AGENDA
Lynnwood Planning Commission
Meeting
Thursday, May 28, 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. April 23, 2015 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
   1. Code Amendment: Prohibition of Retail Sale, Processing and Production of Recreation Marijuana and Marijuana-Infused Products

   2. Zoning Code Corrections – Omnibus Amendments

E. WORK SESSION TOPICS
   1. Six-Year Transportation Improvement Plan (TIP)

F. OTHER BUSINESS

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 7:00 p.m.

Approval of Minutes

1. Approval of minutes of the March 26, 2015 Meeting

   Motion made by Commissioner Wojack, seconded by Commissioner Larsen, to approve the minutes as presented. Motion passed unanimously (6-0).

Citizen Comments

None.

Public Hearing

1. Draft 2015 Comprehensive Plan Update and Zoning Map amendment

   Chair Wright reviewed the purpose of and the procedures for the hearing.

   Staff Presentation:

   Deputy Director Corbitt Loch explained that the Comprehensive Plan is a long-term policy guide for the City, intended to provide direction for day-to-day decision making and the adoption of development regulations. The intended lifespan of the Comprehensive Plan is 20 years with potential amendments in the meantime as needed. The ten Elements include: Introduction; Land Use; Community Character; Economic Development; Transportation; Parks;
The Comprehensive Plan is mandatory for Lynnwood and other jurisdictions subject to the Growth Management Act. The City is required to prepare a 20-year plan that accommodates future population and employment growth, is consistent with the Growth Management Act, has elements that are consistent with each other, and is coordinated with other plans that affect it. This draft Comprehensive Plan contains a small number of substantive changes, but a large number of stylistic changes to create a more readable and functional document. It has been reviewed by other agencies including the Puget Sound Regional Council (PSRC). PSRC has given comments which have been distributed to the Planning Commission.

Deputy Director Loch explained that the Planning Commission has worked extensively on this document, holding over 14 different public meetings and 23 different discussions to review and refine each of the Elements. Virtually all departments in the City have been involved in this process. Legal public notice has been provided as required law. An environmental review (SEPA) was been completed as required by state law. No comments were received on the environmental review.

A table summarizing the changes to each Element in the Comprehensive Plan was reviewed. Deputy Director Loch commented that the most substantive change contained within this Draft includes population and employment growth targets. He explained that Snohomish County has the authority to allocate future population growth to all areas within the County. Lynnwood is required to provide capacity for population targets and employment targets for the year 2035. The current population of Lynnwood is about 36,000; the new population target for 2035 would be 54,000. There are currently 25,000 jobs in the City; the new employment target would be 42,000 jobs in 2035.

Deputy Director Loch reviewed the items not being changed in this draft. These included: land uses, protection of single family areas, the focus on siting future growth in areas with infrastructure capacity, such as the Lynnwood Regional Growth Center and along Highway 99.

There is one proposed map change which involves commercial properties along Alderwood Mall Parkway, south of Interstate 5. The map amendment is not due to any development proposal or change by the property owners. Staff has proposed this map amendment as a housekeeping measure. The area is currently zoned Mixed Use (MU), but is surrounded by Planned Commercial Development (PCD) zoning. The proposed change would make the zoning PCD, for consistency with the surrounding commercial properties.
Future work to come to the Planning Commission will include: a focus on the College District, suggestions related to the City’s Vision, the Parks Master Plan, Sound Transit 3, urban design, and neighborhood orientation.

Deputy Director Loch stated the Planning Commission had received all written testimony previously received by staff, but a letter was received just before the beginning of the meeting, from Mr. Keith Maw. Mr. Maw had also provided an email which had already been forwarded to the Planning Commission. The email related to concerns about sustainability and energy conservation, which were taken out of the Comprehensive Plan in an effort to streamline the Plan. Deputy Director Loch explained that this would be addressed as staff works through the Healthy Communities issues in the next year, but even so, may not be proposed for inclusion in the Comprehensive Plan.

Chair Wright opened the hearing for public testimony at 8:29 p.m.

Public Testimony:


Chair Wright read the full content of the letter from Keith Maw into the record.

Seeing no additional public testimony, the public testimony portion of the hearing was closed at 7:46 p.m.

Deliberation:

Commissioner Larsen commented that Mr. Keith Maw is quite dedicated and passionate about sustainability and energy alternatives. He wishes him luck with those important initiatives. Commissioner Larsen stated that the Comprehensive Plan, as written, does a great job of addressing sustainability issues and measures that can accomplished by the City. He encouraged Mr. Maw to raise
his concerns at the state or the national level where he can perhaps be more effective.

Commissioner Hurst asked about staff’s thoughts about the PSRC letter which refers to Vision 2040. Deputy Director Loch replied that in general staff thinks the comments are reasonable, but there hasn’t been time to incorporate them yet. He noted that both the PSRC and Mr. Maw had stated that some of the policy language is rather passive and could be more definitive. Staff hopes to make some of these types of changes before going to the City Council. These would be minor changes that would not change the meaning of the policies as currently written.

Commissioner Hurst asked about PSRC’s request for a more-detailed analysis of the funding capability for the 20-year list of transportation projects. Public Works Deputy Director Jeff Elekes commented that financial analysis was done when the traffic impact fee program was developed. Part of that work included the philosophy that growth should pay for growth to a certain level and the rest can be funded using regular budgeting processes. In the short-term, there is a six-year Transportation Improvement Plan which is reviewed on an annual basis. The City utilizes a biennial budget. The Transportation Element of the Comprehensive Plan supports the use of a long-range improvement plan, a six-year funding strategy, and a two-year budget. This approach may not be the level of detail that PSRC would like to see, but accomplishes the intent of a 20-year funding strategy.

Commissioner Jones asked about the 20-year transportation improvement list, which contains many projects solely for bicycle routes. He noted that he is not in favor of bike lanes within streets because he would like to see road funding used for automobile infrastructure. He asked if these bicycle and pedestrian projects are actually going to happen. Deputy Director Elekes replied that the City looked at missing links in the City for sidewalks and bike lanes. From that information, staff developed a Non-Motorized Plan which includes a skeleton system for pedestrian and bicycle connections. He stated that bicycles are one of the transportation modes that people use and need to be addressed. The project list was developed using criteria for prioritization. Some of the projects have recently been implemented, due in part to a grant from Verdant Health. Not all of the projects are funded, but they are on the list for a complete transportation system. He noted that there is not a dedicated funding source for bike lanes and sidewalks. Projects are prioritized based upon need and value, then staff pursues funding for high-priority projects.

Commissioner Ambalada asked why the work called for by the existing Energy and Sustainability Element, as discussed by Keith Maw, can’t be accomplished along with other City priorities. Deputy Director Loch said he would defer to Community Development Director Krauss when he arrives to answer that in detail, but summarized that the recent recession changed every work plan of
every department, and limited City work to its core functions. He emphasized that the City continued to do things within its power, such as installing LED streetlights, transitioning to a more fuel-efficient fleet, changing out lighting and HVAC systems in City facilities. Deputy Director Elekes discussed ways the City pursues sustainability even if it isn’t an explicit mandate of the Comprehensive Plan. One of these is recycling in place road paving and subgrade. Also, when staff applies for grant funding from the Transportation Improvement Board, projects earn extra points for incorporating sustainability features. At City Hall, the building services crew is replacing fluorescent bulbs with LEDs.

Commissioner Wojack said he agreed with the recommendations to make some of the policy language stronger. He referred to the increased population targets and asked if there is enough space to meet the targets. Deputy Director Loch stressed that the growth targets involve analysis of hypothetical scenarios. The City is required to show mathematically that the growth targets could be achieved if real estate market forces desire it. A good example of where there is theoretical land use capacity is around the Mall.

Commissioner Larsen commented that in March 2015, the City Council had an in-depth discussion regarding the Community Vision. At that time, the Council reiterated their support of the Vision document as written and adopted in 2009. The Council also created a four-year review cycle for the Vision. He is happy to see that staff included reference of the public’s role in creating the Vision document. He recommended that the sub-elements of the Vision’s seven bullets be added because they are details of how the Vision will be realized. He also recommended that the Economic Development Plan include a description of the process used for the Economic Development Element.

Commissioner Ambalada commented that the Department of Commerce recommended having public participation in the Comprehensive Plan. The Department of Commerce offers grants for public participation initiatives.

Commissioner Larsen said that working on the Comprehensive Plan has been a pleasure. He is pleased with where Update may take the City in the future, and how Lynnwood was able to plan for a significant increase in population without disrupting existing single family residential areas.

*Motion made by Commissioner Jones, seconded by Commissioner Wojack, to submit the Comprehensive Plan to the City Council for approval.*

Commissioner Larsen requested the addition of his recommended changes to the Economic Development Element and the Community Vision within the Introduction Element. Commissioner Jones and Commissioner Wojack indicated that the intent of the motion was to include those two changes as part of the Commission’s recommendation.
Motion passed unanimously.

Chair Wright thanked staff and the Commissioners for their hard work on the 2015 Comprehensive Plan Update.

