AGENDA
Lynnwood Planning Commission
Thursday, August 26, 2010 — 7:00 pm
City Council Chambers, 19100 – 44th Ave. W., Lynnwood WA

A. CALL TO ORDER – ROLL CALL

B. APPROVAL OF MINUTES:
   Meeting of July 22, 2010

C. COUNCIL LIAISON REPORT

D. CITIZEN COMMENTS – on matters not on tonight's agenda.

E. PUBLIC HEARINGS

F. OTHER BUSINESS

G. WORK SESSIONS
   1. Transition Area Zoning Regulations (2008CAM0003). Proposed zoning regulations (permitted and prohibited land uses, development regulations, etc.) for the Alderwood – City Center Transition Area, generally located east of 36th Ave W., south of 188th St. SW and west of Alderwood Mall Blvd.

   2. Shoreline Master Program (2007CPL0007). Draft plan for management of the shoreline and adjoining areas under City jurisdiction, pursuant to the state Shoreline Management Act.

   3. Countywide Planning Policies for Snohomish County. Presentation regarding draft of an update of the Countywide Planning Policies for Snohomish County. The purpose of the update is to ensure that the county’s policies are consistent with the new Regional Growth Strategy, Vision 2040, adopted by the Puget Sound Regional Council.

H. DIRECTOR’S REPORT

I. COMMISSIONERS’ COMMENTS

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) 670-5161, the City will make reasonable effort to accommodate those who need special assistance to attend this meeting.
Action

Conduct public hearing. Discuss ordinance following public hearing. Direction to staff following hearing regarding ordinance or recommendation to present ordinance to City Council.

Background

At the July 22, 2010 Planning Commission meeting, staff presented the Planning Commission with a series of questions regarding home occupations, as well as a “draft” code implementing the Commission’s comments to date. Following that presentation and discussion, staff was instructed to finalize an ordinance for review and to set a public hearing for the amendments.

Relevant Legal Citation

LMC Sections 21.42.300 (Home Occupation – Single-Family Residential) and 21.43.300 (Home Occupation – Multi-Family Residential) provide current regulations for businesses operating out of a residence in single family and multiple family zones.

LMC Section 21.16.290 provides regulations for signage for Home Occupations and Child Day Care Centers.

Analysis and Comment

A number of deletions and inclusions are being proposed, however, attention is drawn to a few of the changes:

1. Section D – Following the Commission discussion at the July 22nd meeting, retail sales were kept as in the current code but “Such stock must be incidental to the main activity permitted by the home occupation.”
amount of retail sales to those associated with the primary use (i.e. shampoos with a beauty shop). The primary activity must be occurring on-site and independent retail of goods not allowed.

2. Section E – The last two sentences were added to address control of materials stored on-site.

3. Section F – The first two added sentences address “client” on site. Client is written to mean one vehicle on site, however, that vehicle may include more than one person (i.e. a driver plus children getting haircuts). The limitation for a “group” on-site is controlled by the number of individuals in a single vehicle.

4. Section G(7) – reference to “a state licensing or an accrediting agency, when available” was added in order to provide direction to the staff and resident of what is meant by “licensed and certified.” The language “if available” was recommended by the staff in the instance where such an “official” sanctioning body may not exist.

5. Signage 19.16.290 – Size of signage was reduced from six square feet to two square feet and includes signage for Child Day Care Centers in order to avoid allowing large “commercial” signs in residential areas. Some discussion may need to occur as to the inclusion of the Child Day Care Centers in the size limitation.

Following the public hearing, the Commission will be asked to make any additional changes to the ordinance and/or make a recommendation on the ordinance to the City Council.

Conclusions and Recommendations:

Discuss ordinance and finalize language.

Recommend adoption of the ordinance to the City Council.

ATTACHMENTS

A. Ordinance
CITY OF LYNNWOOD

ORDINANCE NO. ______

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LYNNWOOD MUNICIPAL CODE SECTIONS 21.42.300 AND 21.43.300, RELATING TO HOME OCCUPATIONS IN THE SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL ZONES; AMENDING SECTION 21.16.290 RESIDENTIAL SIGNS; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, pursuant to Chapters 35A.11 and 35A.63 RCW the City Council of the City of Lynnwood has the authority to adopt ordinances relating to the use of real property located within the City; and

WHEREAS, technology, economic shifts, and entrepreneurship allow and encourage business activities that can be operated out of the home; and

WHEREAS, with the application of appropriate standards it is possible to conduct a variety of business activities from a home without adversely impacting the neighborhood; and

WHEREAS, if appropriately regulated income derived from a home occupations and having more people in a neighborhood during business hours could encourage neighborhood stability and safety; and

WHEREAS, the present zoning code could be construed to be overly restrictive with regards to allowed home occupations; and

WHEREAS, the City of Lynnwood has received a public comment to allow personal services as a home occupations; and

WHEREAS, the City believes that the allowance of personal services as a permitted use incorporated into an updating of this section of the code would be of economic benefit to residents and the community; and

WHEREAS, the Community Development Director may approve with modification an application for a home occupation and withdraw an approval;

WHEREAS, the City Council desires to amend the Lynnwood Municipal Code in order to address these issues and to clarify the intent of Ordinances No. 2466 and No. 2586, respectively; now, therefore
THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Sections 21.42.300 of the Lynnwood Municipal Code is amended to read as follows:

