AGENDA
Lynnwood Planning Commission
Meeting
Thursday, January 22, 2015 — 7:00 pm
Council Chambers, Lynnwood City Hall
19100 44th Ave. W, Lynnwood, WA 98026

A. CALL TO ORDER - ROLL CALL

B. APPROVAL OF MINUTES
   1. December 11, 2014 special meeting
   2. December 11, 2014 regular meeting

C. CITIZEN COMMENTS - (on matters not scheduled for discussion or public hearing on tonight’s agenda) Note: Citizens wishing to offer a comment on a non-hearing agenda item, at the discretion of the Chair, may be invited to speak later in the agenda, during the Commission’s discussion of the matter. Citizens wishing to comment on the record on matters scheduled for a public hearing will be invited to do so during the hearing.

D. PUBLIC HEARINGS

E. WORK SESSION TOPICS
   1. Code Amendment: Shipping Containers in Residential Zones (CAM-002289-2014)
   2. Comprehensive Plan: Draft Implementation Element

F. OTHER BUSINESS
   1. 2014 Annual Report

G. COUNCIL LIASON REPORT

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.
Call to Order

The meeting was called to order by Chair Wright at 6:10 p.m.

Training – Open Public Meetings Act

The Planning Commission participated in training regarding the Open Public Meetings Act, as required by the Open Government Training Act of 2014. The training consisted of review of: 1) PowerPoint presentation created by the WA State Attorney General’s Office; and 2) a 16-minute video created by the WA State Attorney General’s Office.

Adjournment

The meeting was adjourned at 7:00 p.m.

Richard Wright, Chair
Call to Order

The meeting was called to order by Chair Wright at 7:12 p.m.

Approval of Minutes

1. Approval of minutes of the November 13, 2014 Meeting

   Motion made by Commissioner Ambalada, seconded Commissioner Braithwaite, to approve the minutes as presented. Motion passed unanimously (7-0).

Citizen Comments

None.

Public Hearing

1. Code Amendment: Self Storage in Industrial Zones

Senior Planner Gloria Rivera reviewed the background of the proposed code amendments as contained in the Planning Commission packet. Staff is recommending that the Planning Commission hold a public hearing regarding the code amendments to place self-service storage facilities back in table of permitted uses in industrial zones, and make a recommendation that the City Council approve the correction.

Chair Wright opened the public hearing at 7:18 and solicited public testimony. There was none. Chair Wright solicited questions from the Planning Commission.
Commissioner Larsen commented that this is a pretty minor amendment as it involved correction of an inadvertent error. Senior Planner Rivera concurred. She commented that although this was basically procedural, the City Attorney had recommended going through the Planning Commission and City Council hearing process to restore the intended code language.

Commissioner Braithwaite asked if there is any need to indicate that this would be retroactive back to when the error was made. Director Krauss replied it is not possible to adopt an ordinance that is retroactive, but he didn’t think there had been any call for the ordinance in the interim.

Commissioner Larsen referred to page 6 of the proposed ordinance under Permitted Activities and suggested including a subsection to allow one-time auctions of storage facility contents by the owner in the event of no pays. Chair Wright referred to item c(iii) and noted that auctions are not allowed as the code is written. He thought that the ability for the owners of the facility to have an auction is codified in state law. Director Krauss suggested adding verbiage indicating that the owner/operator of the storage facility may conduct periodic auctions of material from forfeited lockers. There was consensus among the Planning Commission to add this verbiage.

The public testimony portion of the public hearing was closed at 7:28 p.m.

Motion made by Commissioner Braithwaite, seconded by Commissioner Wojack, to forward this to the City Council with a recommendation for approval. Motion passed unanimously (7-0).

Work Session

1. Code Amendment: Shipping Containers in Residential Zones

Associate Planner Michelle Szafran introduced the proposed code amendment which would prohibit the use of shipping containers in residentially-zoned properties as accessory structures. She explained this amendment is in response to complaints by Lynnwood residents regarding the use of these structures in their neighborhood. Staff feels these structures are not compatible with the residential character as they are more industrial in nature, and amending the current code to prohibit their use would be in the best interest of the residents.

Commissioner Jones asked about creating design guidelines for shipping containers rather than banning them outright. Associate Planner Szafran stated that currently there are no design guidelines for single family residential structures. This would require creating a new design review process. Commissioner Jones commented that he sees these as economical and he would be supportive of design guidelines such as no visible rust, not allowed in the front yard, etc. In addition to being more affordable than a shed, he feels
these are “greener” because they are sturdy and reusable. Director Krauss commented that they did review some design codes, but essentially what they are doing is making it not look like a shipping container. He commented that the only known instance of a shipping container in Lynnwood’s residential areas is two 40-foot containers in the backyard of one property. He added that the use of containers is permitted in commercial zones—with the proper life-safety features addressed. Containers can be approved in commercial areas as part of the existing project design review (PDR) process for commercial development.

Commissioner Jones asked if aesthetics is the only issue. He thinks they look better than some sheds. Director Krauss noted it is possible to allow them, but they would have to institute a design review function for sheds. That is currently not part of the PDR process.

Commissioner Ambalada asked how many of these there are around Lynnwood. Associate Planner Szafran said they weren’t aware of many, but the ones they are aware of have generated enough citizen concern that staff felt it was important to address the issue. Director Krauss said they were just aware of the one lot with two containers, but there may be others. He explained that they are only dealing with storage containers being used as accessory buildings. If someone wished to build a house with storage containers and properly engineer it, it could be done. Commissioner Ambalada stated that some people use these for environmental purposes by culturing their waste products to create fertilizers. Director Krauss noted this would be okay on commercial property, but not in somebody’s backyard. Commissioner Ambalada spoke in support of regulating these for safety reasons, but didn’t think they could completely prohibit them. She recommended that permits be required. Director Krauss explained that the known ones, which were used to grow marijuana, were fully permitted. There is still a question about the legality of the marijuana grow operation, but that is a separate issue.

Commissioner Hurst asked if the dimensional data should be included in the code. Director Krauss stated that the definition being proposed is modeled after one that is fairly common among other jurisdictions. Commissioner Hurst said he didn’t think these belonged in residential areas.

Chair Wright spoke to the importance of not limiting the ability to have a sustainable resource used for a building material in the future. He reiterated that the intent of the ordinance is to prohibit the use of these as accessory buildings.

Commissioner Braithwaite spoke in support of the proposed ordinance as most often shipping containers are an eyesore. He commented that the definition might need to be tightened up since technically a cardboard box could fit the definition. He also referred to the Pod shipping containers which he has seen used as extra storage space by some people. He wondered if those would be encompassed by the ordinance. Director Krauss thought those would be covered
under the Nuisance code. There was discussion about when a temporary
structure becomes an accessory accessory.

Commissioner Larsen said he likes how Mountlake Terrace handles this issue. If
containers are allowed in the future, he is in support of limiting these to the
backyard and limiting the height, but expressed concern about rodents living
under them.

Commissioner Jones asked about a hypothetical use of a redesigned shipping
container as a storage shed. There was discussion about when a shipping
container ceases to be a shipping container and becomes a storage shed.
Commissioner Hurst noted that this particular neighborhood referred to by staff
has been trying to deal with this issue for months. He spoke to the need for a
code in order to prevent this situation from happening again.

Commissioner Ambalada spoke against prohibiting storage containers in
residential areas, but recommended creating regulations in order to allow them.
Chair Wright expressed concern that someone could build a whole house out of
these, but not a shed. Commissioner Braithwaite clarified that this ordinance is
attempting to eliminate eyesores in neighborhoods. Director Krauss replied that it
is actually to prevent similar situations from happening in the City. Commissioner
Braithwaite recommended putting a maximum height on storage containers in
backyards rather than prohibiting them.

Commissioner Ambalada expressed concern about these being prohibited
because they are an eyesore. She related it to the mobile home issue and how
people were vulnerable to losing their homes because others considered them
eyesores. She stated that an eyesore is only an eyesore in the eye of the
beholder. Director Krauss noted that Lynnwood determined it wasn’t acceptable
to stop mowing your lawn or to have cars parked on your front lawn. There are
neighborhood standards that the City has decided to uphold. Where that line is is
for the Council to ultimately determine. Ms. Szafran reiterated that this ordinance
is only focusing on accessory structures, not residential structures.

Commissioner Jones commented on the restrictions they had for chicken coops
and recommended something similar in terms of maximum size and setbacks.
Commissioner Larsen spoke to the importance of preserving home values. He
said he would like to see some level of architectural consistency. Commissioner
Wojack recommended approving the ordinance as it is and bringing it back in two
to three years for reconsideration. He doesn’t think that either the shipping
container modification industry or Lynnwood is ready to allow these yet.
Commissioner Hurst said he liked how Everett or Edmonds handled this. He
agrees that residential values need to be protected.

There was consensus to have staff go back and look at the codes for Edmonds,
Everett, and Mountlake Terrace as examples of limited use with less than 120
square feet and less than 9 feet in height. Director Krauss recommended that
staff rework this and come back in January.

2. Code Amendment: Essential Public Facilities

Director Krauss explained that Lynnwood doesn’t have a code that adequately
provides for handling Essential Public Facilities as defined by state law. This
proposed code amendment is based largely on Mukilteo’s code but with a new
definition. It proposes a two-track review process with a higher level of criteria
and findings required for large regional facilities than would be required for
smaller facilities designed to serve a local population.

Commissioner Wojack referred to item C(3) under Siting or Expansion of Local
Essential Public Facilities on page 52 and asked if the City is required to pay for
the referenced infrastructure. Director Krauss stated that the idea was that the
proponent would handle that. He explained how the City is working with Sound
Transit to mitigate traffic impacts.

Commissioner Braithwaite referred to the last paragraph on page 50, line 89, and
recommended that “essential” be inserted before services. He then asked if there
will be latitude for the hearing examiner or whoever will be making the
determination that there is no mitigation that would allow certain essential
facilities to be cited in some locations. Director Krauss explained that the
Essential Public Facility process says that the applicant will have to prove why a
certain site works and how it will be mitigated. The regional facilities have a
higher level of analysis than the smaller, local facilities. Commissioner
Braithwaite commented that the overall approach staff has come up with is a
sound one.

Commissioner Larsen said he was mostly comfortable with this, but wondered if
in some situations the decision might be referred to the City Council by the
Hearing Examiner because of the particulars of the situation. Director Krauss
commented that this code properly puts the onus on the applicant to demonstrate
how proposed location was an appropriate site. Commissioner Larsen asked
Director Krauss if he was aware of any situations where a Hearing Examiner had
said they didn’t feel like they had the information they needed or they didn’t feel
like it was their decision to make. Director Krauss wasn’t aware of that
happening.

Commissioner Ambalada discussed the need for local services for detoxification
and mentally ill people picked up by the police department. She commented that
Swedish Hospital had helped to provide that service since Everett was too far
away and was often full, but suggested that more facilities could also be put in
the proposed justice center. Director Krauss cautioned against getting into
specifics.
Commissioner Jones spoke in support of the proposed ordinance.

Commissioner Larsen referred to line 165 and 229 where it talks about significant adverse environmental impacts. He asked if it would be appropriate to add things like lighting, traffic, noise, privacy, etc. Director Krauss noted that it says, “... including but not limited to ...” He pointed out that there are traffic and noise provisions elsewhere, so he is comfortable with the language the way it is.

*Motion made by Commissioner Jones, seconded by Commissioner Braithwaite, to move this item forward for a public hearing. Motion passed unanimously (7-0).*

3. Draft 2015 Work Plan

Deputy Director Corbitt Loch presented the proposed calendar and work plan for 2015 noting that these are very flexible schedules. He commented that this year is unique in that they will have the 2015 Comprehensive Plan Update which will take a significant amount of time through the end of June. He acknowledged that there has been a lot of interest in having a joint meeting with the City Council. He noted that the Council President is aware of that and indicated he was interested in the idea of the Planning Commission delivering the draft 2015 Comprehensive Plan to the Council in March or April.

Commissioner Jones said he has been waiting four years to see joint meetings on the Planning Commission’s docket. He was very happy.

Commissioner Ambalada asked if Essential Public Facilities and other projects are being done in preparation for the Transportation Benefit District that the Council created. Director Krauss replied that there is no connection at all.

**Other Business**

**Council Liaison Report**

Councilmember AuBuchon had the following comments:
- Thanks to staff for the dinner provided during the preceding special meeting.
- He thanked the Planning Commission for their hard work.
- He is happy to hear that there is now something in writing concerning a joint meeting. He is looking forward to it.
- He is looking forward to working together next year.
- The Council passed the Budget on Monday night.
- Happy Holidays.
Director’s Report

Director Krauss had the following comments:

- A lot of the focus next year will be dealing with the mass of new development activity.
- As time allows staff wants to continue updating the Zoning Code.
- He reviewed relevant budget highlights including the ability to use one-time money for a revolving fund for code enforcement and funding for online permitting.
- It has been a pleasure working with the Planning Commission and he is looking forward to a great year next year.

Commissioners’ Comments

Commissioner Wojack thanked staff for dinner and wished everyone a Merry Christmas.

Commissioner Ambalada wished everyone Merry Christmas. She has enjoyed working with everyone this year.

Commissioner Braithwaite concurred with the previous comments and wished everyone Happy Holidays. Thanks to staff for all the hard work during the year. He is looking forward to next year. He asked for an update on activity he has seen at Perrinville. Director Krauss explained that the new building is under new ownership.

Commissioner Hurst congratulated Commissioner Braithwaite who will be serving for another six years on the Planning Commission.

Chair Wright thanked everyone for their service. He wished everyone Happy Holidays.

Commissioner Ambalada asked about the status of the North Lynnwood annexation efforts. Director Krauss replied they are waiting until the economy settles down and some stability returns to city budgets. That is slowly occurring. They also need to resolve service issues with Fire District 1.

Adjournment

The meeting was adjourned at 8:12 p.m.

Richard Wright, Chair
January 13, 2015

TO: Lynnwood Planning Commission

FROM: Paul Krauss, Director

RE: Essential Public Facilities (EPF), Ordinance Amendment

BACKGROUND AND SUMMARY

Last fall staff became aware that Lynnwood City Code’s (LMC) provisions for dealing with Essential Public Facilities (EPF’s) were inadequate and possibly non-compliant with the State Growth Management Act (GMA). The issue arose when the City was approached by a use that met the EPF definition and staff found LMC did not have a mechanism to effectively process the application. The issue was discussed at a City Council Work Session. The Council discussed two options. The first was to amend the code to allow the specific use under a Conditional Use Permit. The second was to draft and adopt a comprehensive EPF code amendment that could be used do deal with the issue at hand and any other EPF use that the City may be asked to consider in the future. The Council elected to pursue adoption of a comprehensive EPF code.

