A. CALL TO ORDER
Chair WRIGHT
Commissioner ELLIOTT, First Vice Chair
Commissioner AMBALADA
Commissioner DAVIES
Commissioner PEYCHEFF
Commissioner WOJACK, Second Vice-chair

B. INTERVIEW PLANNING COMMISSIONER APPLICANT
Interview an applicant for the vacant position on the Planning Commission - Mr. Bob Larsen.

C. APPROVAL OF MINUTES:
Meeting of July 10, 2008

D. COUNCIL LIAISON REPORT

E. CITIZEN COMMENTS - on matters not on tonight's agenda.

F. PUBLIC HEARINGS:
1. 2008 Comp. Plan Amendments
The Planning Commission will receive public comments on all 13 proposed amendments that are under consideration as part of this year's annual amendments to the Comprehensive Plan ("2008 Docket"). Following the hearing, the Planning Commission will make a recommendation to the City Council on each proposal.

G. WORK SESSION:
None

H. OTHER BUSINESS:
None

I. DIRECTOR’S REPORT:
1. Upcoming Commission Meetings

J. ADJOURNMENT

The public is invited to attend and participate in this public meeting. Parking and meeting rooms are accessible to persons with disabilities. Upon reasonable notice to the City Clerk’s office (425) 670-6616, the City will make reasonable effort to accommodate those who need special assistance to attend this meeting.
Staff Report

Agenda Item: E-1

Lynnwood Planning Commission
Meeting of July 10, 2008

ACTION
At this meeting, the Planning Commission will take testimony on this year’s proposed Comprehensive Plan Amendments – no action will be taken. On July 24, the Planning Commission will be asked to make recommendations on the amendments to the City Council.

PROPOSALS
Staff is proposing 13 amendments to the Comprehensive Plan - see Attachment A.

Following the work sessions on the proposed amendments in May and June, staff has revised some of the proposals to respond to comments on the prior drafts. The substantive changes include:

- In the Land Use Element, current population and employment projections (from the 2007 update of the Buildable Lands program) have been added;
- In the Economic Development Element, the Highway 99 revitalization strategies have been inserted into the “Goals, Objectives and Policies” section;
- In the Transportation Element, the discussion of Transportation Demand Management has been revised to describe the City’s new commute trip reduction plan; and
- The Highway 99 Corridor land use designation is proposed to apply to all properties with commercial designations along the highway.

Copies of these revisions are attached. Other changes made minor editorial revisions to the proposals. In the interest of saving paper, copies of the complete proposals (distributed for the work sessions) are not attached; if you need a new copy, please inform staff.

BACKGROUND
The Municipal Code provides a process for annual consideration of amendments to the City’s Comprehensive Plan. Review of these amendments is a major component of the Planning Commission’s annual work program.

The Planning Commission held work sessions on most of the proposed amendments in May and June. One additional work session is scheduled later on this agenda.
DECISION CRITERIA AND OTHER LEGAL CITATIONS
The Implementation Element of the Comprehensive Plan states the following criteria for taking action on proposed Plan amendments:

- “Each component of a Comprehensive Plan Amendment package shall be reviewed and approved only if it meets all of the following criteria:
- “The proposal is consistent with the provisions of the Growth Management Act and will not result in Plan or regulation conflicts; and
- “The proposal will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, or residents; and
- “The proposed amendment can be accommodated by all applicable public services and facilities, including transportation; and
- “The proposal will help implement the goals and policies of the Lynnwood Comprehensive Plan; and
- “If the proposal could have significant impacts beyond the Lynnwood City Limits, it has been sent to the appropriate Snohomish County officials for review and comment.”

ENVIRONMENTAL REVIEW
Determinations of Non-Significance are being issued for these proposed amendments.

ANALYSIS/COMMENT

A. Consistency Analysis
A written evaluation of the 2008 proposals will be included in the staff report for the July 24 hearing.

B. Other Issues
None

RECOMMENDATION
1. Hear comments from everyone who wishes to speak on any proposed amendment, and
2. Continue the public hearing to the July 24 Commission meeting.

ATTACHMENTS:
- Summary Table of 2008 Comprehensive Plan Amendments
- Proposal Revisions Since Last Work Session
ACTION:

Review the draft Lynnwood Commute Trip Reduction Plan. Conduct a public hearing to accept community input regarding the proposed plan. Forward a recommendation for the City Council including any recommended changes.

Review proposed draft amendment to the Commute Trip Reduction Ordinance. Conduct public hearing. Forward a recommendation for the City Council including any recommended changes.

BACKGROUND

Lynnwood adopted its current Commute Trip Reduction Plan and Ordinance (LMC 11.14) in 1993 to comply with the State's Commute Trip Reduction Act (RCW 70.94.521) adopted in 1991. The law required employers with 100 or more employees starting work between 6 and 9 a.m. to develop and implement a program to encourage their employees to reduce single-occupant-vehicle commute trips and vehicle miles traveled (VMT). In 2006, the Legislature passed the Commute Trip Reduction Efficiency Act (CTREA) which amended the requirements for local governments in areas with the greatest traffic congestion and air pollution to develop and implement plans to reduce drive-alone commute trips and VMT.

ANALYSIS/COMMENT

CTR Plan

Under the CTREA, cities (and counties) with one or more affected employers must prepare a CTR Plan. The CTR Plan is a collection of goals and policies, facility and service improvements, and marketing strategies for how the city will help make progress toward reducing drive-alone commute trips and VMT over the next four years.

This plan has been prepared in accordance with the revised RCW 70.94.521, under which the City must:

1. Conduct a baseline assessment of land-use and transportation conditions affecting CTR worksites.
2. Establish goals and targets for reducing drive-alone trips and VMT.
3. Identify strategies for achieving the goals and targets;
4. Identify requirements for major employers.
5. Prepare a financial strategy for implementing the plan.
6. Prepare an implementation plan.
7. Document the process of developing the plan.