Work Session

None.

Other Business

None.

Council Liaison Report

Councilmember AuBuchon thanked the Commissioners, staff, and directors for their hard work on the Comprehensive Plan. He invited the commissioners to attend the Council meeting to hear what the Council has to say about the Planning Commission’s work.

Director’s Report

Director Krauss had the following comments:

• The Council is scheduled to have the public hearing on the Essential Public Facilities Ordinance on April 27, 2015.

• The shipping container ordinance is also coming to Council soon.

• Sound Transit Board approved the preliminary plans, stations, and design for Lynnwood Link today. They did not add stations at 185th and 130th.

• At the Sound Transit Board meeting, Everett Councilmember Paul Roberts added an amendment, that was supported by the Board, that Sound Transit should be a participant in improving not only roads at the transit center, but also pedestrian and bicycle access to the transit center. Director Krauss indicated this action would be beneficial to Lynnwood.

Commissioners’ Comments

Commissioner Jones said it was good news about Sound Transit. He spoke in support of having a joint meeting with the City Council. He expressed concern about the paper and delivery costs spent on packets and asked if the City has considered transitioning to tablets. Director Krauss replied that the Council is working on transitioning to electronic tablets. He suggested raising this question at the joint meeting on May 19, 2015.
Chair Wright stated that at one time he was part of a pilot program for tablets with the Planning Commission. He enjoys reading the packet electronically on his personal tablet prior to meetings, and this is his preferred way to digest the material. He spoke in support of Commissioner Jones’ suggestion to transition to digital format.

Commissioner Ambalada commented that there are more than 18,800 American Filipino residents in Snohomish County. Many people recently organized in Everett and are on the way to contribute to economic growth of American Filipinos in the United States, and especially in Snohomish County. She hopes this will trickle over to the Philippines.

Commissioner Larsen spoke in support of transitioning to tablets.

He spoke in support of moving to electronic packets, but stated he likes having paper for writing notes and questions.

Commissioner Hurst spoke in support of transitioning to tablets. He noted that Keith Maw had commented how hard it is to find hearing notifications on the City’s webpage. He recommended adding a tab linking to public hearing notices on the home page of the City of Lynnwood website.

Adjournment

Motion made by Commissioner Wojack, seconded by Commissioner Jones, to adjourn the meeting. Motion passed unanimously.

The meeting was adjourned at 8:30 p.m.

__________________________
Richard Wright, Chair
Summary
The purpose of this agenda item is to conduct a public hearing on the proposed text amendments to the Lynnwood Municipal Code (LMC) with regards to the prohibition of recreational marijuana operations and collective gardens/dispensaries, prohibiting the production, processing and sale. Following the public testimony portion of the public hearing, the Commission may begin its deliberation on the matter--and ultimately make one or more recommendations for the City Council.

At a future date, the City Council will conduct a public hearing on the draft amendments, and thereafter take action of the proposal.

Action
Receive public input on the proposed text amendments. Deliberation by the Commission will follow the public hearing.

Background
Washington voters approved Initiative 502 (I-502) in 2012, which “authorizes the state liquor control board to regulate and tax marijuana for persons twenty-one years of age and older, and add a new threshold for driving under the influence of marijuana”. I-502 directed the Washington State Liquor Control Board (WSLCB) to administrative regulations and to license and approve retail sales, production and processing of marijuana. That State legislation, and the measures addressed by this agenda item relate to recreational marijuana and medical marijuana collective gardens and dispensaries.

Under the regulations approved by the WSLCB in September, 2013, the City of Lynnwood would be allocated up to two licenses for retail sale of marijuana within the City limits. The State does not limit the number of licenses for production and processing operations.
In the meantime, the Attorney General of Washington issued AGO 2014 No.2, which concluded that Initiative 502 does not preempt local governments from licensing and regulating marijuana production, processing and retail sales operations, and that local governments may establish regulations that make it impractical for marijuana businesses to locate within their boundaries, as long as the regulations are a reasonable exercise of the police power.

Cities and counties in the State of Washington have adopted a variety of approaches to the regulation of recreational and medical marijuana/dispensaries.

Staff initially prepared an ordinance that would prohibit recreational marijuana operations in single and multi-family residential zones and that would allow retail sales, production, and processing in specified zones. Following Planning Commission review, the City Council held a public hearing on the ordinance on July 28, 2014.

Since the July 28th Council hearing, further research has been performed by the staff regarding the direction other communities were taking regarding the regulation of marijuana.

While the various ordinances have been prepared, six-month moratoriums were approved by the City Council regarding production, processing, and sale of recreational marijuana and medical marijuana/dispensaries and marijuana related merchandise on June 24, 2013. Six month extensions of the initial moratorium were approved by the Council on December 9, 2013, May 27, 2014 and December 8, 2014. These moratoriums were approved so that the City Council could determine the approach they believe best suited the community.

While the Council was considering the alternative to marijuana regulations, it adopted interim regulations that prohibited marijuana operations in single-family and multi-family residential zones. These interim regulations were approved for six months on February 24, 2014, with six months extensions of the interim regulations approved on July 28, 2014 and February 9, 2015.

As an alternate approach, City staff and the City Attorney have prepared the proposed Ordinance that would prohibit retail sales, production and processing of marijuana and marijuana-infused products in all zones. The prohibition would apply to both recreation and medical marijuana/dispensaries.

Previous Planning Commission Action
The Planning Commission held a public hearing on June 26, 2014, on the ordinance that would have allowed marijuana activities in select zones in the City. Following receipt of testimony, a motion was made to make a recommendation for the Council to approve the ordinance which died for the lack of a second.
Funding
NA.

Adm. Recommendation
1. Receive public input on the draft amendments.
2. Upon closure of the public testimony portion of the hearing, begin deliberation.
3. At the conclusion of the Commission’s deliberation, either:
   a. Recommend approval of the draft amendments as written; or
   b. Recommend approval of the draft amendments--as amended by the Commission; or
   c. Direct staff to prepare revisions for the Commission’s review at a future meeting. If the changes desired are substantive, it would be appropriate to continue the public hearing to allow public comment on those forthcoming edits.

Suggested motions:
1. “I move that the Planning Commission recommend approval the draft text amendments to Title 21 LMC to prohibit the retail sale, processing and production of recreational marijuana and marijuana-infused products.”

Attachments
1. Draft Ordinance
CITY OF LYNNWOOD

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO
RECREATIONAL MARIJUANA PRODUCTION, PROCESSING, AND RETAIL SALES
PURSUANT TO INITIATIVE 502, AND TO MEDICAL MARIJUANA COLLECTIVE
GARDENS, AMENDING CHAPTER 21.02 LMC; ADDING NEW SECTIONS 21.42.103,
21.43.103, 21.44.103, 21.46.103, 21.50.103, 21.52.103, AND 21.71.180 TO THE
LYNNWOOD MUNICIPAL CODE, AMENDING SECTIONS 21.48.100, 21.54.100,
MUNICIPAL CODE, REPEALING ORDINANCE NO. 2998, 2999, 3039, 3040, 3045,
3061, 3062, 3072, 3095, 3096 AND 3106; AND PROVIDING FOR SEVERABILITY, AN
EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, since 1970, federal law has prohibited the manufacture, delivery and
possession of marijuana as a Schedule I drug, based on the federal government’s categorization
of marijuana as having a “high potential” for abuse, lack of any accepted medical use, and
absence of any accepted safety for use in medically supervised treatment,” *Gonzales v. Raich*,
545 U.S. 1, 14 (2005), Controlled Substance Act (CSA)(84 Stat. 1242, 21 U.S.C. 801 et. seq.); and

WHEREAS, in 1988, the voters of Washington State approved Initiative 692 (I-692),
codified as Chapter 69.51A RCW; and

WHEREAS, the intent of I-692 was that qualifying “patients with terminal or debilitating
illnesses who, in the judgment of their physicians, would benefit from the medical use of
marijuana, shall not be found guilty of a crime under state law,” (RCW 69.51A.005), but that
nothing in the law “shall be construed to supersede Washington State law prohibiting the
acquisition, possession, manufacture, sale or use of marijuana for non-medical purposes” (RCW
68.51A.020); and

WHEREAS, in 2011, the Washington State Legislature passed ESSB 5073, which provides
that a qualifying patient of his/her designated care provider are presumed to be in compliance,
and not subject to state imposed criminal consequences, if they possess no more than 15
cannabis plants, nor more than 15 ounces of usable cannabis (other qualifications apply); and

WHEREAS, Washington’s Governor vetoed all of the provisions in ESSB 5073 relevant to
medical marijuana dispensaries, but left the provisions relating to cultivation of marijuana for
medical use by qualified patients individually and in collective gardens; and

WHEREAS, the Governor’s veto referenced the position of the United States Department
of Justice and multiple United States Attorneys that state employees who license or assist
marijuana operations in becoming licensed would not be immune from federal criminal liability
for assisting the applicants or conspiring to assist the applicants to violate federal law; and
WHEREAS, the Governor's veto of the provisions in ESSB 5073 on the subject of medical marijuana dispensaries can be interpreted to mean that this use is prohibited by state law, and it is already prohibited under federal law; and