21.42.300 Home Occupations.
A home occupation may be permitted by issuance of a business license, pursuant to
LMC Title 5, provided the business complies with this and other applicable sections of
the Lynnwood Municipal Code.
A. Area Used. A home occupation may only be conducted in the principal building
and not in an accessory building. The area devoted to the home occupation may
comprise no more than 25 percent of the area of the principal building. Any extension
of the home occupation to the outdoors, including, but not limited to, paving or yards
for parking, outdoor storage or activity, indoor storage or activity visible from outdoors
(e.g. in an open garage) is prohibited.
B. Access. Access to the space devoted to the home occupation shall be from
within the dwelling, not internally "closed off" or separated from the living areas of the
dwelling, and not from a separate outside entrance.
C. Employment. No one other than the members of the resident household may
perform labor or personal services on the premises, or parking at or near the dwelling.
D. Stock in Trade. The processing, storing, and occasional sale of
handicrafts made on the premises and other small products is allowed, subject to
compliance with other conditions of this title. Such stock must be incidental to the
main activity permitted by the home occupation. The display or storage of goods
outside the premises or in a window is prohibited.
E. Equipment, Use, and Activities. No equipment may be used and no activities
may be conducted which would result in noise, vibration, smoke, dust, odors, heat,
glare, or other conditions exceeding in duration or intensity those normally produced by
a residential use. Normal residential uses shall be construed as including the above
impacts only on an occasional weekend or evening basis (e.g. in connection with a
hobby or home/yard maintenance), and not on a daily basis. Outdoor storage of
equipment, materials, or more than one vehicle related to the business is prohibited.
There shall be no production, generation, or storage of any hazardous waste or
substance. Those individuals who are engaged in home occupations shall make
available to the fire or county health departments for review the material safety data
sheets which pertain to all potentially toxic and/or flammable materials associated with
the use.
F. Traffic. A home occupation shall not generate traffic in excess of normal
residential traffic. Normal residential traffic for the purposes of regulating home
occupation traffic shall be defined as 10 trips per day and one trip per hour. There
shall not be more than one client on the premises at any one time. One client
constitutes those arriving in a single vehicle. Delivery services such as the Post Office,
UPS, FedEx and similar, which make normal deliveries to residential neighborhoods,
shall not be included in the assessment. Trips, whether personal or for business, by
residents of the dwelling, shall also not be included. Home occupations that generate
traffic or parking, is are limited to the hours of 7:00 a.m. to 9:00 p.m.

G. Certain Uses Specifically Prohibited: The following uses are specifically
prohibited as home occupations:

1. Automotive repairs or detailing;
2. Small engine and major appliance repair;
3. Boarding, grooming, kenneling, or medical treatment of animals;
4. Contractors' shops (with the exception of administrative and office
   functions).
5. On-site sale of firewood;
6. Sheet metal fabrication;
7. Unlicensed or uncertified (by state licensing or an accrediting agency,
   when available) health care or other physical or personal services
   administered directly to the client at this location.
8. Beauty/barber shops and other similar activities having more than one
   station.
8.9. Any other use as determined by the Community Development Director
   with a demonstrated tendency significant potential to violate one or more
   of the conditions of this section.

H. Signs. Any home occupation sign must meet the residential sign regulations in
LMC 21.16.290. Such signs shall display only the name and address.

I. Exemptions. The following shall not be regulated under this ordinance: garage
sales, yard sales, bake sales, and similar as long as they do not occur more than
three times per year per home.

J. Process.

1. Applications. Home occupations shall be reviewed concurrently with the
business license application pursuant to LMC Title 5. Applications for
home occupation related business licenses shall also include a copy of a
site plan showing parking and a floor plan for the premises showing
access and the square footage of the total premises and the square
footage allocated to the business. All home occupation business license
applications shall be acknowledged by the property owner (if other than
the applicant).

2. Conditions. The Director of the Community Development Department
may impose additional conditions to mitigate any potential adverse
impacts of the home occupation to the surrounding uses.

3. Business License. A business license shall be obtained from the City’s
Clerk’s office shall be maintained. If the license is not maintained, the
home occupation approval shall become null and void and a new business
license application shall be required to reestablish the use.

4. Review, Enforcement, and Penalties

   a) A violation of any provision of this chapter shall be a civil
     infraction. Enforcement activities will be conducted pursuant to
     LMC 1.40.020.
b) A home occupation may be suspended or revoked by the Director of the Community Development Department as an administrative decision. The Director may base his action on:
   i. Lack of compliance with the conditions of the permit of the business license or its approval, or with the provisions of the development code; or
   ii. Upon finding that the operation of the home business creates a nuisance or hazard, or has been abandoned, or was procured by mistake, fraud or deception.

Section 2. Sections 21.43.300 of the Lynnwood Municipal Code is amended to read as follows:

21.43.300 Home Occupations.
A home occupation may be permitted by issuance of a business license, pursuant to LMC Title 5, provided the business complies with this and other applicable sections of the Lynnwood Municipal Code.
A. Area Used. A home occupation may only be conducted in the principal building and not in an accessory building. The area devoted to the home occupation may comprise no more than 25 percent of the area of the principal building. Any extension of the home occupation to the outdoors, including, but not limited to, paving or yards for parking, outdoor storage or activity, indoor storage or activity visible from outdoors (e.g. in an open garage) is prohibited.
B. Access. Access to the space devoted to the home occupation shall be from within the dwelling, not internally “closed off” or separated from the living areas of the dwelling, and not from a separate outside entrance.
C. Employment. No one other than the members of the resident household may perform labor or personal services on the premise, or parking at or near the dwelling.
D. Stock in Trade. The processing, storing, and occasional sale of handicrafts made on the premises and other small products is allowed, subject to compliance with other conditions of this title. Such stock must be incidental to the main activity permitted by the home occupation. The display or storage of goods outside the premises or in a window is prohibited.
E. Equipment, Use, and Activities. No equipment may be used and no activities may be conducted which would result in noise, vibration, smoke, dust, odors, heat, glare, or other conditions exceeding in duration or intensity those normally produced by a residential use. Normal residential uses shall be construed as including the above impacts only on an occasional weekend or evening basis (e.g. in connection with a hobby or home/yard maintenance), and not on a daily basis. Outdoor storage of equipment, materials, or more than one vehicle related to the business is prohibited.
There shall be no production, generation, or storage of any hazardous waste or substance. Those individuals who are engaged in home occupations shall make available to the fire or county health departments for review the material safety data sheets which pertain to all potentially toxic and/or flammable materials associated with the use.
F. Traffic. A home occupation shall not generate traffic in excess of normal residential traffic. Normal residential traffic for the purposes of regulating home occupation traffic shall be defined as 10 trips per day and one trip per hour. There shall not be more than one client on the premises at any one time. One client constitutes those arriving in a single vehicle. Delivery services such as the Post Office, UPS, FedEx and similar, which make normal deliveries to residential neighborhoods, shall not be included in the assessment. Trips, whether personal or for business, by residents of the dwelling, shall also not be included. Home occupations that generate traffic or parking, is are limited to the hours of 7:00 a.m. to 9:00 p.m.

G. Certain Uses Specifically Prohibited: The following uses are specifically prohibited as home occupations:

1. Automotive repairs or detailing;
2. Small engine and major appliance repair;
3. Boarding, grooming, kenneling, or medical treatment of animals;
4. Contractors’ shops (with the exception of administrative and office functions).
5. On-site sale of firewood;
6. Sheet metal fabrication;
7. Unlicensed or uncertified (by a state licensing or an accrediting agency, when available) health care or other physical or personal services administered directly to the client at this location.
8. Beauty/barber shops and other similar activities having more than one station.
8.9. Any other use as determined by the Community Development Director with a demonstrated tendency significant potential to violate one or more conditions of this section.

H. Signs. Any home occupation sign must meet the residential sign regulations in LMC 21.16.290. Such signs shall display only the name and address.

I. Exemptions. The following shall not be regulated under this ordinance: garage sales, yard sales, bake sales, and similar as long as they do not occur more than three times per year per home.

J. Process.

1. Applications. Home occupations shall be reviewed concurrently with the business license application pursuant to LMC Title 5. Applications for home occupation related business licenses shall also include a copy of a site plan showing parking and a floor plan for the premises showing access and the square footage of the total premises and the square footage allocated to the business. All home occupation business license applications shall be acknowledged by the property owner (if other than the applicant).

2. Conditions. The Director of the Community Development Department may impose additional conditions to mitigate any potential adverse impacts of the home occupation to the surrounding uses.

3. Business License. A business license shall be obtained from the City’s Clerk’s office shall be maintained. If the license is not maintained, the
home occupation approval shall become null and void and a new business
license application shall be required to reestablish the use.

4. Review, Enforcement, and Penalties
   a) A violation of any provision of this chapter shall be a civil
      infraction. Enforcement activities will be conducted pursuant to
      LMC 1.40.020.
   b) A home occupation may be suspended or revoked by the Director
      of the Community Development Department as an administrative
      decision. The Director may base his action on:
         i. Lack of compliance with the conditions of the business license
            or its approval, or with the provisions of the development
            code, or
         ii. Upon finding that the operation of the home business creates a
            nuisance or hazard, or has been abandoned, or was procured
            by mistake, fraud or deception.

Section 3. Sections 21.16.290 of the Lynnwood Municipal Code is amended to read as
follows:

21.16.290(A)(2) Residential signs
Only the following signs are permitted:
   A. Occupant Identification, Home Occupation, and Child Day-Care Center Signs. A
      sign identifying the occupants of a residence or home occupation on which premises
      the sign is located, providing:
      1. There shall not be more than one sign per dwelling unit;
      2. The maximum size of the sign shall be six two square feet for a sign
         placed against the wall of a building, or six two square feet and not more
         than 42 24 inches high for a freestanding sign;
      3. Freestanding signs shall be permanently installed and shall be set back a
         minimum of five feet from a right-of-way;
      4. There shall be no internal illumination of, nor external illumination
         directed at the sign; and
      5. The components of the sign shall not be temporary or removable.

Section 4. If any section, sentence, clause or phrase of this ordinance should be held to be
invalid or unconstitutional by a court of competent jurisdiction, such invalidity or
unconstitutionality shall not affect the validity or constitutionality of any other section,
sentence, clause or phrase of this ordinance.

Section 5. This ordinance or a summary thereof consisting of the title shall be published in the
official newspaper of the City, and shall take effect and be in full force five (5) days after
publication.
PASSED BY THE CITY COUNCIL, the ____ day of September, 2010 and approved by the Mayor this ____ day of September, 2010.

APPROVED:

___________________________
Don Gough
Mayor

ATTEST/AUTHENTICATED:

___________________________
Pat Duggan
Interim Finance Director

APPROVED AS TO FORM:

___________________________
City Attorney

FILED WITH ADMINISTRATIVE SERVICES: ____________
PASSED BY THE CITY COUNCIL: ____________
PUBLISHED: ____________
EFFECTIVE DATE: ____________
ORDINANCE NUMBER: ____________
Action

Confirm meeting schedule for the remainder of 2010.

Background

The regular meeting days are the second and fourth Thursdays of the month. In November, both such days fall on City holidays (Veterans Day – November 11 and Thanksgiving – November 25). In addition, the fourth Thursday in December (December 23) also falls on a City holiday – the Christmas holidays.