**CTR Ordinance**

The CTR Ordinance adopts and implements the new CTR Plan for individual affected employers. It sets Citywide and individual employer goals. Note that the new plan sets individual trip reduction goals by employer rather than uniform citywide goals (see 11.14.042.B). The plan details CTR program and reporting requirements for employers. Some particular new requirements include:

1. Adoption of CTR goals for individual employers - provision for City to adopt goals for new employers (11.14.32).
2. Requirement for baseline measurement used to set individual employer goals (11.14.42.C)
4. Requirement to participate in WSDOT bi-annual surveys.

Also note that Section 11.12.080 had been deleted. This section gave credit to employers with CTR programs in place before adoption of the first CTR Plan in 1992.

**RECOMMENDATIONS:**

Staff recommends the Planning Commission recommend adoption of the proposed draft Lynnwood Commute Trip Reduction Plan and amended Commute Trip Reduction Ordinance by the City Council.

**ATTACHMENT(s):**

1. Draft Lynnwood Commute Trip Reduction Plan
2. Draft of Amended LMC Chapter 11.14 (Redline Version)
3. Public Notice of Planning Commission Hearing
4. Letter to affected employers re. Public Hearing
Chapter 11.14
Commute Trip Reduction Plan

Sections:
11.14.010 Definitions
11.14.020 Lynnwood Commute Trip Reduction Plan
11.14.025 Responsible City Department
11.14.030 Commute Trip Reduction Goals
11.14.032 Commute Trip Reduction Goals for Affected Employers
11.14.040 Applicability
11.14.042 New Affected Employers
11.14.044 Change in Status of an Affected Employer
11.14.050 Requirements for Employers
11.14.052 CTR Program Report and Description Requirements
11.14.054 Mandatory Program Elements
11.14.056 Additional Program Elements
11.14.058 Biennial Measure of Employee Commute Behavior
11.14.060 Recordkeeping
11.14.070 CTR Annual Progress Reports Program
11.14.074 Document Review
11.14.075 Modification of CTR Program Elements
11.14.076 Repealed
11.14.077 Extensions
11.14.078 Implementation of Employer’s CTR Program
11.14.080 Credit for Transportation Demand Management Efforts
11.14.090 Enforcement
11.14.095 Penalties
11.14.097 Notice of Violation and Assessment of Civil Penalties
11.14.100 Exemptions and Goal Modifications
11.14.110 Modification of Employer CTR Program
11.14.120 Appeals
11.14.130 Severability

The following definitions shall apply in interpretation and enforcement of this chapter:

“Affected employee” means a full-time employee who begins his or her regular work day at a single worksite covered by the Commute Trip Reduction Plan between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for at least 12 continuous months; and who is not an independent contractor. The employee will only be counted at his or her primary worksite. Seasonal agricultural employees, including seasonal employees of processors of agricultural products are excluded from the count of affected employees.

“Affected employer” means an employer that employs 100 or more full-time employees at a single worksite covered by the Commute Trip Reduction Plan who are scheduled to begin their regular work day between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for at least 12 continuous months. Construction worksites, when the expected
duration of the construction is less than two years, are excluded from this definition. (Also see definition of “employer”).

“Alternative mode” means any means of commute transportation other than that in which the single-occupant motor vehicle is the dominant mode, including telecommuting and compressed work weeks if they result in reducing commute trips.

“Alternative work schedules” means programs such as compressed work weeks that eliminate work trips for affected employees.

“Base year” means the twelve-month-period which commences when a major employer is determined by the City to be participating in the CTR Program. The City uses this twelve-month period as the basis on which it develops commute trip reduction goals period from January 1, 1992, through December 31, 1992, on which goals for vehicle miles traveled (VMT) per employee and proportion of single-occupant vehicle (SOV) trips shall be based.

"Base year survey" or "baseline measurement" means the survey, during the base year, of employees at a major employer worksite to determine the drive-alone rate and vehicle miles traveled per employee at the worksite. The City uses this measurement to develop commute trip reduction goals for the major employer. The baseline measurement must be implemented in a manner meeting the requirements specified by the City.

"Carpool" means a motor vehicle occupied by two to six people traveling together for their commute trip resulting in the elimination of at least one motor vehicle commute trip.

"Commuter matching service" means a system that assists in matching commuters for the purpose of commuting together.

"Compressed work week" means an alternative work schedule, in accordance with employer policy, that regularly allows a full-time employee to eliminate at least one work day every two weeks by working longer hours during the remaining days, resulting in fewer commute trips by the employee. This definition is primarily intended to include weekly and bi-weekly arrangements, the most typical being four 10-hour days or 80 hours in nine days, but may also include other arrangements. Compressed work weeks are understood to be an ongoing arrangement.

"CTR Plan" means the city’s plan and chapter to regulate and administer the CTR Programs of affected employers within its jurisdiction.

“CTR Program” means an employer's strategies to reduce affected employees’ drive-alone SOV use and VMT per employee.

“CTR zone” means an area, such as a census tract or combination of census tracts, within Snohomish County characterized by similar employment density, population density,
level of transit service, parking availability, access to high occupancy vehicle facilities, and other factors that are determined to affect the level of SOV commuting.

“Custom bus/buspool” means a commuter bus service arranged specifically to transport employees to work.

“Dominant mode” means the travel mode used for the greatest part of a commute trip.

“Employee Transportation Coordinator” means the person designated responsible for developing, implementing and monitoring an employer’s CTR Program.

“Employer” means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, whether public, private, for profit or nonprofit, or private, that employs workers.

“Exemption” means a waiver from any or all CTR Program requirements granted to an employer by the City based on unique conditions that apply to the employer or employment site.

“Flex-time” means an employer policy that provides work schedules allowing individual employees some flexibility in choosing the start and end time, but not the number, of their working hours to facilitate the use of alternative modes.

“Full-time employee” means a person, other than an independent contractor, whose position is scheduled to be employed continuously on a continuous basis for 52 weeks for an average of at least 35 hours per week.