WHEREAS, RCW 69.51A.085 permits up to ten qualifying patients to share in the responsibility to plant, grow, and harvest up to forty-five marijuana plants that contain no more than twenty-four usable ounces per patient so long as no usable marijuana is delivered to anyone other than the (up to) ten qualifying patients that share responsibility for the “collective garden”; and

WHEREAS, throughout the State, businesses are known to call medical marijuana dispensaries “collective garden,” despite the fact that they are operating a retail sales location with no on-site growing operation, have more than ten participating customers, and their participating customers do not share in the responsibility for planting, growing or harvesting the marijuana; and

WHEREAS, RCW 69.51A.140 expressly authorizes local jurisdictions to enact zoning requirements, business license requirements, and health and safety requirements for the production, processing and dispensing of cannabis and cannabis products; and

WHEREAS, the City code prevents the City from issuing a business license to any applicant unless the business and the applicant comply with all provisions of all applicable ordinances and laws (LMC 5.04.010(C). and the City shall revoke any business license where the licensee uses or occupies property, or conducts or operates businesses, in violation of any City, State or federal law (LMC 5.04.045); and

WHEREAS, because the manufacturing and delivery of marijuana is prohibited by federal law, the City code effectively prohibits the issuance of a business license by the City for any business that involves the manufacturing or delivery of marijuana; and

WHEREAS, the issuance of licenses that authorize businesses to engage in business that violates the federal CSA, could subject the City and/or its employees to criminal penalties under the CSA; and

WHEREAS, in November 2012, voters of Washington State approved Initiative 502 (I-502), which is codified in Chapters 46.04, 46.20, 46.61 and 69.50 RCW, and which authorizes the Washington State Liquor Control Board (LCB) to regulate and tax recreational marijuana for persons twenty-one years of age or older, and adds a new threshold for driving under the influence of marijuana; and

WHEREAS, I-502 required that the LCB establish a system for licensing marijuana producers, processors and marijuana retailers by December 1, 2013; and
WHEREAS, I-502 directs the LCB to develop rules and regulations to: (1) determine the number of producers, processors, and retailers of marijuana by county; (2) develop licensing and other regulatory measures; (3) issue licenses to producers, processors, and retailers at locations that comply with the Initiative’s distancing requirements that prohibit such uses within one thousand feet of schools, daycares, public parks, libraries, and other designated facilities; and (4) establish a process for cities to comment prior to issuance of such licenses; and

WHEREAS, the LCB had adopted administrative rules for the licensing and regulation of marijuana producers, processors, and retailers, allowing for up to two (2) marijuana retail licenses may be issued in the City of Lynnwood; and

WHEREAS, the federal government, through the Department of Justice, issued a memorandum to United States Attorneys providing guidance regarding marijuana enforcement on August 29, 2013; while the memorandum indicates that enforcement of marijuana-related regulations in Washington should rest primarily with state and local law enforcement agencies, the memorandum also states that if robust measures are ineffective to guard against certain identified harms or in the event of reluctance on the part of the state to ensure against the occurrence of identified harms, the federal government reserves the right to enforce federal law despite the state’s regulatory structure, and to challenge the state licensing structure itself; and

WHEREAS, in a joint statement dated August 29, 2013, Governor Jay Inslee and Attorney General Bob Ferguson stated the following: “Today we receive confirmation Washington’s voter-approved marijuana law will be implemented. We received good news this morning when Attorney General Eric Holder told the governor the federal government would not preempt Washington and Colorado as the states implement a highly regulated market for marijuana, Attorney General Holder made it clear that the federal government will continue to enforce the federal Controlled Substance Act by focusing its enforcement on eight specific concerns, including the prevention of distribution to minors and the importance of keeping Washington-grown marijuana within our state’s borders; We share those concerns and are confident our state initiative will be implemented as planned. We want to thank the Attorney General for working with the states on this and for finding a way that allows our initiative to move forward while maintaining a commitment to fighting illegal drugs. This reflects a balanced approach by the federal government that respects he states’ interests in implementing these laws and recognizes the federal government’s role in fighting illegal drugs and criminal activity.”; and

WHEREAS, in light of the passage of I-502 and statement from LCB, Department of Justice, Governor Inslee and Attorney General Bob Ferguson, the City has concluded that it is likely that the LCB will be issuing licenses for marijuana producers, marijuana processors, and marijuana retailers to operate in the City; and
WHEREAS, the City Council finds that there are likely harmful secondary effects associated with medical and recreational marijuana production, processing, distribution, and retail sales sites, which could include but are not limited to increased risk of invasion of such business facilities for purposes of theft resulting from the cash and marijuana maintained at these types of facilities; and

WHEREAS, such secondary effects could place Lynnwood residents, business owners, and others in danger of bodily harm, and will increase police enforcement risks and costs, and generally create undesirable liability exposure for the City; and

WHEREAS, in addition to concerns regarding land use compatibility, the City Council is also concerned about the secondary impacts from the establishment of facilities for the production, processing, distribution and retail sale of marijuana, including but not limited to, as negative health, safety, learning and life outcomes for Lynnwood residents; and

WHEREAS, marijuana use is on the rise. According to the U.S. Department of Health and Human Services 2012 National Survey on Drug Use and Health (NSDUH), 12 to 17 year old marijuana use for boys and girls combined was relatively unchanged since 2011, but there was a 20 percent increase in marijuana smokers among girls 12-17 since 2007, a 50 percent increase in the number of daily marijuana smokers among those aged 12 and up, a 12 percent increase in marijuana use among 18-25 year olds since 2007, and a 25 percent increase in marijuana use among the general population. (Substance Abuse and Mental Health Services Administration, Results from the 2012 National Survey on Drug Use and Health: Summary of National Findings, NSDUH Series H-46, HHS Publication No. (SMA) 13-4795, Rockville, MD: Substance Abuse and Mental Health Services Administration, 2013; and

WHEREAS, increased access and availability of supply is likely to increase the use of marijuana in the City, based on the experience in Colorado described on Exhibit A, attached hereto and incorporated by reference; and

WHEREAS, increased use of marijuana will have significant negative health, safety, learning and life outcome effects for the residents of the City as described in the sources listed on Exhibit B, attached hereto and incorporated by reference; and

WHEREAS, it is critical to the public safety and economic vitality of the City to ensure the impacts of businesses obtaining a license from LCB to produce, process, or retail recreational cannabis are minimized; and

WHEREAS, on January 16, 2014, the Attorney General of Washington issued AGO 2014 No. 2, which concluded that I-502 does not preempt local governments from licensing and regulating marijuana businesses, and that local governments may establish regulations that make it impractical for marijuana businesses to locate within their boundaries, as long as the regulations are a reasonable exercise of the police power; and
WHEREAS, on March 31, 2014, the Washington State Court of Appeals, Division I, issued its opinion in Cannabis Action Coalition v. City of Kent, holding the City of Kent’s ordinance prohibiting medical marijuana collective gardens did not conflict with Washington’s Medical Use of Cannabis Act; and

WHEREAS, in August 2014, the Pierce County Superior Court issued its decision in MMH, LLC v City of Fife, holding that the City of Fife’s ordinance prohibiting I-502 marijuana businesses within that city is a valid exercise of municipal police power zoning authority, in accordance with the January 16, 2014 Attorney General Opinion; and

WHEREAS, in October 2014, the Chelan Superior Court issued its decision in SMP Retail LLC v. City of Wenatchee, also holding that the City of Wenatchee’s regulations which prohibit I-502 marijuana businesses within that city are a valid exercise of municipal police power authority, in accordance with the January 16, 2014 Attorney General Opinion; and

WHEREAS, both Superior Court decisions have been appealed to the pertinent Court of Appeals, but neither case has been set for hearing yet; and

WHEREAS, several other superior courts have issued decisions that follow the Attorney General Opinion, holding that cities have authority to prohibit I-502 marijuana businesses in the city; and

WHEREAS, I-502 does not curtail cities’ legal authority to regulate business licenses and lands uses within the city, and further, the LCB’s regulations do not include a process for determining whether a state license applicant’s proposed use complies with local zoning and business license requirements; and

WHEREAS, as a result of the LCB regulation’s silence as to local zoning and business license requirements, there is a risk that businesses will obtain state licenses to engage in marijuana related businesses within the City without regard to whether such businesses comply with City zoning and business license requirements; and

WHEREAS, although the City’s zoning and business licensing requirements will continue to apply, the issuance of a conflicting state license could cause confusion and unnecessary expense if the City’s laws do not explicitly address marijuana-related uses; and

WHEREAS, for the City to license marijuana businesses within the City while such activities violate federal law, the City would need to amend the City code to allow such licensing of activities that violate federal law; and

WHEREAS, issuance of a City business license to operate a business that violates the federal CSA within the City would be deemed by the federal government to be a violation of the
CSA and potentially subject the City, and/or its employees, to liability or federal prosecution; and