The Planning Commission discussed EPF’s, similar codes adopted by a number of other area cities and staff’s first draft of the code, at their December meeting. The Commission scheduled a Public Hearing on the Code for January 22, 2015. Staff informed the Commission that Sound Transit had approached staff to discuss their concerns about the draft and how it might impact City processing of the Lynnwood Link Light Rail extension but would be unable to meet until January. Staff and Sound Transit did meet and useful input was offered and has since been incorporated. While many of the edits were minor the most significant deals with the City process for handling what are defined as “Local” EPF’s as opposed to “Regional” EPF’s. The draft code proposes that local EPF’s be processed as Conditional Uses where a public hearing would be held before the City Hearing Examiner. Regional EPF’s would require that the City and proponent enter into a Development Agreement which under State law requires a public hearing before the City Council.
Staff is recommending that the Planning Commission votes to recommend approval of the draft EPF code and forward it to the City Council for final adoption.

GROWTH MANAGEMENT ACT REQUIREMENTS

The State Growth Management Act was adopted in the early 1990’s. One of the statutes mandates cities and counties to accept facilities that are deemed “essential” for society but which may be difficult to locate. The following is taken from the State Municipal Research and Services Center (MRSC) website):

**Essential Public Facilities**

Essential public facilities (EPFs) include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

Both cities and counties must develop criteria for the siting of EPFs as per RCW 36.70A.200, WAC 365-196-550, WAC 365-196-560, and WAC 365-196-570. RCW 36.70A.103 requires that "state agencies shall comply with the local comprehensive plans and development regulations and amendments thereto adopted pursuant to this chapter." On the other hand, RCW 36.70A.200 states that "no local plan or development regulation may preclude the siting of essential public facilities". Also, GMA county comprehensive plan rural elements “shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses” as per RCW 36.70A.070(5)(b).

Taken together, it appears that a city does have zoning control over EPFs, but may not, through zoning, prevent siting of facilities which meet the definition of "essential public facilities." Some zoning restrictions apparently are possible, but not if the effect of these restrictions is to effectively preclude any EPFs from locating within the city.

The Growth Management Hearings Boards have addressed issues related to EPFs. Each of the three boards has a Digest of Decisions posted on their respective Web pages. Each Digest of Decisions contains a keyword directory section that lists cases by category, including essential public facilities. The Digests also contain an Appendix with a list of hearing board cases that have been appealed to the courts. The main Growth Management Hearings Boards Website has links to Web pages for each of the three regional hearings boards where Digest of Decisions are posted.
To date, the City apparently has only partly complied with the GMA’s requirements relating to EPFs in general. See attached City Comprehensive Plan provisions. The City has adopted Comprehensive Plan provisions that contain a “common site review” process for siting state-wide and county-wide EPFs, consistent with the County-wide Planning Policies. However, the Comprehensive Plan does not provide for siting other types of EPFs. Further, even under the “common site review” process for state-wide and county-wide EPFs, the EPF proposal is reviewed under the City’s land use regulations. And, the existing Comprehensive Plan policies contemplate that the City will adopt development regulations “to implement the siting of state, regional and local essential public facilities.” Currently, the City’s development regulations do not specifically address EPFs, and the City’s zoning code does not provide at all for certain types of EPFs, such as in-patient treatment facilities.
CITY OF LYNNWOOD

ORDINANCE NO. ________

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO IDENTIFICATION AND SITING OF ESSENTIAL PUBLIC FACILITIES, ADDING NEW DEFINITIONS TO CHAPTER 21.02 LYMWOOD MUNICIPAL CODE (LMC), ADDING A NEW CHAPTER 21.73 LMC, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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

WHEREAS, from time to time, it is in the public’s interest to amend the City’s land use and development regulations to ensure those provisions are consistent with and implement the comprehensive plan and support the public’s general health, safety, and welfare; and

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

WHEREAS, the Washington State Growth Management Act (specifically RCW 36.70A.200) requires that cities and counties establish a process for the identification and siting of essential public facilities (EPFs); and

WHEREAS, the Capital Facilities and Utilities Element of the Lynnwood Comprehensive Plan contains policies relating to the identification and siting of EPFs, while Lynnwood’s Zoning Code lacks concise regulations for EPFs; and

WHEREAS, the Washington State Growth Management Act [specifically RCW 36.70A.040(4)] requires that Lynnwood’s development regulations be consistent with and implement the Lynnwood Comprehensive Plan; and

WHEREAS, on the 2nd day of January, 2015, the City of Lynnwood SEPA Responsible Official issued a Determination of Non-Significance (DNS) on the proposal; and

WHEREAS, on the 16th day of December, 2014, notice of the proposed code amendment was sent to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and
WHEREAS, on the 22nd day of January, 2015, the Lynnwood Planning Commission held a public hearing on proposed amendments to the Lynnwood Municipal Code provided by this ordinance, and all persons wishing to be heard were heard; and

WHEREAS, following the public testimony portion of the public hearing, the Planning Commission deliberated on the draft legislation and by regular motion voted to recommend that the Lynnwood City Council adopt the amendments to the Lynnwood Municipal Code as provided herein; and

WHEREAS, on the __th day of ____________, 2015, the Lynnwood City Council held a public hearing on proposed amendments to the Lynnwood Municipal Code provided by this ordinance, and all persons wishing to be heard were heard; now, therefore:

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

Section 1. Findings. Upon consideration of the provisions of this Ordinance in light of the decision criteria specified by LMC 21.20.500, the City Council finds that the amendments contained herein are: a) consistent with the comprehensive plan; and b) substantially related to the public health, safety, or welfare; and c) not contrary to the best interest of the citizens and property owners of the city of Lynnwood.

Section 2. Amendment. Chapter 21.02 LMC is hereby amended by adding the following definitions for “essential public facility”, “essential public facility, local”, and “essential public facility, state and regional”, and by codifying such definitions in a manner that maintains alphabetical order, and by renumbering of sections within Chapter 21.02 LMC to maintain alphabetical order.

Essential public facility.

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

Essential public facility, local.

“Essential public facility, local” means an EPF that is owned, operated, or sponsored by the City of Lynnwood, a special purpose district, Snohomish County, or another unit of local government. A local EPF may also be sponsored by a non-governmental entity with the primary purpose of providing services to residents of Lynnwood and surrounding communities. An EPF is “sponsored” by a local government
when it is to be owned or operated by a nongovernmental entity pursuant to a contract with the local government to provide the EPF.

**Essential public facility, state and regional.**

"Essential public facility, state and regional" means an EPF that is owned, operated, or sponsored by Snohomish County or a regional governmental or private sector agency or corporation (including non-profit) whose service boundaries encompass an area that is greater than Lynnwood and surrounding communities in Snohomish County.

**Section 3. Amendment.** Title 21 LMC is hereby amended by adding a new chapter 21.73 LMC to read as follows:

**21.73.010** Purpose—Applicability.

A. Essential public facilities are necessary and important in the provision of public systems and services. The city of Lynnwood already hosts, is planning to host, or borders on a number of essential public facilities, including, but not limited to, the following:

1. I-5
2. Sound Transit/ Community Transit – Transit Center
3. Sound Transit Light Rail stations, parking facilities, tracks and related facilities
4. State Route 525

B. The purpose of this chapter is to implement the Growth Management Act and the Lynnwood comprehensive plan by establishing processes for the siting and expansion of essential public facilities in the City of Lynnwood as necessary to support orderly growth and delivery of public services. The City’s goal in promulgating the regulations under this chapter is to ensure the timely, efficient and appropriate siting of EPFs while simultaneously identifying, analyzing, and mitigating adverse community and environmental impacts that may be created by such facilities. Nothing in this chapter should be construed as an attempt by the city to preclude the siting of essential public facilities in contravention of applicable state law.

**21.73.020** Siting or Expansion of Local Essential Public Facilities.

A. A Conditional use permit shall be required as provided in this section before any local essential public facility may be located or expanded within the City of Lynnwood, regardless of the zoning district in which such facility is or is proposed to be located.

B. A complete application for a Conditional Use Permit for a local essential public facility shall include all items set forth under Chapter 21.24 LMC.

C. A Conditional use permit for a local essential public facility shall be approved upon a determination that:

1. The project sponsor has demonstrated a need for the project, as supported by a detailed written analysis of the projected service population, an inventory of existing and planned comparable facilities, and the projected demand for the type of facility proposed;
2. The project sponsor has reasonably investigated alternative sites, as evidenced by a detailed explanation of site selection methodology, as verified by the city and reviewed by associated jurisdictions and agencies;

3. Necessary infrastructure is or will be made available to ensure safe transportation access and transportation concurrency;

4. Necessary infrastructure is or will be made available to ensure that public safety responders have the capacity to handle increased calls and expenses that will occur as the result of the facility, including but not limited to insurance costs, public awareness and public education costs. The facility will not adversely affect public safety;

5. The project sponsor has the ability to pay for all capital costs associated with on-site and off-site improvements;

6. The facility will not unreasonably increase noise levels in residential and commercial areas and school zones;

7. Visual screening will be provided that will mitigate the visual impacts from streets and adjoining properties;

8. The local essential public facility is not located in any residential zoning districts, except as provided in this subsection. If the land on which a local essential public facility is proposed is located in a residential zoning district, the applicant must demonstrate that there is no other feasible location for the facility and that the exclusion of the facility from the residential districts of the city would preclude the siting of all similar facilities anywhere within the city. If the applicant is able to make such a demonstration, the hearing examiner shall authorize the essential public facility to be located in the residential zoning district.

9. The local essential public facility meets all provisions of this code for development within the zoning district in which it is proposed to be located. If a local essential public facility does not meet all such provisions, the applicant must demonstrate that compliance with such provisions would preclude the siting of all similar facilities anywhere within the city. If the applicant is able to make such a demonstration, the hearing examiner shall authorize the essential public facility to deviate from the provisions of this code to the minimum extent necessary to avoid preclusion; and

10. Any and all probable significant adverse environmental impacts including but not limited to air quality, habitat, soil quality and soil stability of neighboring properties and light pollution are mitigated.

D. If the hearing examiner determines that any one or more of the decision criteria set forth in this chapter are not met by the proposal, the hearing examiner shall impose such reasonable conditions on approval of the special use permit as may be necessary in order to enable the facility to meet the decision criteria.

E. The decision criteria set forth herein shall not be applied in such a manner as to preclude the siting or expansion of any local essential public facility in the City of Lynnwood. In the event that a local essential public facility cannot, by the imposition of reasonable conditions of approval, be made to meet the decision criteria this section on the preferred site described in the proposal, the hearing examiner shall either:

1. Require the local essential public facility to be located on one of the investigated alternative sites, if the proposal can be reasonably conditioned to meet the decision criteria at the alternative site; or
2. Approve the siting or expansion of the local essential public facility at the proposed site with such reasonable conditions of approval as may be imposed to mitigate the impacts of the proposal to the maximum extent practicable, if there is no available alternative site on which the decision criteria can be met.

21.73.030 Siting and expansion of state and regional essential public facilities.

A. A development agreement shall be required as provided in this section before any state or regional essential public facility may be located or expanded within the City of Lynnwood. Any proposal for the siting or expansion of a state or regional essential public facility shall follow the procedures established by LMC for the underlying land use permit, e.g., short subdivision, binding site plan, project design review, etc.; prior to the public hearing for the development agreement. If the underlying permit ordinarily requires a public hearing, the public hearing required by this section shall be consolidated with the public hearing for the development agreement. Notice of the application and the required public hearing shall be given as required for the underlying permit and for development agreements. The siting process for a secure community transition facility is as provided by LMC 21.24.410.

B. If the land on which a state or regional essential public facility is proposed is located in a residential zoning district, the applicant shall have the burden to demonstrate that there is no other feasible location for the facility and that the facility is not expected to result in unmitigated significant adverse impacts. If the applicant is able to make such a demonstration, the hearing examiner shall authorize the essential public facility to be located in the residential zoning district.

C. State and regional essential public facilities shall meet all applicable provisions of LMC. If a proposed state or regional essential public facility does not meet all such provisions, the applicant shall have the burden to demonstrate that compliance with such provisions would either preclude the siting of such facilities in the city, or would not result in the public benefit related to the provision. If the applicant is able to make such a demonstration, the development agreement may authorize the essential public facility to deviate from the provisions of this code to the minimum extent necessary.

D. The City may approve, or approve with modifications, and impose reasonable conditions upon the state or regional essential public facility in order to ensure that:

1. Necessary infrastructure is or will be made available to ensure safe transportation access and transportation concurrency;

2. Adequate service capacity is or will be made available to ensure that public agencies have the capacity to handle changes in the demand for public services that may occur as the result of the facility, including but not limited to insurance costs, public awareness and public education costs and that the facility will not adversely affect public safety;

3. Any and all probable significant adverse environmental impacts including but not limited to, noise, air quality, habitat, soil quality and soil stability of neighboring properties and light pollution are adequately mitigated.

E. The City may not preclude the siting or expansion of a state or regional essential public facility, but may impose reasonable conditions in order to mitigate adverse impacts that may otherwise occur.
Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

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

PASSED BY THE CITY COUNCIL, the ________ day of ______________, 2015.

APPROVED:

_________________________________
Nicola Smith, Mayor

ATTEST/AUTHENTICATED:

_________________________________
_________________________________
Finance Director

APPROVED AS TO FORM:

_________________________________
Rosemary Larson
City Attorney

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ESSENTIAL PUBLIC FACILITIES SITING PROCESS

Goal:
Facilitate the siting of essential public facilities sponsored by public and private entities in a manner that results in the least negative impact on surrounding properties and the community as a whole.

Objectives:

EPF-1: Comply with state law by accepting state and regional essential public facilities within the corporate limits of Lynnwood, subject only to reasonable impact mitigation measures.

EPF-2: Work with Snohomish County and other local jurisdictions to prepare, adopt, and maintain a common siting process for various types of essential public facilities.

EPF-3: Establish criteria defining and guiding the siting of local essential public facilities.

EPF-4: Prepare and adopt development regulations to implement the siting of state, regional and local essential public facilities consistent with the goal, objectives and policies of this section of the Comprehensive Plan.

Policies:

Policy EPF-1: The City of Lynnwood shall follow the common process for siting state and regional essential public facilities, as adopted by Snohomish County Tomorrow, and as presented in this section of the Comprehensive Plan.

Policy EPF-2: The City of Lynnwood will review and modify its development regulations and administrative procedures as necessary to fully implement the common siting process within its area of jurisdiction.

Policy EPF-3: The City of Lynnwood shall not prevent the siting of a state or regional essential public facility through imposition of regulatory requirements. The City will mitigate negative impacts of such facilities by the application of mitigation measures applied through an EPF Permit process. Approval of an EPF Permit shall be granted by the City Council upon recommendation of the Planning Commission and after public hearings before the Commission and the Council.

Policy EPF-4: Criteria may be established for siting of public facilities which are essential to the local area. Regulation of such local facilities may utilize the common siting process designed for state and regional essential public facilities.

The regulation of local essential public facilities may require a Conditional Use Permit, which may include the possibility of denial of the permit.

Regulation of such local facilities shall not be a means for regulation of or denial of siting state or regional essential public facilities.
Purpose:

In accordance with the requirements of the Washington Growth Management Act (GMA), and following an extensive policy review process by the Snohomish County Tomorrow Steering Committee, the Snohomish County Council has adopted a series of countywide planning policies to guide the preparation of city and county comprehensive plans. Included therein are policies addressing the siting of “public capital facilities of a countywide or statewide nature” (identified as Policies CF-1 through CF-5), as specifically required by the GMA. These policies commit the GMA planning jurisdictions of Snohomish County to develop a common siting process for these facilities.