Relevant Legal Citations

Article V of the Rules for the Planning Commission provides that the Planning Commission may schedule special meetings, particularly when a regular meeting falls on a City holiday.

Analysis and Comment

As a replacement for the two meetings in November, staff is suggesting that the Commission schedule a special meeting on the third Thursday – November 18, 2010. For December, staff suggests canceling the second meeting in December and having only one meeting in that month (on December 9, 2010).

Conclusions and Recommendation

Staff recommends confirming the schedule of meetings for the remainder of 2010 in the staff report.

Attachments

None
### Action

Discuss and provide direction to staff.

### Background

The Transition Area is located on the east side of 36th Ave. W. between the City Center and Alderwood Mall (see map). The area had been included in the Lynnwood City Center Subarea as part of the North End District. However, at adoption of the City Center Subarea Plan, neighbors raised concerns about potential impacts on the adjoining single family neighborhood (west of 36th Ave. W). Implementation of the City Center Plan in this area was deferred by designating this area as a Study Area. The 2007 Comprehensive Plan Amendments removed this area from the City Center and designated it as the Alderwood – City Center Transition Area.

This area is currently designated with two zones: Business and Technical Park (BTP), and Planned Commercial Development (PCD). The portion of the area west of 33rd Ave. W is zoned BTP; the portion east of 33rd Ave. is zoned PCD.

In November, 2008, the City Council authorized a contract with Makers Architecture to recommend new zoning regulations for the Transition Area.

### Relevant Legal Citations

In 2007, the City Council amended the Land Use Element of the Comprehensive Plan to include the following land use concept for this area:
"Alderwood – City Center Transition Area"

"Purpose: This Plan category is intended to provide for a transitional area between the Alderwood Mall and the City Center. The Mall is the retail center of south Snohomish County and experiences a high level of activity, consistent with its retail character. The City Center is intended to be the business center of Snohomish County, with the character and intensity of an urban, mixed use downtown area. This Transition Area will contain a mix of land uses that complements these two areas but at a lower intensity so as to minimize impacts on the residential area to the west (across 36th Ave. W.).

"Principle Uses: Offices, retail (excluding big-box stores), restaurants, services and multiple family residences (as part of a mixed use development).

"Locational Criteria: This land use category will be applied to the properties between the Alderwood Mall and the City Center and east of 36th Ave. W.

"Site Design: Buildings will typically cover up to 50 percent of a site, with open parking or parking structures, landscaping, and open space occupying the rest of a site. Usually parking will be located in open parking areas, although some parking may be located in parking structures (either as separate structures or under buildings with other land uses). Pedestrian connections between properties and through the area to both the City Center and Alderwood will be required.

"Building Design: Buildings will be architecturally interesting in appearance, with modulation and articulation of walls, ground-floor transparency, architectural highlighting of pedestrian entries, exterior pedestrian amenities and complementary colors, all as provided by the Citywide Design Guidelines. Building height and location will be managed so as to minimize shading and view blockage for the residential area west of 36th Ave. W.

"Performance Standards: On-site activities shall not substantially impact adjoining properties. Traffic flow from this area shall be managed so as to minimize impacts to the residential area west of 36th Ave. W."

The current zoning regulations for the portion of the area west of 33rd Ave W (BTP zone) are in LMC Chapter 21.50. The current zoning regulations for the portion east of 33rd Ave W (PCD zone) are in LMC Chapter 21.46.

Analysis and Comment

The intent of this project is to develop new zoning regulations (land uses and development standards) that take advantage of the opportunities offered by the location of the area between Alderwood Mall and the City Center (and provide a transition between those two areas) while managing development and land uses in order to limit impacts to the single family area west of 36th Ave. W. This intent is consistent with the land use designation adopted by the City Council (quoted above), and it is also consistent with the intent of adoption of the BTP zone in 1979 (insofar as we know it). Putting this another way, this project is seeking to update or modernize the development regulations for this area (recognizing current and foreseeable development opportunities) while continuing to
provide a reasonable degree of separation and buffering for the single family neighborhood.

Outreach

As part of bringing this project forward, staff has heard the concerns of both the neighborhood and the property owners in the area. In the summer of 2009, staff met separately with both groups with an “open” agenda that encouraged them to communicate their ideas and concerns for redevelopment of this area. The neighbors told us of their recollections of the reasons for adoption of the BTP zone in 1979 and their desire to maintain the “status quo” and make no changes to that zoning. They expressed substantial concerns about the potential impacts of any different development on their neighborhood. In particular concerns were expressed over increased traffic on 36th Ave. and the impact of development on the eastern views. The property owners said that some of the buildings were reaching the end of their useful life and that, with changes to the zoning regulations, they could redevelop their properties in a manner that would fulfill the land use description adopted by the City Council while minimizing impacts on the neighborhood.

In July 2010, staff hosted a joint meeting of both groups to encourage conversation across the “group boundaries” and to identify opportunities for agreement or compromise on development potential and zoning regulations. Unfortunately, that meeting did not identify any areas of agreement or compromise. While the property owners seemed willing to accept lower building heights, particularly along 36th Ave. W. and a more substantial “boulevard” treatment along 36th Ave., including a substantial landscaped buffer on their properties, the neighbors continued to oppose any change to the existing regulations. (Sidenote: during this meeting, neighbors stated that they remembered that a 28-foot building height limit had, at one time, applied to the 36th Ave. frontage and that properties on the frontage had once been zoned B-4 (Restricted Business). Staff reviewed the ordinances that adopted the BTP zone (originally named Industrial Park / Business Park (IP/BP)) and development approvals for the properties along the frontage and found no evidence of either a reduced height limit or B-4 zoning; see attached memo.)