WHEREAS, in 2005 in Gonzales v. Raich, 545 U.S. 1(2005), the United States Supreme Court determined that intrastate regulation of marijuana by the federal government is a valid exercise of the power of Congress and that in the event of a conflict between a state law that permits marijuana production, processing, distribution and possession and the federal CSA, the federal CSA will be deemed supreme; and therefore, it is unlikely that a court will determine that a state law can require a city to permit a land use or license a business that constitutes a crime under the federal CSA: and

WHEREAS, as a non-charter code city, Lynnwood has specific authority to determine the appropriate uses of land through its zoning authority; and

WHEREAS, I-502 contained no language specifically limiting the authority of cities to determine whether to permit marijuana business land uses within city boundaries, and the LCB regulations provide that the issuance of a state license shall not be construed as a license for, or an approval of, any violations of local rules or ordinances, including but not limited to, building and fire codes, zoning ordinances, and business licensing requirements; and

WHEREAS, the production, processing, and retail sale of marijuana, which remains illegal under federal law, has only recently become a permitted activity under Washington state law; Colorado is the only other state that permits the retail production, processing and sale of recreational marijuana, so the land use impacts associated with such uses have not been fully established and are not fully understood but medical marijuana businesses in this state and others are commonly associated increased crime, objectionable odors, and increased exposure of children to marijuana; and

WHEREAS, it is unknown whether the state of Washington’s regulatory scheme for recreational marijuana will sufficiently protect the federal government’s enforcement priorities so as to continue avoiding federal enforcement of the CSA against marijuana businesses and/or the state’s regulatory scheme; and

WHEREAS, in accordance with the City’s Comprehensive Plan, one of the City’s key planning and economic development goals is to create pedestrian friendly commercial districts, and with the land use and other impacts of marijuana businesses and uses largely unknown, it is not in the best interest of the City to allow marijuana businesses and uses that could potentially disrupt the City’s character and serve as a nuisance to the City’s residents, property owners, and business owners; and

WHEREAS, although Chapter 5.04 LMC effectively prohibits any business operation or land use that involves producing, processing, or selling recreational marijuana, to avoid any room for differing interpretations, it is in the best interest of the City to expressly prohibit all marijuana related lands uses and businesses within the City; and
WHEREAS, the City Council finds that the health, safety, and welfare of the community is best served by prohibiting and production, processing, selling or delivery of marijuana; and

WHEREAS, on June 24, 2013, the City Council adopted a moratorium in the processing of licenses and permits for recreational marijuana operations (Ordinance No. 2998), which was subsequently extended on December 9, 2013 (Ordinance No. 3039), on May 27, 2014 (Ordinance No. 3061), and on December 8, 2014 (Ordinance No. 3095); and

WHEREAS, on June 24, 2013, the City Council adopted a moratorium in the processing of licenses and permits for medical marijuana collective gardens (Ordinance No. 2999), which was subsequently extended on December 9, 2013 (Ordinance No. 3040), on May 27, 2014 (Ordinance No. 3062), and on December 8, 2014 (Ordinance No. 3096); and

WHEREAS, on February 24, 2014, the City Council adopted interim zoning controls prohibiting marijuana operations in single-family and multi-family zones (Ordinance No. 3045), on July 28, 2014, the City Council again adopted interim zoning controls prohibiting marijuana operations in single-family and multi-family zones (Ordinance No. 3072), and the interim controls were extended on February 9, 2015 (Ordinance 3106); and

WHEREAS, Ordinances No. 2998, 2999, 3039, 3040, 3045, 3061, 3062, 3072, 3095, 3096 and 3106, require formal action by the City Council to terminate the moratoriums and interim controls; and

WHEREAS, the ordinance is not intended to affect existing City, state and federal laws that apply to personal use and possession of marijuana; and

WHEREAS, on May 7, 2015 on the Community Development Director, acting as Lynnwood’s State Environmental Policy Act (SEPA) Responsible Official, issued a threshold determination for this draft ordinance, which was not appealed; and

WHEREAS, on May 7, 2015 The State of Washington granted the City of Lynnwood expedited review for the: Proposed ordinance amends the city’s zoning codes (for all zones) to prohibit recreational marijuana retail sales, processing and production as well as prohibition of medical marijuana collective garden operations. This proposal was submitted for the required state agency review under RCW 36.70A.106.

WHEREAS, on May 28, 2015, the Planning Commission held a public hearing on a draft zoning ordinance; and

WHEREAS, on June 8, 2015, the City Council held a public hearing on the draft zoning ordinance; and
WHEREAS, the City Council after due consideration finds that the regulations contained in this ordinance are consistent with and implement the City’s Comprehensive Plan, and are consistent with applicable state law, and will benefit the public health, safety and general welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 21.02, entitled “Definitions,” of the Lynnwood Municipal Code, is amended to add new sections as follows, which shall be added to Chapter 21.02 in alphabetical order with the other sections in Chapter 21.02 being renumbered accordingly:

21.02. Marijuana. “Marijuana” means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dried weight basis, the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

21.02. Marijuana concentrates. “Marijuana concentrates” means products consisting wholly or in part of the resin extracted from any part of the plant Cannabis and having a THC concentration greater than sixty (60) percent. The term “Marijuana concentrates” does not include useable marijuana or marijuana-infused products.

21.02. Marijuana processing. “Marijuana processing” means a person, entity or other business, licensed by the Washington State Liquor Control Board, processing marijuana into useable marijuana and/or marijuana-infused products, and/or packaging and labeling useable marijuana and/or marijuana-infused products for sale in retail outlets, and/or selling useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

21.02. Marijuana producing or production. “Marijuana producing” or “marijuana production” means a person, entity or other business, licensed by the Washington State Liquor Control Board, producing and/or selling marijuana at wholesale to marijuana processors and other marijuana producers.

21.02. Marijuana-infused products. “Marijuana infused products” means products that contain marijuana or marijuana extracts, are intended for human use, and have a THC concentration greater than 0.3 percent and no greater than sixty (60) percent. The term “marijuana-infused products” does not include useable marijuana, marijuana concentrates.
21.02. **Marijuana retailing or marijuana retailer.** “Marijuana retailing” or “marijuana retailer” means a business, licensed by the Washington State Liquor Control Board, selling useable marijuana, marijuana concentrates, and/or marijuana-infused products in a retail outlet.

21.02. **Marijuana, useable.** “Marijuana useable” (or “useable marijuana”) means dried marijuana flowers. The term “Marijuana, useable” does not include either marijuana concentrates or marijuana-infused products.

21.02. **Medical marijuana collective garden.** “Medical marijuana collective garden” means the growing of medical cannabis by qualifying patients as provided in Chapter 69.51A RCW, as new existing or as hereafter amended. A medical marijuana collective garden may also include ancillary processing and distribution of medical cannabis to support the collective garden.

**Section 2.** A new section 21.42.103 is added to the Lynnwood Municipal Code to read as follows:

**21.42.103 Uses prohibited in the single-family residential zones**
A. Retail sales, production and processing of marijuana and/or marijuana-infused products.
B. Medical marijuana collective gardens, as either a primary use, accessory use, or home occupation.

**Section 3.** A new section 21.43.103 is added to the Lynnwood Municipal Code to read as follows:

**21.43.103 Uses prohibited in the multiple-family residential zones**
A. Retail sales, production and processing of marijuana and/or marijuana-infused products.
B. Medical marijuana collective gardens, as either a primary use, accessory use, or home occupation.

**Section 4.** A new section 21.44.103 is added to the Lynnwood Municipal Code to read as follows:

**21.44.103 Uses prohibited in the Public zones**
A. Retail sales, production and processing of marijuana and/or marijuana-infused products.
B. Medical marijuana collective gardens.

**Section 5.** A new section 21.46.103 is added to the Lynnwood Municipal Code to read as follows:
21.46.103  Uses prohibited in the Commercial zones
A. Retail sales, production and processing of marijuana and/or marijuana-infused products.
B. Medical marijuana collective gardens.

Section 6. Section 21.48.100 of the Lynnwood Municipal Code is amended to read as follows:

21.48.100  Permitted uses.
A. All uses permitted in the Neighborhood Commercial (B-3) and Community Business (B-1) zones are permitted in this classification, except for the following:
   1. Outdoor used automobile sales;
   2. Funeral parlors and mortuaries; and
   3. Self-service storage facilities;
   4. Marijuana and marijuana-infused products retail sales, processing and production.
   5. Medical marijuana collective gardens.

Section 7. A new section 21.50.103 is added to the Lynnwood Municipal Code to read as follows:

21.50.103  Uses prohibited in the Industrial zones
A. Retail sales, production and processing of marijuana and/or marijuana-infused products.
B. Medical marijuana collective gardens.

Section 8. A new section 21.52.103 is added to the Lynnwood Municipal Code to read as follows:

21.52.103  Uses prohibited in the Mixed Use/Business zone
A. Retail sales, production and processing of marijuana and/or marijuana-infused products.
B. Medical marijuana collective gardens.