The GMA further requires local governments to develop a process for identifying and siting “essential public facilities” and to incorporate that process into their local comprehensive plans. As indicated and defined by WAC 365-195-340 essential public facilities can be difficult to site, and their location in a community may be locally unpopular. Local and state governments are charged by GMA with the task of ensuring that such facilities, as needed to support orderly growth and delivery of public services, are sited in a timely and efficient manner.

The process described here is intended to address the siting of essential public facilities not already sited by the Lynnwood Comprehensive Plan, or other City facility plans, and for which land use action is required. The siting process set forth as follows is also intended to meet GMA requirements, as well as the intent of the countywide planning policies. A final objective is to enhance public participation during the early stages of facility siting so as to reduce the time spent analyzing unacceptable sites, and thereby produce earlier siting decisions that are also consistent with community goals.

Definition of Essential Public Facility:

Any facility owned or operated by a unit of local or state government, by a public utility or transportation company, or by any other entity providing a public service as its primary mission may qualify as an “essential public facility” (or, EPF). In general, an essential public facility will be characterized by the following:

- it is a necessary component of a system or network which provides a public service or good; and
- it may be difficult to site because of potential significant opposition.

Essential public facilities of a countywide nature are those which serve a population base extending beyond the host community. This may include several local jurisdictions within Snohomish County or a significant share of the total County population. Such facilities may include, but are not limited to, the following examples: airports, state education facilities, state or regional transportation facilities, state or local correctional facilities, solid waste handling facilities, in-patient facilities including substance abuse facilities, mental health facilities, and group homes.1 Other facilities meeting the basic definition above and whose sponsor desires to utilize this siting process may be qualified as essential public facilities by completing the designation procedure described below.

Essential public facilities of a regional or statewide nature may include, but are not limited to, those facilities listed above which serve a multi-county population base; and other large public facilities appearing on the Office of Financial Management (OFM) list to be maintained under RCW 36.70A.
Essential Public Facilities Eligible for Common Site Review:

Essential public facilities of a countywide or statewide nature which are not already sited in a local comprehensive plan are eligible for review under the common siting process described below. Candidate facility proposals may be submitted for review under this Common Siting Process by either the project sponsor or by a local jurisdiction wishing to site the project (the “host community”).

A facility may be designated an essential public facility eligible for review under this process under the following conditions:

- The Snohomish County Tomorrow Steering Committee or the governing board of the host community makes a determination that the proposed facility meets the definition of an essential public facility; or, the facility appears on the state, county, or the host community’s list of essential public facilities; AND
- Either the sponsoring agency or the host community determines that the facility will be difficult to site.

Common Site Review Process:

Either the sponsor of an essential public facility within Snohomish County which is eligible for review under the Common Site Review Process, or the proposed host community, may elect to follow the process described herein. Alternatively, sponsors of such facilities having a preferred site location already identified may choose to seek siting approval under the local process provided by the host community (the jurisdiction having land use authority over the site), if that approach is acceptable to the host community.

The Common Site Review Process will involve the steps described below.

- Determination of Eligibility. The project sponsor must receive a determination of eligibility from either the host community or the Snohomish County Tomorrow Steering Committee that the proposed facility constitutes an essential public facility as defined above. This initial step will also include a determination, as a threshold matter, of whether the facility in question presents siting difficulties. If the facility does not present siting difficulties, it should be relegated to the normal siting process, as recommended in WAC 365-195-340 (2)(a)(iii).

1. The application of this definition for group homes and similar facilities, as well as of the siting process for these facilities, will be within the legal parameters of fair housing laws.

- Site Search Consultation. As an optional service to project sponsors, the Planning Advisory Committee (PAC) and/or the Infrastructure Coordinating Committee (ICC) will, upon request, provide a forum for project sponsors prior to the initiation of the formal siting review process. Sponsors will have the opportunity to present proposed projects involving essential public facilities for the purpose of seeking information on potential sites within Snohomish County and about potential concerns related to siting. Sponsors may also propose possible incentives for host communities.

Through the PAC/ICC, local jurisdictions may be requested to provide information to sponsors regarding potential sites within their communities. The sponsor of an eligible project electing to utilize this siting process may initiate this communication by contacting Snohomish County Tomorrow and requesting aid in the siting of its proposed facility.
• Local Land Use Review. Following site consultation with the PAC and/or ICC (when that step is
taken by the sponsor), the sponsor may then apply for site approval with the local land use
permit authority, as required under local law. The local jurisdiction shall conduct its review as
required by this common siting process, as well as its own codes and ordinances. This shall
include the conduct of public hearings required for any land use action which may be needed by
the proposal, including comprehensive plan amendment, rezoning, conditional use permit, or
similar approval.

The local authority shall evaluate the proposal against the common siting criteria described
herein, as well as against any local criteria generally applicable to the type of action required, in
making its land use decision on the project proposal. Where no local land use action is required
the sponsor may proceed directly to the permit application stage.

1. Advisory Review Process. The local land use authority's decision, as it relates to matters
encompassed by the site evaluation criteria described below, is subject to an advisory review
process as provided herein. This process, if utilized, would occur prior to any appeal processes
already provided by local ordinance. Within 21 days following the decision by the local land use
authority required to approve the proposal, and advisory review process may be utilized by the
sponsor involving a three member advisory review board appointed by the Snohomish County
Tomorrow Executive Board. Qualifications for board members, as well as procedures for board
creation and conduct of board business shall be governed by written guidelines to be
established by Snohomish County Tomorrow, provided that no official or employee of
Snohomish County or any local jurisdiction within Snohomish County shall be a board member.
The advisory review board shall not have the authority to overturn a local decision.

The board, on a review of the record, shall only find that the local decision does or does not
accurately reflect the evidence provided by the sponsor, or that adequate consideration was or
was not given to the evaluation criteria, and may recommend to the local agency that it
reconsider its decision.

A recommended alternative for host communities and sponsors would be to use arbitration as
the final recourse for resolution of differences. In cases where this option is agreed to in
advance, a pre-selected arbitrator would serve as the appeal agent for these parties.

Nothing herein shall be construed to limit the administrative appeal or legal remedies otherwise
available to sponsors, host communities, or third parties.

2. Permit Application. Upon receipt of the required land use approvals by the local land use
authority, the sponsor may then apply for the required permits to construct the proposed
facility. When a permit is denied for reasons relating to this siting process, the permitting
authority will submit in writing the reasons for permit denial to the sponsor.

**Site Evaluation Criteria:**

The following criteria will be utilized by all county and city review authorities in evaluating siting
proposals made by sponsoring agencies seeking to site an essential public facility (EPF) in
Snohomish County. The sponsor shall provide the information needed for the reviewing body to
evaluate a site(s) and make a recommendation or decision on a specific proposal.

These criteria encompass an evaluation of regional need and local site suitability for the
proposed and designated essential public facility. Findings concerning the proposal’s
conformance with each criterion shall be included in the documentation of the local authority’s
decision.
1. Documentation of Need. Project sponsors must demonstrate the need for their proposed EPF's. Included in the analysis of need should be the projected service population, an inventory of existing and planned comparable facilities and projected demand for this type of essential public facility.

2. Consistency with the Sponsor's Plans. The proposed project should be consistent with the sponsor's own long-range plans for facilities and operations.

3. Consistency with Other Plans. The proposal must demonstrate the relationship of the project to local, regional, and state plans. The proposal should be consistent with the comprehensive plan and other adopted plans of the prospective host community. In evaluating this consistency, consideration shall be given to urban growth area designations and critical area designations, population and employment holding capacities and targets, and the land use, capital facilities and utilities elements of these adopted plans.

4. Relationship of Service Area to Population. The facility's service area population should include a significant share of the host community's population, and the proposed site should be able to reasonably serve its overall service area population. [Note: Linear transmission facilities are exempt from this criterion.]

5. Minimum Site Requirements. Sponsors shall submit documentation showing the minimum siting requirements for the proposed facility. Site requirements may be determined by the following factors: minimum size of the facility, access, support facilities, topography, geology, and mitigation needs. The sponsor shall also identify future expansion needs of the facility.

6. Alternative Site Selection. In general, the project sponsor should search for and investigate alternative sites before submitting a proposal for siting review. Additionally, the proposal should indicate whether any alternative sites have been identified that meet the minimum site requirements of the facility. The sponsor's site selection methodology will also be reviewed. Where a proposal involves expansion of an existing facility, the documentation should indicate why relocation of the facility to another site would be infeasible.

7. Concentration of Essential Public Facilities. In considering a proposal, the local review agency will examine the overall concentration of essential public facilities within Snohomish County to avoid placing an undue burden on any one community.

8. Public Participation. Sponsors should encourage local public participation, particularly by any affected parties outside of the host community's corporate limits, in the development of the proposal, including mitigation measures. Sponsors should conduct local outreach efforts with early notification to prospective neighbors to inform them about the project and to engage local residents in site planning and mitigation design prior to the initiation of formal hearings. The sponsor's efforts in this regard should be evaluated.

9. Consistency with Local Land Use Regulations. The proposed facility must conform to local land use and zoning regulations that are consistent with the Countywide Planning Policies. Compliance with other applicable local regulations shall also be required.

10. Compatibility with Surrounding Land Uses. The sponsor's documentation should demonstrate that the site, as developed for the proposed project, will be compatible with surrounding land uses.

11. Proposed Impact Mitigation. The proposal must include adequate and appropriate mitigation measures for the impacted area(s) and community(ies). Mitigation measures may include, but
are not limited to, natural features that will be preserved or created to serve as buffers, other
site design elements used in the development plan, and/or operational or other programmatic
measures contained in the proposal. The proposed measures should be adequate to
substantially reduce or compensate for anticipated adverse impacts on the local environment.

**Amendments:**

This siting process may be amended, upon recommendation by the Snohomish County
Tomorrow Steering Committee, through established procedures for amending the
Comprehensive Plan in accordance with local code and the State Growth Management Act.
Redmond EPF Code

20F.40.80 Essential Public Facilities.

20F.40.80-010 Purpose.
The purpose of this section is to provide a process to site necessary public uses that may otherwise be difficult to site. This process involves the community and identifies and minimizes adverse impacts. Essential public facilities are defined in RCDG 20A.20.50, Definitions. Examples include schools, water transmission lines, sewer collection lines, fire stations, hospitals, jails, prisons, airports, solid waste transfer stations, highways, and storm water treatment plants. Secure community transition facilities as defined in RCDG 20A.20.190 are also included.

20F.40.80-020 Scope.
This section establishes the criteria that the City will use in making a decision upon an application for an essential public facility. The City Council shall develop a list of essential public facilities. These facilities meet the definition of essential public facilities or are based on a list maintained by the State of Washington Office of Financial Management.

(1) A use or facility may be added to the list of essential public facilities based on one of the following criteria:
(a) The use meets the definition of an essential public facility; or
(b) The use is identified on the State list of essential public facilities maintained by the State of Washington Office of Financial Management.

(2) This regulation shall serve to establish an alternative process for permitting those uses which meet the applicability criteria of RCDG 20F.40.80-040. The Director of Planning and Community Development shall determine whether a proposed facility shall be reviewed according to the essential public facilities review process instead of the review process indicated on the appropriate use chart.

20F.40.80-030 Procedure.
Applications that seek approval for an essential public facility as defined by RCDG 20A.20.50 shall follow the procedures established in RCDG 20F.30.45 for a Type IV permit process. Applications that seek approval for a secure community transition facility as defined in RCDG 20A.20.190 shall follow the procedures established in RCDG 20F.30.40 for a Type III permit process. In addition to the decision criteria described in RCDG 20F.40.80-040 and 20F.40.80-050, secure community transition facilities shall also be consistent with RCDG 20D.170.55, Secure Community Transition Facilities.

20F.40.80-040 Decision Criteria – Determination of Applicability.
(1) Essential public facilities may be reviewed through the essential public facility review process. An applicant may make a written request or the Director of Planning and Community Development may require a proposal to be reviewed through Redmond’s essential public facility review process. An applicant may use this process if the facility meets the definition of
an essential public facility. If the facility is on the list of qualifying facilities, it automatically meets the definition.

(2) The Director of Planning and Community Development, or the current position having the duties of this office, shall make a determination that a facility be reviewed through Redmond’s essential public facilities review:

(a) The facility is on the City’s list of essential public facilities or may be added to the list according to RCDG 20F.40.80-020;

(b) The facility is a type difficult to site because of one of the following:
   (i) The facility needs a type of site of which there are few sites,
   (ii) The facility can locate only near another public facility,
   (iii) The facility has or is generally perceived by the public to have significant adverse impacts that make it difficult to site, or
   (iv) The facility is of a type that has been difficult to site in the past;
(c) It is likely this facility will be difficult to site; or
(d) There is need for the facility and Redmond is in the facility service area.


(1) An applicant may have one or more alternative sites considered at the same time during this process.

(2) The Director has the authority to require the consideration of sites outside the City of Redmond. Alternative sites shall cover the service area of the proposed essential facility. This criteria is not applicable to secure community transition facilities.

(3) An amplified public involvement process shall be required. The purpose of the public involvement process is to involve the persons within the zone of likely and foreseeable impacts if the involvement process has the potential to lead to a more appropriate design/location. The public involvement process could also lead to development of incentives or to address modifications to the facility which would make siting of that facility more acceptable.

(a) The applicant shall propose an acceptable public involvement process to be reviewed and approved by the Director.

(b) Public involvement activities shall be conducted by and paid for by the applicant.

(c) The public involvement process shall be initiated by the applicant as early as feasibly possible.

(4) The Director may require a multi-jurisdictional review process if the facility serves a regional, Countywide, Statewide, or national need. If this process is required, the applicant shall design an acceptable process to be reviewed and approved by the Director. Applicants shall be required to pay for this process. This requirement is not applicable to secure community transition facilities.

(5) An analysis of the facility’s impact on City finances shall be undertaken. Mitigation of adverse financial impacts shall be required.

(6) The following criteria shall be used to make a determination on the application:

(a) Whether there is a public need for the facility;
(b) The impact of the facility on the surrounding uses and environment, the City and the region;

(c) Whether the design of the facility or the operation of the facility can be conditioned, or the impacts otherwise mitigated, to make the facility compatible with the affected area and the environment;

(d) Whether a package of incentives can be developed that would make siting the facility within the community more acceptable;

(e) Whether the factors that make the facility difficult to site can be modified to increase the range of available sites or to minimize impacts on affected areas and the environment;

(f) Whether the proposed essential public facility is consistent with the Redmond Comprehensive Plan;

(g) If a variance is requested, the proposal shall also comply with the variance criteria;

(h) Essential public facilities shall comply with any applicable State siting and permitting requirements.
SeaTac EPF Code

15.22.035 Siting of Essential Public Facilities

A. Purpose. The purpose of this section is to establish a formal process for identifying and siting of essential public facilities (EPFs) as defined in SMC 15.10.249.