“Good faith effort” means that an employer has met the minimum requirements identified in RCW 70.94.531 and this chapter and is working collaboratively with the City of Lynnwood to continue its existing CTR Program, or is developing and implementing program modifications likely to result in improvements to its CTR Program over an agreed-upon length of time.

“Implementation” means active pursuit by an employer toward of the CTR goals of RCW 70.94.521-555 and this chapter as evidenced by appointment of an employee transportation coordinator (ETC), distribution of information to employees regarding alternatives to drive-alone commuting, and commencement of other measures according to its approved CTR Program and schedule.

"Major employer" means a private or public employer, including state agencies, that employs 100 or more full-time employees at a single worksite who are scheduled to begin their regular workday between 6:00 a.m. and 9:00 a.m. on weekdays for at least twelve continuous months.

"Major employer worksite", or "affected employer worksite" means the physical location occupied by a major employer as determined by the City.

"Major employment installation" means a military base or Federal reservation, excluding tribal reservations, or other locations designated by the City, at which there are 100 or more affected employees.

“Mode” means the type means of transportation used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool or vanpool), transit, ferry, bicycle, and walking, compressed work week schedule and telecommuting.
“Notice” means written communications delivered via the United States Postal Service with receipt deemed accepted three days following the day on which the notice was deposited with the Postal Service, unless the third day falls on a weekend or legal holiday, in which case the notice is deemed accepted the day after the weekend or legal holiday.

“Peak period” means the hours from 6:00 a.m. to 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

“Peak period trip” means any employee trip that delivers the employee to begin his or her regular workday between 6:00 a.m. and 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

“Proportion of single-occupant vehicle drive-alone Trips” or “SOV drive-alone rate” means the number of commute trips over a set period made by affected employees in SOVs single-occupant vehicles divided by the number of potential trips taken by affected employees working during that period.

"Ride Matching Service” means a system which assists in matching commuters for the purpose of commuting together.

“Single-occupant vehicle (SOV)” means a motor vehicle occupied by one employee for commute purposes, including a motorcycle.

“Single-occupant vehicle (SOV) trips” means trips made by affected employees in SOVs.

“Single worksite” means a building or group of buildings that are on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of-way, and at which there are 100 or more full-time employees of one or more employers, who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays, for at least 12 continuous months.

“Tele-working” or "Tele-commuting” means the use of telephones, computers, or similar technology to permit an employee to work from home, eliminating a commute trip, or to work from a work place closer to home, reducing the distance traveled in a commute trip by at least half.

“Transit” means a multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, rail, shared-ride taxi, shuttle bus, or vanpool. A transit trip counts as zero vehicle trips.

"Transportation Demand Management (TDM)” means a broad range of strategies that are primarily intended to reduce and reshape demand on the transportation system.

“Transportation Management Association Organization (TMAO)” means a group of employers or an association representing a group of employers in a defined geographic area. A TMAO may represent employers within specific city limits, or may have a sphere of influence extending beyond city limits.

“Transportation manager” means the Community Development Director, or his or her designee responsible for administering the city’s commute trip reduction activities.
“Vanpool” means a vehicle occupied by from five (5) seven to fifteen (15) people traveling together for their commute trip resulting in the reduction of a minimum of one motor vehicle trip. A vanpool trip counts as zero vehicle trips.

“Vehicle miles traveled (VMT) per employee” means the sum of the individual vehicle commute trip lengths in miles made by affected employees over a set period divided by the number of affected employees during that period.

“Week” means a seven-day calendar period, starting Monday and continuing through Sunday.

“Weekday” means any day of the week except Saturday or Sunday.

“Writing,” “written,” or “in writing” means original signed and dated documents. Facsimile (fax) transmissions are a temporary notice of action that must be followed by the original signed and dated document via mail or delivery. (Ord. 2273 §§ 1, 2, 1999; Ord. 1930 § 1, 1993)

The goals established for the City and affected employers in the City of Lynnwood 2007 Commute Trip Reduction Plan are wholly incorporated herein by reference. Staff is directed to make corrections for typographical errors, include any graphic materials for information, and complete the CTR Plan.

11.14.025 Responsible City Department.
The transportation manager Community Development Director is hereby authorized and directed to enforce all provisions of this chapter. The transportation manager Director may prepare and require use of such forms and procedures as necessary for the administration of these regulations. (Ord. 1930 § 3, 1993)

11.14.030 Commute Trip Reduction Goals
A. The City of Lynnwood's goals for reducing the proportion of drive-alone commute trips and vehicle miles traveled per employee by affected employers in Lynnwood, major employment installations, and other areas designated by the City of Lynnwood are hereby established by the Lynnwood 2007 CTR Plan incorporated by Section 11.14.020 (above). These goals establish the desired level of performance for the CTR Program in its entirety in Lynnwood.

B. The City of Lynnwood will set individual worksite goals for affected employers based on how the worksite can contribute to the City's overall goals established in the CTR Plan. The goals will appear as a component of the affected employer's approved implementation plan as outlined in LMC 11.14.050 below.

11.14.32 Commute Trip Reduction Goals for Affected Employers
A. The drive-alone and VMT goals for affected employers in Lynnwood are hereby established as set forth in the CTR Plan incorporated by Section 11.14.020 (above).

B. If the goals for an affected employer or newly affected employer are not listed in the CTR Plan, they shall be established by the City at a level designed to achieve the City's overall goals for and other areas as designated by the City. The City shall
provide written notification of the goals for each affected employer worksite by providing the information when the City reviews the employer's proposed program and incorporating the goals into the program approved by the City.

The provisions of this chapter shall apply to any affected employer at any single worksite within the corporate limits of the City of Lynnwood.

