses may be allowed only if  
4322 closely related to the principal uses of the building, such as pharmacies in medical buildings, and  
4323 must be specified in the conditional use permit. When allowed, such retail uses shall be internally  
4324 oriented, with external advertising identical to the professional offices and compliance with the  
4325 conditional use permit.

4326 3. See LMC 21.16.290(G) for sign regulations.

4327 4. The use shall be of a type unlikely to be open evenings or weekends and unlikely to generate  
4328 large volumes of traffic.

4329 5. In considering the intended use, location of the building in proximity to existing multiple- or single-  
4330 family uses, a determination shall be made that the proposed use would not be detrimental to such  
4331 existing residential uses.

4332 J. Hospitals and Nursing Homes.

4333 1. Setbacks. All buildings maintain a distance of not less than 35 feet from any single-family  
4334 residential zone;

4335 2. Occupancy. The accommodations and number of persons cared for conform to state and location  
4336 regulations pertaining thereto;

4337 3. Health Department Approval. The health department shall have approved all provisions for  
4338 drainage and sanitation.

4339 K. Boarding Houses. For purposes of determining allowable density and required parking,  
4340 accommodations for each resident in a boarding house shall be considered the equivalent of one-half  
4341 dwelling unit. (Ord. 3243 § 11, 2017; Ord. 2586 § 3, 2005; Ord. 2466 § 2, 2003)

4342 **21.43.250 Development standards for park facilities.**

4343 A. Buildings and structures at properties designated "Parks, Recreation and Open Space" on the future  
4344 land use plan map of the comprehensive plan shall be subject to the development standards in LMC  
4345 21.43.200; provided, that the ~~community development~~ development and business services director may  
4346 authorize a reduction in the minimum setback from a public street to the following:

4347 1. Structures and buildings no more than one story in height and with a gross floor area of 1,000  
4348 square feet or less: 10 feet.

4349 2. Structures and buildings either more than one story in height or with a gross floor area greater  
4350 than 1,000 square feet (or both): 25 feet.

4351 3. Provided, that the director finds:

4352 a. The standards in LMC 21.43.200 would not allow use of a building or structure in the park as  
4353 that building or structure is intended to be used; and

4354 b. Use of the building or structure would not adversely affect adjoining properties.

4355 B. Notice of such approval shall be mailed to owners of property that adjoin the site of the proposed  
4356 building or structure. Approval of a building or structure under this section may be appealed within 14  
4357 calendar days of issuance of a determination under this section using Process II. The date of issuance  
4358 shall be three days following the date of mailing of the notice. (Ord. 2466 § 2, 2003)

4359 **21.43.300 Home occupations.**

4360 A home occupation may be permitted by issuance of a business license, pursuant to LMC Title 5,  
4361 provided the business complies with this and other applicable sections of the Lynnwood Municipal Code.

4362 A. Area Used. A home occupation may only be conducted in the principal building and not in an  
4363 accessory building. The area devoted to the home occupation may comprise no more than 25 percent of  
4364 the area of the principal building. Any extension of the home occupation to the outdoors, including, but not  
4365 limited to, paving of yards for parking, outdoor storage or activity, indoor storage or activity visible from  
4366 outdoors (e.g., in an open garage) is prohibited.

4367 B. Access. Access to the space devoted to the home occupation shall be from within the dwelling, not  
4368 internally closed off or separated from the living areas of the dwelling, and not from a separate outside  
4369 entrance.



4370 C. Employment. No one other than members of the resident household may perform labor or personal  
4371 services on the premises.

4372 D. Stock in Trade. The processing, storing, and occasional sale of handicrafts made on the premises and  
4373 other small products is allowed, subject to compliance with other conditions of this title. Such stock must  
4374 be incidental to the main activity permitted by the home occupation. The display or storage of goods  
4375 outside the premises or in a window is prohibited.

4376 E. Equipment, Use, and Activities. No equipment may be used and no activities may be conducted which  
4377 would result in noise, vibration, smoke, dust, odors, heat, glare, or other conditions exceeding in duration  
4378 or intensity those normally produced by a residential use. Normal residential use shall be construed as  
4379 including the above impacts only on an occasional weekend or evening basis (e.g., in connection with a  
4380 hobby or home/yard maintenance), and not on a daily basis. Outdoor storage of equipment, materials, or  
4381 more than one vehicle related to the business is prohibited. There shall be no production, generation, or  
4382 storage of any hazardous waste or substance. Those individuals who are engaged in home occupations  
4383 shall make available to the fire or county health departments for review the material safety data sheets  
4384 which pertain to all potentially toxic and/or flammable materials associated with the use.

4385 F. Traffic. A home occupation shall not generate traffic in excess of normal residential traffic. Normal  
4386 residential traffic for the purposes of regulating home occupation traffic shall be defined as 10 trips per  
4387 day and one trip per hour. There shall not be more than one client on the premises at any one time. One  
4388 client constitutes those arriving in a single vehicle. Delivery services such as the Post Office, UPS, FedEx  
4389 and similar, which make normal deliveries to residential neighborhoods, shall not be included in the  
4390 assessment. Trips, whether personal or for business, by residents of the dwelling, shall also not be  
4391 included. Home occupations that generate traffic or parking are limited to the hours of 7:00 a.m. to 9:00  
4392 p.m.

4393 G. Certain Uses Specifically Prohibited. The following uses are specifically prohibited as home  
4394 occupations:

- 4395 1. Automotive repairs or detailing;
- 4396 2. Small engine and major appliance repair;
- 4397 3. Boarding, grooming, kenneling, or medical treatment of animals;
- 4398 4. Contractors' shops (with the exception of administrative and office functions);
- 4399 5. On-site sale of firewood;
- 4400 6. Sheet metal fabrication;
- 4401 7. Unlicensed or uncertified (by state licensing or an accrediting agency, when available) health care  
4402 or other physical or personal services administered directly to the client at this location;
- 4403 8. Beauty/barber shops and other similar activities having more than one station;
- 4404 9. Any other use as determined by the ~~community development~~ development and business services  
4405 director with a significant potential to violate one or more of the conditions of this section.

4406 H. Signs. Any home occupation sign must meet the residential sign regulations in LMC 21.16.290. Such  
4407 signs shall display only the name and address.

4408 I. Exemptions. The following shall not be regulated under this section: garage sales, yard sales, bake  
4409 sales, and similar as long as they do not occur more than three times per year per home.

4410 J. Process.

- 4411 1. Applications. Home occupations shall be reviewed concurrently with the business license  
4412 application pursuant to LMC Title 5. Applications for home occupation related business licenses shall  
4413 also include a copy of a site plan showing parking and a floor plan for the premises showing access  
4414 and the square footage of the total premises and the square footage allocated to the business. All  
4415 home occupation business license applications shall be acknowledged by the property owner (if  
4416 other than the applicant).
- 4417 2. Conditions. The director of the ~~community-development~~ development and business services  
4418 department may impose additional conditions to mitigate any potential adverse impacts of the home  
4419 occupation to the surrounding uses.
- 4420 3. Business License. A business license shall be obtained from the city clerk's office and shall be  
4421 maintained. If the license is not maintained, the home occupation approval shall become null and  
4422 void and a new business license application shall be required to reestablish the use.
- 4423 4. Review, Enforcement, and Penalties.
- 4424 a. A violation of any provision of this section shall be a civil infraction. Enforcement activities will  
4425 be conducted pursuant to LMC 1.40.020.
- 4426 b. A home occupation may be suspended or revoked by the director of the ~~community~~  
4427 ~~development~~ development and business services department as an administrative decision. The  
4428 director may base his action on:
- 4429 i. Lack of compliance with the conditions of the permit of the business license or its approval,  
4430 or with the provisions of the development code; or
- 4431 ii. Upon finding that the operation of the home business creates a nuisance or hazard, or has  
4432 been abandoned, or was procured by mistake, fraud or deception.
- 4433 K. Inspection. The city of Lynnwood fire marshal and building official reserve the right to inspect a home  
4434 occupation to ensure that related alterations and equipment are consistent with fire and building codes.  
4435 (Ord. 2883 § 2, 2011; Ord. 2586 § 3, 2005; Ord. 2466 § 2, 2003)
- 4436 **21.44.100 Uses allowed.**
- 4437 A. Permitted Uses (and Accessory Uses As Determined by the ~~Community-Development~~ Development  
4438 and Business Services Director).
- 4439 1. Residential Uses. All uses which are permitted in the RS-8 single-family residential zone are  
4440 permitted.
- 4441 2. Institutional Uses. The following uses are permitted, subject to the standards of this chapter:
- 4442 a. Churches;
- 4443 b. Private or semiprivate memorial buildings;
- 4444 c. Community clubhouses, convention centers, public golf courses, and accessory uses;
- 4445 d. Art galleries, libraries, and museums;
- 4446 e. Private and public schools, universities and colleges;
- 4447 f. Child day care;
- 4448 g. Public parks, playgrounds, and schools;

4449 h. Municipal buildings, including fire stations, and performance arts facilities, as well as any  
4450 accessory building, related to a municipal use;

4451 i. Clubs or fraternal societies;

4452 j. Transit center;

4453 k. Park-and-ride lots; and

4454 l. Existing wastewater treatment plant.

4455 B. Conditional Uses.

4456 1. All uses permitted through the issuance of a conditional use permit in the RS-8 zone, except as  
4457 amended by this section;

4458 2. Charitable, nonprofit or social service organizations other than those uses specifically allowed as a  
4459 permitted use;

4460 3. Medical facilities, including hospitals, convalescent homes and medical or dental clinics; and

4461 4. Expansion or major alteration of an existing wastewater treatment plant.

4462 C. Factors for Consideration for Proposed Conditional Uses. In considering any conditional use permit  
4463 application, the hearing examiner shall consider all factors relevant to the public interest including, but not  
4464 limited to:

4465 1. Consistency of the proposal with the comprehensive plan and with the purpose of the P-1 zone as  
4466 stated in LMC 21.44.050, especially discouraging activities of a commercial or industrial nature,  
4467 whether public or private;

4468 2. Impact of the proposal on the visual and aesthetic character of the neighborhood;

4469 3. Impact of the proposal on the distribution, density or growth rate of the population in the  
4470 neighborhood;

4471 4. Orientation of facilities to developed or undeveloped residential areas;

4472 5. Preservation of natural vegetation and other natural features;

4473 6. Hours of operation;

4474 7. Ability to provide adequate on-site parking;

4475 8. Traffic impacts of the proposal on the neighborhood; and

4476 9. Conformance of the proposal with the city noise ordinance, Chapter 10.12 LMC.

4477 Whenever the proposed use involves occupying a partially or totally vacant school, the applicant must  
4478 demonstrate that the proposed use will have no greater impacts than the use for which the facility was  
4479 first designed.

4480 D. Exemption from Conditional Use Permit Application Process. Some limited expansion of uses and  
4481 structures of existing uses at the Lynnwood wastewater treatment plant may be approved for exemption  
4482 from the conditional use permit process by the ~~community development~~ development and business  
4483 services director if the proposed alteration meets the following criteria:

4484 1. The alteration does not expand the treatment capacity of the plant.

- 4485 2. The alteration does not result in a significant increase in noise, odor, traffic, or visual impact.
- 4486 3. Any proposal to add accessory structures does not result in the addition of more than 500 square
- 4487 feet of building coverage. (Ord. 3283 § 7, 2018; Ord. 3217 § 2, 2016; Ord. 3047 § 4, 2014; Ord. 2583
- 4488 § 1, 2005; Ord. 2441 § 13, 2003; Ord. 2390 § 1, 2001; Ord. 2020 § 18, 1994; Ord. 1455 § 1, 1985;
- 4489 Ord. 1309 § 1, 1983; Ord. 1209 § 1, 1982; Ord. 470 § 2, 1969)

4490 **21.44.250 Development standards for park facilities.**

4491 A. Buildings and structures at properties designated “Parks, Recreation, and Open Space” on the future

4492 land use plan map of the comprehensive plan shall be subject to the development standards in LMC

4493 21.44.200; provided, that the ~~community development~~ development and business services director may

4494 authorize a reduction in the minimum setback from a public street to the following:

4495 1. Structures and buildings no more than one story in height and with a gross floor area of 1,000

4496 square feet or less: 10 feet.

4497 2. Structures and buildings either more than one story in height or with a gross floor area greater

4498 than 1,000 square feet (or both): 15 feet.

4499 3. Provided, that the director finds:

4500 a. The standards in LMC 21.44.200 would not allow use of a building or structure in the park as

4501 that building or structure is intended to be used; and

4502 b. Use of the building or structure would not adversely affect adjoining properties.

4503 B. Notice of such approval shall be mailed to owners of property that adjoin the site of the proposed

4504 building or structure. Approval of a building or structure under this section may be appealed within 14

4505 calendar days of issuance of a determination under this section using Process II. The date of issuance

4506 shall be three days following the date of mailing of the notice. (Ord. 2441 § 13, 2003; Ord. 2388 § 27,

4507 2001; Ord. 2240 § 2, 1999)

4508 **21.46.100 Permitted structures and uses.**

4509 A. No building, structure or land shall be used and no building or structure shall be erected, or structurally

4510 altered, except for one or more of the uses permitted by Tables 21.46.01 through 21.46.12 or the

4511 ~~community development~~ development and business services director may permit a use not listed in any

4512 table if the director determines, in his or her discretion, the use is found consistent with the intent of the

4513 zone.

4514 **Table 21.46.01**

4515

Automotive Uses	NC	PCD	CG
Auto Parts, Accessory, and Supplies Stores	P	P*	P
Auto Glass Stores	–	P	P
Automobile Repair, including body and fender and mechanical repair, excluding outdoor storage, display or sales	–	–	P
Automobiles, rental or sale	–	P**	P
Electric Vehicle Charging Station, Level 1, Level 2 and Level 3	C	P	P
Battery Exchange Station (Electric Vehicle), Principal Use	C	C	C
Car Wash	–	–	P
Mobile or Manufactured Homes, open lots for sale or rental of	–	–	P

<b>Automotive Uses</b>	<b>NC</b>	<b>PCD</b>	<b>CG</b>
Park and Pool Lots*	C	–	C
Parking Garages and accessory refueling and servicing	–	P	P
Public and Private Parking Lots for Passenger Cars	–	P	P
Service Stations, full, self, or gas*	C***	–	C
Tire Store; provided, that in the PCD zone, such activities be conducted indoors without outdoor storage, overnight parking, excessive noise or other adverse environmental impacts	–	P	P
Oil Lubrication, Brake, Muffler Service and Tune-Up	–	P	P

\*Provided, that such activities be conducted indoors without outdoor storage, overnight parking, excessive noise or other adverse environmental impacts.

\*\* (1) Only at properties either with frontage on the freeway right-of-way or within 1,500 feet of a freeway on- or off-ramp (measured in a straight line from the nearest point of the end of the freeway ramp (where the ramp connects to a public street) to the nearest point of the property).

(2) Sale of used vehicles as a principal use of the property is prohibited.

\*\*\* Service stations shall not be located adjacent to or across the street from any residential zoning district.

**Table 21.46.02**

<b>Business Service Uses</b>	<b>NC</b>	<b>PCD</b>	<b>CG</b>
Business Services, not including furniture or equipment sales	P	P	P
Business and Professional Services not mentioned elsewhere in this section	–	P	P

**Table 21.46.03**

<b>Eating and Entertainment Uses</b>	<b>NC</b>	<b>PCD</b>	<b>CG</b>
Restaurants and Cafeterias providing on-premises service to seated patrons*	P	P	P-X
Restaurants, drive-in car service*	–	–	P-X
Restaurants, drive-through car service		P*	P
Taverns, Bars, and Cabarets	–	P	P

\*Drive-throughs in the PCD zone shall have the drive aisles screened.