B. Included Essential Public Facilities. EPFs subject to this section include, but are not limited to, those facilities identified in SMC 15.10.249, the Seattle-Tacoma International Airport, Interstate 5, State Route 509 (both current and proposed extensions), State Route 518, the Federal Detention Center, the King County Bow Lake Solid Waste Transfer Station, and Sound Transit’s “Link” light rail system.

C. Threshold Review. During or within forty-five (45) days subsequent to the mandatory preapplication Development Review Committee meeting required by SMC 16A.05.020, the Director of Community and Economic Development shall make a threshold determination, and advise the potential applicant in writing of such determination, whether the proposed project is an EPF and, if so, whether it is difficult to site. In making said determinations, the Director shall broadly and liberally apply the definition of an EPF in consideration of the full range of proposed and potential services to be provided to the public, whether provided directly by, funded by, or contracted for by a governmental agency, or provided by a private entity or entities subject to public service obligations. The determination of whether an EPF will be difficult to site shall be made by the Director, upon known or reasonably perceived and articulable facts. Proposed projects determined not to be EPFs, and proposed projects determined to be EPFs but also determined to be not difficult of siting, shall be reviewed and processed as any other similar project pursuant to the City Development Code without regard to this section.

D. Applications for EPF Projects. All proposed projects determined to be EPFs and determined to be difficult to site or expand shall be reviewed and conditioned in accordance with all requirements of this code and, in addition, with the conditional use permit procedure, herein referred to as the CUP-EPF review procedure. All applications shall contain the following information:

1. A detailed written description of the proposed and potential public services to be provided, the source or sources of funding, and identification of any applicable public regulatory agencies;

2. A written statement of the need, in statistical or narrative form, for the proposed project currently and over the following ten (10) year period;

3. An inventory of known, existing or proposed facilities, by name and address, within King County, or within the region, serving the same or similar needs as the proposed project;

4. An explanation of the need and suitability for the proposed facility in the proposed City location(s);

5. Information regarding the number of jurisdictions affected or served by the proposed EPF;

6. An analysis of the environmental, social, economic, financial and infrastructure impacts of the proposed EPF, including an assessment of the proportionate financial impacts on affected jurisdictions, and consideration copies of agreements which allocate the financial burdens of the proposed project on the City and other jurisdictions;
7. An analysis of the proposal’s consistency with the City of SeaTac Comprehensive Plan
and development regulations, and plans and policies of other affected jurisdictions, including
but not limited to the King County Countywide Planning Policies;

8. Documentation of public involvement efforts to date, including public and agency
comments received, and plans for future public participation;

9. Such information as requested by staff to complete the preliminary analysis and/or
information to assist the Ad Hoc Committee, City staffs and City Council in making the final
determination on the CUP-EPF.

E. CUP-EPF Review Process. All EPFs shall be subject to the following CUP-EPF review
procedure:

1. Project Notification. The applicant, after a preapplication meeting, shall notify the City as
soon as possible of intent to submit a CUP-EPF review application. If the applicant does not
notify the City of a pending EPF review application, the City may make an initial determination
of whether the proposed project is subject to CUP-EPF review, and shall notify the project
proponent, in writing, of the City’s determination.

2. Environmental Review. The EPF project shall comply with all applicable SEPA/NEPA
requirements and the proponent shall mitigate identified environmental impacts as conditions of
CUP-EPF approval.

3. Formation of Ad Hoc Committee. The City Council shall establish an Ad Hoc Committee by
appointing up to seven (7) members and the Planning Commission appointing one (1) member,
for each CUP-EPF application. The Ad Hoc Committee may include representatives of the
Planning Commission or other persons with detailed knowledge of City land use or
transportation issues. The Ad Hoc Committee shall be appointed by the City Council within
seventy-five (75) days of the determination by the Director of Community and Economic
Development that the proposed project is an EPF, pursuant to subsection (C) of this section.

a. The City Council will establish a time frame of not more than sixty (60) days, unless a
longer time frame is necessary due to an EPF project timeline, in which the Ad Hoc Committee
must review, consult and issue recommended conditions for the EPF. This time frame may be
extended only by the authority of the City Council, and shall not be extended more than a
maximum of three (3) such time periods, unless the applicant agrees that more time is needed.

b. Prior to accepting an appointment on the Ad Hoc Committee, an appointee must divulge
any vested interest in any properties or businesses, the value of which could be substantially
affected by the committee’s recommendations, if any.

4. Ad Hoc Committee Review and Coordination. The Ad Hoc Committee shall make
recommendations to the designated hearing body, regarding the appropriate conditions to
mitigate the impacts of the proposed EPF under the authority of the City’s SEPA regulations,
Comprehensive Plan and development regulations. City staff shall prepare an analysis of the
CUP-EPF application for use by the Ad Hoc Committee. The Ad Hoc Committee shall review
the staff analysis of the proposed EPF project and prepare written recommendations on each
of the following:

a. Any criteria identified in subsection (F) of this section that was reviewed by the Ad Hoc
Committee; and

b. Whether the project should include a special district overlay zone (defined in
Chapter 15.28 SMC); and
c. Any recommended conditions for mitigating the impacts of the proposed EPF under the 
authority of the City’s SEPA ordinances, Comprehensive Plan and development regulations.

The Ad Hoc Committee shall present its draft recommendations to the Planning Commission 
and, upon receiving input of the Planning Commission, shall prepare final written 
recommendations to the designated hearing body.

5. Designated Hearing Body. The Hearing Examiner shall hear an essential public facility 
application. However, the City Council may determine that the application should be heard by 
the City Council, and in that case, the City Council will be the designated hearing body. The 
City Council’s determination should be based on the following criteria:

a. Size of project;
b. Area of City affected by proposed project;
c. Environmental impact on sensitive areas;
d. Timing of project.

6. Staff Report. The Department of Community and Economic Development shall prepare a 
staff report, which shall include Planning Commission comments, as well as the final 
recommendations of the Ad Hoc Committee. The staff report shall also include an evaluation of 
the consistency of the proposed EPF, as recommended by the Ad Hoc Committee, with the 
City’s adopted Comprehensive Plan and development regulations, and shall include proposed 
findings, proposed conclusions, and proposed recommendations for disposition of the 
proposed CUP-EPF to the designated hearing body for a public hearing.

7. Public Hearing and Decision. The designated hearing body shall hold a public hearing 
pursuant to SMC 16A.13.020 to make findings and issue a decision. The notice of such public 
hearing shall be consistent with SMC 16A.13.010. A final decision shall be rendered by the 
designated hearing body in accordance with Chapter 16A.15 SMC.

F. Ad Hoc Committee Review Criteria. In making its recommendations, the Ad Hoc 
Committee should consider the following:

1. Whether the proposed site is adequate in size and shape for the proposed project and the 
use conforms, or can aesthetically conform, to the general character of the neighborhood.

2. The proportionate financial burdens of the proposed EPF on the City and other affected 
jurisdictions, and whether they are reasonably mitigated as provided in an inter-jurisdictional 
agreement, or by other means.

3. Whether the proposed EPF is compatible with the following:
a. Availability and physical constraints of land.
b. Compatibility with adjacent and nearby land uses.
c. Mitigation of likely adverse environmental impacts, including but not limited to erosion, 
sensitive areas, noise, odor, traffic, and air and water quality.
d. Basic infrastructure standards, such as vehicular traffic, and the availability of necessary 
utilities and services.
e. The City of SeaTac’s Comprehensive Plan, development regulations, and SEPA 
regulations.
f. Any existing and applicable City inter-jurisdictional agreements.
g. Siting of secure community transition facilities must be in accordance with the siting criteria of Chapter 71.09 RCW, and regulations adopted pursuant thereto. In addition, no secure community transition facility shall be sited closer than three hundred thirty (330) feet from any residentially zoned property.

G. Designated Hearing Body Review Criteria. The designated hearing body, giving substantial weight to the recommendations of the Ad Hoc Committee and the staff report, shall review the application under the following criteria:

1. Whether the proposed action is consistent with the criteria under subsection (F) of this section;
2. Whether modifications to recommended conditions or restrictions, if any, are needed to mitigate impacts in a manner which meets the standards of this code and any related development agreement;
3. Any conditions or restrictions shall be consistent with any development agreements that are in existence at the time of the hearing; and
4. Whether project conditions cumulatively are reasonable and would not preclude development of the EPF.

Should the recommendation of staff conflict with the recommendation of the Ad Hoc Committee, the recommendation of staff shall be given greater weight.

H. Development Agreements. The terms and conditions of a development agreement completed after the decision of the designated hearing body shall supersede the conditions and restrictions imposed by the designated hearing body.

15.22.050 Zone Reclassification (Rezone)

A. The purpose of a rezone is to provide a change of zoning to allow a new or different land use which conforms with the City Comprehensive Plan. A rezone may be approved when there has been a change in conditions, and/or is necessary to implement the Comprehensive Plan.

B. The applicant must show that the proposed development satisfies the following minimum criteria for approval by the Hearing Examiner:

1. The proposal conforms with the Comprehensive Plan policies and land use map;
2. The requested reclassification is in the public interest;
3. The requested reclassification is not hazardous or will not have adverse impacts on adjacent properties;
4. The requested reclassification does not pose undue burdens on public facilities; and
5. For sites located within the designated urban center, the requested reclassification has, or will potentially have, an adequate link to a high-capacity transit mode.
Chapter 17.18
ESSENTIAL PUBLIC FACILITIES

Sections:

17.18.010 Purpose—Applicability.

17.18.020 Siting or expansion of local essential public facilities.

17.18.030 Siting and expansion of state and regional essential public facilities.

17.18.040 Secure community transition facilities.

17.18.010 Purpose—Applicability.

A. Essential public facilities and transportation facilities of statewide significance are necessary and important in the provision of public systems and services. The city of Mukilteo already hosts or borders on a number of essential public facilities, including, but not limited to, the following:

1. The Mukilteo lighthouse and foghorn;
2. The Washington State Ferries Mukilteo-Clinton ferry terminal;
3. The Sound Transit Mukilteo station;
4. The Port of Everett rail barge facility;
5. The Snohomish County mental health evaluation facility;
6. Snohomish County Paine Field Airport;
7. Burlington Northern Railroad tracks;
8. State Route 525; and
9. State Route 526.

B. The purpose of this chapter is to implement the Growth Management Act and the Mukilteo comprehensive plan by establishing processes for the siting and expansion of essential public facilities in the city of Mukilteo as necessary to support orderly growth and delivery of public services. The city’s goal in promulgating the regulations under this chapter is to ensure the timely, efficient and appropriate siting of EPFs while simultaneously acknowledging and mitigating the significant community impacts often created by such facilities. Nothing in this chapter should be construed as an attempt by the city to preclude the siting of essential public facilities in contravention of applicable state law.

17.18.020 Siting or expansion of local essential public facilities.

A. A special use permit shall be required as provided in this section before any local essential public facility (other than a secure community transition facility as defined in RCW 71.09.020) may be located or expanded within the city of Mukilteo, regardless of the zoning district in which such facility is or is proposed to be located.

B. A complete application for a special use permit for a local essential public facility shall include all items set forth under the General Application, Site/Building Plans, Civil/Engineering,
and Environmental categories in Table 3 adopted by Section 17.13.040, with the exception of a plat map. The planning director shall develop a supplemental application form which addresses and provides sufficient information to judge the application’s compliance with each of the approval criteria set forth in subsection D of this section.

C. A special use permit for a local essential public facility shall be processed as a Type II permit under the process set forth in Table 6 adopted by Section 17.13.070. Notice of the application and the required public hearing shall be given as provided in Section 17.13.050. Notices shall be posted on-site, posted at the city’s designated posting places, advertised in the city’s official newspaper, and mailed to property owners within three hundred feet.

D. A special use permit for a local essential public facility shall be approved upon a determination that:

1. The project sponsor has demonstrated a need for the project, as supported by a detailed written analysis of the projected service population, an inventory of existing and planned comparable facilities, and the projected demand for the type of facility proposed;

2. The project sponsor has reasonably investigated alternative sites, as evidenced by a detailed explanation of site selection methodology, as verified by the city and reviewed by associated jurisdictions and agencies;

3. Necessary infrastructure is or will be made available to ensure safe transportation access and transportation concurrency;

4. Necessary infrastructure is or will be made available to ensure that public safety responders have the capacity to handle increased calls and expenses that will occur as the result of the facility, including but not limited to insurance costs, public awareness and public education costs. The facility will not adversely affect public safety;

5. The project sponsor has the ability to pay for all capital costs associated with on-site and off-site improvements;

6. The facility will not unreasonably increase noise levels in residential and commercial areas and school zones;

7. Visual screening will be provided that will mitigate the visual impacts from streets and adjoining properties;

8. The local essential public facility is not located in any residential zoning district identified in Table 17.16.040, except as provided in this subsection. If the land on which a local essential public facility is proposed is located in any such residential zoning district, the applicant must demonstrate to the hearing examiner that there is no other feasible location for the facility and that the exclusion of the facility from the residential districts of the city would preclude the siting of all similar facilities anywhere within the city. If the applicant is able to make such a demonstration, the hearing examiner shall authorize the essential public facility to be located in the residential zoning district.

9. The local essential public facility meets all provisions of this code for development within the zoning district in which it is proposed to be located, including but not limited to the bulk regulations of Chapter 17.20, except as provided in this subsection. If a local essential public facility does not meet all such provisions, the applicant must demonstrate that compliance with such provisions would preclude the siting of all similar facilities anywhere within the city. If the applicant is able to make such a demonstration, the hearing examiner shall authorize the essential public facility to deviate from the provisions of this code to the minimum extent necessary to avoid preclusion; and
10. Any and all probable significant adverse environmental impacts including but not limited to air quality, habitat, soil quality and soil stability of neighboring properties and light pollution are mitigated.

E. If the hearing examiner determines that any one or more of the decision criteria set forth in subsection D of this section is not met by the proposal, the hearing examiner shall impose such reasonable conditions of approval of the special use permit as may be necessary in order to enable the facility to meet the decision criteria.

F. The decision criteria set forth in subsection D of this section shall not be applied in such a manner as to preclude the siting or expansion of any local essential public facility in the city of Mukilteo. In the event that a local essential public facility cannot, by the imposition of reasonable conditions of approval, be made to meet the decision criteria set forth in subsection D of this section on the preferred site described in the proposal, the hearing examiner shall either:

1. Require the local essential public facility to be located on one of the investigated alternative sites, if the proposal can be reasonably conditioned to meet the decision criteria at the alternative site; or

2. Approve the siting or expansion of the local essential public facility at the preferred site with such reasonable conditions of approval as may be imposed to mitigate the impacts of the proposal to the maximum extent practicable, if there is no available alternative site on which the decision criteria can be met.