A. Notification of Applicability.
1. In addition to Lynnwood’s established public notification for adoption of an ordinance, a notice of availability of a summary of the ordinance codified in this chapter, a notice of the requirements and criteria for affected employers to comply with this chapter, and subsequent ordinance revisions shall be published at least once in Lynnwood’s official newspaper not more than 30 days after passage of this ordinance codified in this chapter or revision;
2. Affected employers located in the city are to receive written notification within 30 days of passage of the ordinance codified in this chapter that they are subject to this chapter. Such notice shall be by certified mail, return receipt requested, addressed to the company's chief executive officer, or senior official, or ETC CTR Coordinator at the worksite. Such notification shall provide 90 days for the affected employer to perform a baseline measurement consistent with the requirements specified by this ordinance;
3. Affected employers that, for whatever reason, do not receive notice within 30 days of passage of the ordinance codified in this chapter and are either notified or identify themselves to the City within 90 days of the passage of the ordinance will be granted an extension to ensure the employers have 150 days to develop and submit a CTR Program;
4. Affected employers that have not been identified or do not identify themselves within 90 days of the passage of the ordinance codified in this chapter, and do not submit a CTR Program within 180 days from passage of the ordinance are in violation of this chapter;
5. Affected employers that do not submit a CTR Program within 180 days from the passage of the ordinance codified in this chapter are in violation of this chapter. (Ord. 1930 § 4, 1993)

If an affected employer has already performed a baseline measurement, or alternative acceptable to the City, under previous versions of this chapter, the employer is not required to perform another baseline measurement.

A. Employers that meet the definition of “affected employer” in this chapter must identify themselves to the city within 90 days of either moving into the boundaries of Lynnwood or growing in employment at a worksite to 100 or more affected employees. Such employers shall be granted a minimum of 150 days to develop and submit a CTR Program. Employers that do not identify themselves within 90 days of becoming an affected employer are in violation.
B. New affected employers identified as such shall have 90 days to perform a baseline measurement consistent with the measurement requirements specified by the City.
Employers who do not perform a baseline measurement within 90 days of receiving written notice that they are subject to this chapter are in violation of this chapter. They have two years to meet the first CTR goal of 15 percent; four years to meet the second goal of 20 percent; six years to meet the third goal of 25 percent; and 12 years to meet the fourth goal of 35 percent from the time they begin their program. The SOV and VMT goals specified above are based on reductions from the 1992 zone values for the CTR zone in which the worksite is located, or on the worksite’s own base year value as measured by the CTR employee survey. (Ord. 2273 § 3, 1999; Ord. 1930 § 5, 1993)

3. Not more than 90 days after receiving written notification of the results of the baseline measurement, a newly affected employer shall submit a CTR Program to the City. The program shall be developed in consultation with the Director to be consistent with the goals of the CTR Plan adopted in Section 11.14.20 (above). The program shall be implemented not more than 90 days after approval by the City. Employers not implementing an approved CTR Program according to this schedule are in violation of this chapter and subject to the penalties outlined in LMC 11.14.095

Any of the following changes in an employer’s status will change the employer’s CTR Program requirements:
A. If an employer, initially designated an affected employer, no longer employs 100 or more affected employees and expects not to employ 100 or more affected employees for the next 12 months, that employer is no longer an affected employer. The employer must notify the city in writing that it is no longer an affected employer. The burden of proof lies with the employer.
B. If the same employer returns to the level of 100 or more affected employees within the same 12 months, that employer will be considered an affected employer for the entire 12 months and will be subject to the same program requirements as other affected employers. The employer shall notify the City in writing that it is an affected employer.
C. If the same employer returns to the level of 100 or more affected employees 12 or more months after its change in status to an “unaffected” employer, that employer shall be treated as a new affected employer, subject to the same program requirements as other new affected employers. (Ord. 1930 § 6, 1993)

An affected employer is required to make a good faith effort, as defined in RCW 70.94.534(2) and this chapter, to develop and implement a CTR Program that will encourage its employees to reduce VMT per employee and SOV drive-alone commute trips. The CTR Program must include the mandatory elements described below. The employer shall submit a description of its program to the city and provide an annual progress report to the City on employee commuting and progress toward meeting the SOV CTR goals. (Ord. 2273 § 4, 1999; Ord. 1930 § 7, 1993)

11.14.052 CTR Program Report and Description Requirements.
Affected employers shall review their program files and file a regular progress report with the City in accordance with the format provided by the City.

A. The CTR Program Report and Description outlines strategies to be undertaken by an affected employer to achieve the commute trip reduction goals for the reporting period 1995, 1997, 1999 and 2005. Employers are encouraged to consider innovative strategies and combine program elements in a manner that will best suit their location, site characteristics, business type, and employees’ commuting needs.

Employers are further encouraged to cooperate with each other and to form or use transportation management associations in developing and implementing CTR Programs.

B. At a minimum, the employer’s CTR Program Report and Description must include:
   1. A general description of the employment site location, transportation characteristics, employee parking availability, on-site amenities and surrounding services, including unique conditions experienced by the employer or its employees;
   2. The total number of employees at the site and the number of employees affected by the CTR Program;
   3. Documentation of compliance with the mandatory CTR Program elements as described in LMC 11.14.054;
   4. A description of additional elements included in the CTR Program as described in LMC 11.14.056; and
   5. A schedule of implementation, assignment of responsibilities, and a statement of organizational commitment to provide appropriate resources to meet CTR goals.

(Ord. 2273 § 5, 1999; Ord. 1930 § 8, 1993)

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. An affected employer with multiple sites may have one ETC transportation coordinator for all sites.
   2. The ETC coordinator 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 e-mail address if available), shall be displayed prominently at each affected worksite, and shall also be provided to the Lynnwood Community Development Director. If the employer designates a new ETC, information about the new ETC shall be displayed and forwarded to the City with 30 days of the change.
   4. Newly designated ETCs must attend a training class organized by Community Transit with 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 twelve months.

   The objective is to have an effective transportation coordinator at each worksite.