**Table 21.46.04**

<b>Institutional Uses</b>	<b>NC</b>	<b>PCD</b>	<b>CG</b>
Adult Day Care Centers	P	P	P-X
Child Day Care	P	P	P-X
Churches	P	P	P-X

**Table 21.46.04**

<b>Institutional Uses</b>	<b>NC</b>	<b>PCD</b>	<b>CG</b>
Assisted Living, Congregate Care and Senior Housing+	P	P	P
Libraries, Museums, Art Galleries and similar institutions	P	P	P-X
Municipal Services	P	P	P
Higher Education: Universities; Colleges; Technical, Business, Trade and Vocational Schools, excluding automotive and mechanical schools	P	P	P
Primary and Specialty Education: Preschools, Elementary, Secondary, Dance, Music, Art and similar schools	P	P	P-X

4533

**Table 21.46.05**

<b>Medical Uses</b>	<b>NC</b>	<b>PCD</b>	<b>CG</b>
Medical, Dental, Optical and Chiropractic Clinics	P	P	P
Veterinary Clinics*	P*	P	P-X

\* Excluding outdoor kennels and runs.

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**Table 21.46.06**

<b>Office Uses</b>	<b>NC</b>	<b>PCD</b>	<b>CG</b>
Business or Professional Office, including offices of a clerical or administrative nature	P	P	P
Office as a Home Occupation	C	–	C

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**Table 21.46.07**

<b>Personal Service Uses</b>	<b>NC</b>	<b>PCD</b>	<b>CG</b>
Banks and other financial institutions	P	P	P
Personal Service Shops	P*	P	P
Dressmaker and Tailoring Shops	P	P	P
Dry Cleaning and Laundry Plants	–	P	P
Dry Cleaning and Laundry, Self-Service	P	P	P
Dry Cleaning and Laundry Pick-Up Station for work to be done elsewhere	P	P	P
Locksmith	P	P	P
Pet Grooming	P	P	P-X

\* Notwithstanding the definition of personal service shops in LMC 21.02.566 or the provisions of Table 21.46.08, in the NC zone gymnasiums and health clubs may be up to 5,000 square feet in building area.

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**Table 21.46.08**

<b>Recreational Activities</b>	<b>NC</b>	<b>PCD</b>	<b>CG</b>
Amusement Centers located 300 feet or more from a single-family or multiple-family zone*	–	P	P
Amusement Centers located less than 300 feet from a single-family or multiple-family zone*	–	C	C
Indoor Amusement Enterprises, including skating rinks, bowling alleys and pool halls	–	P	P-X
Handball Courts, Racquet Clubs, and Indoor and Outdoor Tennis Courts	–	–	P
Health Clubs	–	P	P
Outdoor Ancillary Playground and related equipment	–	–	C
Outdoor Commercial Recreation and Entertainment, including stadiums, race tracks, outdoor theaters, swimming pools, golf courses	–	–	P

\* As measured from the property line of the parcel on which the center is located to the property line of the nearest residentially zoned parcel.

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**Table 21.46.09**

<b>Residential Uses</b>	<b>NC</b>	<b>PCD</b>	<b>CG</b>
Adult Family Homes	P	P	P
Multiple-Family Housing Units+	C*	P	–
Multiple-Family Housing Units (on parcels designated as Highway 99 Corridor on the Future Land Use Map)+	–	–	P
Motels and Hotels	–	P	P-X
Respite Care	P	P	P

\* One-acre minimum lot size, subject to standards and procedures established in Chapter [21.43](#) LMC for the Multiple Residential Medium-Density Zone (RMM) with the exception that maximum building height is three stories or 45 feet, whichever is less. Also subject to additional screening or privacy measures as determined by the hearing examiner during the conditional use permit process, including but not limited to: distance, architectural design, significant tree cover, significant elevation changes, fencing, reduction or elimination of lighting immediately adjacent to single-family uses, and prohibitions on activities immediately adjacent to single-family uses that will create noise, odor or other impacts (i.e., garbage collection areas, recreation areas, parking lots). See Figure 21.46.1.

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**Figure 21.46.1**  
**NC Parcels Over 1 Acre**  
 (Multi-family uses eligible subject to CUP, height restrictions and  
 additional privacy measures. See Chapter 21.46 LMC)



</tnote> Table 21.46.10



<b>Retail Uses<sup>+</sup></b>	<b>NC**</b>	<b>PCD</b>	<b>CG</b>
Bakery Retail Stores	P	P	P-X
Bicycle Sales and Repair	–	P	P-X
Boat and Equipment Sales and Display (can only be indoors in the PCD zone)	–	P	P
Building Supplies Stores, indoor	–	–	P
Carpet Stores	–	P	P
Convenience Stores not located on the same or adjacent lot to a service station <sup>+</sup>	P	P	P-X
Convenience Stores located on the same lot and/or within the same building and operated as a single business with a full-service station, self-service station, or gas station <sup>+</sup>	P*	–	C-X
Florist Shops, Accessory Greenhouses and Plant Nurseries	P	P	P
Fresh Fruit, Vegetable or Produce Stand, outdoors	P	P	P
Grocery Stores	P	P	P
Hardware Stores	P	P	P
Pet Shops	P	P	P-X
Retail Lumber Yards	–	–	C
Retail Stores not mentioned elsewhere in this section	P	P	P
Shopping Centers, including only the uses permitted in the applicable zone	P	–	P

\* Shall not be located adjacent to or across the street from any residential zoning district.

\*\* Retail uses approved after the adoption of Ordinance 3233 can be no larger than 7,500 square feet per tenant in the NC zone.

<sup>+</sup> Retail uses can include incidental service and repair for primary uses.

**Table 21.46.11**

<b>Light Industrial Uses</b>	<b>NC</b>	<b>PCD</b>	<b>CG</b>
Assembly of Glass, Light Metal, Plastic, Electronic, Electrical or Wood Parts, which are extracted, stamped, manufactured or shaped elsewhere, not precluding minor processes such as cutting or drilling	–	–	P
Bottling or Packaging Plants in spaces of 10,000 sq. ft. or less	–	–	P
Contractor's Offices and Shops in spaces of 10,000 sq. ft. or less	–	–	P
Public Utilities Facilities <sup>+</sup>	P	P	P
Research and Development	–	–	P

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**Table 21.46.12**

<b>Other Uses</b>	<b>NC</b>	<b>PCD</b>	<b>CG</b>
Adult Establishments	–	–	CA
Adult Retail Uses	–	–	CA
Charitable or Relief Supplies Collection or Storage	–	–	P
Distribution Center, not to exceed 100,000 square feet	–	–	p
Radio or Television Stations, not including Wireless Communications	–	P	P
Self-Service Storage Facilities	–	–	P
Warehouse of 10,000 sq. ft. or less	–	–	P
Wholesale Store of 10,000 sq. ft. or less	–	–	P
Wireless Communications Facility less than 300 feet from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)*	C	P	P
Wireless Communications Facility 300 feet or more from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)*	P	P	P
Wireless Communications Facility, Attached	P	P	P

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+See LMC 21.46.110 through 21.46.119.

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Key:

- P = Permitted as principal use
- A = Permitted as accessory use with a principal permitted or approved conditional use
- C = May be permitted as a principal use upon approval of a conditional use permit
- AI = Permitted as accessory use if located in the building of a permitted principal use, and internally oriented with principal public access through the main access of the building
- = Not permitted
- X = Not permitted in controlled area
- CA = Permitted only in controlled area. See LMC 21.46.120.

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(Ord. 3311 §§ 18, 19, 2018; Ord. 3258 §§ 7 – 19 (Exh. A), 2017; Ord. 3233 §§ 4 – 17, 2016; Ord. 3140 § 5, 2015; Ord. 3090 § 2, 2014; Ord. 3047 § 5, 2014; Ord. 3023 § 2, 2013; Ord. 3010 § 5 (Exh. A), 2013; Ord. 2947 § 5, 2012; Ord. 2549 § 1, 2005; Ord. 2490 § 4, 2004; Ord. 2457 § 1, 2003; Ord. 2441 § 14, 2003; Ord. 2388 § 29, 2001; Ord. 2092 § 1, 1996; Ord. 2065 § 7, 1995; Ord. 2052 § 1, 1995; Ord. 2020 § 19, 1994; Ord. 1889 § 4, 1992; Ord. 1879 § 4, 1992; Ord. 1847 § 6, 1991; Ord. 1846 §§ 2, 3, 1991; Ord. 1781 § 7, 1990; Ord. 1758 § 4, 1990; Ord. 1690 § 2, 1989; Ord. 1685 § 1, 1989; Ord. 1671 §§ 1 – 4, 1989; Ord. 1592 § 4, 1987; Ord. 1575 § 4, 1987; Ord. 1571 §§ 1, 2, 1987; Ord. 1564 §§ 1, 2, 1987; Ord. 1529 § 2, 1986; Ord. 1523 §§ 1, 2, 3, 1986; Ord. 1513 §§ 2 – 6, 1986; Ord. 1502, 1986; Ord. 1489 § 1, 1985; Ord. 1458 §§ 4, 5, 1985; Ord. 1447 § 5, 1985; Ord. 1426 § 3, 1984; Ord. 1360 § 1, 1983; Ord. 1247 § 6, 1982; Ord. 1240 § 3, 1982; Ord. 1218 § 1, 1981; Ord. 1150 § 1, 1980; Ord. 1140 § 2, 1980; Ord. 1119 § 3, 1980; Ord. 1117 § 1, 1980; Ord. 1116 §§ 5, 6, 1980; Ord. 1061 § 2, 1979; Ord. 1016 § 4, 1978; Ord. 984 § 1, 1978; Ord. 950 § 1, 1978; Ord. 927 § 1, 1977; Ord. 911 § 1, 1977; Ord. 869 § 1, 1976; Ord. 838 § 1, 1976; Ord. 728-A § 1, 1973; Ord. 624 § 1, 1971; Ord. 522, 1969)

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**21.46.115 Limitations on uses – Office uses.**

A. Residential/Office Use as a Home Occupation. An office use in combination with a residence is allowable as a home occupation by means of a conditional use permit, subject to the limitations to home occupations as stated in LMC 21.02.415, except as follows: the number of employees who do not reside in the same building shall be limited to two.

In considering the requested permit, the adequacy of parking shall be of prime consideration. Any application shall demonstrate provision for anticipated traffic and parking. In the event that congestion or traffic hazards develop through such use, the ~~community development~~ development and business services director may suspend or terminate the permit upon 30 days' written notice. During the 30-day period, the holder of the permit may request review of the revocation by the city council. The building may be enlarged, but the office area shall not exceed 25 percent of the total square footage of the building. (Ord. 3010 § 5 (Exh. A), 2013; Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 950 § 2, 1978)

**21.46.116 Limitations on uses – Residential uses.**

A. Motels and Hotels. The initial development must contain at least 20 units composed of multiple-unit type buildings and shall provide hotel and services, including a main lobby, desk attendant, and room service. When accessory uses providing services for the patrons, such as barber, bar, beauty parlor, cleaners, clothing, drugs, pottery, souvenir, tobacco, and travel are included, they shall be primarily oriented internally. Provisions for public functions such as banquets or meetings need not be oriented internally.

**B. Multiple-Family Housing.**

1. For properties zoned NC, dwellings may be permitted in commercial or office buildings on the second floor or higher. All provisions normally applying to high-rise multiple-family housing shall apply.

2. For properties zoned PCD, dwellings may be permitted on the second floor of buildings or higher; provided, that:

a. General commercial, office, or similar land uses occupy the ground level of the building where the building faces or abuts a public street.

b. Not more than 20 percent of the linear frontage of the ground level that faces a public street may be used for the entrance, lobby, leasing office, etc., for the building's residences.

c. Floor area at ground level limited to general commercial, office, or similar uses shall have a minimum depth of 30 feet, as measured perpendicular to the building facade, so that the floor area may be occupiable for nonresidential land uses.

d. For development sites where the building is not accessible or visible from the abutting public street, the ~~community development~~ development and business services director may authorize dwellings to be located below the second floor of the building.

3. For properties subject to the provisions of this chapter, development with multifamily dwellings shall provide a minimum of 40 square feet of on-site recreation area per dwelling. The on-site recreation area shall consist of a minimum of two of the following:

a. Individual patio, deck or balcony immediately adjacent to the corresponding dwelling. Individual patios, decks, or balconies shall be designed so that a six-foot-by-six-foot square will fit within the perimeter of the patio, deck or balcony.

b. Outdoor recreation area accessible to all residents of the development and designed so that a 15-foot-by-15-foot square will fit within the perimeter of the outdoor recreation area. Common outdoor recreation areas shall include features such as: landscaped courtyard or plaza; seating; lighting; rooftop garden; children's play structure; and sport court. Outdoor recreation areas may

4625 include overhead weather protection, but shall not be enclosed. Landscaping required within  
4626 parking areas shall not be considered outdoor recreation area.

4627 c. Indoor recreation space accessible to all residents of the development and designed so that a  
4628 12-foot-by-12-foot square will fit within the indoor recreation area. Indoor recreation areas shall  
4629 include furnishings and fixtures for activities such as: aerobic exercise; children's play; indoor  
4630 games; sports; hobbies and crafts; and video entertainment.

4631 C. Multiple-Family Housing – Highway 99 Corridor in the Neighborhood Commercial (NC) and General  
4632 Commercial (CG) zones. Multiple-family housing is permitted on specified parcels in the NC and CG  
4633 zones on specified parcels in the Highway 99 corridor as designated on the city of Lynnwood future land  
4634 use map. Multiple-family residential development shall meet the design guidelines for Highway 99 mixed  
4635 use, adopted by Ordinance No. 2911, and may be combined with mixed use development subject to the  
4636 following bulk requirements:

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4638 **Table 21.46.13(a)**

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4640 **Development Level**

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Development standard	Sites with residential development of less than 20 dwelling units per acre	Sites with residential development of 20 dwelling units or more per acre
Minimum lot area	None	None
Minimum setbacks*		
Public street	None	None
Interior property lines	None	None
Ground floor residential units+	10 ft.	10 ft.
Minimum sidewalk width along public streets	12 ft.	12 ft.
Maximum lot coverage	35%	None
Maximum building height	50 ft.	90 ft., not to exceed six stories
Minimum dwelling units/acre++	N/A	20 DU/A
Maximum floor-area ratio	1.0	3.0

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4643 \* See LMC 21.62.450 for development adjacent to a residential zone (Transitional Property Lines).

4644 + Applies to residential projects only; setback is from all public rights-of-way, internal circulation (vehicle, bicycle, pedestrian),  
4645 parking areas, or access easement. Alternatively, where vision-obscuring glass is installed, the setback may be eliminated.

4646 ++ The minimum number of residential units to qualify for this level shall be calculated using the entire project site. Where residential  
4647 development is part of redevelopment of one or more parcels, this calculation shall be based only on the portion of the parcel(s)  
4648 being redeveloped. Fractional portions of a unit are "rounded up" for this calculation.

4649 Buildings within 200 feet of Highway 99 shall be mixed use development with commercial development  
4650 on the first floor. Phased development may occur on large parcels but the initial development plan is  
4651 required to illustrate the commercial activity adjacent to Highway 99.