Draft Zoning Proposal

Following the meetings, and with no “common ground” between the neighbors and the property owners, staff has moved forward with a draft proposal for new zoning regulations for this area. This work is based on the land use designation adopted by the City Council in 2007 and the apparent concept behind the 1979 adoption of the BTP zone (provide for reasonable development opportunities in the area while continuing to minimize impacts on the single family neighborhood). With that intent as a starting point, the proposal derives from the following principles:

- Update the zoning standards to reflect current opportunities;
- Limit development potential along 36th Ave W.;
- Maintain and enhance the landscaped “boulevard” treatment along 36th Ave W.;
• Allow more intense development along 33rd Ave. W.;
• Anticipate 33rd Ave W. becoming a “Main Street” for the area when the Poplar Way bridge is built.

These principles lead to a concept that: A) limits allowed land uses and building scale along 36th Ave. W. in a manner that is similar to the existing BTP zoning while B) allows a wider range of land uses and greater building scale at properties away from the 36th Ave. frontage and along 33rd Ave. The specifics are shown on the attached outline and will be discussed with the Planning Commission at the work session.

Conclusions and Recommendation

Staff has concluded that some of the properties in the Transition Area will be suitable for redevelopment in the near future and that current zoning regulations would substantially constrain the opportunities for redevelopment. New zoning regulations that are consistent with the City Council’s adopted land use designation and the intents of this project would provide a suitable context for redevelopment in this area. The draft Outline of Zoning Regulations would fulfill that purpose. While current economic conditions are not facilitating new development, and that situation is not expected to change in the immediate future, conditions will change and development activity will resume. It is in the interest of the City to move forward with modernizing the zoning regulations for this area so that, when market conditions do improve, the City will be “open for business.”

At this meeting, staff recommends that the Planning Commission discuss the draft outline for a new zone for the Transition Area and provide direction to staff.

Attachments

A. Memo History of Zoning Designations/Regulations in “Transition Area”
B. Draft Outline of Zoning Regulations
C. Graphic: Proposed Provisions to Retain Character on 36th Ave.
Memorandum

DATE: August 19, 2010

TO: Members of the Planning Commission

FROM: Kevin Garrett, Planning Manager

SUBJECT: History of Zoning Designations/Regulations in “Transition Area”

At the Transition Area public meeting held on July 15, 2010, there was a discussion regarding the prior/original zoning designation of the portion of the Alderwood City Center Transition area that fronts on the east side of 36th Ave. W. (see attached map) and about a height limit that may have been applicable to those properties. One comment suggested that this frontage had at least at one time been zoned B-4 (Restricted Business); another comment suggested that a building height limit of 28 feet had been applied to these properties. Staff did not believe this was accurate. The current zoning designation of the portion of the Area west of 33rd Ave. W. is “Business and Technical Park” (BTP) and there is no height limit specifically on those properties (buildings taller than 35 feet or three stories require approval of a conditional use permit) Staff volunteered to research prior zoning designations and regulations for that area and clarify the zoning history of the area. The following paragraphs summarize the results of that research.

- Ordinance 1036 (adopted April 9, 1979) established the zone now known as BTP (then titled “Industrial Park and Business Park” (IP/BP)). That ordinance adopted the following regulation for building height: “Maximum height of all structures shall be 35 feet for transitional sites unless specifically allowed a greater height as part of the development plan approval.” Essentially the same language is found in the current regulations for the BTP zone.

- Ordinance 1038 (adopted May 29, 1979) rezoned the properties bounded by 36th Ave. W., 188th St. SW and 33rd Ave. W. to the IP/BP zone. That ordinance states that the prior zoning of properties in this area included: A) RS-8 (Single Family Residential, 8,400 SF minimum lot size) zone; B) Community Business (B-1); and, C) Medium Density Multiple Family Residential (RMM).
• Ordinance 1467 (adopted June 10, 1985) changed the name of the IP/BP zone to “Business and Technical Park” (BTP) and revised the statement of purpose of that zone (changes were not related to building height) and rezoned the IP/BP properties to BTP.

• Between 1980 and 1985, development plans were approved for all of the properties on the east side of 36th Ave. W. These approvals included nine separate approvals, not including applications regarding signs. All approvals included an exhibit of a zoning map, and all these maps show the IP/BP – BTP zone as originally mapped in Ordinance 1038. None of the approvals discusses a specific height regulation for this area.

In conclusion, the records for zoning and development approvals for the east side of 36th Ave. W. in the Transition Area show no evidence that any properties in this area had been zoned to the B-4 zone or that a specific height limit had applied to this area. As such, building heights well in excess of 35 feet remain possible under the current zoning. Proposals advanced by staff at the public meeting would actually have the effect of placing a cap on transition area building heights that does not presently exist.
Purpose
The Alderwood-City Center Transition Area is intended to provide a linkage or connection between the Alderwood Mall and the City Center, while recognizing the proximity of the single-family neighborhood on the west side of 36th Ave. This linkage/connection would be developed by allowing a mix of land uses that complements the two areas but at a lower intensity than the City Center and in a manner that minimizes impacts on the residential area to the west.