B. Information Distribution. Information about alternatives to drive-alone SOV commuting shall be provided to employees at least once a year and to new employees at time of hire. Each The summary of the employer’s CTR Program shall
also be submitted to the City with the employer’s program description and annual report must report the information to be distributed and the method of distribution; C. Annual Progress Report. The CTR program must include an annual review of employee commuting and of progress toward meeting the SOV reduction goals. Affected employers shall file an annual progress report with the city in accordance with the format established by the city. The report shall describe each of the CTR measures that were in effect for the previous year, the results of any commuter surveys undertaken during the year, and the number of employees participating in CTR programs. Within the report the employer should evaluate the effectiveness of the CTR program and if necessary, propose modifications to achieve the CTR goals. Survey information or approved alternative information must be provided in the 1995, 1997, 1999, 2001, 2003 and 2005 annual reports. (Ord. 2273 § 6, 1999; Ord. 1930 § 9, 1993)

In addition to the specific program elements described above, the employer’s CTR Program shall include additional elements as needed to meet CTR goals. Elements may include, but are not limited to, one or more of the following:

A. Providing preferential parking or reduced parking charges or both, for high-occupancy vehicles;
B. Instituting or increasing parking charges for drive-alone SOV, commuters, or providing rebates or other incentives for employees who do not use the parking facilities;
C. Providing commuter ride-matching services to facilitate employee ride-sharing for commute trips;
D. Providing subsidies for transit or vanpool fares, and/or transit passes;
E. Providing vans or buses for employee ridesharing vanpools;
F. Providing subsidies or incentives for carpools, vanpools, walking, bicycling, teleworking, compressed work schedules or other non drive-alone employees;
G. Permitting use of employer vehicles for carpooling or vanpooling;
H. Permitting flexible work schedules to facilitate employee use of transit, carpools, or vanpools;
I. Cooperating with transportation providers to provide additional regular or express service to the worksite;
J. Constructing special loading/unloading facilities for transit, carpool, and vanpool users;
K. Providing bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;
L. Providing a program of parking incentives such as a rebate for employees who do not use the parking facilities;
M. Establishing a program to permit employees to work part or full-time at home or at an alternative worksite closer to their homes;
N. Implementing other measures to facilitate the use of high-occupancy vehicles, such as on-site day-care facilities and guaranteed ride home services.
Other measures the employer believes will reduce the number and length of commute trips. (Ord. 1930 § 10, 1993)

11.14.058 Biennial Measure of Employee Commute Behavior
In addition to the baseline measurement, employers shall conduct a program evaluation as a means of determining worksite progress toward meeting CTR goals. As part of the program evaluation, the employer shall distribute and collect Commute Trip Reduction Program Employee Questionnaires (surveys) at least once every two years, and strive to achieve at least a 70% response rate from employees at the worksite.

Affected employers shall maintain a copy of their approved CTR Program Description and Report, their CTR Program Employee Questionnaire results and all supporting documents for the description and assertions made in any CTR report to the City include a list of the records they will keep as part of the CTR program they submit to the city for approval. Employers will maintain all records listed in their CTR program for a minimum of 48-36 months. The City and the employer shall agree on the recordkeeping requirements as part of the accepted CTR Program. (Ord. 1930 § 11, 1993)

11.14.070 CTR Annual Progress Reports
Upon review of an employer’s initial CTR Program, the City shall establish the employer’s annual reporting date, which shall not be less than 12 months from the day the program is submitted. Each year on or before the reporting date, the employer shall submit to the City an annual CTR report. (Ord. 1930 § 13, 1993)

The City shall provide the employer with written notification if a CTR Program is deemed unacceptable. The notification must give cause for the rejection. If the employer does not receive written notification of extension of the review period for its CTR Program or comment on the CTR Program or annual report within 90 days of submission, the employer’s program or annual report is deemed accepted. The City may extend the review period up to 90 days. The implementation date for the employer’s CTR Program will be extended an equivalent number of days. (Ord. 1930 § 14, 1993)

Any affected employer may submit a request to the City for modification of CTR Program elements, other than the mandatory elements specified in this chapter, including recordkeeping requirements. Such request may be granted by the City if one of the following conditions exist:

A. The employer can demonstrate it would be unable to comply with the CTR Program elements for reasons beyond the control of the employer; or
B. The employer can demonstrate that compliance with the program elements would constitute an undue hardship. (Ord. 1930 § 15, 1993)

On granting such a request the City may require the employer to substitute a program element of similar trip reduction potential.

Repealed by Ord. 2273.

A. An affected employer may request additional time, an extension not to exceed 90 days, to submit a CTR Program Description and Report or CTR annual progress report, or to implement or modify a program. Such requests shall be made in writing not less than 30 days before the due date for which the extension is being requested. Requests must be made by certified letter, return receipt requested. Extensions may be granted for the following causes:
   1. Insufficient staff to do the work;
   2. Complexity of the program due to substantial workforce, multiple worksites or other factors;
   3. Coordinating multiple employer participants on a single site has caused unanticipated delay;
   4. Other reasonable cause as determined by the Director.
B. The City shall grant or deny the employer’s extension request by certified letter, return receipt requested within 10 working days of receipt. If there is no response issued to the employer, an extension is automatically granted for 30 days. Extensions shall not exempt an employer from any responsibility for meeting program goals. Extensions granted due to delays or difficulties with any program element(s) shall not be cause for discontinuing or failing to implement other program elements. An employer’s annual reporting date shall not be adjusted permanently as a result of an extension. (Ord. 1930 § 17, 1993)


Unless an extension is granted, the employer shall implement its approved CTR Program not more than 90 days after receiving written notice from the City that the program has been approved or with the expiration of the program review period without receiving notice from the City, was first submitted to the city. Implementation of the approved program modifications will occur within 30 days of the final decision or 180 days from submission of the CTR program or CTR annual report, whichever is greater. (Ord. 1930 § 18, 1993)

11.14.080 Credit for Transportation Demand Management Efforts.
A. Leadership Certificate. As public recognition for their efforts, employers with VMT per employee and proportion of drive alone SOV trips lower than the City average will receive a commute trip reduction certificate of leadership from the City.
B. Credit for Programs Implemented Prior to the Base Year. Employers with successful transportation demand management (TDM) programs implemented prior to the 1992 base year may be eligible to apply for program exemption credit, which exempts them from
most program requirements. When these employers apply for the program exemption credit in their initial 1993 CTR program descriptions, they shall be considered to have met the 1995 CTR goals if their VMT per employee and proportion of SOV trips are equivalent to a 12 percent or greater reduction from the final base year zone values. This three percent point credit applies only to the 1995 CTR goals.