4652 Multiple-family development shall comply with the remainder of the development regulations established  
4653 in Chapter 21.62 LMC, Highway 99 Mixed Use Zone, unless otherwise indicated in Chapter 21.62 LMC.

4654 Stand-alone multiple-family development or mixed use development shall also comply with the Design  
4655 Guidelines for the Highway 99 mixed use zones.

4656 Processing of a multiple-family development, including associated mixed use, will be subject to the  
4657 provisions set forth in Chapter 21.30 LMC, Planned Unit Development.

4658 D. Assisted Living and Continuing Care Housing. Assisted living and continuing care housing are allowed  
4659 subject to the following:

4660 1. Staff Evaluation and Recommendation. Before any permit for the uses designated in this  
4661 subsection is considered a joint recommendation concerning development of the land and/or  
4662 construction of the buildings shall be prepared by the fire and ~~community-development~~ development  
4663 and business services departments, specifying the conditions to be applied if approved. If it is  
4664 concluded that the application for a permit should be approved, each requirement in the joint  
4665 recommendation shall be considered and any which are found necessary for the protection of the  
4666 health, safety, and general welfare of the public shall be made part of the requirements of the permit.  
4667 In any case, the approval of the permit shall include the following requirements:

4668 a. The proposal's proximity to stores and services, safety of pedestrian access in the vicinity,  
4669 access to public transit, design measures to minimize incompatibility between the proposal and  
4670 surrounding businesses;

4671 b. Compliance with all applicable state, federal, and local regulations pertaining to such use, a  
4672 description of the accommodations, and the number of people accommodated or cared for, and  
4673 any structural requirements deemed necessary for such intended use;

4674 c. The amount of space around and between buildings shall be subject to the approval of the fire  
4675 chief as being adequate for reasonable circulation of emergency vehicles or rescue operations  
4676 and for prevention of conflagration; and

4677 d. The proposed use will not adversely affect the surrounding area as to prevent use or  
4678 character of the future development.

4679 2. Development Standards. Housing facilities shall conform to the following criteria:

4680 a. Lot area per dwelling unit: 1,000 square feet minimum per unit;

4681 b. Passive recreation and/or open space: 200 square feet per unit. In the city's higher density  
4682 multiple-family zones, developments are required to provide active recreational space to help  
4683 satisfy a portion of the demand for recreational facilities. Housing for the those in need of care  
4684 has a similar need but is of a passive nature. Therefore, passive recreation space and/or open  
4685 space shall be provided. Up to 50 percent of the requirement may be indoors; provided, that the  
4686 space is utilized exclusively for passive recreation and/or open space (i.e., arts and crafts rooms,  
4687 solariums, courtyards). All outdoor recreation and/or open space areas shall be set aside  
4688 exclusively for such use and shall not include areas held in reserve for parking, as per LMC  
4689 21.18.800. All open space and/or recreational areas shall be of a permanent nature, and they  
4690 may be restricted to use by tenants only. The use of private and semi-private patios and  
4691 balconies in meeting these requirements is not permitted. (Ord. 3311 § 20, 2018; Ord. 3283 § 8,  
4692 2018; Ord. 3233 § 23, 2016; Ord. 3140 § 6, 2015; Ord. 3090 § 3, 2014; Ord. 3023 § 2, 2013;  
4693 Ord. 3010 § 5 (Exh. A), 2013; Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 1988 § 1, 1994;  
4694 Ord. 1923 § 2, 1992; Ord. 1917 § 2, 1992; Ord. 1888 § 2, 1992; Ord. 1883 § 2, 1992; Ord. 1472  
4695 § 2, 1985; Ord. 1447 § 6, 1985; Ord. 522 § 3, 1966; Ord. 285 § 5, 1966)

4696 **21.46.150 Accessory structures and uses.**

4697 Any use may be permitted by the ~~community-development~~ development and business services director  
4698 as an accessory use to a principal use that is allowed in the applicable zone; provided, that the  
4699 ~~community-development~~ development and business services director finds that the proposed accessory

4700 use is clearly accessory or incidental to the principal use of the property and that the proposed accessory  
4701 use is consistent with the purpose of the applicable zone. A determination made pursuant to this section  
4702 may be appealed through Process II.

4703 A. Placement of Accessory Buildings and Structures – Interior Lots. In commercial zones, accessory  
4704 buildings which:

- 4705 1. Are behind the front wall of the main building;
- 4706 2. Do not exceed one story in height (not to exceed 15 feet);
- 4707 3. Are not greater than 600 square feet in floor area; and
- 4708 4. Do not contain habitable space (as defined in the building code);

4709 shall be set back not less than five feet from the lot side and rear lines, except that one accessory  
4710 building which does not exceed eight feet in height nor 64 square feet in floor area may be located on lot  
4711 side and rear lines. In no case shall the accessory building or structure be located closer to the street  
4712 than the main building.

4713 B. Placement of Accessory Buildings and Structures – Corner and Reverse Corner Lots. In commercial  
4714 zones, accessory buildings which:

- 4715 1. Are behind the front wall of the main building;
- 4716 2. Do not exceed one story in height (not to exceed 15 feet);
- 4717 3. Are not greater than 600 square feet; and
- 4718 4. Do not contain habitable space (as defined in the building code);

4719 shall be set back not less than five feet from the interior side and rear lines and any corner lot setback  
4720 requirement shall apply. One accessory building which does not exceed eight feet in height nor 64 square  
4721 feet in floor area may be located on interior lot side lines and lot rear lines. In no case shall the accessory  
4722 building be located closer to the street than the main building.

4723 C. Shipping container or other similar storage units as defined in Chapter 21.02 LMC are not permitted as  
4724 accessory structures in commercial zones. Shipping containers may be used as temporary storage in  
4725 conjunction with an ongoing construction project. (Ord. 3311 § 21, 2018)

4726 **21.48.116 Limitations on uses – Residential uses.**

4727 A. Motels and Hotels. The initial development must contain at least 20 units composed of multiple-unit  
4728 type buildings, and shall provide hotel services, including a main lobby, desk attendant, and room service.  
4729 When accessory uses providing services for patrons, such as barber, bar, beauty parlor, cleaners,  
4730 clothing, drugs, pottery, souvenir, tobacco and travel are included, they shall be primarily oriented  
4731 internally. Provisions for public functions such as banquets or meetings need not be oriented internally.

4732 B. Multiple-Family Housing. Dwellings may be permitted, consistent with the use and development  
4733 regulations for multiple-family dwellings in the PCD zone.

4734 C. Assisted Living and Continuing Care Housing. These uses are allowed subject to the following:

- 4735 1. Staff Evaluation and Recommendation. Before any permit for the uses designated in this  
4736 subsection is considered, a joint recommendation concerning development of the land and/or  
4737 construction of the buildings shall be prepared by the fire and community development development  
4738 and business services departments, specifying the conditions to be applied if approved. If it is  
4739 concluded that the application should be approved, each requirement in the joint recommendation  
4740 shall be considered and any which are found necessary for the protection of the health, safety, and

4741 general welfare of the public shall be made part of the requirements of the permit. In any case, the  
4742 approval of the permit shall include the following requirements:

4743 a. The proposal's proximity to stores and services, safety of pedestrian access in the vicinity,  
4744 access to public transit, design measures to minimize incompatibility between the proposal and  
4745 surrounding businesses;

4746 b. Compliance with all applicable state, federal, and local regulations pertaining to such use, a  
4747 description of the accommodations, and the number of people accommodated or cared for, and  
4748 any structural requirements deemed necessary for such intended use;

4749 c. The amount of space around and between buildings shall be subject to the approval of the fire  
4750 chief as being adequate for reasonable circulation of emergency vehicles or rescue operations  
4751 and for prevention of conflagration;

4752 d. The proposed use will not adversely affect the surrounding area as to prevent use or  
4753 character of the future development;

4754 2. Development Standards. Housing facilities shall conform to the following criteria:

4755 a. Lot area per dwelling unit: 1,000 square feet minimum per unit;

4756 b. Passive recreation and/or open space: 200 square feet per unit. In the city's higher density  
4757 multiple-family zones, developments are required to provide active recreational space to help  
4758 satisfy a portion of the demand for recreational facilities. Housing for those in need of care has a  
4759 similar need but is of a passive nature. Therefore, passive recreation space and/or open space  
4760 shall be provided. Up to 50 percent of the requirement may be indoors; provided, that the space  
4761 is utilized exclusively for passive recreation and/or open space (i.e., arts and crafts rooms,  
4762 solariums, courtyards). All outdoor recreation or open space areas shall be set aside exclusively  
4763 for such use and shall not include areas held in reserve for parking, as per LMC 21.18.800. All  
4764 open space and/or recreational areas shall be of a permanent nature, and they may be restricted  
4765 to use by tenants only. The use of private and semi-private patios and balconies in meeting  
4766 these requirements is not permitted. (Ord. 3233 § 34, 2016; Ord. 3140 § 7, 2015; Ord. 3090 § 5,  
4767 2014; Ord. 2441 § 15, 2003; Ord. 2020 § 20, 1994)

4768 **21.48.210 Additional development standards.**

4769 A. Parking.

4770 1. Required Number of Stalls. See Chapter 21.18 LMC, with the exception of residential parking  
4771 below.

4772 2. Residential parking shall have a minimum of one and a maximum of one and one-half spaces per  
4773 dwelling unit or as determined by the ~~community development~~ development and business services  
4774 director based upon data submitted by the applicant.

4775 B. Fences and Hedges. Fence and hedge regulations are as provided in Chapter 21.10 LMC. (Ord. 3326  
4776 § 14, 2019; Ord. 3233 § 37, 2016; Ord. 2441 § 15, 2003; Ord. 2409 §§ 2, 3, 2002; Ord. 2388 § 43, 2001;  
4777 Ord. 2020 § 20, 1994; Ord. 1770 § 13, 1990; Ord. 1461 § 2, 1985; Ord. 1424 § 2, 1984; Ord. 1253 §§ 3,  
4778 4, 1982; Ord. 1241 § 3, 1982; Ord. 854 § 3, 1976; Ord. 575 § 1, 1970; Ord. 447 § 1, 1968; Ord. 407 § 2,  
4779 1968)

4780 **21.50.050 Zones and purposes.**

4781 A. Business and Technical Park Zone (BTP). The purpose of this zone is to provide a zone within the city  
4782 for business and technical parks. Although primarily intended for business and technical parks, other  
4783 compatible uses are not excluded, particularly those of a professional or business office, wholesale,  
4784 manufacturing, and research development nature; provided they are capable of operating in a manner  
4785 that is consistent with the intent of the zone. It is specifically intended to be a practical zone for tracts

4786 which, by reason of small size, might otherwise be difficult to develop into a business park or technical  
4787 park as usually understood by the general public.

4788 It is expected that the character of development in the BTP zone will be of high aesthetic standards: BTP-  
4789 zoned areas are anticipated to be in highly visible locations, reflecting on the entire community. Also, the  
4790 BTP zone has been designed to serve as a transitional zone near residential areas, and adequate  
4791 aesthetic treatment of the BTP areas can minimize the impact of this use on nearby residences.

4792 B. Light Industrial Zone (LI). The LI Light Industrial Zone is established to provide an area where light  
4793 manufacturing and wholesaling operations involving little retail contact may be carried on; provided the  
4794 uses conform to the performance standards of LMC 21.50.150.

4795 The character of development of this area will be such that it will be in keeping with the highest standards  
4796 of industrial parks, promoting beauty, comfort, and generally improving the area. (Ord. 2441 § 16, 2003;  
4797 Ord. 2020 § 21, 1994; Ord. 1575 § 2, 1987; Ord. 1465 § 3, 1985; Ord. 1036 § 2, 1979; Ord. 407 § 2,  
4798 1968)

4799 **21.50.100 Uses allowed in the industrial zones.**  
4800 **Table 21.50.01**  
4801

Use	BTP	LI
Assembly of Wood, Light Metal, Glass, Electronic, Electrical or Plastic Parts, or Components which are extruded, stamped, manufactured, shaped, or prepared elsewhere, not precluding minor processes such as cutting, drilling, soldering or minor welding	P	P
Athletic Clubs and Athletic Facilities such as handball, racquetball, tennis, and basketball courts, swimming pools, and exercise rooms	–	P
Auditoriums	–	P
Automotive and Machinery Repairing and Storage	–	P
Banks and Other Financial Institutions	P	P
Battery Exchange Station (Electric Vehicles)	AC	P
Biotechnology (except manufacturing pharmaceuticals)	P	P
Blacksmithing, Welding, and Metal Fabricating Shops	–	P
Breweries, Distilleries and Wineries (which can include tasting and food service)	P	P
Building Material Yards	–	P
Business and Professional Offices	P	P
Business Services and Office Supplies	P	–
Cabinet, Millwork, or Wood Prefabrication Operations	C	P
Child Day Care (e.g., day care for children of employees or patrons)	–	AC
Contractor's Offices, Shops, and Indoor Storage	P	P
Contractor's Offices, Shops, and Storage Yards	–	P
Electric Vehicle Charging Station, Level 1, Level 2 or Level 3	P	P
Employee Cafeteria	AC	P
Food and Dry Goods Distribution Operations	P	P
Food and Dry Goods Processing and Packaging	C	P



Use	BTP	LI
Freight Warehouse Terminals	C	P
Furniture Manufacture and Repair Shops	C	P
Laundry and Dry Cleaning Plants	–	P
Manufacturing, Rebuilding or Repairing Nonmetal Products	–	P
Manufacturing Pharmaceuticals	–	C
Mass Transit Storage and Maintenance Facilities	–	C
Municipal Services	P	P
Nurseries, Greenhouses and Florist Shops	–	P
Printing, Publishing and Binding	P	P
Public Utility Facilities	C	P
Recycling Collection Centers	–	C
Research and Development	P	P
Residences for Watchmen or Custodians	–	P
Restaurants with sit-down services (excluding drive-throughs)	P	P
Retail (accessory to permitted uses)	P	P
Retail Lumber Yards	–	P
Self-Service Storage Facilities (including periodic auctions of materials from forfeited lockers by the owner/operator of the storage facility)	P	P
Universities, Colleges, Schools, including preschools, commercial schools, such as dancing, music, trade, etc.	P	–
Veterinary Clinics and Veterinary Hospitals*	C	P
Warehouses (not including self-service storage facilities)	P	P
Wholesale trade (i.e., wholesale stores) with retailing confined exclusively to products which are manufactured, packaged, repacked, reloaded or otherwise processed on the same premises	C	P
Wireless Communications Facility less than 300 feet from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)*	C	C
Wireless Communications Facility 300 feet or more from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)*	P	P
Wireless Communications Facility, Attached	P	P
Other uses that are determined by the <del>community-development</del> development and business services director would be compatible with the uses permitted in the respective zones per LMC 21.50.050.	–	–

4802

4803 +See LMC 21.50.110.

4804 Key:

P = Use is permitted as a primary use.

C = The use may be permitted through issuance of a conditional use permit.

A = Permitted as accessory use with a principal permitted or approved conditional use.

AC = Use is permitted as an accessory conditional use and must be related to the principal use of the tenant space or property.

AC\* = These accessory conditional uses may occupy no more than 25 percent of the floor area.

– = Use is prohibited.