17.18.030 Siting and expansion of state and regional essential public facilities.

A. Any proposal for the siting or expansion of a state or regional essential public facility shall follow the procedures established by Chapter 17.13 for the underlying permit, e.g., building permit, subdivision, binding site plan, etc.; provided, that a public hearing shall be held prior to the issuance of any such permit in order to obtain public input on the permit criteria and conditions of approval. If the underlying permit ordinarily requires a public hearing, the public hearing required by this section shall be consolidated with the required public hearing and heard by the same hearing body or officer. If the underlying permit does not ordinarily require a public hearing, the hearing examiner shall conduct the public hearing and shall thereafter be the approval authority for such underlying permit. Notice of the application and the required public hearing shall be given as provided in Section 17.13.050. Notices shall be posted on-site, posted at the city’s designated posting places, advertised in the city’s official newspaper, and mailed to property owners within three hundred feet.

B. State and regional essential public facilities shall not be located in any residential zoning district identified in Table 17.16.040 except as provided in this subsection. If the land on which a state or regional essential public facility is proposed is located in any such residential zoning district, the applicant must demonstrate to the hearing examiner that there is no other feasible location for the facility and that the exclusion of the facility from the residential districts of the city would preclude the siting of all similar facilities anywhere within the city. If the applicant is able to make such a demonstration, the hearing examiner shall authorize the essential public facility to be located in the residential zoning district.

C. State and regional essential public facilities shall meet all provisions of this code for development within the zoning district in which they are proposed to be located, including but not limited to the bulk regulations of Chapter 17.20, except as provided in this subsection. If a state or regional essential public facility does not meet all such provisions, the applicant must demonstrate to the hearing examiner that compliance with such provisions would preclude the siting of all similar facilities anywhere within the city. If the applicant is able to make such a
demonstration, the hearing examiner shall authorize the essential public facility to deviate from the provisions of this code to the minimum extent necessary to avoid preclusion.

D. The hearing examiner shall impose reasonable conditions upon the state or regional essential public facility in order to ensure that:

1. Necessary infrastructure is or will be made available to ensure safe transportation access and transportation concurrency;

2. Necessary infrastructure is or will be made available to ensure that public safety responders have the capacity to handle increased calls and expenses that will occur as the result of the facility, including but not limited to insurance costs, public awareness and public education costs. The facility will not adversely affect public safety;

3. The project sponsor has the ability to pay for all capital costs associated with on-site and off-site improvements;

4. The facility will not unreasonably increase noise levels in residential and commercial areas and school zones;

5. Visual screening will be provided that will mitigate the visual impacts from streets and adjoining properties; and

6. Any and all probable significant adverse environmental impacts including but not limited to air quality, habitat, soil quality and soil stability of neighboring properties and light pollution are mitigated.

E. The hearing examiner shall not impose conditions in such a manner as to preclude the siting or expansion of any state or regional essential public facility in the city of Mukilteo. In the event that a state or regional essential public facility cannot, by the imposition of reasonable conditions of approval, be made to mitigate the impacts described in subsection D of this section, the hearing examiner shall approve the siting or expansion of the state or regional essential public facility with such reasonable conditions of approval as may mitigate such impacts to the maximum extent practicable. (Ord. 1149 § 2 (part), 2006)

17.18.040 Secure community transition facilities.

RCW 71.09.342 preempts any and all local regulations on the siting of secure community transition facilities as defined in RCW 71.09.020. Such facilities are therefore exempt from the provisions of this chapter and shall be sited as provided in Chapter 71.09 RCW.
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MEMORANDUM

Agenda Item E.1

DATE: January 14, 2014

TO: Lynnwood Planning Commission

FROM: Paul Krauss, Community Development Director
       Michele Q. Szafran, Associate Planner

RE: Draft Code Amendment: Shipping Containers in Residential Zones (LMC 21.42.400, LMC 21.43.400, and Chapter 21.02 LMC)

The purpose of this agenda item is allow continued review of draft legislation that would allow the use of shipping containers as accessory structures in residentially-zoned properties, but restrict them by size, location, appearance and number. The draft Ordinance attached has been modified from our previous discussion on December 11, 2014. Meeting minutes are attached as item B.2.

Currently in the City of Lynnwood, shipping containers may be used as accessory structures as long as minimum building code requirements are satisfied. Shipping containers are designed to stand up to the rigors of intercontinental and intermodal transport. From a structural standpoint they are typically more rugged than most accessory buildings. As long as they are not used as habitable space, the only real issues from a Building Code standpoint are securing them to a foundation and providing electric service if desired. The primary issue is whether their bulky, industrial appearance is consistent with the visual character of residential properties.

On November 17, 2014, the City Council authorized the preparation of draft legislation for shipping containers within residential areas. On December 11, 2014 staff presented a draft ordinance to Planning Commission to prohibit those structures upon residentially-zoned properties.

This new iteration of the draft ordinance allows one shipping container per residential property, and limits the maximum size to 10’ x 20’. The draft ordinance also requires that the shipping container be retrofitted with features commonly found in residential areas, such as architectural siding and a sloped roof.

Per the direction of the Planning Commission, staff has considered both the City of Mountlake Terrace and the City of Edmonds’ regulations of shipping containers. The City of Edmonds requires a Design Review process and Mountlake Terrace does not require Design Review, but requires that any structure in excess of 12 feet in height or 200 square feet in area shall feature exterior siding similar in appearance to and compatible with the building materials of the primary structure. (see attached)
Staff feels that the revised draft Ordinance would be more restrictive than the City of Mountlake Terrace as they only require similar appearance if structure is in excess of 200 square feet in size and less restrictive than the City of Edmonds by not requiring a full design review process. Staff feels that the current proposal achieves a reasonable balance regarding the use of shipping containers upon residential property.

Staff seeks the Commission’s concurrence that the draft legislation (as written or as amended by the Commission) is appropriate for a public hearing during February 2015.
<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Permitted Use</th>
<th>Notes</th>
<th>Code Citation</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Edmonds</td>
<td>No</td>
<td>Cargo or shipping container regardless of structural modifications not allowed without design review process.</td>
<td>17.70.035(B) Temp. Storage Units</td>
<td></td>
</tr>
<tr>
<td>City of Mukilteo</td>
<td>No</td>
<td>Recognizes them as temp. structure and therefore does not permit them unless with a CUP good for 1 yr. Requires Architectural consistency with primary bldg.</td>
<td>17.16 Temporary Structures. Does not require permanent attachment to the ground.</td>
<td>17.20.025 – Accessory buildings shall be designed with a pitched roof.</td>
</tr>
<tr>
<td>City of Bothell</td>
<td>No</td>
<td>Accessory structures shall have similar siding, roofing and detailing as primary structure. Metal buildings that are clearly of different style than the primary shall not be allowed for accessory building over 120 sq. ft.</td>
<td>12.14.130</td>
<td></td>
</tr>
<tr>
<td>City of Everett</td>
<td>No</td>
<td>Shipping containers or other similar storage units do not qualify as accessory buildings under this section and shall be prohibited in residential zones.</td>
<td>EMC 19.7.020</td>
<td></td>
</tr>
<tr>
<td>City of Mountlake Terrace</td>
<td>Maybe</td>
<td>If less than 250 sq.ft. and less than 12’ in height shall meet setbacks and requires standard building permit application. If over 12 feet in height or 200 sq.ft. shall have architectural consistency.</td>
<td>19.30.030(B)(7): Residential Character means appearance and use that are similar to typical residential use, scale, building form, and building materials. Does not include uses or exterior appearances that are industrial or commercial in nature. 19.120.130</td>
<td></td>
</tr>
<tr>
<td>City of Shoreline</td>
<td>Yes</td>
<td>Does not address compatibility of accessory structures and regulates based on setback standards.</td>
<td>20.50.100</td>
<td></td>
</tr>
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</table>
17.70.035 Temporary storage units.

A. Defined.

2. “Cargo or shipping container” means a standardized container designed without an axle or wheels, which was originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities.

B. Cargo or Shipping Containers. No person shall place or cause to be placed any cargo or shipping container, regardless of structural modifications, on any area or any property in a residentially zoned district that is not subject to the design review process. Property or projects subject to the design review process may apply for this use per ECDC 20.10.010. Administrative waivers shall not apply.

The temporary placement of a portable storage container on a residentially zoned lot for the purpose of loading and unloading household contents shall be permitted for a period of time not exceeding 30 days in a calendar year.

D. Temporary storage units do not require a conditional use permit. [Ord. 3742 § 1, 2009].
19.120.130 Accessory buildings.

The following regulations apply to detached accessory buildings such as sheds and garages associated with single-household residences in all zone districts.

A. An accessory building that is both less than 80 square feet in size and with each side wall less than six feet in height does not require an approved building permit; however, such structures must meet the minimum front yard setback requirement in the applicable zone district.

B. An accessory building that does not meet the criteria described in subsection A of this section for area and building wall height shall meet the minimum front and side yard setbacks in the applicable zone district with the exception of corner lots where the minimum side yard setback from the interior lot line shall be five feet.

C. An accessory building that does not meet the criteria described in subsection A of this section for area and building wall height shall meet a minimum rear yard setback of 15 feet, except that if the accessory building is less than 250 square feet in area and less than 12 feet in height, it shall meet a minimum five-foot setback in the rear yard.

D. The maximum building footprint of an accessory building shall be no greater than the building footprint of the principal structure, not to exceed 800 square feet.

E. The maximum height of an accessory building shall be 25 feet.

F. An accessory building shall not be designed, constructed, or used as a habitable structure for eating, cooking, or sleeping, except as otherwise provided by this title.

G. An accessory building in excess of 12 feet in height or 200 square feet in area shall feature exterior siding similar in appearance to and compatible with the building materials of the primary structure. (Ord. 2393 § 1, 2005; Ord. 2074 § 9.2(B), 1995).
CITY OF LYNNWOOD

ORDINANCE NO. ________

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO SHIPPING CONTAINER’S AS ACCESSORY STRUCTURES IN RESIDENTIAL ZONES, AMENDING CHAPTER 21.02 LYNNWOOD MUNICIPAL CODE (LMC), LMC 21.42.400, AND LMC 21.43.400, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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

WHEREAS, from time to time, it is in the public’s interest to amend the City’s land use and development regulations to ensure those provisions are consistent with and implement the comprehensive plan and support the public’s general health, safety, and welfare; and

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

WHEREAS, the Lynnwood Comprehensive Plan directs that residential areas be protected from incompatible land development that may diminish the desirability and livability of Lynnwood’s neighborhoods; and

WHEREAS, Lynnwood does not utilize aesthetic design standards for single family residential structures and structures ancillary to single family dwellings; and

WHEREAS, adaptation of used shipping containers for use as dwellings and other structures is an emergent industry without established standards to ensure that shipping containers will be modified to include architectural design features that promote compatibility with conventional single family dwellings; and

WHEREAS, the reuse of industrial shipping containers as an accessory structure can result in an industrial, non-residential structure within residential areas; and

WHEREAS, the reuse of shipping containers as an accessory structure to a residence may be a cost-effective means of creating additional building area with minimal use of new resources and materials; and

WHEREAS, until such time when visual compatibility between shipping containers and conventional residences can be predicted through the application of
industry standards, it is appropriate to limit the industrial presence and appearance of shipping containers in residential areas by limiting container size; and

WHEREAS, the City Council finds that the use of shipping containers as accessory structures in residential zones is inconsistent with City policies and regulations and should be restricted in size, location, appearance and number in order to promote compatibility between and amongst residential properties; and

WHEREAS, on the __th day of November, 2014, the City of Lynnwood SEPA Responsible Official issued a Determination of Non-Significance (DNS) on the proposal; and

WHEREAS, on the __20th__ day of November, 2014, notice of the proposed code amendment was sent to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

WHEREAS, on the __  day of __________, 2015, the Lynnwood Planning Commission held a public hearing on proposed amendments to the Lynnwood Municipal Code provided by this ordinance, and all persons wishing to be heard were heard; and

WHEREAS, following the public testimony portion of the public hearing, the Planning Commission deliberated on the draft legislation and by regular motion voted to recommend that the Lynnwood City Council adopt the amendments to the Lynnwood Municipal Code as provided herein; and

WHEREAS, on the __th day of __________, 2015, the Lynnwood City Council held a public hearing on proposed amendments to the Lynnwood Municipal Code provided by this ordinance, and all persons wishing to be heard were heard; now, therefore:

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

Section 1. Findings. Upon consideration of the provisions of this Ordinance in light of the decision criteria specified by LMC 21.20.500, the City Council finds that the amendments contained herein are: a) consistent with the comprehensive plan; and b) substantially related to the public health, safety, or welfare; and c) not contrary to the best interest of the citizens and property owners of the city of Lynnwood.

Section 2. Amendment. Chapter 21.02 LMC is hereby amended by adding the following definition for “Shipping Container”, and codifying such definition in a manner that maintains alphabetical order and with a subsequent renumbering of LMC 21.02.664 – 830.

21.02.664 Shipping Container.
“Shipping Container” means an item of equipment designed for repeated use to store goods during shipping or hauling, such as by vessel, rail car, semi-truck, etc.

Section 3. Amendment. LMC 21.42.400 is hereby amended as follows:

21.42.400 Accessory Structures and uses.

A. Solar Energy Systems. The use of solar energy systems (for example, attached solar greenhouses, attached solar sunspaces, and solar collectors) can be an effective and efficient method for producing energy and reducing energy consumption. The majority of residential structures within Lynnwood were constructed before solar energy systems became a viable means for producing energy, thus lot yard setbacks and height restrictions do not take such systems into account. The city of Lynnwood finds that it is in the best public interest to encourage solar energy systems. If it is found that a solar energy system would have a positive impact on energy production and conservation while not having an adverse environmental impact on the community, but the placement of such system requires violation of city setback or maximum height limitations, allowance of such systems may be permitted through the variance process and shall be encouraged. In viewing such variance request, the following shall be considered in making a determination:

1. That the solar energy system has a net energy gain;
2. That the solar energy system is designed to minimize glare towards vehicular traffic and adjacent properties;
3. That the solar energy system not adversely affect solar access to adjacent properties;
4. That the solar energy system comply with all other city zoning, engineering, building, and fire regulations; and
5. That the solar energy system is found to not have any adverse impacts on the area, which impacts shall include, but not be limited to, the effects of such system upon the views from neighboring properties and public ways.

In order to show that the proposed energy system will conform to the above, the applicant shall be required to submit a site plan and elevations showing the location, size, and dimensions of the solar energy system and its relation to all adjacent properties. Care shall be taken to ensure that the design, materials used and colors architecturally blend in with the existing structure. The city may require that the site plan and elevations and/or energy-saving calculations be prepared by an engineer, architect or builder specializing in solar energy construction.