C. Process to Apply for Program Exemption Credit. New affected employers may apply for program exemption credit for the results of past or current transportation demand management (TDM) efforts by applying to the City in their initial program description or as part of any other annual report. Application shall include results from a survey of employees, or equivalent information that establishes the applicant’s VMT per employee and proportion of drive-alone SOV trips. The survey or equivalent information shall conform to all applicable standards established in Section 7 of the Measurement and Evaluation Guidelines of the Commute Trip Reduction Board Task Force Guidelines (revised fall 1997).

D. Employers that apply for credit and whose VMT per employee and proportion of SOV trips are equal to or less than both the SOV and VMT goals for the southwest zone for one or more future goal years, and commit in writing to continue their current level of effort, shall be exempt from the requirements of this chapter except for the requirements to report performance in 1995, 1997, and 1999. If any of these reports indicate the employer does not satisfy the next applicable goal(s), the employer shall immediately become subject to all requirements of the CTR ordinance. (Ord. 2273 § 8, 1999; Ord. 1930 § 19, 1993)


A. Compliance. For purposes of this section, compliance shall mean:

1. Fully implementing in good faith all mandatory program elements as well as provisions in the approved an accepted CTR Program Description and Report, or meeting or exceeding VMT and SOV goals of this chapter.

2. Providing a complete CTR Program Description and Report by the regular reporting date; and

3. Distributing and collecting the CTR Program Employee Questionnaire during the scheduled survey period.

B. Violations. The following constitute violations if the deadlines established in this chapter are not met:

1. Failure to self-identify as an affected employer.

2. Failure to perform a baseline measurement, including:
   a. Employers notified or that have identified themselves to the City as affected employers within 180 90 days of the ordinance being adopted and that do not perform a baseline measurement consistent with City requirements submit a CTR program within 180 90 days from the notification or self-identification;
   b. Employers not identified or self-identified within 180 90 days of the ordinance being adopted and that do not submit or implement a CTR program perform a baseline measurement consistent with City requirements within 180 90 days from the adoption of the ordinance.

3. Failure to develop and/or submit on time a complete CTR Program.
4. Failure to implement an approved CTR Program, unless the program elements that are carried out can be shown through quantifiable evidence to meet or exceed VMT and SOV drive-alone goals as specified in this chapter;  
5. Submission of false or fraudulent data in response to survey requirements;  
6. Failure to make a good faith effort, as defined in RCW 70.94.534 and this chapter; or  
7. Failure to revise a CTR Program as defined in RCW 70.94.534 and this chapter.  
(Ord. 2273 § 9, 1999; Ord. 1930 § 20, 1993)

The following penalties apply:  

A. Each day of failure to implement the CTR Program shall constitute a separate violation. Any violation of this chapter shall be fined $250.00.  
B. An employer shall not be liable for civil penalties if failure to implement an element of a CTR Program was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith. Unionized employers shall be presumed to act in good faith compliance if they:  
1. Propose to a recognized union any provision of the employer’s CTR Program that is subject to bargaining as defined by the National Labor Relations Act; and  
2. Advise the union of the existence of the statute and the mandates of the CTR Program approved by the City and advise the union that the proposal being made is necessary for compliance with state law (RCW 70.94.531).  
C. No affected employer with an approved CTR Program may be held liable for failure to reach the applicable SOV drive-alone or VMT goals. (Ord. 2273 § 10, 1999; Ord. 1930 § 21, 1993)

The city may issue a notice of violation and assessment of civil penalties for any violation of this chapter in accordance with the provisions set forth in LMC 2.22.180 through 2.22.240. (Ord. 1930 § 22, 1993)

11.14.100 Exemptions and Goal Modifications.
A. Worksite Exemptions. An affected employer may submit a request to the city to grant an exemption from all CTR Program requirements or penalties for a particular worksite.  
1. The employer must demonstrate that it would experience undue hardship in complying with the requirements of this chapter as a result of the characteristics of its business, its work force, or its location(s).  
2. An exemption may be granted if and only if the affected employer demonstrates that it faces extraordinary circumstances, such as bankruptcy, and is unable to implement any measures that could reduce the proportion of SOV drive-alone trips and VMT per employee.  
3. Exemptions may be granted by the city at any time based on written notice provided by the affected employer. The notice should clearly explain the conditions
for which the affected employer is seeking an exemption from the requirements of the CTR Program.

4. The City shall grant or deny the request within 30 days of receipt of the request. The city shall review annually all employers receiving exemptions, and shall determine whether the exemption will be in effect during the following program year.

B. Employee Exemptions.

1. Specific employees or groups of employees who are required to drive to work alone as a condition of employment may be exempt from a worksite’s CTR Program.

2. Exemptions may also be granted for employees who work variable shifts throughout the year and who do not rotate as a group to identical shifts.

3. The City will use the criteria identified in the CTR Board Administrative Task Force Guidelines to assess the validity of employee exemption requests.

4. The City shall review annually all employee exemption requests, and shall determine whether the exemption will be in effect during the following program year.

C. Modification of CTR Program Goals.

1. An affected employer may request that the City modify its CTR Program goals.
   a. Such requests shall be filed in writing at least 60 days prior to the date the worksite is required to submit its program description and annual report.
   b. The goal modification request must clearly explain why the worksite is unable to achieve the applicable goal.
   c. The worksite must also demonstrate that it has implemented all of the elements contained in its approved CTR Program.