4805  
4806 (Ord. 3283 § 9, 2018; Ord. 3265 § 2, 2017; Ord. 3140 § 8, 2015; Ord. 3107 § 2, 2015; Ord. 3047 § 6,  
4807 2014; Ord. 2947 § 8, 2012; Ord. 2490 § 5, 2004; Ord. 2441 § 16, 2003; Ord. 2065 § 9, 1995; Ord. 2052 §  
4808 2, 1995; Ord. 2020 § 21, 1994; Ord. 1879 §§ 7, 8, 1992; Ord. 1766 § 8, 1990; Ord. 1648 § 3, 1988; Ord.  
4809 1575 § 4, 1987; Ord. 1465 § 3, 1985; Ord. 1458 § 7, 1985; Ord. 1445 §§ 4, 5, 1985; Ord. 1430 §§ 1, 2,  
4810 1985; Ord. 1361 § 2, 1983; Ord. 1347 § 1, 1983; Ord. 1182 §§ 1, 2, 1981; Ord. 1119 §§ 5, 6, 1980; Ord.  
4811 1036 § 2, 1979; Ord. 991 §§ 1, 2, 1978; Ord. 964 § 1, 1978; Ord. 748 § 1, 1974; Ord. 407 § 2, 1968)

## 4812 **21.50.210 Additional development standards.**

### 4813 A. Building Height.

4814 1. BTP Zone. For buildings taller than three stories, the floor area to lot area ratio (FAR) shall not  
4815 exceed 0.4, unless specifically allowed by conditional use permit approval. In connection with any  
4816 such conditional use permit approval, the applicant shall demonstrate that the additional floor area  
4817 will not adversely impact traffic flow and volumes on the public streets, as compared to other existing  
4818 or anticipated developments on other properties in the same zone and vicinity.

4819 2. LI Zone. The ~~community-development~~ development and business services director may authorize  
4820 an increase in maximum building height not to exceed eight feet in height from the floor of the roof  
4821 when the applicant demonstrates conformance with the general intent of the chapter.

4822 B. Setbacks for Fences. Fences, walls and hedges up to six feet in height may be located in any portion  
4823 of an industrial-zoned lot as long as the fence is not located within intersection and driveway sight  
4824 distance triangles, does not obstruct driver and pedestrian visibility, and complies with applicable  
4825 Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3).

### 4826 C. Parking Requirements.

4827 1. Required Number of Stalls. Requirements for parking are provided in Chapter 21.18 LMC.

4828 D. Surface Water Management. Each industrial area shall have adequate facilities for management of  
4829 surface water.

4830 E. Development Standards – Cooperative Programs. In the BTP zone, cooperative development of  
4831 adjacent properties is encouraged. LMC 21.46.900(D) provides incentives which should be considered  
4832 when contemplating development, particularly the development of relatively small properties. (Ord. 3326  
4833 § 15, 2019; Ord. 3265 § 5, 2017; Ord. 3140 § 9, 2015; Ord. 2441 § 16, 2003; Ord. 2388 § 47, 2001; Ord.  
4834 2020 § 21, 1994; Ord. 1630 § 7, 1988; Ord. 1465 § 3, 1985; Ord. 1461 § 3, 1985; Ord. 1424 § 3, 1984;  
4835 Ord. 1343 § 5, 1983; Ord. 1052 §§ 1, 2, 1979; Ord. 1036 § 2, 1979; Ord. 888 § 4, 1976; Ord. 638 § 1,  
4836 1972; Ord. 575 § 1, 1970; Ord. 407 § 2, 1968)

## 4837 **21.54.140 Accessory uses.**

4838 Any use may be permitted by the ~~community-development~~ development and business services director  
4839 as an accessory use to a principal use that is allowed in the applicable zone; provided, that the  
4840 ~~community-development~~ development and business services director finds that the proposed accessory  
4841 use is clearly accessory or incidental to the principal use of the property and that the proposed accessory  
4842 use is consistent with the purpose of the applicable zone. A determination made pursuant to this section  
4843 may be appealed through Process II. (Ord. 2977 § 1 (Exh. A), 2013; Ord. 2441 § 18, 2003; Ord. 2205 § 1,  
4844 1998)

## 4845 **21.54.200 Area and dimensional standards.**

4846 The standards in this section shall apply to all structures and nonstructural uses in this zone. No building,  
4847 structure or land shall be established, erected, enlarged or structurally altered, except in conformance  
4848 with these standards and Chapter 21.14 LMC.

4849 A. Table of Standards.

4850 **Table 21.54.1 – Development Standards**  
4851

Site Planning	
Minimum lot area per dwelling unit	2,000 sq. ft.
Minimum setback abutting a street	0 ft.
Maximum setback abutting a street	25 ft. <sup>1</sup>
Minimum setback abutting another property	10 ft.
Maximum building height	no limit <sup>2</sup>
Corner lot – Minimum area of landscaped area at intersection	500 sq. ft.
Minimum pedestrian area at building entries	200 sq. ft.
Minimum setback from any residential zone	25 ft.
Maximum lot coverage	70 percent

4852  
4853 B. Notes.

4854 1. a. Up to 50 percent of a building fronting a street may be set back up to 50 feet to accommodate  
4855 plazas, courtyards, prominent entranceways or other frontage modulation. The areas within such  
4856 additional setbacks are subject to the same landscaping, street furnishing, etc., guidelines otherwise  
4857 required.

4858 b. Single-story, single-tenant buildings greater than 100,000 square feet in gross floor area may  
4859 be exempt from the 25-foot maximum setback requirement if all of the following are met:

4860 i. A pedestrian park or plaza shall be provided at a size at least equivalent to five percent of  
4861 the gross floor area of the building(s). The open space shall be in addition to that required  
4862 under the design review process required by LMC 21.54.150.

4863 ii. A minimum five-foot-wide pedestrian corridor shall be provided from the main building  
4864 entrance to abutting parcels with multifamily residential development.

4865 iii. Parking spaces exceeding the minimum capacity requirements required by Chapter 21.18  
4866 LMC shall be provided in a parking structure that may be above or below ground (i.e., shall  
4867 not be surface parking). Such structure may serve multiple buildings and users.

4868 2. Any portion of a building or structure with a height greater than 35 feet shall be set back from all  
4869 property lines a minimum of one foot for every two feet in height above 35 feet.

4870 C. Additional Standards.

4871 1. Any surface parking lot that is more than 130 feet in any dimension shall have marked pedestrian  
4872 walkways leading to adjacent building entries, subject to approval by the **community development**  
4873 **development and business services** director.

4874 2. Special paving shall be installed and maintained at all driveways and other points of access for  
4875 vehicles to/from a public street. "Special paving" shall include, but is not limited to, bomanite,  
4876 stamped or colored concrete, and concrete pavers. (Ord. 3326 § 16, 2019; Ord. 2977 § 1 (Exh. A),  
4877 2013; Ord. 2441 § 18, 2003; Ord. 2388 § 54, 2001; Ord. 2205 § 1, 1998)

4878 **21.54.220 Parking.**  
4879 For calculating the required number of parking stalls see Chapter 21.18 LMC.

4880 A. Reduction in Parking for a Common Driveway. Owners of adjoining properties will be encouraged to  
4881 enter into agreements to provide for shared access, egress, and parking facilities by allowing a reduction  
4882 of the total parking requirements for such properties. Property owners desiring to take advantage of this  
4883 reduction policy may submit detailed plans to the city, and if such plans are approved by the ~~community~~  
4884 ~~development~~ development and business services director and public works director, the required off-  
4885 street parking for each respective parcel may be reduced, provided:

4886 1. That no reduction shall be more than twice the number of standard sized parking stalls which  
4887 could be accommodated by the actual square footage of parking lot area of each respective parcel  
4888 served by the common driveway;

4889 2. That such reduction in parking will not reduce parking by more than 10 percent of the amount  
4890 otherwise required;

4891 3. A coordinated parking lot layout and landscaping plan is submitted, approved, and conforms to the  
4892 specifications of this code;

4893 4. In circumstances where buildings already exist, that the plans include a reasonable effort to  
4894 coordinate, redesign or refinish the exterior of the buildings in a unified manner so as to improve the  
4895 visual image of the street and vicinity;

4896 5. The plans provided for streets adjoining the properties involved to be improved to city standards,  
4897 including sidewalk, curb, and gutter, or reasonably equivalent guarantee of such improvement are  
4898 provided;

4899 6. Traffic flow is improved through joint use of the same entrances;

4900 7. That the parties owning the properties enter and record into a written agreement recorded with the  
4901 county auditor, defining their rights, duties, reciprocal easements, and providing for maintenance and  
4902 repair in such a manner that the city reasonably assured that the property will have an orderly,  
4903 permanent management, which agreement shall notify persons dealing with the title to said lands  
4904 that the right to reduced parking is conditional upon the continued existence of the common  
4905 driveway; and

4906 8. The city has reviewed consent by all owners that additional building permits on any of the land so  
4907 affected will not be issued by the city unless separate and/or additional parking is provided.

4908 B. Parking Structure Development Standards. Parking structures shall meet the design requirements of  
4909 LMC 21.18.710, Parking structure development standards, except that parking structures screened from  
4910 streets by other buildings need not meet the LMC 21.18.710(C)(5) requirement to set back floors above  
4911 the third floor.

4912 C. Supersede. Applicable parking standards as adopted in Chapter 21.18 LMC shall supersede any  
4913 development standards and requirements of this chapter that may conflict, unless specified otherwise in  
4914 this chapter. (Ord. 2977 § 1 (Exh. A), 2013; Ord. 2441 § 18, 2003; Ord. 2205 § 1, 1998)

4915 **21.57.200 Interpretation.**  
4916 A. All regulations and design guidelines of this zone and the Citywide Design Guidelines (All Districts and  
4917 Commercial Districts) shall apply to properties within the CDM zone. In the event of conflict between  
4918 requirements, the provisions of the CDM zone and its design standards shall prevail.

4919 B. Land uses not specifically listed in the following sections may be allowed when determined by the  
4920 director of ~~community development~~ development and business services to be compatible with the listed  
4921 uses and consistent with the intended development of the district. (Ord. 3216 § 3, 2016; Ord. 2433 §  
4922 1(Exh. A), 2002. Formerly 21.57.300)

4923 **21.57.300 Land uses.**

4924 A. Principal Uses Permitted Outright (Square Footage Calculations Are Individual to a Use and Not  
4925 Cumulative for a Building).

- 4926 1. College and university buildings, support services and college accessory facilities.
- 4927 2. Library.
- 4928 3. Public transit stops and stations.
- 4929 4. Retail store or service business under 5,000 square feet GFA per tenant.
- 4930 5. Offices or clinics.
- 4931 6. Food and beverage service businesses under 4,000 square feet GFA.
- 4932 7. Multiple-family dwellings (including senior housing):
  - 4933 a. Maximum density: 43 units per net acre;
  - 4934 b. Minimum density: 20 units per net acre;
  - 4935 c. Density may be less than minimum if residential units are combined with other uses in same  
4936 building or on same lot.
- 4937 8. Electric vehicle charging station, Level 1, Level 2 and Level 3, if accessory to a permitted use.
- 4938 9. Arts or performance facilities.
- 4939 10. Child day-care center (13 or more children) per LMC 21.42.110(E).
- 4940 11. Boarding house, dormitory or other group residential facilities suitable for students.
- 4941 12. Inn, hotel, or similar transient lodging.
- 4942 13. Battery exchange station (electric vehicle), and only if accessory to a permitted use.
- 4943 14. Single-family residences, including home occupations, subject to the development standards set  
4944 forth for the RS-7 zone in LMC 21.42.200, Table 21.42.02.
- 4945 15. Land uses not specifically listed above may be allowed when determined by the director of  
4946 ~~community development~~ development and business services to be compatible with the listed uses  
4947 and consistent with the intended development of the district.

4948 B. Prohibited Uses.

- 4949 1. Marijuana and marijuana-infused products retail sales, processing or production.
- 4950 2. Medical marijuana collective gardens.
- 4951 3. Supervised drug consumption facilities.
- 4952 4. The following uses are prohibited unless their sites have frontage on and access to 196th Street  
4953 SW and 64th Avenue W:

4954 a. Gas stations, car washes, auto parts stores, auto repair and maintenance and similar auto-  
4955 related uses.

4956 b. Drive-through facilities. (Ord. 3305 § 11, 2018; Ord. 3216 § 4, 2016; Ord. 3136 § 11, 2015;  
4957 Ord. 3047 § 10, 2014; Ord. 2433 § 1(Exh. A), 2002. Formerly 21.57.400)

4958 **21.60.300 Uses prohibited in city center zones.**  
4959 All uses shall be allowed in the city center zones unless specifically prohibited below:

4960 A. Prohibited in all city center zones:

4961 1. Adult establishments;

4962 2. Billboards;

4963 3. Industrial uses (excluding management, research and development, and sales operations);

4964 4. Outdoor storage or display of materials and equipment (except during construction) except as  
4965 provided for in subsection (A)(10) of this section;

4966 5. Auto-oriented uses, including:

4967 a. Vehicle washing;

4968 b. Drive-throughs, including drive-up windows and drive-up kiosks, unless within an enclosed  
4969 parking structure;

4970 c. Vehicle repair;

4971 d. Battery exchange station (electric vehicles);

4972 e. Battery charging station (electric vehicle), Level 1, Level 2 or Level 3 (unless contained within  
4973 an enclosed parking structure or attached to the exterior of a building containing a principal use);

4974 f. Gasoline service stations;

4975 g. Rental car agencies with outdoor fleet;

4976 h. Outdoor sales of boats, vehicles or equipment;

4977 6. Sewage treatment plants;

4978 7. Work release facilities;

4979 8. Wrecking yards;

4980 9. Secure community transition facilities;

4981 10. Uses not contained within a building except:

4982 a. Accessory outdoor dining;

4983 b. Accessory outdoor display of merchandise up to a maximum of 200 square feet and where  
4984 the display only occurs during business hours;

4985 c. Temporary special events; or

4986 d. Accessory outdoor recreation areas, in an amount not greater than the gross floor area of the  
4987 principal use it serves, not to exceed one-half acre;

- 4988 11. Self-service storage facilities;
- 4989 12. Marijuana and marijuana-infused products retail sales, processing or production;
- 4990 13. Medical marijuana collective gardens;
- 4991 14. Dry cleaning and laundry plants (with the exception of dry cleaning and laundry, self-service and  
4992 pick-up stations and incidental cleaning as an in-house service);
- 4993 15. Outdoor commercial recreation and entertainment, including stadiums, race tracks, outdoor  
4994 theaters, swimming pools, golf courses;
- 4995 16. Overnight campgrounds;
- 4996 17. Retail lumber yards;
- 4997 18. Assembly of glass, light metal, plastic, electronic, electrical or wood parts, which are extracted,  
4998 stamped, manufactured or shaped elsewhere, not precluding minor processes such as cutting or  
4999 drilling;
- 5000 19. Bottling or packaging plants (except as incidental to a brewery or winery);
- 5001 20. Greenhouses, plant nurseries and agriculture;
- 5002 21. Outdoor fresh fruit, vegetable or produce stands (except for temporary uses such as farmers  
5003 markets or accessory to a principal use contained within a building);
- 5004 22. Warehouses of 10,000 square feet or less;
- 5005 23. Distribution centers;
- 5006 24. Drive-in and drive-through restaurants;
- 5007 25. Detached single-family or manufactured homes;
- 5008 26. Detached wireless communication facilities (wireless attached facilities are allowed subject to  
5009 LMC 21.46.110);
- 5010 27. Supervised drug consumption facilities; and
- 5011 28. Any other uses similar to those listed above or any other use determined by the ~~community~~  
5012 ~~development~~ development and business services director to be inconsistent with the intent of the city  
5013 center zones as described in this chapter and the city center subarea plan. Appeals of the ~~community~~  
5014 ~~development~~ development and business services director's decision shall be processed as a  
5015 Process II application (LMC 1.35.200).
- 5016 B. Additionally, prohibited in the portion of the city center – core zone (CC-C) that is north of 194th St.  
5017 SW:
- 5018 1. Multifamily residential. (Ord. 3336 § 3, 2019; Ord. 3305 § 12, 2018; Ord. 3258 § 24, 2017; Ord.  
5019 3136 § 13, 2015; Ord. 2937 § 7, 2012; Ord. 2554 § 5, 2005)
- 5020 **21.60.400 Basic development standards.**
- 5021 A. Height.
- 5022 1. Minimum Building Height. The intent is that the city center zones accommodate dense urban form  
5023 development. All new development shall be built to at least the minimum building height of three  
5024 stories and no less than 30 feet; provided, that uses predominantly characterized as places of public  
5025 assembly featuring auditoriums or meeting facilities, including but not limited to religious institutions,

5026 movie or performing arts theaters, symphony halls and convention facilities, shall have a minimum  
5027 building height of 30 feet and no minimum story requirement. However, due to current economic  
5028 conditions, in the first five years from the date of adoption of the ordinance codified in this chapter,  
5029 this requirement is waived and, if conditions are not improved beyond this five-year period, the city  
5030 council may extend this waiver further.