Permitted Land Uses

Sub-Zone 1 (fronting 36th; extending East from 36th ROW deeper into the block)
Uses permitted in Sub-Zone 2 excluding Senior Housing, Multifamily, Athletic Clubs, and Colleges & Universities and with limitations on retail and restaurants including a landscape buffer and limited access on 36th

Sub-Zone 2: (Area not in Sub-Zone 1)
Offices, including medical
Retail (max. store size of 50,000sf)
Restaurants
Multifamily dwelling units
Light Industrial/Light Manufacturing/Flex Space with restrictions that take into account uses that impact neighborhoods such as smell, smoke etc
Day Care-located in a larger building-not a stand alone use
Preschool- located in a larger building-not a stand alone use
Live/Work spaces
Athletic Clubs and facilities
Commercial schools such as dancing, music, trade etc.
Indoor and/or Outdoor Tennis Courts, Racquet Clubs and Handball Courts as an accessory use
Senior Housing
Colleges and Universities
Veterinary Clinics
Small animal boarding as accessory use
Hospitals, east of 33rd Ave. only

Prohibited Land Uses
Auto-oriented uses (see LMC 21.46)
Drive through windows and drive-up establishments
Adult establishments and adult retail uses
Outdoor storage, sales or display of material, vehicles, boats, goods, equipment, except during construction, or of retail products except during hours of operation
Sewage treatment plants
Work Release Facilities
Wrecking Yards
Secure community Transition facilities
Mini-storage on ground floor
Auditoriums/Performing Arts facilities
Building Materials Yards
Contractor yards
Truck Terminal
Warehousing as a principal use
Wholesaling as a principal use
Recycling Centers
Gun/ammunition Stores
Park and Ride lots
Public Utility Facilities

Limitations on Permitted Land Uses
Standard language re: Senior Housing higher density, reduced parking, allow open space to be internal

Project Design Review
Required, per standard language for City Center

Site Planning
1. Vehicular Access and Circulation
   a. Primary site access off 33rd-where available
   b. 33rd as “Main Street”
   c. ROW for 194th per ORD 2627
   d. Connecting parking lots required
   e. Managed to minimize impacts the residential area west of 36th Ave W
2. Pedestrian Connections
   a. Provide pedestrian connections to Alderwood Mall
   b. Provide pedestrian connections to City Center
3. Refuse/recycling area (see LMC 21.50.900)
4. Street Frontages (requirements will be in code)
   a. 36th Ave W
      1. Deep setback
      2. Heavy landscaping
      3. Limited retail and restaurants with significant set back
   b. 33rd Ave W
      1. Smaller set back than 36th
      2. Less landscaping than 36th
      3. Retail and restaurants permitted
5. Open parking and parking structures (same as City)
6. Increase FAR and lot coverage over existing / eliminate lot coverage? – see LMC 21.50.210
7. Height regulations (see LMC Table 21.50.02)
   a. Allow height to the east
   b. Limit maximum building height along 36th Ave (Sub-Zone 1) to 40 feet; maximum height in Sub-Zone 2 is 85 feet
8. Buffer for multi-family site at south end of area

Non-Conforming Uses, Sites and Structures
Same as Hwy 99

Signs (MAKERS recommend, use Citywide or 99?)
Monument only signs on 36th frontage
Allow ground floor signage on buildings
No pole signs; freestanding signs may be only ground or monument signs
No electronic changing-message signs

Misc. Additional Amendments
Establish. Zone and Order of Restrictiveness (LMC 21.40)

Noise
See LMC Title 10
PROPOSED PROVISIONS TO RETAIN CHARACTER ON 36TH AVE W

SECTION LOOKING THROUGH 36TH AVE W.
TAKEN NEAR 192ND ST.
Lynnwood Planning Commission
Meeting of August 26, 2010

Staff Report

Agenda Item: G-2
Shoreline Master Program (2007CPL0007)

Action

Review Lynnwood Shoreline Master Program (SMP)

Background

The staff introduced a draft SMP to the Planning Commission in a work session last fall. Before taking the draft through a formal adoption process (to City Council), staff requested the Public Works Dept. (PWD) review the draft, as they operate the Waste Water Treatment Plant (WWTP) that is located in the shoreline area and, effectively are the “landowner,” and the PWD had several concerns about parts of the draft. At this work session, staff will brief the Commission on changes to the draft SMP since the last work session; and we will answer any other questions about the SMP.

Relevant Legal Citations

The City is required to adopt an SMP under Revised Code of Washington (RCW) 90.58, and to update it every 7 years. Guidelines for preparation and content of SMPs are in Washington Administrative Code (WAC) 173-26.

The SMP incorporates several sections of the LMC by reference including LMC 17.10 Environmentally Critical Areas; LMC 17.15 Tree Regulations; LMC 13.35 Surface Water and LMC 13.40 Drainage Plans.

Many other state and Federal laws affect the shoreline area.

Analysis and Comment

Most of the PWD comments on the draft SMP related to how the program would affect operation, maintenance and possible future modification of the WWTP. These concerns were discussed in a meeting with staff from CDD, DPW and State Department of Ecology. Based on the agreements at that meeting and in subsequent exchanges of email, the following revisions have been made to the draft SMP:
Public Access: Retaining and enhancing shoreline public access is one of the central and primary goals of the Shoreline Management Act, and Dept. of Ecology, charged with enforcing the act, pays close attention to this issue in its review of SMP documents. The BNSF right-of-way crosses the entire length of Lynnwood’s shoreline and BNSF prohibits any vehicular or pedestrian access across their right-of-way at any except designated crossings, none of which is in Lynnwood. The entire shoreline jurisdiction upland of the BNSF right-of-way is occupied by the Lynnwood Wastewater treatment plan (WWTP) the grounds of which are fenced. Therefore, it is neither safe nor consistent with the operational necessities of the WWTP to allow unescorted public access to the WWTP. Ecology staff agreed that public access to Lynnwood’s shoreline was neither legally possible nor safe, but still insisted that goals for public access had to be included in the SMP. The WWTP occasionally hosts tours of the plant for school and civic groups. Ecology agreed to a plan policy of continuing these tours and including in the tours information about the shoreline ecology, how the WWTP affects it, and vice versa, as being the only public shoreline access public practically possible during the lifetime of this SMP. The draft SMP has been revised to reflect this agreements. (See pages 6, 7, 9, 11, 22, 23).