2. The City will review and grant or deny requests for goal modifications in accordance with procedures and criteria identified in the CTR Board Task Force Guidelines. An employer may not request a modification of the applicable goals until one year after the city approved its initial program description or annual report. (Ord. 2273 § 11, 1999; Ord. 1930 § 23, 1993)


The following criteria for achieving goals for VMT per employee and proportion of drive-alone SOV trips shall be applied in determining requirements for employer CTR Program modifications:

A. If an affected employer makes a good faith effort, as defined in RCW 70.94.534(2) and this chapter, and meets either or both the applicable drive-alone SOV or VMT goals, the employer has satisfied the objectives of the CTR plan and will not be required to modify its CTR Program.

B. If an affected employer makes a good faith effort, as defined in RCW 70.94.534(2) and this chapter, but has not met and is not likely to meet the applicable drive-alone SOV or VMT goals, the City shall work collaboratively with the employer who shall submit a revised CTR Program description to the City for approval within 30 days of reaching an agreement.

C. If an employer fails to make a good faith effort, as defined in RCW 70.94.534(2) and this section, and fails to meet either the applicable SOV drive-alone or VMT reduction goal, the City shall work collaboratively with the employer to identify
modifications to the **CTR Program** and shall direct the employer to **revise its program** within 30 days to incorporate the modifications. They shall come into compliance with the measures defined by RCW 70.94.534(2), including specific recommended program modifications.

1. In response to the recommended modifications, the employer shall submit a revised CTR Program Description and Report, including the requested modifications or equivalent measures, within 30 days of receiving written notice to revise its program. The **City** shall review the revisions and notify the employer of acceptance or rejection of the revised program.

2. If a revised program is not accepted, the **City** will send written notice to that effect to the employer within 30 days and, if necessary, require the employer to attend a conference with program review staff for the purpose of reaching a consensus on the required program. A final decision of the required program will be issued in writing by the City within 10 working days of the conference. (Ord. 2273 § 12, 1999; Ord. 1930 § 24, 1993)

### 11.14.120 Appeals.

A. **Administrative Determinations.** Any affected employer may appeal administrative decisions regarding exemptions, modification of goals or elements or modification of the affected employer’s plans using the procedures set forth in Chapter 2.22 LMC 1.35.600 used for appeals of administrative determinations on interpretations of land use regulations.

B. **Notice of Violation and Assessment of Civil Penalties.** Any person receiving a notice of violation and assessment of civil penalties for violation of this chapter may appeal the same in accordance with the provisions set forth in LMC Chapter 1.40 2.22.180 through 2.22.240. (Ord. 1930 § 25, 1993)

### 11.14.130 Severability.

If any section, subsection, sentence, clause, phrase or word of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this chapter. (Ord. 1930 § 26, 1993)
codified in this chapter
as
up to
CTR program
180

CTR program
180
the
codified in this chapter
; and
presents the CTR program

organizations

3.

D
The coordinator shall oversee all elements of the employer’s CTR program and act as liaison between the employer and the city.

An affected employer with multiple sites may have one transportation coordinator for all sites.
11.14.072 CTR Annual Progress Reports.

Upon review of an employer’s initial CTR program, the city shall establish the employer’s annual reporting date, which shall not be less than 12 months from the day the program is submitted. Each year on the employer’s reporting date, the employer shall submit to the city the annual CTR report. (Ord. 1930 § 13, 1993)
in these T

the CTR program

Zone drive alone
CTR program

of Lynnwood

Task Force

review

CTR program
ACTION
Discussion only at this work session.

PROPOSAL
The City’s Comprehensive Plan includes an Implementation Element. The 2008 Docket includes an update of this Element. This Element is updated every year to reflect changes in projects and other actions to implement the Goals, Objectives and Policies in the other Elements.

BACKGROUND
The Municipal Code provides a process for annual consideration of amendments to the City’s Comprehensive Plan. Review of these amendments is a major component of the Planning Commission’s annual work program.

DECISION CRITERIA AND OTHER LEGAL CITATIONS
The Implementation Element of the Comprehensive Plan states the following criteria for taking action on proposed Plan amendments:

- “Each component of a Comprehensive Plan Amendment package shall be reviewed and approved only if it meets all of the following criteria:
- “The proposal is consistent with the provisions of the Growth Management Act and will not result in Plan or regulation conflicts; and
- “The proposal will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, or residents; and
- “The proposed amendment can be accommodated by all applicable public services and facilities, including transportation; and
- “The proposal will help implement the goals and policies of the Lynnwood Comprehensive Plan; and
- “If the proposal could have significant impacts beyond the Lynnwood City Limits, it has been sent to the appropriate Snohomish County officials for review and comment.”

ENVIRONMENTAL REVIEW
A Determination of Non-Significance is being issued for this proposed amendment.
ANALYSIS/COMMENT

This year’s amendments to this Element are intended only to bring the schedule for implementation projects up-to-date and make other “housekeeping” changes; no policy changes are proposed.

A. Consistency Analysis
A complete evaluation of the 2008 proposals will be included in the staff report for the July 24 hearing.

B. Other Issues
None

RECOMMENDATION
1. Discuss any concerns with the existing text in the Implementation Element or with the proposed update.

ATTACHMENTS:

A copy of the proposed changes will be distributed at the work session.
Annexation Update
June 30, 2008

Purpose
Bring City Council up-to-date on major activities in support of annexation of MUGA and seek Council concurrence regarding decisions for direction of staff efforts.

Summary
For the MUGA annexations, staff is moving forward on three major efforts:

- Annexation agreements with affected agencies;
- Annexation Fiscal Study (Berk Associates); and
- Public Outreach.

Focusing initial annexation effort on a portion of the MUGA

Staff efforts and associated meeting-time with the City Council is expected to increase substantially over the next five months, leading to a decision on a Resolution of Intent to Annex in November. It is essential that the Council be kept informed as to progress and issues concerning annexations. Their impact upon the City will be major and we must operate within limited timeframes in accordance with State law. Current and future City residents and business community also have a major stake in the outcome. Regular updates with the Council will be scheduled.