5031 a. Exception. A single-story building shall be permitted adjacent to or within a park as identified  
5032 by the City Center Parks Master Plan. Such structure shall be approved by a development  
5033 agreement.

5034 2. Maximum Building Height.

5035 a. In the city center – core (CC-C) zone, the maximum building height shall be 350 feet, except  
5036 as follows:

5037 i. From the centerline of 196th St. SW north up to but not exceeding a distance of 360 feet,  
5038 the maximum building height of any portion of a building shall be 240 feet.

5039 ii. North of a line 360 feet north of the centerline of 196th St. SW, the maximum building  
5040 height of any portion of a building shall be 130 feet.

5041 iii. Notwithstanding the above subsections, the maximum height of any portion of a building  
5042 150 feet or less from a residential zone shall be 35 feet.

5043 b. In the city center – west (CC-W) and city center – north (CC-N) zones, the maximum building  
5044 height shall be 140 feet, except as follows:

5045 i. The maximum height of any portion of a building 150 feet or less from a residential zone  
5046 shall be 35 feet.

5047 3. Mechanical penthouses, stair/elevator overruns, and antennas shall be excluded from building  
5048 height calculation, provided they are no more than 20 feet above the roof deck.

5049 4. Building height may be increased by up to 20 percent for a nonhabitable, architectural roofline  
5050 element. This allowance does not apply within 150 feet from a residential zone or in the city center –  
5051 core zone (CC-C) where the maximum height is less than 350 feet.

5052 B. Setbacks.

5053 1. From Streets.

5054 a. To permit the widening of city center streets without creating nonconforming situations or the  
5055 need to impact buildings, all buildings shall be located at the property line established by the  
5056 future street right-of-way contained in Table 21.60.4 utilizing the fronting street for fire access  
5057 except as permitted otherwise in this chapter, the city center design guidelines or unless there is  
5058 or will be a building between such building and the future street right-of-way. In exceptions  
5059 where buildings do not utilize the street for fire access, a circulating fire lane may be required.

5060 b. Buildings may be set back from the street for the purpose of providing public plazas as a FAR  
5061 bonus feature and as required by the city center design guidelines. The public plaza may exceed  
5062 the minimum open space/public plaza size requirement provided in the design guidelines. Up to  
5063 30 percent of any building's street frontage per street may be set back from the setback line to  
5064 accommodate a public plaza. Open space/public plaza space may be combined at intersections.

5065 c. To allow buildings to be set back from wider streets, buildings along boulevard streets may be  
5066 set back up to 17 feet from the property line established by the future street right-of-way  
5067 provided in Table 21.60.4 subject to the following requirements:



- 5068 i. The boulevard street shall be utilized as the fire lane. No setback shall be allowed that  
5069 would result in requiring a fire lane between the building and the street.
- 5070 ii. The setback shall be utilized only for open space/public plazas complying with subsection  
5071 (B)(1)(b) of this section and the city center design guidelines.
- 5072 2. Interior Side. None required.
- 5073 3. Interior Rear. None required.
- 5074 C. Building Frontage.
- 5075 1. Less Than 100 Feet of Frontage. The minimum building frontage length shall be less the space  
5076 required to provide a drive aisle to service the site. If no drive aisle is provided the minimum frontage  
5077 shall be 65 of percent the length of the abutting property line.
- 5078 2. One Hundred Feet of Frontage or Greater. The minimum building frontage length shall be 70  
5079 percent of the length of the abutting property line. This length may be reduced at the discretion of the  
5080 ~~community development~~ development and business services director to accommodate required fire  
5081 access or drive aisles leading to parking areas.
- 5082 3. Panhandle Lots and Landlocked Lots. Properties that only have access to a public or private right-  
5083 of-way through a panhandle or have no property line adjacent to a public or private right-of-way are  
5084 not required to provide building frontage.
- 5085 D. Floor Area Ratio.
- 5086 1. Basic Allowable Floor Area Ratio. The basic floor area ratio (FAR) of buildings in the city center  
5087 shall be limited as shown in Table 21.60.1. The bonuses are described in subsection (D)(2) of this  
5088 section.

5089 **Table 21.60.1: Floor Area Ratio (FAR)**  
5090

Maximum FAR		District		
		CC-C	CC-W	CC-N
Maximum allowable "as of right" for existing nonconforming sites and structures	Nonresidential	0.5	0.5	0.5
	Residential	1.0	1.0	1.0
Maximum allowable FAR "as of right" for new development	Nonresidential	2.0	2.0	2.0
	Residential	3.0	3.0	3.0
Maximum with bonuses	Nonresidential	8.0	3.0	3.0
	Residential	10.0	5.0	5.0

5091 Notes:

- 5092 a. Floor area is measured to the inside face of exterior walls.  
5093 b. The following uses shall be excluded from floor area calculation:

- 5094 • Space underground (e.g., basements);  
5095  
5096 • Space dedicated to parking;  
5097 • Floor area devoted to rainwater collection;  
5098 • Floor area devoted to gray water collection/storage/distribution;

- 5099 • Floor area devoted to waste recovery/separation;
- 5100 • Floor area devoted to service areas (such as storage areas, closets, and restrooms);
- 5101 • Balconies, patios, breezeways and decks without a solid cover;
- 5102 • Air spaces within buildings such as vaulted ceilings. More specifically, the floor area shall be counted as actual floor
- 5103 area only and not in the air spaces above;
- 5104 • Space used as FAR bonus feature (see Table 21.60.2);
- 5105 • Privately owned land area for the Promenade Walkway.
- 5106 c. Allowable FAR for nonresidential and residential uses shall be added together for the respective use
- 5107 types within a mixed use residential project, to provide for a combined FAR total.
- 5108 d. Hotels shall be considered nonresidential for the purpose of this chart.
- 5109 e. In situations where both conforming and nonconforming development are located on a site, the
- 5110 maximum FAR for conforming and nonconforming development may be combined, but each shall be
- 5111 limited to their respective FAR per Table 21.60.1. (For example, without bonus features, conforming
- 5112 development FAR maximum is 2.0; nonconforming FAR maximum is 0.5. Conforming development on the
- 5113 site may have a maximum FAR of 2.0; nonconforming maximum FAR of 0.5.)
- 5114 2. FAR Bonus. The FAR at a property may be increased above the amount permitted “as of right”
- 5115 shown in Table 21.60.1 by including any of the features listed in Table 21.60.2 into development of
- 5116 the property.

**Table 21.60.2: Bonus Features Allowing Increased Floor Area Ratio**

Bonus Features	Feature Requirements	Additional Floor Area for Each Feature
LEED Silver or similar certification elements	Checklist stamped by the project architect illustrating LEED Silver or similar certification elements have been incorporated into project.	10 percent increase in total floor area for meeting LEED Silver certification standards (or similar) or above.
LEED Gold or similar certification elements	Checklist stamped by the project architect illustrating LEED Gold or similar certification elements have been incorporated into project.	25 percent increase in total floor area for meeting LEED Gold certification standards (or similar) or above.
LEED Platinum or similar certification elements	Checklist stamped by the project architect illustrating LEED Platinum or similar certification elements have been incorporated into project.	40 percent increase in total floor area for meeting LEED Platinum certification standards (or similar) or above.
Office use above the ground floor		2 sq. ft. of floor area for each sq. ft. of office use above the ground floor.
Parking, underground		2 sq. ft. of floor area for each sq. ft. of parking below grade.
Parking, structured		1 sq. ft. of floor area for each sq. ft. of structured parking above grade.
Public plaza	Provision of public plaza in excess of the requirement identified in the city center design guidelines.	5 sq. ft. of floor area for each sq. ft. of plaza above the amount required by the city center design guidelines.
Promenade Walkway (along public right-of-way)	Portions or all of the Promenade Walkway that are adjacent to or near and parallel to the public right-of-way or are located within the public right-of-way. (Access easement dedication where on private property to the public must be recorded with approved maintenance provisions.) The Promenade Walkway must conform to the design guidelines.	5 sq. ft. of floor area for each sq. ft. of Promenade.

Bonus Features	Feature Requirements	Additional Floor Area for Each Feature
Promenade Walkway (bisecting large blocks)	Promenade Walkway providing a connection through a large block not adjacent to or in the public right-of-way. However, up to 5 percent of the project's Promenade Walkway (bisecting large blocks) can be adjacent to or within the public right-of-way and still receive 20 sq. ft. of floor area bonus. (Access easement dedication to the public must be recorded with approved maintenance provisions.) The Promenade Walkway must conform to the design guidelines.	20 sq. ft. of floor area for each sq. ft. of Promenade.
Residential use (single purpose building)	Residential development granted as bonus square footage cannot be used to achieve additional square foot bonus.	2 sq. ft. of floor area for each sq. ft. of residential use.
Residential use in vertically mixed use building	Residential development granted as bonus square footage cannot be used to achieve additional square foot bonus.	4 sq. ft. of floor area for each sq. ft. of residential use if the development is vertical mixed use.
Street level retail	See definition (LMC 21.60.100(L)).	200 sq. ft. of floor area for each linear foot of retail frontage.

### 3. Change of Use and Continuation of Bonus.

a. FAR bonuses granted based on the use of the building (e.g., office use, residential use, street level retail) and use of an area (e.g., Promenade Walkway or public plaza) shall be acknowledged in a document recorded in a form acceptable to the city with the Snohomish County auditor's office. The document shall also reflect the requirement in subsection (D)(3)(b) of this section.

b. If a business, activity or feature that supported a FAR bonus under this section is terminated, that use shall either be replaced by another use or feature of the same type (as listed in Table 21.60.2) or by another use that qualifies for an equal (or greater) FAR bonus. Alternatively and only in the case of a bonus use terminating, the property owner may request approval of a substitute method to qualify for the FAR bonus. Such substitution shall be subject to the approval of the ~~community development~~ development and business services director, who shall approve the substitution if he/she finds that the proposed substitution complies with this section and chapter. Appeals of the ~~community development~~ development and business services director's decision shall be processed as a Process II application (LMC 1.35.200).

E. Parking Ratios. Notwithstanding Chapter 21.18 LMC, off-street parking shall be provided in conformance with Table 21.60.3 and the regulations in this subsection.

**Table 21.60.3: Required Off-Street Parking**

Use Type	Minimum	Maximum
Retail, personal services and offices serving customers on site	3 stalls/1,000 gross floor area (gfa)	4 stalls/1,000 gfa
Offices, not serving customers on site	2 stalls/1,000 gfa	4 stalls/1,000 gfa
Residential	0.5 stalls per unit	3 stalls per unit
Senior housing	0.25 stalls per unit	1 stall per unit
Restaurant	1 stall per 4 seats	2 stalls per 4 seats

Use Type	Minimum	Maximum
Hotels, motels or other overnight accommodations	1 stall per room, plus additional parking in accordance with this table for other businesses or facilities associated with the hotel or motel	1.5 stalls per room, plus additional parking in accordance with this table for other businesses or facilities associated with the hotel or motel
Institutional uses	20 percent less than required in Table 21.18.03	Same as required in Table 21.18.03
Places of assembly	20 percent less than required in Table 21.18.06	Same as required in Table 21.18.06
Entertainment/recreational activities	20 percent less than required in Table 21.18.07	Same as required in Table 21.18.07
Other uses	20 percent less than required in Table 21.18.11	Same as required in Table 21.18.11

Notes:

1. Parking requirements for permitted uses not listed in Table 21.60.3 shall be determined by a study of parking demand for that use.
2. Uses sharing a common parking facility that is accessible to all respective uses may reduce the required number of stalls by 40 percent.
3. Parking may be located off site, so long as it is within 1,000 feet of the property (measured along public sidewalks or walkways), is connected to the property by sidewalks or walkways, and is tied to the site by a contractual agreement that is filed with the city and deed of record at the county.
4. All developments with more than 50 parking spaces shall provide a minimum of one dedicated and signed carpool/vanpool space. All developments with more than 100 parking spaces shall provide a minimum of two dedicated and signed carpool/vanpool spaces.
5. The ~~community-development~~ development and business services director may allow ratios higher than the maximums allowed if a parking demand study for a particular development indicates that additional parking is needed and a parking demand management program would not be effective. Appeals of the ~~community-development~~ development and business services director's decision shall be processed as a Process II application (LMC 1.35.200).

F. Bicycle Facilities.

1. All nonresidential developments providing 20 or more parking stalls shall be required to provide at least one bicycle stall for every 20 vehicular parking stalls, up to a maximum of 20 bicycle stalls. Bicycle stalls may be storage lockers or bicycle racks/stands.

2. Bicycle stalls shall be located either inside of a building or outside within 100 feet of a building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement or to a structure. It is not necessary for all on-site bicycle stalls to be located in one central location. Bicycle stalls may be located within vehicular parking areas.

3. One indoor bicycle stall shall be provided for every four dwelling units in multifamily residential uses, with the exception of senior housing, unless individual garages are provided for every unit.

G. Service Areas.

1. Exterior service areas shall not be located within 30 feet of a residential-zoned property. Service areas include but are not limited to: loading docks, trash dumpsters, compactors, all equipment, dedicated parking or serving areas, refuse and recycling areas, and mechanical equipment areas.

2. Exterior service areas shall be located within the dedicated parking areas.

3. All exterior refuse and recycling shall be enclosed on three sides within masonry walls with a minimum height of seven feet that shall match or complement the exterior materials of primary building(s) and be covered by a roof. Enclosure doors shall be provided and shall not be constructed of wood or chain link (with or without slats).

H. Fire Standards.

5176 1. To eliminate private land devoted to fire lanes between the building and the right-of-way, all new  
5177 development in the city center shall be constructed with sprinklers regardless of size. (Ord. 3336 § 5,  
5178 2019; Ord. 3192 § 8, 2016; Ord. 2937 § 8, 2012; Ord. 2554 § 6, 2005)

5179 **21.60.700 Nonconforming structures, sites and uses.**

5180 It is expected that much development within the city center will be as a result of renovations and  
5181 expansions as much as entirely new development, especially in the years before 2015 or 2020. It is not  
5182 the intent of the city to discourage such development, as new investment should enhance the image and  
5183 appeal of the city center. However, it is also necessary to ensure that all forms of development contribute  
5184 positively to the character and quality of the area. The general principle to be applied is that changes to  
5185 nonconforming conditions should not increase the degree of the nonconformity, but rather move the site  
5186 and its uses and buildings towards greater conformity. Given the location and configuration of current  
5187 buildings, application of all design standards may not be possible or practical; however, every effort  
5188 should be made to comply with such standards for the portions of sites and buildings in proximity to the  
5189 alterations being made. This section supersedes Chapter 21.12 LMC.