B. Family Child Care Homes. Family child care homes are permitted as an accessory use to a dwelling.

C. Keeping Small Animals as Pets.

1. The keeping of small animals as pets shall be permitted as an accessory use.
2. Livestock, Except Chickens and Miniature Goats. The keeping of livestock (except chickens and miniature goats; see subsections (C)(3) and (C)(4) of this section) shall not be permitted except that an occupant shall be able to keep one animal, i.e., horse, cow or sheep, on a lot having a minimum of 20,000 square feet and an additional animal for each 20,000 square feet additional lot area. The entire square footage of roaming area shall be fenced. Fences must be of such a type and size as to prevent
encroachment on adjacent property. Encroachment shall be defined as reaching over, under or through, as well as trespassing or intruding upon, the property of another. Accessory buildings used for housing animals shall be provided, and shall be a minimum of 200 square feet and a maximum of 250 square feet in area per animal, except as allowed by variance, and shall not be closer than 25 feet to a property line, except for those provisions provided for chickens and goats, below. An accessory building for the housing of small animals or fowl (except chickens, see below) shall not exceed 36 square feet in floor area when located on a residential lot and neither the building nor the fenced area for their roaming shall be closer than 25 feet to a property.

3. Chickens. The keeping of chickens for personal use of the household (eggs shall not be sold) shall be permitted subject to the following:
   a. A maximum of five chickens may be kept per lot associated with a single-family residential dwelling unit.
   b. A suitable structure to provide shelter from the elements and an outdoor pen shall be provided. The shelter and pen shall be built and maintained to prevent the chickens from breaking through, out, over, or under the same. The shelter and pen shall be kept in good working condition, shall not cause odor or noise nuisances, and must be kept in a clean and well maintained condition at all times.
      i. The enclosed shelter shall provide a floor, walls, and roof and shall be a minimum of four square feet per chicken.
      ii. The outdoor pen (a ground level roaming area) shall be a minimum of eight square feet per chicken.
      iii. Pens and shelters shall be constructed so as to discourage predators.
      iv. The outer edge of the shelter or pen shall be set back a minimum of 15 feet from side and rear property lines. Pens and shelters are not permitted in the area between the primary dwelling unit and the front property line. The side of the pen facing an adjacent residence shall be sight obscuring through the use of a solid fence.
   c. Bedding/manure shall be composted or bagged and tied and placed within garbage dumpsters.
   d. Roosters shall be prohibited.
   e. Chickens shall not be processed on premises. Infected chickens with diseases harmful to humans shall be removed.

4. Goats. The keeping of miniature goats for personal use of the household (no commercial uses) shall be permitted subject to the following:
   a. Miniature breeds of goats include the following: pygmy, Nigerian dwarf and pygora or similar breeds (based on height and weight). Adult goats shall not exceed 30 inches measured from the withers or weigh more than 100 pounds. The wither is the ridge between the shoulder blades of the goat.
   b. A maximum of three miniature goats may be kept per lot associated with a minimum of 7,200 square foot lot area of a single-family residential dwelling unit. Nursing offspring may be kept until weaned, no longer than 12 weeks after birth.
   c. Male goats must be neutered.
   d. All goats must be dehorned.
e. A suitable structure to provide shelter from the elements and an outdoor pen shall be provided. The shelter and pen shall be built and maintained to prevent the goats from breaking through, out, over, or under the same. The shelter and pen shall be kept in good working condition, shall not cause odor nuisances, and must be kept in a clean and well maintained condition at all times.
   i. The shelter shall provide walls, a roof and a door.
   ii. The outer edge of the shelter or pen shall be set back a minimum of 15 feet from side and rear property lines. Pens and shelters are not permitted in the area between the primary dwelling unit and the front property line. The side of the pen facing an adjacent residence shall be sight obscuring through the use of a solid fence.
   iii. Electricity provided to the shelter will require an electrical building permit.
   iv. No confinement area shall be located within a critical (sensitive) area or their buffers.

f. Goats shall not be slaughtered on premises.

5. The keeping of mink, goats (with the exception of miniature breeds permitted under subsection (C)(4) of this section), foxes, or hogs is prohibited.

D. Carnivals, Circuses, and Other Temporary Special Events. These uses are permitted if accessory to a school, church, park, or other facility of a similar nature. Such activities shall not be subject to regulation by Chapter 5.30 LMC.

E. Electric Vehicle Charging Stations. Level 1 and Level 2 electric vehicle charging stations are allowed as an accessory use but shall be privately owned with restricted access (e.g., occupants of a single-family home, employees and members of the congregation in the case of a religious institution). The electric vehicle charging station shall not be open for use to the general public.

F. F. Shipping Container or other similar storage units as defined in Chapter 21.02 LMC are not permitted as accessory structures in residential zones. A shipping container or other similar storage unit is permitted as an accessory structure in residentially zoned properties. The shipping container shall not exceed 20 feet by 10 feet in size, and meet other accessory structure dimensional standards per LMC 21.42.420 and 21.42.440. The shipping container shall feature architectural consistency such as, exterior siding and a roof that is similar in appearance to, and compatible with the building materials of the primary structure. Only one such structure shall be permitted per lot.

Section 4. Amendment. LMC 21.43.400 is hereby amended as follows:

21.43.400 Accessory Structures and uses.

A. Private Garages and Carports. Private garages and carports are allowed in the RML, RMM, and RMH zones as long as they adhere to the side yard, rear yard and front yard setbacks as required herein for the applicable zone. In the RML zone, where more than one dwelling unit is involved, private garages shall be limited to accommodating not more than two cars for each dwelling.
B. Solar Energy Systems. The use of solar energy systems (for example, attached solar greenhouses, attached solar sunspaces, and solar collectors) can be an effective and efficient method for producing energy and reducing energy consumption. The majority of residential structures within Lynnwood were constructed before solar energy systems became a viable means for producing energy, thus lot yard setbacks and height restrictions do not take such systems into account. The city of Lynnwood finds that it is in the best public interest to encourage solar energy systems. If it is found that a solar energy system would have a positive impact on energy production and conservation while not having an adverse environmental impact on the community, but the placement of such system requires violation of city setback or maximum height limitations, allowance of such systems may be permitted through the variance process and shall be encouraged. In viewing such variance request, the following shall be considered in making a determination:

1. That the solar energy system has a net energy gain;
2. That the solar energy system is designed to minimize glare towards vehicular traffic and adjacent properties;
3. That the solar energy system not adversely affect solar access to adjacent properties;
4. That the solar energy system comply with all other city zoning, engineering, building, and fire regulations; and
5. That the solar energy system is found to not have any adverse impacts on the area, which impacts shall include, but not be limited to, the effects of such system upon the views from neighboring properties and public ways.

In order to show that the proposed energy system will conform to the above, the applicant shall be required to submit a site plan and elevations showing the location, size, and dimensions of the solar energy system and its relation to all adjacent properties. Care shall be taken to ensure that the design, materials used and colors architecturally blend in with the existing structure. The city may require that the site plan and elevations and/or energy-saving calculations be prepared by an engineer, architect or builder specializing in solar energy construction.

C. Family Child Care Homes. Family child care homes are permitted as an accessory use to a dwelling.

D. Keeping Small Animals as Pets. The keeping of small animals as pets shall be permitted as an accessory use; the keeping of livestock shall not be permitted.

E. Carnivals, Circuses, and Other Temporary Special Events. These uses are permitted if accessory to a school, church, park, or other facility of a similar nature. Such activities shall not be subject to regulation by Chapter 5.30 LMC.

F. Electric Vehicle Charging Stations. Level 1 and Level 2 electric vehicle charging stations are allowed as an accessory use but shall be privately owned with restricted access (e.g., renters of a multiple-family dwelling complex, employees and members of the congregation in the case of a religious institution). The electric vehicle charging station shall not be open for use to the general public.

G. G. Shipping Container or other similar storage units as defined in Chapter 21.02 LMC are not permitted as accessory structures in residential zones. A shipping container or other similar storage unit is permitted as an accessory structure in
residentially zoned properties. The shipping container shall not exceed 20 feet by 10 feet in size, and meet other accessory structure dimensional standards for single family properties per LMC 21.42.420 and 21.42.440. The shipping container shall feature architectural consistency such as, exterior siding and a roof that is similar in appearance to, and compatible with the building materials of the primary structure. Only one such structure shall be permitted per lot.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL, the ________ day of ______________, 2015.

APPROVED:

_________________________________
Nicola Smith, Mayor

ATTEST/AUTHENTICATED:

__________________________________
Finance Director

APPROVED AS TO FORM:

__________________________________
Rosemary Larson
City Attorney

FILED WITH ADMINISTRATIVE SERVICES: _______
PASSED BY THE CITY COUNCIL: ______________
PUBLISHED: ___________________
EFFECTIVE DATE: ______________
ORDINANCE NUMBER: ____________
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Summary
The purpose of this agenda item is to initiate the Commission’s review and discussion of the draft Implementation Element of the Comprehensive Plan. This project is part of the 2015 Update of the Comprehensive Plan.

Action
Review the draft Element and provide direction to staff.

Background
The existing Implementation Element of the Comprehensive Plan has been revised as part of the 2015 update of the Comprehensive Plan. This Element contains procedures and decision-making guidance for a variety of matters.

In general, staff’s amendments are intended to promote clarity and technical accuracy. Staff has provided an annotated, “track changes” version that readily identifies all edits proposed. Also provided is a “clean” version with changes incorporated and new formatting applied.

Previous Planning Commission / City Council Action
None specific to the Implementation Element.

Adm. Recommendation
Review the draft Element and provide direction.

Attachments
1. Draft Implementation Element (track-change and annotated version)
2. Draft Implementation Element (clean version)
## Comprehensive Plan Review History

As of 1/8/15

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<td><strong>Date</strong></td>
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<td>First review.</td>
<td></td>
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<tr>
<td>2. Land Use</td>
<td>6/26/14</td>
<td>7/24/14</td>
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<tr>
<td></td>
<td>Deferred to future meeting.</td>
<td>Deferred to future meeting.</td>
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<tr>
<td></td>
<td>8/28/14</td>
<td>First review.</td>
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<td></td>
<td>9/11/14</td>
<td>Second review.</td>
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<tr>
<td>3. Community Character</td>
<td>10/23/14</td>
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<td></td>
<td>First review.</td>
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<td>4. Economic Development</td>
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<td>5. Transportation</td>
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<tr>
<td>6. Parks, Recreation &amp; Open Space</td>
<td>11/13/14</td>
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<td>First review.</td>
<td></td>
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<td>7. Housing</td>
<td>11/13/14</td>
<td>1/8/15</td>
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<tr>
<td></td>
<td>Review of Housing Profile.</td>
<td>First review.</td>
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<td></td>
<td>8/28/14</td>
<td>Second review.</td>
</tr>
<tr>
<td>9. Capital Facilities and Utilities</td>
<td></td>
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<tr>
<td>10. Implementation</td>
<td></td>
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<tr>
<td>Appendices</td>
<td></td>
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<tr>
<td>A.1 City Center Subarea Plan</td>
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<td>A.2 Highway 99 Subarea Plan</td>
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<tr>
<td>A.3 ACCTA Subarea Plan</td>
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<tr>
<td>General</td>
<td>12/19/13</td>
<td>2/3/14</td>
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<tr>
<td></td>
<td>Project scope and overview.</td>
<td>Project scope and overview.</td>
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<tr>
<td></td>
<td>1/23/14</td>
<td>Public participation plan</td>
</tr>
</tbody>
</table>
While implementation is not one of the mandatory comprehensive plan elements under the Growth Management Act, implementation is an essential part of the planning process. Just like airplanes, ideas need wheels as well as wings. Implementation is the follow-through and the completion of the process. This implementation element will help describe how planning proposals will be carried out and provide the means to do so.

The essence of city planning is understanding the linkages between a community’s vision and policy and then making of spatial and land allocation decisions concerning various human activities and land uses. While the space allocation decision-making process is determined by governmental action, land development, construction, and the selection of specific land uses are mostly determined by the private sector. So, physical realization of much of the Comprehensive Plan is achieved in by the private sector, under governmental guidance.

The public sector is also a significant user of land and provider of essential public services. The decisions on use of public land and the delivery of public services have a significant impact on private development decisions. So, assuring consistency of public investments in essential public services and public land uses with the Comprehensive Plan is essential to effective Plan implementation.

While there are many factors involved in implementing a Comprehensive Plan, there are two basic tools available to government – regulation and public investment and incentives. Through a variety of legal instruments, government regulates the development and use of private property. And, through various public investments (streets, transit, water system, sewer system, storm drainage, parks, public buildings, etc.) government influences and makes possible private development opportunity.

The Implementation Element deals with the foregoing two basic tools of implementation and subparts thereof. In the following pages, the Implementation Element is described. First, the goals and objectives of implementation are presented. Then certain aspects of the implementation program are described in some detail.

This Implementation Element summarizes many activities, some currently in place and others new, that will work in a coordinated and integrated process to achieve implementation of the Comprehensive Plan. As required by the GMA, Lynnwood’s development regulations must be consistent with and implement this Plan. Zoning adjustments are usually necessary following adoption of a new Plan to ensure that changes in the Plan will be implemented through zoning.

**GOALS, POLICIES & STRATEGIES**

**GOAL**

A coordinated action program that integrates a full range of activities and results in achievement of the Vision, Goals, Policies, and Strategies of the Comprehensive Plan.
DEVELOPMENT REGULATIONS
Policy I-1. Ensure that Lynnwood’s development regulations are comprehensive, integrated, clear, user-friendly, and consistent with this Comprehensive Plan.

Strategy I-A. Community Development, Public Works Departments, Fire and Economic Development Departments, with assistance from legal counsel, shall ensure that all development regulations of the City are in compliance with Federal, State and local environmental regulations.

Strategy I-B. Continually improve and refine the permit review process and requirements so that it is: highly accessible and responsive to the public; consistent with City plans and policies; protects the environment; and encourages investment in the community.

DEVELOPMENT REGULATIONS
Policy I-2. Ensure that a program of assistance is provided to the general public and the development community that provides effective guidance from the concept stage of development through the decision and implementation stage.

Policy I-3. Continue the economic development program and continue to provide information and assistance needed to attract and retain local businesses and employment.

Policy I-4. Continue to improve the effectiveness of pre-application development assistance.

Strategy I-C. Continue to improve the operation of the City's Permit Center, composed of staff from various City departments.

Strategy I-D. Prepare a series of brief and easy to read development guides that summarize the important parts of the development regulations and the steps through the development review process.

Strategy I-E. Provide development assistance 24 hours a day and 7 days a week (24/7) by making all plans, ordinances, zoning maps, guides, and applications available on the City’s internet website.

Strategy I-F. Provide computer terminals or access to Wi-Fi at key service counters for use by the public in accessing City information.

URBAN REDEVELOPMENT
Policy I-5. Ensure that the City takes full advantage of all redevelopment techniques available under current state law and work to expand the list of techniques.

Strategy I-G. Work cooperatively with the Public Facilities District to assist in the review of proposals and alternatives, project selection, and design for future redevelopment projects within the District’s jurisdiction.

Strategy I-H. Continue to assess all legal mechanisms available to encourage redevelopment and determine what more the City could be doing.

CAPITAL INVESTMENTS

Policy I-6. Ensure that all capital investments made by the City are consistent with the Comprehensive Plan.

Strategy I-J. Continue the annual preparation of six-year Capital Facilities Plan updates and ensure consistency with the Comprehensive Plan.

Strategy I-K. Continue to develop the process of performance budgeting and ensure that the City’s annual budget is consistent with, and helps implement, the Comprehensive Plan.