Independent of the major push to initiate annexations prior to 2010, annexation of the two unincorporated islands (Maple Precinct and Perrinville) is also moving forward, with Council action on annexing Maple Precinct expected in Sept-Oct 2008 and on Perrinville in early 2009.

Island Annexation – Maple Precinct

- First public meeting was held in April
  - Major discussion points: sewer service, reasons for City initiative, taxes
- Second public meeting scheduled for July 9
  - Focus on prior major discussion points
- Preparing for Council action in Sept-Oct, then submission to Boundary Review Board (BRB).
- If BRB concurs, back to Council for action; no election required, but residents opposed to annexation may trigger referendum on Council approval of annexation. (Annexation of small, unincorporated islands is handled under a different set of procedures than are annexations of larger areas.)
Island Annexation – Perrinville

- Staff met twice with owner (single ownership)
- No major concerns identified.
- New building is under construction – owner asked to delay annexation until building is complete.
  - Less confusion for staff, as transferring responsibility for inspection during construction can cause confusion and/or delay construction.
- Following approval of new building (late 2008), Council action will be scheduled.

MUGA Annexation

Annexation Agreements

- County (Master Annexation Agreement) – Discussion underway – no major issues at this point on the content of the ILA. It purpose is to provide for the smooth transition of services and obligations. However, County PDS staff has created two potential roadblocks. Staff is attempting to work the issue but it may well require intervention by City electeds working with the County Council to redirect County staff. The first issue is that the County refuses to recognize the City’s expanded 2007 MUGA lines and believes that they must be approved by the County Council and/or SCT. Staff has a potential interim solution for this problem. The second issue is that PDS is determined to use the ILA as a hammer to force the City’s to coordinate elimination of MUGA gaps and overlaps to their satisfaction as a condition of having the ILA processed... County staff, however, currently in discussion with county council over extent to which negotiation of ILA’s is dependent upon resolution of MUGA “gap” and “overlap” issues.
- Fire District 1 (Transition of Services) – Over a year of discussions; scope has ranged from multi-station on-going operating agreement to creating a regional fire authority to transfer of station(s) affected by annexation. The Council has already been briefed on progress. If the negotiations fail to reach a successful conclusion in the near future, the City will need to develop a plan to “grow” Lynnwood Fire into the MUGA by hiring staff and taking the City’s share of the District’s assets in accordance with state law.
- Mukilteo (MUGA Boundary) – Mukilteo is taking a second run at annexation, proposing to use the petition method this time. The City is pulling back their annexation boundaries to 148th St and the west side of SR 99, which would eliminate many of Lynnwood’s concerns. However, there is some evidence that the City may be encouraging residents of the Meadowdale Gap, south of 148th, to circulate their own petitions to annex into Mukilteo.
- Mill Creek (MUGA Boundary) – Not much progress on resolving “overlap” area to date. Staff will initiate a new round of meetings after July 4. Mill Creek staff has indicated current workload constraints mean discussion of resolving overlap will begin in July 2008.
- Edmonds (MUGA Boundary) – Edmonds approached the City with an annexation petition for about 44 homes located south of Lunds Gulch in our MUGA – staff
briefed the Council on this matter earlier this year. Staff believes that it may make sense to support this action in exchange for a recognition that homes with Edmonds addresses located north of Lunds Gulch, are slated to annex into Lynnwood and allowing Lynnwood to annex the few remaining parcels associated with the southern edge of Lunds Gulch.

**Annexation Fiscal Study**

Berk Associates uses “drivers” calibrated to current City services to project staffing and costs to provide City services in MUGA.

Study well underway; lots of time/effort by City staff (data collection and synthesis) and Berk Associates (understanding City data and calibrating fiscal model).

Scheduled to have preliminary results ready for discussion with Council in September.

**Public Outreach**

Inside Lynnwood being mailed to entire MUGA. The past two issues contained articles on annexation, Lynnwood’s plans and answers to typical questions. People are encouraged to call Community Development if they want more information in advance of the formal outreach effort and many have done so. A special annexation newsletter will be published late summer/early fall featuring articles about annexation. Public response has generally been favorable.

Series of community meetings programmed for late Sept – Oct (following completion of fiscal study).

Materials are also being posted on City web site.

**Items for Council Concurrence**

**Geography for MUGA Annexations**

Annexing entire MUGA would more than double City population (see separate memo).

State requirement (for sales tax rebate incentive): annexation area must be contiguous with city, internally contiguous and minimum population of 10,000.

County (and others) continue not to recognize 2007 Amendments to Lynnwood MUGA and are creating issues over existing MUGA overlaps between Lynnwood and Mill Creek.

Focus current (2010) efforts on “core MUGA” (pre-2007 boundary) – Implement a longer-term time horizon for Meadowdale Gap, North Road and (possibly) Lake Stickney in next few years.

For MUGA, initial concept: split into two annexation areas: West of SR 525 and east of SR 525.
Delete Meadow Road area from current consideration – boundary divides Martha Lake and existing neighborhood and is not consistent with State annexation criteria.

**Schedule for MUGA Annexations**
- Next City Council work session: mid-August
- Fiscal Study initial results: mid-September
- Public Outreach Meetings: late Sept. – Oct.
- Fiscal Study final results: mid-October
- First zoning hearing: October 13
- Second zoning hearing and action on Resolution of Intent: November 24
- Informational Public Meetings (Feb-March, 2009)
- Annexation Election: May, 2009 (or August 2009)
- Annexation Effective: Late 2009

**Land Use Plan for MUGA**
- Need to accommodate population and employment growth allocations.
- Start with County land use plan map and revise to limit density in single family neighborhoods.
- Retain Urban Centers and prepare area plans following annexation.
Annexation Study Areas