5190 A. Nonconforming Uses. Any prohibited uses legally existing at the time of the adoption of the ordinance  
5191 codified in this chapter shall be considered "legal nonconforming uses." Such uses are not permitted to  
5192 expand. Exterior landscaping, facade improvements, or interior upgrades are permitted.

5193 B. Nonconforming Sites. Throughout the city center, there are many properties where site development  
5194 existing at the time of the adoption of the ordinance codified in this chapter does not comply with the site  
5195 design standards and guidelines in this chapter. Certain types of minor changes to existing site  
5196 development would not trigger compliance with the development standards and design guidelines in this  
5197 chapter, such as restriping of stalls, and new or altered signage or lighting or renovation of landscaping.  
5198 Any other site improvements, exterior renovation or expansion of building footprints shall incorporate site  
5199 design features that bring the site more into compliance with the standards of the city center design  
5200 guidelines regardless of whether or not the site improvements, renovation, and/or expansion triggers the  
5201 design review process requirement per LMC 21.60.600.

5202 C. Nonconforming Buildings. Throughout the city center, there are many buildings and other structures  
5203 existing at the adoption of the ordinance codified in this chapter that do not comply with the building  
5204 standards and guidelines in this chapter. In keeping with the general principle that changes to  
5205 nonconforming conditions should not increase the degree of the nonconformity, but rather move the site  
5206 and its uses and buildings towards greater conformity, the following shall apply:

5207 1. Exterior renovation of buildings and structures shall not increase the degree of nonconformance.

5208 2. All expansion of building footprints or increases in building height shall incorporate standards that  
5209 bring the building more into compliance with the requirements of this chapter and the city center  
5210 design guidelines regardless of whether or not the expansion is subject to the design review process  
5211 requirement per LMC 21.60.600.

5212 3. When practicable, as determined by the ~~community development~~ development and business  
5213 services director, the expansion of building footprints shall locate towards the property line of the  
5214 future street right-of-way as described in Table 21.60.4. Appeals of the ~~community development~~  
5215 development and business services director's decision shall be processed as a Process II application  
5216 (LMC 1.35.200).

5217 4. Compliance with standards shall be localized to the area of the building being altered. Particular  
5218 emphasis shall be given to the provision of pedestrian amenities oriented towards the street. For  
5219 example, if a building is expanded towards the street, elements such as building design features and  
5220 transparency, parking lot landscaping and pedestrian connections to the sidewalk are expected to be  
5221 accomplished.

5222 5. For buildings that are demolished, the replacement structure shall be considered new  
5223 development.

5224 D. Alternative Process for Compliance. The ~~community-development~~ development and business services  
5225 director may approve a plan and design for alteration of a nonconforming site or building that does not  
5226 fully comply with the requirements of subsections (B) and (C) of this section if the director finds that the  
5227 alternative plan and design provides overall a greater degree of compliance with the principles of this  
5228 section (as stated above). Appeals of the ~~community-development~~ development and business services  
5229 director's decision shall be processed as a Process II application (LMC 1.35.200). (Ord. 2937 § 12, 2012;  
5230 Ord. 2554 § 10, 2005)

5231 **21.60.800 Maximum amount of development in city center.**

5232 In no case shall the total amount of development (including all land uses) in the city center exceed 9.1  
5233 million square feet. (Ord. 2937 § 13, 2012; Ord. 2554 § 11, 2005)

5234 **21.61.250 Permitted uses.**

5235 A. Uses.

- 5236 1. Multifamily dwellings.
- 5237 2. Hotel/motel.
- 5238 3. Offices (all types).
- 5239 4. Personal care services (i.e., barber, hair salon, nail salon, tanning, etc.).
- 5240 5. Banks and other financial institutions.
- 5241 6. Medical clinics.
- 5242 7. Hospitals.
- 5243 8. Veterinarian clinic (may include boarding of and day care for small animals, provided all on-site  
5244 activities are enclosed in a building).
- 5245 9. Retail, but in the area between 36th Avenue W and 33rd Avenue W, up to 50,000 square feet per  
5246 building.
- 5247 10. Eating and drinking establishments, including outdoor dining as an accessory use.
- 5248 11. Colleges, universities, trade and professional schools, technical and vocational schools.
- 5249 12. Athletic clubs and facilities.
- 5250 13. Municipal services.
- 5251 14. Research and development.
- 5252 15. Assembly of wood, light metal, glass, electronic, electrical or plastic parts or components which  
5253 are extruded, stamped, manufactured, shaped, or prepared elsewhere, not precluding minor  
5254 processes such as cutting, drilling, soldering, or minor welding.
- 5255 16. Printing, publishing and electronic media businesses such as copy centers.
- 5256 17. Testing, servicing and repairing of goods.
- 5257 18. Clubhouse and fraternal, social, recreation and other not-for-profit associations.
- 5258 19. Libraries, museums, and similar cultural uses.
- 5259 20. Wireless communication facilities (attached).

- 5260 21. Child day care.
- 5261 22. Live/work spaces.
- 5262 23. Cold storage.
- 5263 24. Radio/TV stations.
- 5264 25. Land uses not specifically listed in this section may be allowed when determined by the  
5265 ~~community development~~ development and business services director to be compatible with the listed  
5266 uses and consistent with the purpose of the Alderwood-city center transition area zone. The  
5267 director's written decision is subject to appeal per LMC 1.35.200 (Process II).
- 5268 B. Uses Allowed by Conditional Use Permit.
- 5269 1. Wireless communication facilities (not attached).
- 5270 C. Allowed Accessory Uses.
- 5271 1. Self-storage. Self-storage may occupy up to 20 percent gross floor area of multi-story buildings. All  
5272 related outdoor display or storage is prohibited. (Ord. 3077 § 2 (Exh. A), 2014)
- 5273 **21.61.600 Nonconforming uses and structures.**
- 5274 It is expected that much development within the ACC zone will be as a result of renovations and  
5275 expansions as much as entirely new development. It is not the intent of the city to discourage such  
5276 development, as new investment should enhance the image and appeal of the ACC. However, it is also  
5277 necessary to ensure that all forms of development contribute positively to the character and quality of the  
5278 area. The general principle to be applied is that changes to nonconforming conditions should not increase  
5279 the degree of the nonconformity, but rather move the site and its uses and buildings towards greater  
5280 conformity. Given the location and configuration of current buildings, application of all design standards  
5281 may not be possible or practical; however, every effort should be made to comply with such standards for  
5282 the portions of sites and buildings in proximity to the alterations being made. This section supersedes  
5283 Chapter 21.12 LMC.
- 5284 A. Nonconforming Uses. Any "prohibited" uses legally existing at the time of the adoption of the ordinance  
5285 codified in this chapter shall be considered "legal nonconforming uses." Such uses are not permitted to  
5286 expand. Exterior landscaping, facade improvements, repair/maintenance or interior upgrades are  
5287 permitted.
- 5288 B. Nonconforming Sites. Throughout the ACC zone, there are many properties where site development  
5289 existing at the time of the adoption of the ordinance codified in this chapter does not comply with the site  
5290 design standards and guidelines in this chapter. Certain types of minor changes to existing site  
5291 development would not trigger compliance with the development standards and design guidelines in this  
5292 chapter, such as restriping of parking stalls, and new or altered signage (see Chapter 21.16 LMC) or  
5293 lighting or renovation of landscaping. Any other site improvements, exterior renovation or expansion of  
5294 building footprints shall incorporate site design features that bring the site more into compliance with the  
5295 standards of the transition area design guidelines, regardless of whether or not the site improvements,  
5296 renovation and/or expansion is subject to the design review requirements per LMC 21.61.300.
- 5297 C. Nonconforming Buildings. Throughout the ACC zone, there are buildings and other structures existing  
5298 at the adoption of the ordinance codified in this chapter that do not comply with the regulations in this  
5299 chapter and transition area design guidelines. Expansion of building footprints or increases in building  
5300 height of such structures shall incorporate standards that bring the site and building more into compliance  
5301 with the requirements of this chapter and the ACC zone design guidelines. Compliance shall be localized  
5302 to the area of the building being altered. Particular emphasis should be given to the provision of  
5303 pedestrian amenities oriented towards the streets. For example, if a building is expanded towards the



street, elements such as parking lot landscaping and pedestrian connections to the sidewalk are expected to be accomplished.

D. Alternative Process for Compliance. The ~~community-development~~ development and business services director may approve a plan and design for alteration of a nonconforming site or building that does not fully comply with the requirements of subsections (B) and (C) of this section if the director finds that the alternative plan and design provides overall a greater degree of compliance with the principle of this section (as stated above). Appeals of the ~~community-development~~ development and business services director's decision shall be processed as a Process II application (LMC 1.35.200). (Ord. 3077 § 2 (Exh. A), 2014)

#### **21.62.400 Development standards.**

A. Building to Site Relationships. Development shall meet the following standards:

**Table 21.62.01**

	Development Level		
	1	2	3
	Sites with nonresidential development only and less than 2 acres in size	Sites with nonresidential development only, on sites 2 acres or greater in size OR sites of any size with residential development of less than 20 dwelling units/acre	Sites with residential/mixed use development or residential-only development with 20 dwelling units/acre or more of residential development
Development Standard			
Minimum Setbacks*:			
Public Street:	None	None	None
Interior Property Lines:	None	None	None
Ground Floor Residential Units*:	–	10 ft.	10 ft.
Minimum Sidewalk Width Along Public Streets:	12 ft.	12 ft.	12 ft.
Maximum Lot Coverage:	25%	35%	None
Maximum Building Height:	35 ft.	50 ft.	90 feet, not to exceed six stories
Minimum Dwelling Units/Acre**	NA	NA	20 DU/A
Maximum Floor-Area Ratio	0.5	1.0	3.0

**Notes:**

\* See LMC 21.62.450 for development adjacent to a residential zone (transitional property lines).

+ Applies to residential projects only; setback is from all public rights-of-way, internal circulation (vehicle, bicycle, pedestrian), parking areas, or access easements. Alternatively, where vision-obscuring glass is installed, the setback may be eliminated.

++ The minimum number of residential units to qualify for this level shall be calculated using the entire project site. Where residential development is part of redevelopment of one or more parcels, this calculation shall be based only on the portion of the parcel(s) being redeveloped. Fractional portions of a unit are "rounded up" for this calculation.

B. Minimum Size of Structures with Residential Dwelling Units. Residential development is encouraged as part of development of parcels in this zone, but it is not required. Where development of one or more parcels in this zone includes new residential development, the residential development shall comply with the following standard: the minimum height of a structure with residential units shall be three stories above grade.



- 5330 C. Parking and Vehicle Circulation. Off-street parking for uses in this zone shall be provided and  
5331 maintained consistent with the regulations in Chapter 21.18 LMC and LMC 21.46.900(D), with the  
5332 following exceptions:
- 5333 1. New residential development will have a minimum requirement of one parking space per dwelling  
5334 unit. Surface parking is limited to a maximum of two parking spaces per dwelling unit; additional  
5335 parking for residential development shall be located in a parking structure. Tandem parking may be  
5336 used to meet residential parking requirements, provided both spaces are assigned to the same  
5337 dwelling.
- 5338 2. New multistory commercial development that is not part of a mixed use development with  
5339 residential units at a minimum density of 20 units/acre shall provide at least 50 percent of the parking  
5340 required for upper stories (any story above the first story) in a parking structure.
- 5341 3. Parking for commercial and other nonresidential uses in a mixed use development with residential  
5342 units shall be provided at a minimum rate of three parking spaces per 1,000 square feet of leasable  
5343 building area (i.e., not including service corridors, ventilation shafts, sprinkler riser rooms or the like)  
5344 dedicated to commercial or nonresidential uses. Parking for institutional uses and hotels/motels shall  
5345 be provided as set forth in Chapter 21.18 LMC. See Chapter 21.18 LMC for allowed reductions in  
5346 required parking for nonresidential uses. Tandem parking is not permitted for nonresidential uses.
- 5347 4. A parking structure may be located either above or below ground, and may either be attached to a  
5348 new or existing building or may be freestanding. Parking structures shall meet the requirements on  
5349 Chapter 21.08 LMC.
- 5350 a. Setback. Parking structures located along streets which are not "designated side streets" (as  
5351 defined in the Highway 99 Design Guidelines) shall provide a landscaping area between the  
5352 structure and the street which is a minimum of 25 feet wide.
- 5353 b. Design. The parking structure shall comply with the Highway 99 design guidelines.
- 5354 c. Vehicle Access. No parking structure entry/exit driveway shall have more than three lanes  
5355 unless exceptional traffic conditions or congestion require an additional drive lane. In no case  
5356 shall the number of lanes exceed four.
- 5357 d. Pedestrian Connections. The design of pedestrian connections or pathways from a parking  
5358 structure to the building(s) for which it provides parking shall clearly delineate and separate the  
5359 pedestrian way from travel areas for vehicles.
- 5360 D. *Repealed by Ord. 3326.*
- 5361 E. Nonresidential Open Space.
- 5362 1. New nonresidential development subject to project design review under this chapter and with at  
5363 least 20 units/acre of residential development shall include on-site pedestrian-oriented open space at  
5364 least equal to one percent of the lot area plus one percent of new nonresidential floor area. Where  
5365 pedestrian-oriented facades are required by the design guidelines, the facade(s) shall be oriented  
5366 towards the required open area. These requirements are in addition to the open space required for  
5367 residential units, if any. The open space may be in the form of wider sidewalks (beyond the  
5368 minimum), cafe seating areas, gardens, plazas or play areas.
- 5369 2. New nonresidential development subject to project design review under this chapter and not  
5370 including residential development of 20 units/acre shall include on-site pedestrian-oriented open  
5371 space at least equal to two percent of the lot area plus two percent of new nonresidential floor area.  
5372 Where pedestrian-oriented facades are required by the design guidelines, the facade(s) shall be  
5373 oriented towards the required open area. These requirements are in addition to the open space

5374 required for residential units, if any. The open space may be in the form of wider sidewalks (beyond  
5375 the minimum), cafe seating areas, gardens, plazas or play areas.

5376 F. Residential Open Space. All developments with multiple-family dwelling units shall provide recreational  
5377 space (for use by residents of the development) equal to at least 10 percent of the building living area  
5378 (not counting corridors, lobbies, storage, service space, and similar service areas), as follows (in mixed  
5379 use developments, this requirement is in addition to the nonresidential open space required under  
5380 subsection (E) of this section):

5381 1. Common open space may be used for all of the required open space. Common open space  
5382 includes landscaped courtyards or decks, gardens with pathways, children's play areas, or other  
5383 multipurpose green spaces. In addition:

5384 a. Minimum required setback areas shall not count towards the open space requirement;

5385 b. Minimum required landscaping areas shall not count towards the open space requirement;

5386 c. Common open spaces shall be a minimum size of 1,000 square feet each with a minimum  
5387 dimension of 20 feet on all sides except where the ~~community development~~ development and  
5388 business services director determines that the proposed space is functional for appropriate  
5389 active or passive recreational uses.