Critical Areas Regulations: The other significant change Ecology requested was the inclusion by reference of the critical area preservation regulations of LMC 17.15. This change was made necessary by a the Washington State Supreme Court’s 2009 interpretation (Futurewise vs. City of Anacortes) of state statutes delineating where the SMA begins and the Growth Management Act ends. This court decision created confusion over whether a jurisdictions critical area regulations were applicable in the shoreline jurisdiction. New text clarifies that those regulations are applicable. (See pages 18-19).

Tree Regulations: PWD observed that as the WWTP fence, building and access road come right down to the BNSF right-of-way there is no place to plant trees in the shoreline jurisdiction, unless BNSF could be persuaded to allow them in their right-of-way. PWD staff observed that they have had some problems with erosion on the slope right above (south of) the WWTP and would propose to mitigate for loss of any trees removed in the shoreline jurisdiction with tree planting on this slope, even though most of it is technically outside the shoreline jurisdiction (200 ft. from the high-water mark). Ecology agreed to this as long as the trees were in areas visible from the shoreline. These changes affected the Native Vegetation Zone regulations (See pages 16 - 18).

Existing Land Uses: The PWD also requested clarification of goals and regulations in the plan for railways and the WWTP, the primary land uses in the shoreline area. The draft in front of you includes new sections for “Primary Utility Facilities” (the WWTP) and for “Transportation Facilities” (the railroad). Both these sections were adapted from the SMPs of other cities already approved by Ecology so approval proved relatively uncontroversial, however, note that public safety is an overriding goal of both sections. (See pages 29 – 32; note Sign regulations on pg. 32 have been moved, but not substantially changed).
Permitting Processes: This draft has been revised to delete involvement by the Planning Commission in review of permit applications. The prior draft provided that the CD Director or the Hearing Examiner could refer a decision shoreline permits or issues to the Planning Commission. This change is consistent with the City’s practice that the Planning Commission is a policy advisory body not a body set up to review quasi-judicial decisions. (See Sect. 7, pgs. 53 - 61).

There are also a small number of minor technical changes since the last draft SMP. For example, the point from which the timing of the appeal period for shoreline land use permitting decisions has been changed (see pgs. 60, 61 & 67). All cities have had to make this change to their SMPs. Plus there are a number of corrected spellings and references, minor grammatical changes to make the text clearer, renumbered sections, etc.

Conclusions and Recommendation

Staff recommends the Planning Commission review the draft SMP especially those sections which have been amended or added since last seen by the Commission. The staff expects to schedule a public hearing on the Draft SMP for a future meeting.

Attachments

Draft Lynnwood Shoreline Master Plan (on CD)
Action

Discuss and comment on draft update of the Countywide Planning Policies for Snohomish County.

Background

The Growth Management Act (GMA) requires counties and cities in those counties that are subject to the Act to adopt Countywide Planning Policies (CPPs). These policies set the framework for updates of each jurisdiction’s Comprehensive Plan and, indirectly, other growth management activities. They also have an indirect impact on qualifying for grants for transportation and other projects.

As the GMA planning agency for Snohomish County, Snohomish County Tomorrow (SCT) is responsible for drafting the updated CPPs. Staff from throughout the County (as part of the SCT Planning Advisory Committee of SCT) have been working on a draft of the new CPPs. The PAC issued the draft CPPs for comment earlier this summer. The SCT Steering Committee is scheduled to take action on the CPPs (recommending adoption to the County Council) at their September or October meeting. This memo provides the opportunity for the Planning Commission to make comments on the draft. Staff will communicate the Commission’s comments to the City’s representatives on SCT (Mayor Gough and Councilmember Wright).

Relevant Legal Citations

The Growth Management Act requires counties planning under the Act to adopt Countywide Planning Policies. These policies must be consistent with the Act and with the multi-county planning policies in Vision 2040 (as adopted by the Puget Sound Regional Council).
Analysis and Comment

GMA states that CPPs are to serve as a framework for each local government’s implementation of growth management. The scope of this framework includes: Comprehensive Plans and zoning regulations, capital projects and City programs – and, indirectly, state funding opportunities (particularly transportation grants).

The CPPs are one piece of the “web” of state, regional and local levels of government and the set of organizations that are involved in growth management. Their function of setting the context (including goals and directions) for planning at the local level makes the CPPs one of the foundation documents for local planning. The initial part of the staff presentation will review this structure and the relationship of the CPPs to local planning and decision-making; a copy of those slides is attached.

The content and direction of the CPPs is established by GMA and the Multi-county Planning Policies in Vision 2040 (adopted by the Puget Sound Regional Council) AS WELL AS the collective, county-wide vision that we have for our County. This last part is the key “added-value” work that elected officials and staff at SCT brings to the CPPs. The second part of the presentation will focus on major proposed changes to the CPPs in the current update. One point to emphasize is that Vision 2040 includes stronger policy language regarding sustainability and focusing growth in centers than was in Vision 2020. Since the CPPs must be consistent with Vision 2040, the draft CPPs include a stronger focus on both sustainability and centers than do the current CPPs. The entire draft document is available at the SCT website (http://www1.co.snohomish.wa.us/County_Services/SCT/).

Conclusions and Recommendation

The Planning Commission should discuss the draft CPPs and identify comments for transmission to the City Council.