Section 9. Section 21.54.100 of the Lynnwood Municipal Code is amended to read as follows:

21.54.100  Land Use.
A. Commercial Uses. Except as specifically stated otherwise in this section, all land use permitted “by right” in the B-1 (Community Business) zone are permitted “by right” in this zone. All land uses permitted with approval of a conditional use permit in the B-1 (Community Business) zone are permitted with approval of a conditional use permit in this zone. All limitations on those land uses (reference LMC 21.46.110 through 21.46.119) shall apply in this zone, except as modified by the regulations in this chapter.
B. Residential Uses. Multifamily residential uses are permitted, provided, the multifamily residential use is part of a mixed-use building or is on property that has commercial uses. Multifamily: residential development without commercial uses on the property shall not be permitted.
C. Conditional Uses. Notwithstanding the regulations of the B-1 zone, the following uses are permitted in this zone with approval of a conditional use permit:

1. Convenience store.
2. Drive-in or drive-through window or any other facility that provides services to customers in vehicles.
3. Church.
4. Home improvement stores.
5. Carpeting or floor covering stores.
6. Furniture stores.
7. Battery exchange station (electric vehicle).

D. Prohibited Uses. Notwithstanding subsections (A) and (B) of this section, the following use are prohibited in this zone:

1. Vehicle display, sales, rental, repair, washing, or servicing as a principal use except that:
   a. Retail sales of new automobile tires, batteries and other motor vehicle accessories and installation thereof within a completely enclosed building; and
   b. Retail sale of automobile and recreational vehicle fuels (but without repairs or servicing) when accessory to an otherwise permitted retail use over 50,000 square feet GFA.
2. Gas or service stations as a principal use.
3. Dry cleaning plants.
4. Appliance or small engine repair.
5. Self-service storage or cold storage lockers.
6. Agricultural and horticultural activities (including plant nurseries). Florist shops are permitted.
7. Marijuana and marijuana-infused products retail sales, processing or production.
8. Medical marijuana collective gardens.

Section 10. Section 21.56.100 of the Lynnwood Municipal Code is amended to read as follows:

21.56.100 Land Use

A. Permitted Uses. As stated by the regulations for the underlying zones.
B. Conditional Uses. As stated by the regulations for the underlying zone. Except that where the underlying zone allows the following uses, these uses should be allowed only with approval of a conditional use permit.

1. Drive-through or drive-up windows or any other facility that provides service to customers in cars.
2. Handball courts, racquet clubs and indoor and outdoor tennis courts (except that these uses are permitted as accessory uses as part of private recreation facilities at multiple-family residential developments).
3. Convenience stores.
4. Park-and-ride lots operated by a public agency.
5. The repair, improvement or expansion of gas stations existing as of the date of the ordinance codified in this chapter.
C. Prohibited Uses. The following uses shall be prohibited in this overlay zone:

1. Automotive uses (see Table 21.46.01), except as noted under subsection (A) and (B) of this section.
2. Indoor amusement enterprises and amusement centers.
3. Dry cleaning and laundry plants.
4. Appliance stores, furniture stores and carpet stores.
5. Cold storage lockers.
6. Radio or television stations.
7. Marijuana and marijuana-infused products retail sales, processing or production.
8. Medical marijuana collective gardens.

Section 11. Section 21.57.400 of the Lynnwood Municipal Code is amended to read as follows:

21.57.400 Land uses.

A. Principal Uses Permitted Outright

1. College and university buildings, support services and college accessory facilities.
2. Library.
3. Public transit facilities.
4. Conference or community center (college/community meetings and activities).
5. Tot lot, greenway, vest pocket park, bikeway and other park/open space linkages.
6. Retail store or service business under 4,000 square feet GFA, including, but not limited to:
   a. Convenience, drug or variety store;
   b. Books, magazines, stationery and school supplies;
   c. Child day-care center (fewer than 13 children);
   d. Art gallery, art or photo studio, film/photo processing;
   e. Art supplies store or frame shop;
   f. Professional services (engineering, legal, medical, financial and similar;
   g. Business services (bookkeeping, taxes, accounting management, etc.);
   h. Computer repair, maintenance and training, and related technical services;
   i. Personal services (grooming, photo processing, counseling, tutoring, etc.
   j. Laundry self-service and pick-up station;
   k. Shoe repair, tailoring, locksmith and similar personal services;
7. Movie theater (single-screen at neighborhood scale).
8. Medical offices or clinic (limited services to neighborhood and/or college).
9. Food and beverage service businesses under 2,000 square feet GFA, including:
   a. Donut shop, bakery or similar specialty food outlet
   b. Café, coffee shop or restaurant;
   c. Soda fountain, ice cream parlor, candy store;
   d. Delicatessen or other specialty food store;
   e. Tavern, brew pub or nightclub.
10. Multiple-family dwellings:
    a. Maximum density: 20 units per net acre;
    b. Minimum density: 12 units per net acre;
    c. Density may be less than minimum if residential units are combined with other uses in same building or on same lot.
11. Accessory parking lots and structures. Park-n-ride and park-n-pool facilities are not permitted. Student/faculty parking shall be located west of 68th Avenue.
12. Electric vehicle charging station, Level 1, Level 2 and Level 3, if accessory to a permitted use or conditionally permitted use.

B. Principal Uses Allowed by Conditional Use Permit
1. Tavern, brew pub, club or restaurant that serves alcohol – when within or adjacent to a structure that also contains residences or child care facilities.
2. Indoor amusements such as arcades, bowling, pool card rooms, etc.
3. Athletic club or health spa (indoor facilities).
4. Performing arts facilities.
5. Child-day-care center (13 or more children) per LMC 21.42.110(E);
6. Boarding house, dormitory or other group residential facilities suitable for students
7. Inn, hotel, or similar transient lodgings (20 accommodations or less).
8. Battery exchange station (electric vehicle), and only if accessory to a permitted or conditionally approved use.

C. Allowed Accessory Uses. Accessory uses are permitted per LMC 21.58.300, including
1. Child care – when serving the patrons or employees of a principal use.
2. Commercial food services – in public buildings.

D. Prohibited Uses
1. Marijuana and marijuana-infused products retail sales, processing or production.
2. Medical marijuana collective gardens.

Section 12. Section 21.58.300 of the Lynnwood Municipal Code is amended to read as follows:

21.58.300 Land Use
A. Land uses shall be permitted as specified in the provisions of the underlying zones within the college district, unless specifically prohibited, restricted or modified through the provisions of this overlay zone or the Citywide Design Guidelines.

B. Principal and Conditional Uses. The provisions of the underlying zones shall determine the allowed uses and how they are permitted, except that the following uses are prohibited unless their sites have frontage on and access to either 196th Street or Highway 99:

1. Gas stations, car washes, auto parts stores, auto repair and maintenance and similar auto related uses that are typically highway-oriented have a service area that extends well beyond the college district, and that would bring unnecessary commercial traffic into the neighborhood.

C. Accessory Uses. Uses and structures that meet the city zoning code’s definition of “accessory” shall be permitted within the zones of the college district, except that accessory uses may not be added to existing nonconforming uses.

D. Prohibited Uses. The following uses are prohibited in the underlying zones within the college district:

1. Marijuana and marijuana-infused products retail sales, processing or production.

Section 13. Section 21.60.300 of the Lynnwood Municipal Code is amended to read as follows:

21.60.300 Use limitations.

All uses shall be allowed in the city center zones unless specifically prohibited below:

A. Prohibited in all city center zones

1. Adult establishments;
2. Billboards;
3. Industrial uses (excluding management, research and development, and sales operations);
4. Outdoor storage or display of materials and equipment (except during construction) except as provided for in subsection (A)(10) of this section;
5. Auto-oriented uses, including:
   a. Vehicle washing;
   b. Drive-throughs, including drive-up windows and drive-up kiosks;
   c. Vehicle repair;
   d. Battery exchange station (electric vehicles);
   e. Battery charging station (electric vehicle), Level 1, Level 2 or Level 3 (unless contained within an enclosed parking structure or attached to the exterior of a building containing a principal use);
   f. Gasoline service stations;
   g. Rental car agencies with outdoor fleet;
   h. Outdoor sales of boats, vehicles, or equipment;
6. Sewage treatment plants;
7. Work release facilities;
8. Wrecking yards;
9. Secure community transition facilities;
10. Uses not contained within a building except:
   a. Accessory outdoor dining;
   b. Accessory outdoor display of merchandise up to a maximum of 200 square feet and where the display only occurs during business hours;
   c. Temporary special events;
   d. Accessory outdoor recreation areas, in an amount not greater than the gross floor area of the principal use serves, not to exceed half an acre;
11. Self-service storage facilities (also known as mini-storage) consisting of more than 20 percent of the building’s total gross floor area;
12. Marijuana and marijuana-infused products retail sales, processing or production.
13. Medical marijuana collective gardens.
14. Any other uses similar to those listed above or any other use determined by the community development director to be inconsistent with the intent of the city center zones as described in this chapter and the city center subarea plan. Appeals of the community development director’s decision shall be processed as a Process II application (LMC 1.35.200).