5390 2. Individual balconies and patios may be used to meet up to 50 percent of the required open space.  
5391 To qualify as open space, balconies/patios must be at least 35 square feet with no dimension less  
5392 than five feet.

5393 3. Space at rooftop decks may count for up to 50 percent of the required open space, provided:

5394 a. Space shall be accessible (ADA) to/from all dwelling units;

5395 b. Space shall provide amenities such as seating areas, landscaping, and/or other features that  
5396 encourage recreational use;

5397 c. Space shall feature a maximum of 75 percent hard surfacing appropriate to encourage  
5398 resident use;

5399 d. Space shall incorporate features that provide for the safety of residents, such as railings,  
5400 enclosures and appropriate lighting levels. Lighting shall be of pedestrian scale and shall not  
5401 project past the roofline to neighboring properties.

5402 4. Indoor recreational areas may count for up to 50 percent of the required open space only in mixed  
5403 use buildings where other forms of open space are less feasible. Indoor areas shall be designed  
5404 specifically to serve interior recreational functions.

5405 G. Fences and Retaining Walls.

5406 1. Permitted fences, except as provided below.

5407 a. Fences up to three feet in height are permitted.

5408 b. Fences up to six feet in height are allowed along side and rear property lines (provided they  
5409 are not parallel to a public right-of-way) and to enclose allowed service areas, storage areas,  
5410 and other spaces.

5411 2. Prohibited Fences.

5412 a. Chain-link fences.

5413           b. Electric fences.

5414           c. Barbed wire and razor fencing.

5415           d. Wood fences (manufactured wood products are acceptable).

5416           e. Fencing shall not be installed along principal, collector, or minor arterials, except where the  
5417           property owner or applicant demonstrates the fence is necessary for security purposes. Such  
5418           fences shall not diminish the pedestrian qualities of the street and shall not encroach into the  
5419           "sight triangle" as required by Chapter 21.10 LMC.

5420           3. Retaining Wall Standards. For retaining walls that are visible from a public right-of-way or a  
5421           residentially zoned property, no above-ground portion of a retaining wall shall be taller than four feet  
5422           in height.

5423   H. Service Areas.

5424           1. Exterior service areas shall not be located within 30 feet of a single- or multiple-family residential-  
5425           zoned property or of an existing building containing residential units. Service areas include but are  
5426           not limited to: loading docks, trash dumpsters, compactors, refuse and recycling areas, and  
5427           mechanical equipment areas.

5428           2. All external trash, recycling, and storage areas are required to be enclosed with a solid structure  
5429           with a minimum height of seven feet and a roof. However, if the area is not visible from an adjacent  
5430           property or public right-of-way, the enclosure does not require a roof. Enclosures shall be  
5431           constructed of materials that match or complement the exterior materials of primary building(s).

5432   I. Street Trees. Street trees shall be provided every 30 feet or less on center or spaced as directed by city  
5433   staff. All trees shall be chosen from the city-approved tree list and shall have a minimum two-inch caliper  
5434   at planting. (Ord. 3326 § 18, 2019; Ord. 2911 § 1, 2011)

5435   **21.71.200 Development standards.**  
5436   Development and maintenance of mobile home parks in this zone shall be subject to all provisions of  
5437   Chapter 21.70 LMC, except where the ~~community development~~ development and business services  
5438   director determines (under LMC 21.04.300) that a particular provision is clearly not applicable in a  
5439   particular situation.

5440   Development and maintenance of any structure not associated with or part of a mobile home park shall  
5441   be subject to the development standards and other regulations in the community business (B-1) zone (ref.  
5442   Chapter 21.46 LMC), except where such regulations conflict with the regulations of this chapter. (Ord.  
5443   2871 § 4 (Exh. A), 2010)

5444   **21.74.010 Regulations established.**  
5445   Regulations concerning the establishment and processing of applications for temporary outdoor  
5446   encampments, extreme weather shelters and indigent housing (per WAC 51-16-030) in the city are  
5447   hereby established. Establishing such facilities contrary to the provisions of this chapter is prohibited.  
5448   Temporary use permits shall be required for temporary outdoor encampments and extreme weather  
5449   shelters located in the city. If a temporary outdoor encampment or extreme weather shelter is established  
5450   in violation of this chapter or if, after temporary use permit is issued for the same, the director of  
5451   ~~community development~~ development and business services determines that the permit holder has  
5452   violated this chapter or any condition of the permit, the temporary outdoor encampment and/or the  
5453   extreme weather shelter, and its sponsor and managing agency, shall be subject to code enforcement  
5454   and all activities associated with the temporary outdoor encampment and/or extreme weather shelter  
5455   shall cease, and the site shall be vacated and restored to its pre-encampment or pre-shelter conditions.  
5456   (Ord. 3309 § 2 (Exh. A), 2018; Ord. 2731 § 1, 2008)

5457 **21.74.020 Definitions.**

5458 The following definitions apply to this chapter:

5459 A. "Temporary outdoor encampment" means a short-term (up to six months per calendar year) residence  
5460 facility for a group of people that is composed of tents or other temporary structures on a site provided or  
5461 arranged for by a sponsor with services provided by a sponsor and supervised by a managing agency.

5462 B. "Extreme weather shelter" means a facility intended to house homeless persons for specific intermittent  
5463 situations such as cold or hot weather. The shelter would be in operation for the duration of the period  
5464 that the extreme weather situation persists. Indoor homeless housing intended for longer-term use will be  
5465 subject to all standard zoning, building and safety codes contained in the Lynnwood Municipal Code.

5466 C. "Indigent housing" means housing defined under WAC 51-16-030. Indigent housing is allowed some  
5467 exemptions from standard building and fire codes as explained later in this chapter. Both temporary  
5468 outdoor encampments and extreme weather shelters meet the definition of indigent housing.

5469 D. "Managing agency" means an organization identified as the manager of a temporary outdoor  
5470 encampment or extreme weather shelter that has the capacity to organize and manage such a facility. A  
5471 "managing agency" may be the same entity as the sponsor.

5472 E. "Sponsor" means a religious congregation or an organization that is recognized by the Internal  
5473 Revenue Service as exempt from federal income taxes and has as its purpose provision of housing for  
5474 the homeless or as a religious organization, that expresses its religious mission, in part, by organizing  
5475 living accommodations for the homeless; and which owns the property on which the temporary housing  
5476 will be located. The sponsor shall be responsible for insuring that the facility complies with the  
5477 requirements of this chapter.

5478 F. "Director" means the ~~community development~~ development and business services director or  
5479 designee.

5480 G. "Long-term and transitional housing for homeless persons" means indoor housing for individuals and  
5481 families that is intended to provide a semipermanent or permanent residence. Such housing is subject to  
5482 all provisions of the Lynnwood Municipal Code and shall not be granted any of the exemptions or  
5483 flexibility offered in this chapter for temporary outdoor encampments or extreme weather shelters. (Ord.  
5484 3309 § 2 (Exh. A), 2018; Ord. 2731 § 1, 2008)

5485 **21.74.060 Application.**

5486 Application for a temporary use permit shall be made on forms prescribed by the city, and shall be  
5487 accompanied by the following information; provided, that the ~~community development~~ development and  
5488 business services director may waive any of these items, pursuant to LMC 1.35.015(A), upon request by  
5489 the applicant and finding that the item is not necessary to analyze the application. An application to  
5490 establish a temporary tent encampment or extreme weather shelter shall be signed by both the sponsor  
5491 and the managing agency ("applicant").

5492 A. A site plan of the property, drawn to scale, showing existing natural features, existing and proposed  
5493 grades, existing and proposed utility improvements, existing rights-of-way and improvements, and  
5494 existing and proposed structures, tents and other improvements (including landscaping and fencing at the  
5495 perimeter of the proposed encampment and the property and off-street parking);

5496 B. A vicinity map, showing the location of the site in relation to nearby streets and properties;

5497 C. A written summary of the proposal, responding to the standards and requirements of this chapter;

5498 D. The written code of conduct and a transportation plan as required by this chapter;

5499 E. Statement of actions that the applicant will take to obtain verifiable identification from all encampment  
5500 residents and to use the identification to obtain sex offender and warrant checks from appropriate  
5501 agencies;

5502 F. Project statistics, including site area, building coverage, number and location of tents and temporary  
5503 structures, expected and maximum number of residents, and duration of the encampment;

5504 G. A legal description of the subject property, including parcel number;

5505 H. Photographs of the site;

5506 I. A list of other permits that are or may be required for development of the property (issued by the city or  
5507 by other government agencies), insofar as they are known to the applicant;

5508 J. Permits for temporary outdoor encampments and extreme weather shelters shall be processed by the  
5509 city without charge; and

5510 K. A list of any requirement under this chapter for which the applicant is asking to modify, as allowed  
5511 under LMC 21.74.070(D). (Ord. 3309 § 2 (Exh. A), 2018; Ord. 2731 § 1, 2008)

5512 **21.80.175 Process.**  
5513 The ~~community development~~ development and business services director shall consider applications to  
5514 reduce or waive requirements of the zoning code (LMC Title 21) for properties listed on the city of  
5515 Lynnwood register of historic landmarks utilizing Process III administrative permits review and approval  
5516 (LMC 1.35.300). (Ord. 2445 § 1, 2003)

5517 **21.80.200 Authority for reduction or waiving development standards.**  
5518 The ~~community development~~ development and business services director (director) may reduce or waive  
5519 requirements of the zoning code (LMC Title 21) for properties listed on the city of Lynnwood register of  
5520 historic landmarks if:

5521 A. The applicant has carried the burden of proof and produced evidence sufficient to support the  
5522 conclusion that the application merits approval or approval with modifications;

5523 B. The applicant has demonstrated that the proposal complies with applicable decision criteria of this  
5524 chapter; and

5525 C. The subject property is listed on the city of Lynnwood register of historic landmarks. (Ord. 2445 § 1,  
5526 2003)

5527 **21.80.300 Development standards limitations.**  
5528 Zoning code development standards identified below may be reduced or waived subject to limitations  
5529 specified under this section.

5530 A. Building Setbacks.

5531 1. Any structure listed on the register may be rehabilitated regardless of existing nonconforming  
5532 building setbacks as long as the work is consistent with the architectural review requirements of LMC  
5533 21.80.350.

5534 2. Additions to an historic structure listed on the register may be made as long as they do not  
5535 increase an existing nonconforming setback and they are consistent with the architectural review  
5536 requirements of LMC 21.80.350.

5537 B. Parking.

5538 1. Minimum parking standards may be reduced for a property listed on the register if it can be  
5539 demonstrated that adequate parking can be provided for the historic property.

5540 2. Shared parking may be approved if it can be demonstrated that adequate parking can be provided  
5541 for the property listed on the register and other properties where sharing is to occur.

- 5542 3. Nearby on-street parking may be included in this analysis.
- 5543 C. Parking Area Landscaping.
- 5544 1. Parking area landscaping requirements may be reduced or waived for a property listed on the  
5545 register subject to the following:
- 5546 a. Street frontage and parking area coverage landscaping should be provided, where feasible,  
5547 as long as it does not affect the provision of adequate parking.
- 5548 D. Lot Coverage.
- 5549 1. Any structure listed on the register may be rehabilitated regardless of existing nonconforming lot  
5550 coverage.
- 5551 2. Additions to structures listed on the register may be made as long as they do not increase existing  
5552 nonconforming lot coverage, if that condition exists.
- 5553 E. Other Development Standards.
- 5554 1. The ~~community development~~ **development and business services** director may reduce and waive  
5555 other zoning code development standards based on physical conditions and special circumstances  
5556 of a property listed on the register. (Ord. 2445 § 1, 2003)
- 5557 **21.80.400 City of Lynnwood register of historic landmarks.**
- 5558 A. Criteria for Determining Designation in Register. Any building, structure, site, object or landscape  
5559 (including trees and other plants) may be designated for listing in the city of Lynnwood register of historic  
5560 landmarks, with owner consent, by the Lynnwood historical commission. The criterion for age is at least  
5561 50 years. The building, structure, site, object or landscape must possess integrity of location, design,  
5562 setting, materials, workmanship, feeling, species, age and association, that is significant in the history,  
5563 architecture, archaeology, engineering or cultural heritage of America, Washington State and/or city of  
5564 Lynnwood. In addition to meeting the age and historical significance criteria, the following criteria will be  
5565 considered:
- 5566 1. That are associated with significant historic events; or
- 5567 2. That are associated with a person or persons who significantly contributed to the culture and  
5568 development of the city of Lynnwood; or
- 5569 3. That embody the distinctive characteristics of a type, period, or method of construction,  
5570 architectural design, detail, material, craftsmanship, or that represent the work of a master, or that  
5571 possess high artistic values, or that represent a significant and distinguishable entity whose  
5572 components may lack individual distinction; or
- 5573 4. That exemplify the cultural, economic, social, or historic heritage of the city of Lynnwood; or
- 5574 5. That embody distinguishing characteristics of an architectural type or specimen; or
- 5575 6. That embody elements of architectural design, detail, materials, or craftsmanship that represent a  
5576 significant architectural innovation; or
- 5577 7. That have a relationship to other distinctive areas that are eligible for preservation according to a  
5578 plan based on an historic, cultural, or architectural motif; or
- 5579 8. That have a unique location or singular physical characteristic representing an established and  
5580 familiar visual feature of a neighborhood, community, or the city of Lynnwood; or
- 5581 9. That have yielded, or may be likely to yield information important in prehistory or history; or

- 5582 10. That by virtue of the species, age, scarcity, outstanding quality, location or connection to an  
5583 historic event or person such landscape, trees or other plant material contribute significantly to the  
5584 community or the city of Lynnwood.
- 5585 B. Special Criteria for Determining Designation in Register. Ordinarily cemeteries, birthplaces, or graves  
5586 of historical figures, properties owned by religious institutions or used for religious purposes, structures  
5587 that have been moved from their original locations, reconstructed historic buildings, properties primarily  
5588 commemorative in nature, and properties that have achieved significance within the past 50 years shall  
5589 not be considered eligible for the register. However, such properties may qualify if they are integral parts  
5590 of districts that meet the criteria of subsection A of this section or if they meet the following criteria:
- 5591 1. A religious property deriving primary significance from architectural or artistic distinction or  
5592 historical importance; or
- 5593 2. A building or structure removed from its original location but which is significant primarily for  
5594 architectural value, or which is the surviving structure most importantly associated with an historic  
5595 person or event; or
- 5596 3. A birthplace or grave of an historical figure of outstanding importance if there is no appropriate site  
5597 or building directly associated with his/her productive life; or
- 5598 4. A cemetery which derives its primary significance from graves of persons of transcendent  
5599 importance, from age, from distinctive design features, or from association with historic events; or
- 5600 5. A reconstructed building when accurately executed in a suitable environment and presented in a  
5601 dignified manner as part of a restoration master plan, and when no other building or structure with  
5602 the same association has survived; or
- 5603 6. A property, building, structure or object primarily commemorative in intent if design, age, tradition,  
5604 or symbolic value has invested it with its own historical significance; or
- 5605 7. A property, building, structure or object achieving significance within the past 50 years if it is of  
5606 exceptional importance; or
- 5607 8. A property, building, structure or object that exemplifies or promotes the value of historic  
5608 preservation and contributes to a better understanding of a connection to Lynnwood's or the area's  
5609 history.
- 5610 C. Process for Designating Properties to the Register of Historic Landmarks.
- 5611 1. Nomination. Any person may nominate, with the property owner's consent, a building, structure,  
5612 site, object or landscape for listing in the city of Lynnwood register of historic landmarks. In its  
5613 designation decision, the historical commission shall consider the criteria in this section, historical  
5614 commission's historic resources inventory and the comprehensive plan.
- 5615 2. Notification of Review. The public, property owner(s), lessee and nominator shall be notified prior  
5616 to the required public hearing included in the commission's review of the nomination.
- 5617 a. The notice shall contain the following:
- 5618 i. Date, time and location of the public hearing and meeting.
- 5619 ii. Name of the nominator(s).
- 5620 iii. Street address of the property.
- 5621 iv. Brief description of the historic significance of the property.