Attachments

Presentation Slides
City Review of Draft Countywide Planning Policies for Snohomish County

August 26, 2010
Planning Commission Briefing

Part 1:
"Big Picture" of Planning Under GMA - Context for Countywide Planning Policies

- Snohomish County Tomorrow has drafted a major update of the Countywide Planning Policies
- "What are these things, where do they come from and why should the City pay attention?"
- Part 2: Major changes from current Policies
**Contexts**

- Legal – Required by State Law – part of “web” of Comprehensive Planning
- Practical – Eligibility for transportation grants, and sometimes other funding

**Growth Management in Washington**

<table>
<thead>
<tr>
<th>POLICY DOCUMENTS</th>
<th>AGENCY</th>
<th>DECISION-MAKERS</th>
</tr>
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<tbody>
<tr>
<td><strong>STATE</strong></td>
<td></td>
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| Growth Management Act, RCW 36.70A | State of Washington | State Legislature  
Department of Commerce  
(360) 753-3909  
ACCESS.wa.gov |
| Vision 2040, Multi-County Planning Policies, Regional Growth Strategy, Transportation 2040, SAFETEA-LU (Fed. Transp. Act) | Puget Sound Regional Council (PSRC)  
(360) 444-7000  
www.psrc.org |
| **Policies**       |        |                 |
| Countywide Planning Policies (CPPs) | Snohomish County | Snohomish County Council  
Snohomish County Tomorrow  
(360) 398-3353  
www.snohomishwa.us |
| **Transportation** |        |                 |
| Executive Board  
Growth Management Policy Board  
Transportation Policy Board  
Economic Development District Board |
| **City**           |        |                 |
| Comprehensive Plans  
Capital Facilities Plan  
Community Vision  
Shoreline Management Program | City of Lynnwood | City Council  
Planning Commission |

March 2020
**Key Word: Framework**

- *Countywide Planning Policies set a Framework for our Comprehensive Planning...*
- "This framework shall ensure that city and county comprehensive plans are consistent as required in RCW 36.70A.100. Nothing in this section shall be construed to alter the land-use powers of cities." (RCW 36.70A.210)
- Scope of CPPs is broad, running from Development Patterns and Housing, to Transportation, and to Sustainability

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**The "GMA Web"**

- **State:** GMA: lots of "how" mandates, some "what" mandates
  - Goals, Topics/Issues – Public Processes
- **Region:** VISION 2040 – Regional Growth Strategy & Multi-County Planning Policies
- **County:** Countywide Planning Policies and multi-agency planning
- **Local:** prerogatives and authorities
  - Plans and Implementing Documents
State Context: GMA Goals and requirements

- 13 Goals
- Mandatory Elements of Comprehensive Plan
- Transportation Planning and Concurrency
- Capital Facilities Plan
- Specific Topics – Urban Growth Areas

Regional Context: VISION 2040

- VISION 2040 is a shared strategy for moving the central Puget Sound region toward a sustainable future. ... Positive centers oriented development trends in recent years are a cause for optimism. Yet VISION 2040 recognizes that "business as usual" will not be enough. As a result, VISION 2040 is a call for personal and institutional change.
Regional Context – cont.

- "VISION 2040 recognizes that local, state, and federal governments are all challenged to keep up with the needs of a growing and changing population. VISION 2040 is designed to guide decisions that help to make wise use of existing resources – and ensure that future generations will have the resources they need."
- Other PSRC Documents (Multi-county Planning Policies, Regional Growth Strategy)

Benefits for Conformity ("Carrots")

- Transportation Funding
  - Direct and Competitive Funding
- Other Funding
  - Listing Project in Capital Facilities Plan
- Good Governance – Collective Wisdom of All Involved
**Issues with Failure to Comply ("Sticks")**

- Legal Challenge
- Low Priority And Failure-To-Qualify For Grant Funding
- Sanctions – Withholding State Revenue
- "On Our Own"

**End of Part 1 – Questions?**
Part 2:
Content of the Draft Countywide Planning Policies

- Directed by GMA & VISION 2040

Subjects Addressed

- Establishing urban growth areas
- Orderly and contiguous development
- Joint planning in urban growth areas
- Countywide transportation facilities and strategy
- Affordable housing distribution
- Economic development and employment
- Siting of essential public facilities
- Public services and capital facilities
**Major Changes - Format**

- Re-formatted to align with format of PSRC's Vision 2040
- New central principles and framework policies
- Goals are added for each policy topic area
- Updates text and improves readability
- Several technical sections and references are moved to Appendices
- Definitions added in appendix

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**New Sections**

- Introductory Chapter
- Public Services
- Natural Environment
Sustainability

- Emphasis on Sustainability in updated CPP’s
- Policies to reduce carbon emissions, mitigate impacts contributing to climate change, and adapt to effects of climate change

Transportation

- More emphasis on integrating transit into local plans
- More emphasis on people moving capacity rather than capacity to move vehicles
- Funding of transportation to be based on those who use or benefit from the system
- Initiate planning for light rail alignment north of Lynnwood to downtown Everett
- Jointly plan expanded transit service throughout County
- Integrating surface transportation planning with air and waterborne transportation facilities
Economic Development

- Identify priority industry clusters for economic development in the county
- Greater emphasis on job-housing balance

Other Subjects

- Majority of PAC recommends eliminating several existing policies that allow expansion of urban growth areas
- Revision to policies on siting Essential Public Facilities
**CPP Schedule**

- Draft for SCT Review in Summer
  - City Council Advise City Representative
- SCT Steering Committee
- County Council Action in Fall/Winter