B. Additionally, prohibited in the portion of the city center – core zone (CC-C) that is north of 194th ST. SW:
   1. Multiple-family residential

C. Ground floor principal uses in all city center zones shall be occupiable space.
   1. Exception. Parking may occupy the ground floor of a building; provided, that the parking does not occupy ground floor space facing a street frontage. In such instances, that portion of the building facing the street shall consist of occupiable space.

D. For buildings that directly front the Promenade Street, no less than 40 percent of the lineal frontage of any building shall be street level retail uses.

Section 14. Section 21.62.210 of the Lynnwood Municipal Code is amended to read as follows:


Uses not listed above as permitted outright or allowed by conditional use permit, or allowed as an accessory use to a permitted primary use, are prohibited in this zone. Notwithstanding any provision above, the uses listed below are specifically prohibited:

A. Drive-up of drive-through service and/or window that does not meet the requirements of LMC 21.62.200(A)(10).
B. Auto-oriented commercial uses including, but not limited to:
   1. Gas stations;
   2. Auto-repair, auto service shops, or the like;
   3. Auto wrecking, recycling businesses and/or yards;
   4. Car washes; and
   5. New auto dealerships (new and/or used vehicles), except as provided in LMC 21.62.200(A)(9);
C. Adult establishments and adult retail uses.
D. Industrial uses.
E. Warehouses, mini-warehouses, self-storage, mini-storage and the like.
F. Park-n-ride and park-n-pool lots or facilities.
G. Freestanding wireless communications towers and support structures (attached wireless facilities are permitted; see LMC 21.62.200).
H. Marijuana and marijuana-infused products retail sales, processing or production.
I. Medical marijuana collective gardens.

Section 15. A new section 21.71.180 is added to the Lynnwood Municipal Code to read as follows:

21.71.180 Uses prohibited in the Mobile Home Park zone
A. Retail sales, production and processing of marijuana and/or marijuana-infused products.
B. Medical marijuana collective gardens.

Section 16 Repealer. Ordinances No. 2998, 2999, 3039, 3040, 3045, 3061, 3062, 3072, 3095, 3096 and 3106 are hereby repealed.

Section 17. 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 18. This Ordinance shall take effect and be in full force and effect immediately upon passage, as set forth herein.

PASSED BY THE CITY COUNCIL, the ___ day of ___, 2015.

APPROVED:

Nicola Smith, Mayor

ATTEST/AUTHENTICATED:
APPROVED AS TO FORM:

Rosemary Larson
On the day of , 2015, the City Council of the City of Lynnwood, Washington, passed Ordinance No.__. A summary of the content of said ordinance, consisting of the title, provides as follows:


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

DATED this_______ day of , 2015.

____________________________________
Finance Director
1. There has been an increase in drug-related referrals for high school students testing positive for marijuana following de facto legalization in Colorado and the expansion of accessible retail marijuana storefronts/dispensaries and the accompanying growth in the marijuana market. During 2007-2009, an average of 5.6 students tested positive for marijuana. During 2010-2012, the average number of students who tested positive for marijuana increased to 17.3 students per year. In 2007, tests positive for marijuana made up 33 percent of the total drug screenings; by 2012, that number increased to 57 percent. A member of the Colorado Taskforce charged to regulate marijuana who also works for a drug testing company commented to the press that "A typical kid (is) between 50 and 100 nanograms. Now we're seeing these up in the 500, 700, 800, climbing" (Rocky Mountain HIDTA. (August, 2013). The Legalization of Marijuana in Colorado: The Impact, Preliminary Report (volume 1): See Conspire! Drug Testing Results and “Drug Testing Sees Spoke in Children Using Marijuana” found at http://denver.cbslocal.com/2013/03/06/drug-testing-company-sees-spike-inchildren-using-marijuana/).


3. There are approximately 400,000 emergency room admissions for marijuana every year – related to acute panic attacks and psychotic episodes. (Substance Abuse and Mental Health Services Administration, Center for Behavioral Health Statistics and Quality. (2011). Drug abuse warning network. 2008.: National estimates of drug-related emergency department visits. HHS Publication No. SMA. 11-4618. Rockville, MD);


7. Marijuana use, especially among young people, is significantly associated with poor learning outcomes. (Yucel, M., et. al. (2008). Regional brain abnormalities associated with long-term heavy cannabis use. *Archives of General Psychiatry, 65*(6));  


10. Drivers who test positive for marijuana or self-report using marijuana more than twice as likely as other drivers to be involved in motor vehicle crashes. (Mu-Chen, L.I., Joanne E. Brady, Charles J. DiMaggio, Arielle R. Lusardi, Keane Y. Tzong, and Guohua Li. (2011). “Marijuana Use and Motor Vehicle Crashes.” *Epidemiologic Reviews*);  

11. Creating barriers to the use of marijuana is an important tool for promoting public health. Due to federal, state and local efforts to control the distribution of marijuana, its use is lower than the use of legal drugs. About 52 percent of Americans regularly drink, 27 percent use tobacco products, and yet only 8 percent currently use marijuana. Substance Abuse and Mental Health Services Administration. Results from the 2012
Summary
The purpose of this agenda item is to provide a public hearing on the proposed draft legislation that corrects several existing errors/inconsistencies within the Zoning Code (Title 21 LMC).

At a future date, the City Council will conduct a public hearing on the draft amendments, and thereafter take action of the proposal.

Action
Receive public input on the proposed text amendments. Deliberation by the Commission will follow the public hearing.

Background
The Lynnwood Zoning Code was adopted circa 1960 (Ordinance 24), and has been amended on an ongoing basis for 55 years. During that time, some inadvertent errors, inconsistencies, and ambiguous provisions have been codified.

Errors can occur within zoning regulations for reasons such as:

A. Land use regulations are complex and frequently “overlap” regulations within other sections/chapters.

B. Typically, Zoning Code amendments are prepared in response to a new and immediate community need. Such issue-specific amendments may inadvertently alter or conflict with regulations adopted during a different time for a broader purpose.

C. Zoning Code amendments made over spans of decades are prepared by many different authors and are adopted by different City Councils. The resulting variation in sentence structure, word choice, citation, and grammar can negatively impact clarity.

D. Occasionally, last-minute changes to draft regulations can elude thorough review and evaluation.

E. As codes are amended over time, references and citations can become inaccurate.
F. Occasionally, human error can escape detection by multiple readers.

G. Changes in State and Federal law (statutory and case law) can invalidate local zoning regulations.

H. Societal changes can make certain zoning regulations obsolete.

The attached Summary of Ordinance provides an overview of the contents of the lengthy, omnibus ordinance. These changes are considered to be non-substantive with regard to the regulation of land. While the attached amendments do not create new regulations, the amendment process specified by the Municipal Code does not offer an abbreviated procedure for changes to Title 21 LMC. For efficiency, the attached ordinance corrects several such provisions.

Previous Planning Commission Action
This draft ordinance was presented to the Planning Commission on March 26, 2015.

Funding
NA.

Adm. Recommendation
1. Receive public input on the draft amendments.
2. Upon closure of the public testimony portion of the hearing, begin deliberation.
3. At the conclusion of the Commission’s deliberation, either:
   a. Recommend approval of the draft amendments as written; or
   b. Recommend approval of the draft amendments--as amended by the Commission; or
   c. Direct staff to prepare revisions for the Commission’s review at a future meeting. If the changes desired are substantive, it would be appropriate to continue the public hearing to allow public comment on those forthcoming edits.

Suggested motions:
1. “I move that the Planning Commission recommend approval the draft ordinance correcting multiple provisions within the Zoning Code.”