SERVICE PROGRAMS

Policy I-7. Ensure that all City service programs are consistent with the Comprehensive Plan.

Strategy I-L. Review City service programs for consistency with the Comprehensive Plan through the biennial budgeting process and at the time of periodic program review and modification.

COORDINATION

Policy I-8. Ensure that implementing actions and programs are well coordinated internally (intra-city) and externally (inter-jurisdictional) and are consistent with the Comprehensive Plan.

Strategy I-M. Community Development and other Departments will continuously monitor the key plans and programs of the State, Snohomish County, and surrounding jurisdictions and continue to coordinate implementation actions and programs in ways that will ensure Plan compliance with minimal conflict.

ANNEXATION AND GROWTH MANAGEMENT

Policy I-9. Ensure that annexation and growth management are consistent with the Comprehensive Plan.

Strategy I-N. Affected City departments will continue to comment on development proposals within the unincorporated Lynnwood MUGA and encourage their compliance with City standards and guidelines.

Strategy I-O. The City will move forward with annexations of the MUGA. The City will be receptive to working with MUGA residents and property owners interested in annexation into the City.

Strategy I-P. The Annexation Evaluation Guidelines, as set forth by Lynnwood Resolution 96-21, shall guide decisions on annexation proposals. The Annexation Evaluation Guidelines call for assessment of factors such as: community identity; delivery of government services; fiscal impacts; economic development opportunities; parks; streets; and utilities.
**PLAN MONITORING AND AMENDMENT**

**Policy I-10.** Ensure effective Plan implementation through continuous monitoring of the progress and performance in achieving the measurable objectives of the Plan, and through adjustments thereto, as may be necessary, through the annual Plan amendment process.

**Strategy I-Q.** Utilize an interdepartmental staff team that will evaluate the progress of Plan implementation, during the annual Plan Amendment process, and report the results to the Planning Commission, Mayor and City Council.

**Strategy I-R.** Ensure that the Comprehensive Plan is updated and kept in conformance with the requirements of the Growth Management Act.

**Strategy I-S.** Ensure that all requested amendments to the Comprehensive Plan and Zoning Map are consistent with each other and with applicable State and local requirements.

**Strategy I-T.** Track key benchmarks that can measure and describe socio-economic and environmental conditions over time, so as to guide City decision-making in support of community wellbeing.

**Strategy I-U.** Except as authorized by the GMA, the Comprehensive Plan may be amended no more frequently than once per calendar year. Lynnwood’s schedule and process for amending the Comprehensive Plan is as specified by the LMC.

**Strategy I-V.** The following guidelines will assist the City in processing Plan Amendments:

A. State law requires that all Plan amendment proposals be considered and acted upon concurrently (in a package) so that their cumulative effects can be ascertained.

B. The Comprehensive Plan is intended to be a 20-year Plan. There should be no need for extensive amendments other than during major updates.

C. Amendments processed outside of major updates should only consist of relatively minor site specific land use adjustments, text/policy revisions, etc.

D. Major changes to visions, goals, land use designations, or other aspects that might have citywide impacts usually require more extensive study and public input and, therefore, should be placed on a docket for the next major update.

E. Requested amendments that pose substantial financial implications should be coordinated with City’s budget process.

**Strategy I-W.** Each component of a Comprehensive Plan Amendment package shall be reviewed and approved only if it meets all of the following criteria:

A. The proposal is consistent with the provisions of the Growth Management Act and will not result in Plan or regulation conflicts; and

B. 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

C. The proposed amendment can be accommodated by all applicable public services and facilities, including transportation; and
D. The proposal will help implement the goals and policies of the Lynnwood Comprehensive Plan; and

E. 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.

### PLAN/ZONE CONSISTENCY

**Policy I-11.** The following table provides policy guidance regarding achieving and maintaining consistency between the Future Land Use Map and the Official Zoning Map. The table can be used as a guide when applying zoning to implement the Comprehensive Plan and when reviewing a proposed change in zoning.

**Table I-1. Plan and Zone Consistency**

<table>
<thead>
<tr>
<th>Plan Land Use Designation</th>
<th>Consistent Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>SF-1 – Low-density Single-family</td>
<td>RS-8 – Low-density Single-family</td>
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<tr>
<td></td>
<td>MHP – Mobile Home Park</td>
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<tr>
<td>SF-2 – Medium-density Single-family</td>
<td>RS-7 – Medium-density Single-family</td>
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<td></td>
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<tr>
<td>SF-3 – High-density Single-family</td>
<td>RS-4 – High-density Single-family</td>
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<td></td>
<td>MHP – Mobile Home Park</td>
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<tr>
<td>MF-1 – Low-density Multi-family</td>
<td>RML – Low-density Multi-family</td>
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<td>RMH – High-density Multi-family</td>
</tr>
<tr>
<td></td>
<td>MHP – Mobile Home Park</td>
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<tr>
<td>MU – Mixed Use</td>
<td>MU – Mixed Use</td>
</tr>
<tr>
<td></td>
<td>CDM – College District Mixed Use</td>
</tr>
<tr>
<td></td>
<td>CR – Commercial-Residential</td>
</tr>
<tr>
<td></td>
<td>PCD – Planned Commercial Development</td>
</tr>
<tr>
<td>LC – Local Commercial</td>
<td>B-3 – Neighborhood Commercial</td>
</tr>
<tr>
<td>CC – Community Commercial</td>
<td>B-2 – Limited Business</td>
</tr>
<tr>
<td>RC – Regional Commercial</td>
<td>B-1 – Community Business</td>
</tr>
<tr>
<td></td>
<td>CG – General Commercial</td>
</tr>
<tr>
<td></td>
<td>PCD – Planned Commercial Development</td>
</tr>
<tr>
<td></td>
<td>PRC – Planned Regional Center</td>
</tr>
<tr>
<td>City Center</td>
<td>CC-W – City Center West</td>
</tr>
<tr>
<td></td>
<td>CC-C – City Center Core</td>
</tr>
<tr>
<td></td>
<td>CC-N – City Center North</td>
</tr>
<tr>
<td>BT – Business/Technical Park</td>
<td>BTP – Business/Technical Park</td>
</tr>
<tr>
<td>I – Industrial</td>
<td>LI – Light Industrial</td>
</tr>
<tr>
<td>PF – Public Facilities</td>
<td>P-1 – Public Use</td>
</tr>
<tr>
<td>PRO – Parks, Recreation, and Open Space</td>
<td>P-1 – Public Use</td>
</tr>
<tr>
<td>H99 – Highway 99 Corridor</td>
<td>HMU – Highway 99 Mixed Use</td>
</tr>
<tr>
<td></td>
<td>CG – General Commercial</td>
</tr>
<tr>
<td>Alderwood – City Center Transition Area</td>
<td>ACC – Alderwood-City Center Transition Area</td>
</tr>
<tr>
<td>SF4 – High Density Single Family MUGA</td>
<td>TBD</td>
</tr>
<tr>
<td>WFB – Waterfront Beach</td>
<td>TBD</td>
</tr>
<tr>
<td>MUCTR – Mixed Use Urban Center</td>
<td>TBD</td>
</tr>
</tbody>
</table>

The Plan designations provide general long-range guidance for land use and development. Zones are tools for specific area implementation. In some cases, such as a mixed-use Planned Unit Development,
different zones may be used in combination within a single Plan designation, such as "Mixed Use" in this example. Some zones may be consistent with more than one Plan designation, depending on their applications.
IMPLEMENTATION ELEMENT

INTRODUCTION

While implementation is not one of the mandatory comprehensive plan elements under the Growth Management Act, implementation is an essential part of the planning process. Ideas, like airplanes, need wheels as well as wings. It makes no sense to make plans with no thought given to making those plans become reality.

Implementation is the follow-through and the completion of the process. This implementation element will help describe how planning proposals will be carried out and provide the means to do so.

The essence of city planning is understanding the linkages between a community’s vision and policy and then the making of spatial and land space-allocation decisions concerning various human activities and land uses. While the space allocation decision-making process is regulated-determined by governmental action, the actual land development, construction, and the selection of specific land actions and uses are predominantly determined by the private sector. So, physical realization of much of the Comprehensive Plan is achieved in large measure by the private sector, under governmental guidance.

The public sector is also a significant user of land space and provider of essential public services. The decisions on use of public land space-use and the delivery of public services have a significant impact on private development decisions. So, assuring consistency of public investments in essential public services and public land uses with the Comprehensive Plan is essential to effective Plan implementation.

While there are many factors involved in implementing a Comprehensive Plan, there are two basic tools available to government – regulation and public investment and incentives. Through a variety of legal instruments, government regulates the development and use of private property. And, through various public investments (streets, transit, water system, sewer system, storm drainage, parks, public buildings, etc.) government influences and makes possible private development opportunity.

The Implementation Element deals with the foregoing two basic tools of implementation and subparts thereof. In the following pages, the Implementation Element is described. First, the goals and objectives of implementation are presented. Then certain aspects of the implementation program are described in some detail.
This Implementation Element summarizes many activities, some currently in place and others new, that will work in a coordinated and integrated process to achieve implementation of the Comprehensive Plan. As required by the GMA, Lynnwood’s development regulations must be consistent with and implement this Plan. Zoning adjustments are usually necessary following adoption of a new Plan to ensure that changes in the Plan will be implemented through zoning.

Explanation of proposed change: This text was moved from its original location below to promote clarity and continuity.

GOALS, OBJECTIVES & POLICIES & STRATEGIES

GOAL:
A coordinated action program that integrates a full range of activities and results in achievement of the Vision, Goals, Subgoals Policies, and Objectives Strategies of the Comprehensive Plan.

Explanation of proposed change: Text change for clarity, accuracy, and readability.

Subgoal Policy I-1: Development Regulation

Assure Ensure that the system of Lynnwood’s development regulations are comprehensive, integrated, clear, user-friendly, and consistent with this integrates a full range of methods in an understandable and user-friendly way and is consistent with the Comprehensive Plan.

Objectives:

Strategy I-1.4: (Ongoing) The Community Development, Public Works Departments, Fire, and Economic Development Departments, with assistance from legal counsel, will shall assure ensure that all development regulations of the City are in compliance with Federal, State and local environmental regulations.

Strategy I-1.6: (Ongoing) Achieve and maintain a process for review and action on development applications that is shorter than the average for all central Puget Sound cities. Continually improve and refine the permit review process and requirements so that it is: highly accessible and responsive to the public; consistent with City plans and policies; protects the environment; and encourages investment in the community.

Subgoal Policy I-2: Development Assistance
Assure Ensure that a program of assistance is provided to the general public and the development community that provides effective guidance from the concept stage of development through the decision and implementation stage.

Objectives:

**Strategy I-2.1:** Continue the economic development program and enhance its function to include the provision of information and assistance needed to attract and retain local businesses and employment.

**Policy I-2.2:** Continue to improve the effectiveness of pre-application development assistance.

**Policy Strategy I-2.2.1** Continue to improve the operation of the City's Permit Center Development Assistance team, composed of staff from various City departments.

**Policy Strategy I-2.2.2** Prepare a series of brief and easy to read development guides that summarize the important parts of the development regulations and the steps through the development review process.

**Policy Strategy I-2.2.3** Provide development assistance 24 hours a day and 7 days a week (24/7) by making all plans, ordinances, zoning maps, guides, and applications available on the City's internet website.

**Policy Strategy I-2.2.4** Provide computer terminals or access to WiFi at key service counters for use by the public in accessing City information.

**Subgoal Policy I-3: Urban Redevelopment**

Assure Ensure that the City takes full advantage of all redevelopment techniques available under current state law and work to expand the list of techniques.

Objectives:

**Strategy I-3.2:** Work cooperatively with the Public Facilities District to assist in the review of proposals and alternatives, project selection, and design for future redevelopment projects within the District’s jurisdiction.

**Strategy I-3.4:** Continue to assess all legal mechanisms available to encourage redevelopment and determine what more the City could be doing.

**Strategy I-3.5:** Propose Continue to offer and innovate an enhanced program of redevelopment assistance programs for inclusion in the Economic Development Element of the Comprehensive Plan.

**Subgoal Policy I-4: Capital Investments**
Assure Ensure that all capital investments made by the City are consistent with the Comprehensive Plan’s Goals, Objectives, and Policies.

Objectives

Strategy I-4.1: Continue the annual preparation of annual six-year Capital Facilities Plan updates and assure ensure consistency with the Comprehensive Plan.

Strategy I-4.2: Continue to develop the process of performance budgeting and assure ensure that the City’s annual budget is consistent with, and helps implement, the Comprehensive Plan.

Subgoal Policy I-5: Service Programs

Assure Ensure that all City service programs are in compliance with and consistent with the Comprehensive Plan’s Goals, Objectives, and Policies.

Objectives

Strategy I-5.1: Review City service programs for Plan consistency with the Comprehensive Plan through the annual-biennial budgeting process and at the time of periodic program review and modification.

Subgoal Policy I-6: Coordination

Assure Ensure that implementing actions and programs are well coordinated internally (intracity) and externally (interjurisdictional) and are in compliance with and consistent with the Comprehensive Plan.

Objectives

Strategy I-6.1: The Community Development and other Departments will continuously monitor the key plans and programs of the State, Snohomish County, and surrounding jurisdictions and continue to coordinate implementation actions and programs in ways that will assure ensure Plan compliance with minimal conflict.

Subgoal Policy I-7: Annexation and Growth Management

Assure Ensure that annexation and growth management are consistent with the Comprehensive Plan.

Objectives

Strategy I-7.4: Affected City departments will continue to comment on development proposals within the unincorporated Lynnwood MUGA and encourage their compliance with City standards and guidelines.
**Strategy I-7.5:** The City will move forward with annexations of the MUGA. The City will be receptive to working with MUGA residents and property owners interested in annexation into the City.

**Strategy I-7.6:** The Annexation Evaluation Guidelines, as set forth by Lynnwood Resolution 96-21, shall guide decisions on annexation proposals. The Annexation Evaluation Guidelines call for assessment of factors such as: community identity; delivery of government services; fiscal impacts; economic development opportunities; parks; streets; and utilities.

Explanation of proposed change: Text from Annexation narrative below moved and incorporated here for clarity and continuity.

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**Subgoal Policy I-8: Plan Monitoring and Amendment**

**Assure** effective Plan implementation through continuous monitoring of the progress and performance in achieving the measurable objectives of the Plan, and through adjustments thereto, as may be necessary, through the annual Plan amendment process.

**Objectives:**

**Strategy I-8.1:** Establish an interdepartmental staff team that will evaluate the progress of Plan implementation, during the annual Plan Amendment process, and report the results to the Planning Commission, Mayor and City Council.

**Strategy I-8.4:** Assure that the Comprehensive Plan is updated and kept in conformance with the requirements of the Growth Management Act.

**Strategy I-8.5:** Assure that all requested amendments to the Comprehensive Plan and Zoning Map are consistent with each other and with applicable State and local requirements.

Explanation of proposed change: Revised to reference existing data and indices, versus the creation of a new index.