5622            b. The notice shall be mailed to the property owner, lessee and nominator at least 14 days prior  
5623            to the public hearing.

5624            c. The notice shall be published by a display advertisement in the official daily newspaper of the  
5625            city at least 14 days prior to the public hearing.

5626            d. The notice shall be posted per LMC 1.12.010 and at the site at least 14 days prior to the  
5627            public hearing.

5628            3. Review. The historical commission shall consider the merits of the nomination, according to the  
5629            criteria in this section, at a public meeting and following a public hearing on the nomination. Any  
5630            public hearing or public meeting noticed and opened by the commission may be continued as  
5631            determined necessary by the board.

5632            4. Findings. If the historical commission finds that the nominated property is eligible for the register,  
5633            the commission shall designate, with owner's consent, the property as listed on the register.

5634            a. In the case of individual properties, the designation shall include a site reference and all  
5635            features, interior and exterior, and outbuildings that contribute to its designation.

5636            5. Notification of Designation. The public, property owner(s), lessee, and nominator shall be notified  
5637            of the historical commission's designation.

5638            a. Notice of the commission's decision shall be mailed to the owner, lessee and nominator within  
5639            five working days of the decision.

5640            b. Notice of the decision will be mailed to any person who has specifically requested it.

5641            6. Recording. Properties listed on the register of historic landmarks shall be identified on the city's  
5642            zoning map. The owner shall record the designation with the Snohomish County auditor within 30  
5643            days of the designation of the property as listed on the register. The recorded document shall include  
5644            a condition that the owner and the owner's successors, heirs, and assigns shall be responsible for  
5645            maintaining the historical features of the property identified by the historical commission in its findings  
5646            designating the eligibility of the property for the register and be prohibited from any act or omission  
5647            resulting in alterations to the property that result in loss of the property's historical significance, within  
5648            10 years of the date of the designation of the property on the register. The covenant shall further  
5649            provide for agreement by the owner and the owner's successors, heirs and assigns that in the event  
5650            that the property is removed from the register during the 10-year period pursuant to subsection D of  
5651            this section, the reduction or waiver of zoning code development standards granted by the  
5652            ~~community development~~ development and business services director pursuant to this chapter shall  
5653            be immediately terminated and revoked, and that any use of the property or structure on the property  
5654            not in compliance with the zoning code development standards existing on the date(s) a building or  
5655            other city permit or approval was granted for the then current use or structure shall be an illegal use  
5656            and/or structure for which the certificate or right of occupancy shall be immediately terminated.

5657            D. Removal of Properties from the Register.

5658            1. A property may be removed from the register if alterations to the property result in loss of historical  
5659            integrity.

5660            2. In the event that any property is no longer deemed appropriate for designation to the register, the  
5661            commission may initiate removal from such designation by the same procedure as provided for in  
5662            establishing the designation. A property may be removed from the register without the owner's  
5663            consent.

5664            3. An owner may initiate removal of their property from the register. Removal of the property from  
5665            designation to the register shall be by the same procedure as provided for in establishing the  
5666            designation.



5667 4. It is intended that any property listed on the register that is benefited by any reduction or waiver of  
5668 zoning or other land use regulations as provided for in this chapter shall remain listed for a period  
5669 running at least 10 years from the date the historical commission designated the property as listed on  
5670 the register. This 10-year condition shall be recognized of record in a covenant running with the land  
5671 as described in subsection C of this section, and is binding on the owner and all heirs, successors  
5672 and assigns of the owner.

5673 E. Effects of Listing on the Register.

5674 1. Listing on the register is an honorary designation denoting significant association with the historic,  
5675 archaeological, engineering, or cultural heritage of the community. Properties are listed individually or  
5676 as contributing properties to an historic district. (Ord. 2445 § 1, 2003)

5677 **21.80.500 Additional information and conditions.**

5678 The ~~community-development~~ development and business services director may require additional  
5679 information and impose any conditions necessary to protect surrounding properties in approving  
5680 reductions or waiving of zoning code development standards. (Ord. 2445 § 1, 2003)

5681 **21.80.550 Appeal.**

5682 The ~~community-development~~ development and business services director's decision to reduce or waive  
5683 zoning code development standards may be appealed to the hearing examiner under Process II (LMC  
5684 1.35.200). (Ord. 2445 § 1, 2003)

5685 **21.90.030 Exemptions.**

5686 A. The following are exempt from the review requirements of LMC 21.90.040, and are permitted in all  
5687 zones subject to approval of construction permits, including but not limited to building permits, electrical  
5688 permits, and right-of-way permits, as they are applicable; provided, that the WCF shall meet all other  
5689 applicable requirements of this chapter:

5690 1. WCF infrastructure and other equipment owned and operated by an electric utility for the purpose  
5691 of providing retail electric service.

5692 2. Small cell facilities and networks, with each small cell consisting of one or more antennas and  
5693 other associated electronics and equipment, which are attached to a structure and meet the  
5694 parameters in subsection (A)(2)(a) of this section. The supporting structure may already exist and  
5695 may be extended or replaced, or it may be newly constructed for the purpose of installing a small cell  
5696 facility, so long as the supporting structure meets the requirements of subsections (A)(2)(b) and  
5697 (A)(2)(c) of this section.

5698 a. Each small cell facility shall meet the requirements of RCW 80.36.375(2)(d).

5699 b. In the city's rights-of-way, the height of a new, extended or replacement support structure for  
5700 the installation of a small cell facility shall not exceed the greater of:

5701 i. Ten feet above the tallest existing utility pole in the right-of-way, in place as of the effective  
5702 date of the ordinance codified in this chapter, located within 500 feet of the support structure;  
5703 or

5704 ii. Fifty feet above ground level.

5705 c. Outside of the city's rights-of-way, the height of a new or existing support structure for the  
5706 installation of a small cell facility shall not exceed the maximum building height for the applicable  
5707 zone by more than 10 feet, and the height of an extended or replacement structure shall not  
5708 exceed the height limitation in LMC 21.90.150(C).

5709 B. The following are exempt from the requirements of this chapter, and are subject to approval of  
5710 construction permits, including but not limited to building permits, electrical permits, and right-of-way  
5711 permits, as they are applicable:

5712 1. Minor changes to existing WCFs, as follows:

5713 a. Replacement of WCFs with those of similar appearance and configuration.

5714 b. Addition of antennas to an existing rooftop location that is fully screened from view.

5715 c. Addition of antennas to an existing tower when there is no increase in tower or antenna

5716 height.

5717 2. In the event an emergency or disaster is officially declared for the area, the ~~community~~

5718 ~~development~~ development and business services director may exempt temporary WCFs from the

5719 requirements of this chapter during the duration of such emergency or disaster. (Ord. 3290 § 2, 2018;

5720 Ord. 2441 § 21, 2003; Ord. 2270 § 1, 1999)

5721 **21.90.100 Design standards.**

5722 A. Signs or advertising devices other than certification, warning, or other legally required seals or signs

5723 shall not be placed on or attached to WCFs.

5724 B. Accessory equipment shall meet the following standards:

5725 1. All accessory equipment associated with the operation of the WCF shall be located within a

5726 building, enclosure, or underground vault that complies with the development standards of the zoning

5727 district in which the accessory equipment is located.

5728 2. Accessory equipment enclosures shall be visually compatible with the surrounding buildings (such

5729 as same construction material as primary building(s), same color, etc.) and include sufficient

5730 landscaping to screen the structure from view, and shall be subject to approval by the ~~community~~

5731 ~~development~~ development and business services director.

5732 3. Accessory equipment enclosures shall be limited to the housing of radio, electronic and related

5733 power equipment, and shall not be used for any other purpose, including storage.

5734 C. All WCFs shall employ concealment technology in their design, construction, and maintenance in order

5735 to reduce the WCFs' aesthetic impacts to the maximum extent possible; provided, that public utilities

5736 using WCF equipment in connection with providing retail electric service must comply with industry

5737 standards and best practices. Such concealment technology shall include, at a minimum, the following:

5738 1. All antenna support structures and antennas not concealed within an enclosure shall be painted a

5739 nonreflective color, subject to approval by the ~~community development~~ development and business

5740 services director, which blends into the nearby surroundings of the WCF so as to minimize the visual

5741 impact of the support structure and antennas.

5742 2. New antenna support structures shall be located in such a manner that existing trees on the site

5743 are used to screen the WCF from view from roadways, residences, and other properties; provided,

5744 however, that all WCFs shall be designed in a manner which minimizes the need for removal or

5745 topping of existing trees.

5746 3. To the maximum extent reasonably practical, WCFs shall be designed to resemble an object other

5747 than a WCF that is already present in the local environment, such as a tree or a street light. It may

5748 include the use of colors or materials to blend into the building materials from which a structure is

5749 constructed. Examples of concealment technology include, but are not limited to, the use of

5750 innovative site design techniques, existing or new vegetation and landscaping, paint and other

5751 surface treatments, alternative antenna configuration and/or selection, utilization of antenna support

5752 structures designed to resemble trees, and any other practice which screens the WCF from

5753 observation from roadways, residences, and other properties or otherwise has the effect of reducing

5754 the aesthetic impacts associated with the WCF.

5755 D. All screening for attached WCFs shall be compatible with the existing architecture, color, texture and/or  
5756 materials of the building, and when located on roofs shall avoid the “porcupine effect” through camouflage  
5757 or other techniques acceptable to the ~~community development~~ development and business services  
5758 director.

5759 E. Monopole foundations and structures upon which antennas are to be mounted shall be designed to  
5760 accommodate at least two carriers’ antennas.

5761 F. Fencing, if permitted or required for locations outside the right-of-way, shall conform to the following:

5762 1. No fence shall exceed the height permitted for the respective zone in which the facility is to be  
5763 located. The fencing surrounding the WCF may be of a chain link material.

5764 2. A landscaping buffer shall be provided to buffer the view of the WCF structure(s) and fence from  
5765 off site. The landscaping buffer shall at a minimum be five feet in width and consist of evergreen  
5766 shrubs with a mature height of at least 10 feet planted a maximum of five feet on center. The  
5767 evergreen shrub at planting shall have a minimum height of six feet. Vegetation shall not be placed  
5768 within safety sight prisms for pedestrians, bicyclists and motorists.

5769 G. Lighting for the WCF may be used for security reasons only and shall be shielded to prevent off-site  
5770 glare. All exterior lighting shall be subject to approval by the ~~community development~~ development and  
5771 business services director. In no case except when specifically required by the Federal Aviation  
5772 Administration (FAA) or the Federal Communication Commission (FCC) will the wireless communications  
5773 support structure be lighted.

5774 H. Small Cell Concealment and Design. Installation of small cells shall adhere to the following guidelines:

5775 1. Small cells located within the city center-designated zones shall be compatible with the city center  
5776 design guidelines and the city center streetscape plan. Applicant shall propose design concepts and  
5777 use materials that follow the design character of the city center zones.

5778 2. If a pole is to be replaced within the city center-designated zones, the design of such pole shall  
5779 conform to those adopted by the city center streetscape plan, to the extent technically feasible.

5780 3. Small cells’ cabling and wiring shall be entirely encased within the supporting structure, such as a  
5781 light pole, or if attached to a wood pole, the cabling and wiring shall be concealed to the best extent  
5782 possible and the color shall match the pole.

5783 4. All cabling and wiring shall be placed opposite that of oncoming traffic and outer edge (sidewalk  
5784 side) of right-of-way, when feasible.

5785 5. All cabling shall be secured as close to the pole as allowed by the pole owner, or as required by  
5786 applicable electrical codes for the pole to remain climbable. No excess cable loops shall be allowed  
5787 on poles. Cabling shall be routed in the most direct path possible.

5788 6. To the extent technically feasible, equipment located at the top of the pole shall utilize pole-top  
5789 shrouding. Any facilities located off pole must remain in above-ground cabinetry not obstructing the  
5790 pedestrian pathway, or be located underground.

5791 7. When interior concealment is not possible, installation of an antenna on a pole shall be flush  
5792 mounted or otherwise attached as close to the pole as technically feasible, or located at the top of  
5793 the pole.

5794 8. Antennas shall be located in an enclosure of no more than three cubic feet in volume, or in case of  
5795 an antenna that has exposed elements, the antenna and all its exposed elements could fit within an  
5796 imaginary enclosure of no more than three cubic feet on a single pole with a total volume not to  
5797 exceed 12 cubic feet.

5798 9. Where conduits or other pathways require the cutting of streets or sidewalks, concrete infill shall  
5799 be used for reconstructing all curbs and sidewalks. Asphalt patch materials in bike or pedestrian  
5800 pathways will not be permitted without authorization by the city engineer.

5801 10. If any provision in this subsection (H) is inconsistent with another provision in this section, this  
5802 subsection (H) shall control. (Ord. 3290 § 2, 2018; Ord. 2441 § 21, 2003; Ord. 2270 § 1, 1999)

5803 **21.90.350 Submittal requirements.**  
5804 In addition to the information required by any other part of the municipal code, the following items shall be  
5805 required for any application for land use, development or construction permit for a WCF:

5806 A. A statement providing the reasons for the location, design and height of the proposed tower or  
5807 antennas.

5808 B. The contact name managing the facility, the telephone number and mailing address.

5809 C. A map showing any existing and/or approved WCFs within 2,640 feet of the proposed new facilities  
5810 site (not required of attached facilities).

5811 D. A current overall system plan for the city or area, showing facilities presently constructed or approved  
5812 and propagation maps including frequency and wattage showing the before and after coverage with the  
5813 new facility (not required of attached facilities).

5814 E. Evidence satisfactory to the ~~community development~~ development and business services director  
5815 demonstrating that location or co-location is unfeasible on existing buildings and existing tower facility  
5816 sites for reasons of structural support capabilities, safety, available space, or failing to meet service  
5817 coverage area needs. Not required of attached facilities; provided, that this information shall not be  
5818 required for an application to locate a WCF on an existing building or existing tower facility.

5819 F. A site/landscaping plan showing the specific placement of existing structures, trees, and other  
5820 significant site features, and indicating type and locations of plant materials proposed to be used to  
5821 screen WCF components and the proposed color(s) for the communication facility.

5822 G. A signed statement indicating:

5823 1. The applicant agrees to allow for the co-location of additional WCF equipment by other providers  
5824 and the applicant's structure consistent with the provisions of this chapter.

5825 2. The applicant agrees to remove the facility within six months after use of the site is discontinued.

5826 H. Plans showing connections to utilities of WCF equipment, ownership of those utilities, and any  
5827 proposed right-of-way cuts or easements (not required for attached facilities).

5828 I. Documents demonstrating that any necessary easements or property rights have been obtained.

5829 J. Plans showing how vehicle access shall be provided.

5830 K. A deposit as shown in Chapter 3.104 LMC (Ord. 3290 § 2, 2018; Ord. 2656 §§ 1, 2, 2006; Ord. 2441 §  
5831 21, 2003; Ord. 2270 § 1, 1999)