Attachments
1. Summary of ordinance
2. Draft ordinance
<table>
<thead>
<tr>
<th>Ord. Section</th>
<th>Section Begins on Ord. Page</th>
<th>Amended Language Begins on Ord. Page</th>
<th>Description</th>
<th>LMC Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>--</td>
<td>Findings. Adoption of findings as basis for amendment of Zoning Code. Correction</td>
<td>--</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>2</td>
<td>Nonconforming Uses. Correction of reference to decision-making entity.</td>
<td>LMC 21.12.400D</td>
</tr>
<tr>
<td>3</td>
<td>3</td>
<td>11</td>
<td>Commercial Signs. Repeal of sign regulations for “East 196th PCD Overlay”, which was repealed by Ord. 2441 (see LMC 21.46.910)</td>
<td>LMC 21.16.310.L</td>
</tr>
<tr>
<td>4</td>
<td>13</td>
<td>13</td>
<td>PDR Decision. Repeals redundant language regarding notice of decisions.</td>
<td>LMC 21.25.145</td>
</tr>
<tr>
<td>5</td>
<td>14</td>
<td>14</td>
<td>Residential Uses in Commercial Zones. Within Table 21.46.10, adds “+” footnote to “Multiple-Family Housing Units (on parcels designated as Highway 99 Corridor on the Future Land Use Map”. “+” references LMC 21.46.110-119.</td>
<td>LMC 21.46.100</td>
</tr>
<tr>
<td>6</td>
<td>15</td>
<td>19</td>
<td>Limitations on Residential Uses. Repeal of regulations already null and void due to expiration.</td>
<td>LMC 21.46.116.E.3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>21</td>
<td>Limitations on Residential Uses. Repeal of regulations already null and void due to expiration.</td>
<td>LMC 21.48.116.D.3</td>
</tr>
<tr>
<td>8</td>
<td>21</td>
<td>21</td>
<td>Land Uses in Industrial Zones. Elimination of conflicting regulations for sports facilities. Currently, sport facilities are listed as both a permitted use and as a conditional use. Staff proposes that such land uses be permitted.</td>
<td>LMC 21.50.100</td>
</tr>
<tr>
<td>9</td>
<td>24</td>
<td>24</td>
<td>Development Standards in Industrial Zones. Correction of reference to setback requirements and miscellaneous edits for clarity.</td>
<td>LMC 21.50.210</td>
</tr>
<tr>
<td>10</td>
<td>27</td>
<td>--</td>
<td>Severability cause.</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>27</td>
<td>--</td>
<td>Effective date.</td>
<td></td>
</tr>
</tbody>
</table>

Additional, similar corrections may be forthcoming.

May 21, 2015
CITY OF LYNNWOOD

ORDINANCE NO. ________


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 appropriate to amend the City’s land use and development regulations in order to correct inadvertent errors, omissions, inconsistencies, and to remove ambiguity that may impede efficient and effective application of legislation enacted by Ordinance by the City Council; and

WHEREAS, upon review of the provisions within this Ordinance, the City of Lynnwood SEPA Responsible Official on the 1st day of May, 2015, determined that the provisions of the Ordinance are procedural in nature and are categorically exempt from SEPA threshold determination and EIS requirements pursuant to chapter 197-11 WAC; and

WHEREAS, on the 1st day of May, 2015, 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 28th day of May, 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, the City Council finds the provisions of this Ordinance to be in the best interest of the health, safety and welfare of the community; 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, 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. LMC 21.12.400D is hereby amended to read as follows:

D. Alternative Method for Bringing Nonconforming Structures or Sites into Compliance.

1. Petition. As a means of bringing a nonconforming site into general compliance with the intent of the zoning ordinance, an applicant may petition under the conditional use procedures to permit an alternate parking and landscaping plan and such permit, if approved, would specify the time period for compliance. Such petition shall be accompanied by a site plan of the entire site, designating the location and size of existing buildings, parking stalls, and landscaped areas. The applicant shall provide documentation of the uses and their respective parking capacity demands. In addition, the applicant shall submit a proposed landscape and parking plan along with a proposed completion schedule.

2. Decision Criteria. In considering the approval, denial or modification of such alternate plan and compliance schedule, the ((planning commission and/or city council)) hearing examiner shall consider all factors relevant to the public interest including, but not limited to the following:

a. Whether or not the plan will adversely impact surrounding parking facilities or traffic flow or traffic circulation on nearby streets.

b. Whether or not the plan provides a reasonable number of available parking stalls without unreasonably reducing the required landscaping areas within parking lots on the site. Such a plan may propose compact stalls or time-sharing cooperative arrangements as a means of maximizing parking. In time-sharing
arrangements, the applicant shall document the off-setting parking demand peaks. Street frontage landscaping shall not be relaxed.

c. The plan shall specify a reasonable amount of time to make the necessary improvements. However, such time shall not exceed two years from the date of approval of such petition.

d. A penalty bond equal to the amount of work to be done in the parking lot or completion of the parking lot requirements may be required prior to finalization of any building permit, occupancy permit or other authority to proceed and shall be released only after the work has been completed.

**Section 3. Amendment.** LMC 21.16.310 is hereby amended to read as follows:

21.16.310 Commercial signs.

This section concerns business signs, and applies in all commercial zones except the planned regional shopping center zone. Only those signs which do not conflict with regulations contained in this and other Lynnwood Municipal Code titles, and which are consistent with the definition of a business sign in LMC 21.02.672, are permitted subject to the following standards. The word “street,” as it appears in this section, shall not include I-5, I-405, SR-525 or the Snohomish County PUD right-of-way.

A. Freestanding Signs.

1. Pole Signs.

   a. Area. The total allowable sign area for pole signs on individual and multiple business sites that qualify for one pole sign shall be 75 square feet plus one-half foot for each lineal foot of street frontage over 250 feet. Any one pole sign shall be no more than 150 square feet in area per side.

   On business sites which qualify for more than one pole or monument sign, per subsection (B) of this section, the total allowable sign area per street frontage shall be calculated at 75 square feet plus one-half square foot for each lineal foot over 250 feet. No pole sign face shall exceed 155 square feet in area. On business sites with both pole and monument signs, the total area of such signs oriented toward a particular street shall not exceed the maximum sign area based on that street’s linear frontage, except on multiple business sites and sites with pole signs at least 50 feet from the street. See subsection (A)(2) of this section for calculation of monument sign area. The allowable sign area shall be computed separately for each street frontage, and only the sign area derived from the street frontage along a street may be oriented toward that street. The allowable sign area for a pole sign located at a corner shall be derived from the one street frontage it is oriented toward. Only one face of a double-faced sign shall be considered in computing its area, providing both sides pertain to the same business.

   i. Additional Area for Multiple Business Sites. Multiple business sites shall be allowed an additional 20 square feet of freestanding sign area for each business in excess of one up to a total of 80 square feet of additional pole sign area per multiple
business site. Such additional sign area shall not be used to increase the sign area of any business beyond that amount which would be allowed if located in an individual business site of the same size as the multiple business site. Sign structures containing this additional sign area shall be constructed in such a way to be easily modified to reflect changes in the number of tenants on the site. Any multiple business site which is at least 150,000 square feet in lot area and contains at least 10 separate businesses shall be allowed one additional freestanding sign for identification of the site generally. Such signs shall not exceed 160 square feet in area.

ii. Additional Area for Pole Signs at Least 50 Feet from a Street. For all pole signs located at least 50 feet from a street, sign area may be increased five percent for each 10 feet the sign is from the street, up to a maximum of 200 square feet of total sign area per sign.

b. Number of Pole Signs. Along each public street abutting an individual or multiple business site, that site may have one permanently installed pole sign per the following schedule. However, on corner sites where two pole signs would be spaced less than 250 feet apart as measured in a straight line, only one sign shall be allowed.

<table>
<thead>
<tr>
<th>Street Frontage per Street Pole</th>
<th>Signs Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – 300 feet</td>
<td>1</td>
</tr>
<tr>
<td>301 – 600 feet</td>
<td>2</td>
</tr>
<tr>
<td>601 – 900 feet</td>
<td>3</td>
</tr>
<tr>
<td>901+ feet</td>
<td>4</td>
</tr>
</tbody>
</table>

On sites with less than 300 lineal feet of street frontage on one street or corner sites where two signs would be less than 250 feet apart as measured in a straight line, additional pole signs may be allowed by conditional use permit; provided, that such signs are in keeping with the intent of this title.

Whenever a conditional use permit for additional pole signs is considered, the hearing examiner may require that the height, area, and/or specific dimensions of signs be reduced and/or the setback from property lines be increased.

Sites which qualify for additional pole signs may substitute ground signs for those additional pole signs.

c. Location, Height and Design Criteria for Pole Signs.

i. Location. The setback for pole signs along public streets shall be as provided below:

(A) Pole signs shall be located more than 35 feet from the street right-of-way.
(B) Pole signs shall be located at least 100 feet from adjacent I-5, I-405, and SR-525 boundaries. Pole signs shall be located at least 100 feet from the Snohomish County PUD right-of-way where it is adjacent to I-5. This requirement does not apply to signs located adjacent to freeway on-ramps and off-ramps. Pole signs shall be located at least 10 feet from any side or rear property line and 25 feet from any property line adjacent to a residential zone.

These limitations do not apply to nonilluminated private traffic direction signs directing traffic movement within a business site, not exceeding four square feet in area for each sign, or traffic directions painted on the surface of a parking lot or driveway.

ii. Height. Pole signs shall comply with the height regulation for monument signs depending on their distance from the street up to a maximum of 25 feet in height above the average ground level at the base of the sign for all commercial zones. Pole signs may be 30 feet high if located within 500 feet of I-5, I-405 or SR-525 boundaries and at least 100 feet from a public street. However, pole signs shall not be higher than 20 feet on property separated from the above freeways by a public street. The height of signs may be further limited by the maximum height for buildings specified in the respective zone. When signs are located on sites within 100 feet of residential-zoned property, illuminated sections of the sign shall not exceed 20 feet in height if visible from those properties.

iii. Design Criteria. Pole signs shall meet the following design criteria and criteria indicated on Figure 3 of this chapter:

(A) The sign exterior shall consist of materials and colors that minimize reflection capabilities and are similar and complementary to those of the primary buildings on the property where the sign is located. The sign and support or base shall be constructed of materials that are easily maintained and maintain their shape, color, texture and appearance over time.