**Strategy I-8.6:** Establish a Quality of Life Index for the monitoring of Track key benchmarks that can be used to measure and describe socio-economic and environmental conditions over time, so as to guide City decision-making in support of community wellbeing, the improvement and/or deterioration of Lynnwood as a place to live, and which will include the health of our natural environment.

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**PLAN AMENDMENTS**
**Timing of Amendments:**

**Strategy I-8.7:** Except as authorized by the GMA, the Comprehensive Plan may be amended no more frequently than once per calendar year. Lynnwood's schedule and process for amending the Comprehensive Plan is as specified by the LMC in accordance with the City's established process (see Municipal Code). Since some Plan amendments may have financial implications, the City's Plan amendment process should be coordinated with City's budget process.

**Strategy I-8.8:** The following guidelines will assist the City in processing Plan Amendments:

1. State law requires that all Plan amendment proposals be considered and acted upon concurrently (in a package) so that their cumulative effects can be ascertained.
2. The Comprehensive Plan is intended to be a 20-year Plan. There should be no need for extensive amendments other than during major updates.
3. Amendments processed outside of major updates should only consist of relatively minor site specific land use adjustments, text/policy revisions, etc.
4. Major changes to visions, goals, land use designations, or other aspects that might have citywide impacts usually require more extensive study and public input and, therefore, should be placed on a docket for the next major update.
5. Requested amendments that pose substantial financial implications should be coordinated with City's budget process.

Explanation of proposed change: Incorporated above.

**Off-schedule Plan Amendments:**

The Comprehensive Plan may be amended outside of this schedule under certain circumstances, as provided in the Growth Management Act.

**Criteria for Approval of Plan Amendment Requests:**

**Strategy I-8.9:** Each component of a Comprehensive Plan Amendment package shall be reviewed and approved only if it meets all of the following criteria:

1. The proposal is consistent with the provisions of the Growth Management Act and will not result in Plan or regulation conflicts; and
2. 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
3. The proposed amendment can be accommodated by all applicable public services and facilities, including transportation; and
4. The proposal will help implement the goals and policies of the Lynnwood Comprehensive Plan; and
5. 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.

Explanation of proposed change: Language below deleted as it applies to amendment cycles that have occurred in the past.

2014-2015 PLAN UPDATE

The Growth Management Act requires cities in the central Puget Sound region to: “...review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of...” the Act no later than June 30, 2015 (RCW 36.70A.130). Originally, GMA had required completion of this Update by December 1, 2011; however, the 2010 session of the Legislature extended the deadline to 2014 and the 2011 session extended it to June 30, 2015. The City is programming a substantial effort—including staff, elected and appointed officials and the community—to complete this review by 2015. Major components of this effort will include (but not be limited to):

- Extending the time horizon of this Plan beyond 2020;
- Incorporating the annexation area into all Elements of the Plan (if the annexation is approved);
- Redirecting goals, objectives, policies and actions in all Elements in order to promote the goals, objectives and policies of the Energy & Sustainability Element;
- Incorporate the Visioning Statement into all Elements of the Plan; and,
- Revise all Elements to be consistent with and not in conflict with VISION 2040 and the updated Countywide Planning Policies (being drafted by Snohomish County Tomorrow).

Explanation of proposed change: Text from Annexation narrative below incorporated here for clarity.

PLAN/ZONE CONSISTENCY

The Comprehensive Plan is the City’s plan for the next twenty years. To work properly, other development regulations must be consistent with the Plan, as required by the Growth Management Act. Zoning adjustments are usually necessary following adoption of a new Plan to ensure that changes in the Plan will be implemented through zoning.
**Strategy I-8.10:** The following table is intended to provide assistance in regarding achieving and maintaining Plan/Zone Consistency. It can be used as a guide when applying zoning to implement the Comprehensive Plan and when reviewing a rezone request for Plan consistency.

**PLAN/ZONE CONSISTENCY**

<table>
<thead>
<tr>
<th>Comprehensive Plan</th>
<th>Consistent Zoning</th>
</tr>
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<tbody>
<tr>
<td>SF-1 - Low-density Single-family</td>
<td>RS-8 - Low-density Single-family</td>
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<tr>
<td></td>
<td>CR - Commercial-Residential</td>
</tr>
<tr>
<td></td>
<td>PCD - Planned Commercial Development</td>
</tr>
<tr>
<td>LC - Local Commercial</td>
<td>B-4 - Restricted Business</td>
</tr>
<tr>
<td></td>
<td>B-3 - Neighborhood Business</td>
</tr>
<tr>
<td>CC - Community Commercial</td>
<td>B-2 - Limited Business</td>
</tr>
<tr>
<td>RC - Regional Commercial</td>
<td>B-1 - Community Business</td>
</tr>
<tr>
<td></td>
<td>CG - General Commercial</td>
</tr>
<tr>
<td></td>
<td>PCD - Planned Commercial Development</td>
</tr>
<tr>
<td></td>
<td>PRC - Planned Regional Center</td>
</tr>
<tr>
<td>City Center</td>
<td>CC-W - City Center West</td>
</tr>
<tr>
<td></td>
<td>CC-C - City Center Core</td>
</tr>
<tr>
<td></td>
<td>CC-N - City Center North</td>
</tr>
<tr>
<td>BT - Business/Technical Park</td>
<td>BTP - Business/Technical Park</td>
</tr>
<tr>
<td>I - Industrial</td>
<td>LI - Light Industrial</td>
</tr>
<tr>
<td>PF - Public Facilities</td>
<td>P-1 - Public Use</td>
</tr>
<tr>
<td>PRO - Parks, Recreation, and Open Space</td>
<td>P-1 - Public Use</td>
</tr>
<tr>
<td>H99 - Highway 99 Corridor</td>
<td>H99MU - Highway 99 Mixed Use</td>
</tr>
<tr>
<td></td>
<td>CG - General Commercial</td>
</tr>
</tbody>
</table>
The Plan designations provide general long-range guidance for land use and development. Zones are tools for specific area implementation. In some cases, such as a mixed-use Planned Unit Development, different zones may be used in combination within a single Plan designation, such as “Mixed Use” in this example. Some zones may be consistent with more than one Plan designation, depending on their applications.

**Explanation of proposed change:** The language below deleted as it is no longer current or accurate.

**URBAN GROWTH POLICIES**

In the mid-1990s, Lynnwood amended its Land Use Element to include a map depicting a two-tier urban growth strategy:

**Priority #1 Planning & Annexation Area:**
This includes an area extending northward to 148th Street, eastward across I-5 and I-405 to Larch Way and Martha Lake, and southeast to Larch Way. This is the area within which the City anticipated most annexation activity within the first ten years of the initial planning period.

**Priority #2 Planning & Annexation Area:**
A much larger area, and possibly the City’s ultimate UGA, was represented by the second phase. It extended to Mill Creek on the east and Everett and Mukilteo on the north and included approximately 17 square miles of area, about 2.5 times the size of Lynnwood today. A 1992 population estimate for this UGA was 43,225. That estimate included the unincorporated areas but not the City of Lynnwood.

Snohomish County has the responsibility of establishing Urban Growth Areas, with input from the cities. However, the process of assigning specific areas in the Southwest Urban Growth Area to each city in the UGA was not completed. The result was that several cities were occupying the same UGA. This resulted in confusion in planning for growth and the provision of utilities and services.

Lynnwood's growth plans overlapped those of Mill Creek, Everett, Mukilteo, Edmonds and Brier. Bothell also had an interest in a portion of the disputed territory. In an effort to end the confusion, the City of Lynnwood joined other cities of Southwest Snohomish...
County in a "Municipal Urban Growth Area" (MUGA) study to determine the most appropriate urban growth area for each city, based on a number of criteria.

Following a two-year study of municipal urban growth areas (MUGA), the Lynnwood City Council decided to adopt its Priority #1 Planning and Annexation Area as the City's MUGA boundary. [2002 amendment] In 2007, the City Council revised the MUGA boundary; see Land Use Element for current MUGA map.

Explanation of proposed change: Text from Annexation narrative below incorporated above in Policy I.7 for clarity and continuity.

ANNEXATION POLICIES

On December 23, 1996, the Lynnwood City Council passed Resolution No. 96-21, adopting guidelines for evaluating proposed annexations, as directed by 1995 Comprehensive Plan Policy 17.2.

The "Annexation Evaluation Guidelines" include specific criteria within the following major categories:

- General
- Community Identity and Support
- City Services
- Costs and Revenues
- Economic Development
- Housing
- Parks, Recreation and Open Space
- Community Development and Land Use
- Public Safety
- Streets and Transportation
- Capital Facilities and Utilities
Summary
This agenda item allows for the Commission’s review of the draft 2014 Annual Report.

Policy Questions
NA

Action
Approve the 2014 Annual Report as written or as amended.

Background
The Lynnwood Municipal Code calls for an annual report from the Planning Commission to the City Council.

Previous Planning Commission / City Council Action
NA

Adm. Recommendation
Approve the 2014 Annual Report as written.

Attachments
1. Draft 2014 Annual Report
2014 Annual Report
of the
Lynnwood Planning Commission

Introduction

This Annual Report provides a summary of the Planning Commission’s work during 2014, including significant discussion issues, actions and recommendations. This is a report to the Mayor and City Council, but may also be of interest to others. LMC 2.24.020 provides that each of Lynnwood’s boards and commissions prepare an annual report.

The Lynnwood Planning Commission operates under the authority specified by Chapter 35A.63 RCW. Chapter 2.29 LMC outlines the general organization and procedural provisions for the Commission.

The Commission provides a forum (public meetings, work sessions and hearings) for public comment and discussion of growth, development, land use and urban design matters. Its work also supports implementation of the City’s Comprehensive Plan. Section 3 of the Planning Commission’s Scope & Rules includes the following description of the work of the Commission:

The Planning Commission shall serve as an ‘advisory body’ to the City of Lynnwood and may act as the research and fact-finding agency for the municipality. To that end it may make such surveys, analyses, research and reports as are generally authorized or requested by its Mayor or City Council, or by the State of Washington with the approval of the City Council.

The Planning Commission shall undertake the following:

A. Annually review the Comprehensive Plan of the City as specified by the Growth Management Act of the State of Washington and suggest plan amendments, as appropriate.
B. Annually, review all applications and suggestions for plan amendments to the Comprehensive Plan and Zoning Map.
C. Annually, review its portion of the City budget and suggest desired amendments, as relates to comprehensive plan, capital facilities plan, and policy matters.
D. Review and perform extraterritorial planning for Urban Growth Areas as defined by Snohomish County and for annexation areas under consideration by the City.
E. Conduct neighborhood and community hearings and meetings, both formal and informal in nature, regarding its studies, recommendations and proposals.
F. Participate in preparing an annual report showing achievement toward fulfilling goals, policies and objectives of the Planning Commission.
G. Prepare an annual work plan for the ensuing year.
H. Present major policy advisories to the Mayor and City Council.
I. Meet with the Mayor, City Council and the Hearing Examiner, on an annual basis and other advisory boards, as required.
J. Examine and respond to referrals from the City Council, Mayor or staff, including public meetings or formal hearings.

K. Perform other advisory duties as may be provided by ordinance or as may be assigned to it by the City Council or Mayor.

The Community Development Department provides administrative and technical support to the Commission. Other City departments provide support to the Commission on an as-needed basis. In most cases, the Commission’s work culminates in recommendations for final action by the City Council.

**Regular Commission Meetings:**

- 2nd and 4th Thursdays of each month - January through October.
- 2nd Thursday of each month - November and December (due to holidays).

**Major Projects of 2014**

During 2014, the Planning Commission focused its attention on preparation of the 2015 update of the Comprehensive Plan. This update of the Comprehensive Plan is required by the Growth Management Act by June 2015 (and every eight years thereafter).

The staff time needed for the rewrite of the Comprehensive Plan (which dates back to 1994) has been substantial. The Commission’s work during 2014 can be summarized as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
<th>Summary Description</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014 Comprehensive Plan Amendment</td>
<td>Hwy 99 corridor</td>
<td>Aligned land use policies for residential development with regulations adopted previously by the City Council.</td>
<td>Approved by the City Council.</td>
</tr>
<tr>
<td>Transition Area Plan and Regulations</td>
<td>Transition Area</td>
<td>A subarea plan, a new zoning district, and special development regulations for the Alderwood-City Center Transition Area. (Planning Commission’s work was completed in 1993)</td>
<td>Approved by the City Council.</td>
</tr>
<tr>
<td>Code amendment: mixed use near Mall</td>
<td>PRC and PCD zones</td>
<td>Refinement of development regulations for mixed use for properties near Alderwood Mall.</td>
<td>Approved by the City Council.</td>
</tr>
<tr>
<td>Code amendment: storage containers</td>
<td>Citywide</td>
<td>Initial discussion of regulations for use of shipping containers in residential areas.</td>
<td>In progress.</td>
</tr>
<tr>
<td>Code amendment: goats</td>
<td>Citywide</td>
<td>Regulation of miniature goats in residential areas.</td>
<td>Approved by the City Council.</td>
</tr>
<tr>
<td>Code amendment: exterior lighting</td>
<td>Citywide</td>
<td>Regulation of exterior lighting.</td>
<td>In progress.</td>
</tr>
</tbody>
</table>

1 As a result of: a) high permit volumes for new construction; and b) staffing levels within Community Development, staff has typically convened one Planning Commission meeting per month.
<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
<th>Summary Description</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation Improvement Plan</td>
<td>Citywide</td>
<td>Review of annual 6-year Transportation Improvement Plan.</td>
<td>Approved by the City Council.</td>
</tr>
<tr>
<td>City Center Streetscape Plan</td>
<td>City Center</td>
<td>Design standards for new construction in and adjacent to public right-of-way.</td>
<td>Approved by the City Council.</td>
</tr>
<tr>
<td>Open Public Meetings Act</td>
<td>NA</td>
<td>Training on the OPMA as required by the Open Government Training Act of 2014.</td>
<td></td>
</tr>
</tbody>
</table>

**Officers for 2014**

The following officers were elected to terms for 2014:

- Chair – Richard Wright
- 1st Vice Chair – Bob Larson
- 2nd Vice Chair – Chad Braithwaite

**Membership Changes in 2014**

On February 10, 2014, George Hurst was appointed to the vacant, unexpired term for Position 2.

**2014 Attendance**

<table>
<thead>
<tr>
<th>Date</th>
<th>Ambalada</th>
<th>Braithwaite</th>
<th>Hurst</th>
<th>Jones</th>
<th>Larsen</th>
<th>Wojack</th>
<th>Wright</th>
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<tbody>
<tr>
<td>Jan 23</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<tr>
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<td>✓</td>
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<td>Aug 28</td>
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<td>✓</td>
<td>✓</td>
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<td>✓</td>
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<tr>
<td>Sept. 11</td>
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<td>✓</td>
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</tr>
<tr>
<td>Nov 13</td>
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<td>✓</td>
<td>✓</td>
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<tr>
<td>Dec 11</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

Percent: 92% 83% 100% 75% 83% 83% 58%

Respectfully submitted,

__________________________
Richard Wright, 2014 Chair