(B) The design of the sign and base or support shall be similar and complementary with the architecture of the primary buildings on the property where the sign is located.

(C) The sign base shall be surrounded by a single landscape area that is at least two feet wide between the sign base and raised curb that surrounds and protects the landscape area. The landscape area shall include evergreen plant material and may also include other materials, such as brick pavers or decorative planters.

2. Monument Signs.
   a. Area. Maximum monument sign area shall be 35 square feet at the minimum setback from the street right-of-way and an additional two square feet for each one foot back from the minimum setback line measured perpendicular to the street, up to a maximum of 75 square feet per side.
b. Number of Monument Signs. The total number of monument, ground and pole signs on a business site shall not exceed the maximum number of pole signs allowed by subsection (A)(1)(b) of this section.

c. Location, Height and Design Criteria for Monument Signs.

i. Location. The leading edge of monument signs shall be located at least 10 feet from the street right-of-way, at least 10 feet from any side property line and at least 25 feet from any property line adjacent to a residential zone.

Monument signs shall be located at least 100 feet from adjacent I-5, I-405 and SR-525 boundaries. Monument signs shall be located at least 100 feet from the Snohomish County PUD right-of-way where it is adjacent to I-5. This requirement does not apply to signs located adjacent to freeway on-ramps and off-ramps.

Monument signs shall not be located within a triangular area at street intersections or street and driveway intersections formed by two points measuring 20 feet back from the point where the two street right-of-way lines merge or a street right-of-way line and edge of driveway merge and extending a line that connects these two points to complete the triangle. (See Figure 4 of this chapter.)

ii. Height. Monument signs shall be no more than six and one-half feet high at the minimum setback from the street right-of-way and one additional foot in height for each one and one-half feet back in a perpendicular line from the street. The maximum height for monument signs shall be 25 feet for all commercial zones. Monument signs may be 30 feet high if located within 500 feet of I-5, I-405, SR-525 boundaries and at least 100 feet from a public street. However, monument signs shall not be higher than 25 feet on property separated from the above freeways by a public street. When signs are located on sites within 100 feet of residential-zoned property, illuminated sections shall be no more than 20 feet in height if visible from those properties.

iii. Design Criteria. Monument signs shall meet the following design criteria and criteria shown on Figure 5 of this chapter:

(A) The sign shall be located so it does not interfere with the visibility of drivers, pedestrians, bicyclists, riders or others at intersections, driveways, bike lanes, crosswalks, or other places of ingress or egress.

(B) The sign exterior shall consist of materials and colors that minimize reflection capabilities and are similar and complementary to those of the primary buildings on the property where the sign is located. The sign and support or base shall be constructed of materials that are easily maintained and maintain their shape, color, texture and appearance over time.
(C) The design of the sign and base or support shall be similar and complementary with the architecture of the primary buildings on the property where the sign is located.

(D) The sign base shall be surrounded by a single landscape area that is at least two feet wide between the sign base and raised curb that surrounds and protects the landscape area. The landscape area shall include evergreen plant material and may also include other materials, such as brick pavers or decorative planters.

3. Ground Signs. The total number of ground, monument and pole signs on a business site shall not exceed the maximum number of pole signs allowed by subsection (A)(1)(b) of this section. However, one additional ground sign may be allowed to identify a business parking area that is not adjacent to the business site where the business is located and one additional ground sign may be allowed to identify an access driveway to a street not adjacent to the business site where the business is located.

All ground signs shall be subject to the following criteria:

a. The sign is located to minimize interference with drivers’ or others’ visibility in intersection or at place of ingress or egress;

b. The sign has no moving parts;

c. The sign consists of materials and colors which minimize reflection capabilities;

d. The sign components are securely attached to the sign structure and not temporary or removable;

e. The sign shall not be internally illuminated, except for an individual letter sign or a sign with an opaque sign face background that only allows letters and/or business logos or graphics to be visible at night. Indirect lighting, if used, shall be uncolored, nonblinking, and directed away from traffic;

f. The sign shall have a solid base that is not less than three-quarters of the width of the sign face;

g. The sign shall be no more than 25 square feet in area;

h. The sign shall be located at least five feet from the street right-of-way;

i. The sign shall be no higher than three and one-half feet above the adjacent sidewalk or street curb;
j. The sign exterior shall consist of materials and colors that are similar and
complementary to those of the primary buildings on the business site. The sign and
base shall be constructed of materials that are easily maintained and maintain their
shape, color, texture and appearance over time; and

k. The sign may be permanently attached to retaining walls and fences;
however, such walls and fences shall be at least five feet from the street right-of-way.

Such signs may be located closer than five feet from the street right-of-way by
conditional use permit, if it is found necessary or desirable in the public interest to locate
the sign nearer to the right-of-way, and that it will not interfere with visibility as indicated
above.

B. Building Signs.

1. Wall Signs.

a. Area. The total allowable sign area for each business for signs attached to
a building frontage including mural signs shall be 60 square feet, or one square foot for
each lineal foot of building frontage, whichever is greater, up to a maximum of 200
square feet. However, wall signs that comply with the Sign Design – Creative/Artistic
Elements Guidelines of the Lynnwood Citywide Design Guidelines, as adopted by
reference in LMC 21.25.145(B)(3), may be allowed up to a 30 percent increase in wall
sign area. Businesses may have up to 10 square feet of sign area to place on a
directory sign on any facade of the building where they are located, except in no case
shall the maximum sign area exceed 15 percent of a building facade considered
building frontage. See Figure 2 of this chapter and LMC 21.02.358 to determine building
frontage.

On other building facades not considered frontage, the maximum sign area shall be
one-half square foot for each lineal foot of building facade or 100 square feet, whichever
is smaller. Wall signs on building facades that are oriented toward adjacent property
zoned residential shall not be illuminated.

The allowable sign area shall be computed separately for each building facade. Sign
area shall not be transferred from one facade to another. Only one face of a double-face
sign shall be considered in computing its area, providing both sides pertain to the same
business. For purposes of determining sign area, awning signs are part of the sign area
allowed for signs attached to buildings.

b. Height. Wall signs shall not extend higher than one foot above the wall to
which they are attached.

c. Transfer of Allowed Area from Freestanding Signs to Signs Attached to
Buildings. Freestanding sign area may be applied to signs attached to buildings;
provided, however, that such area be apportioned equally to all tenants and shall only
be transferred to a building frontage. A record of any such transfer must be filed with the
planning department. The maximum wall sign area per building facade with transfer
shall be 400 square feet or 10 percent of the building frontage area to which the sign is
attached, whichever is smaller.

2. Projecting, Marquee, and Nonrigid Awning Signs. Projecting signs shall not
extend above the wall to which they are attached. Marquee signs shall not extend
higher than the wall to which they are attached. Nonrigid awning signs shall not extend
higher than the wall to which they are attached.

Projecting and marquee signs and nonrigid awnings shall be at least eight feet
above any walkway and 16 feet above any area used by vehicular traffic. However,
nonrigid awnings with signs may be placed at the top of garage bay doors unless
contact by vehicular traffic is possible. Projecting signs on business sites shall not
extend into the public right-of-way or adjacent property. Marquee signs shall not block
windows or doorways. The area for projecting, marquee and nonrigid awning signs shall
come out of the sign area allocation for the building facade they are attached to.
Nonrigid awning signs shall have a maximum dimension of four feet from top to bottom.
The sign area for nonrigid awning signs shall be the entire area of any nonrigid awning
that projects less than three feet from a building. The sign area for all other nonrigid
awning signs shall be the rectangular area around letters and/or graphics displayed on
the nonrigid awning. (See Figure 1 of this chapter.) Projecting and marquee signs may
be illuminated; however, they shall not be illuminated if oriented toward adjacent
residential-zoned property.

3. Roof Signs. The planning director may approve the placement of one roof
sign per building if it is determined that such a sign is necessary because permitted wall
signs cannot be placed so as to be readable from the street closest to the building. Any
roof sign approved by the planning director may only be mounted on any building if it
complies with the building code or other city regulations. A roof sign shall not be higher
than 10 feet above the roof deck and shall be subject to the placement and design
criteria described on Figure 6 of this chapter. The area of a roof sign shall come out of
the sign area allocation for building facade closest to the sign.

When roof signs are located on sites which have street frontage within 100 feet of
residential-zoned property, illuminated sections shall not exceed 20 feet in height from
the ground if visible from those properties.

C. Incidental Signs. Incidental signs, each not more than four square feet in area
per side, do not require a sign permit and may be in excess of the allowable sign area
providing they are attached to a building below the roof line, or if placed in the ground,
are no more than three feet above grade, and at least five feet from the street right-of-
way. No more than four such signs per business shall be located on a business site.
Incidental signs less than three square feet in area shall not be counted as one of the
four allowable signs or as part of the allowable sign area.
D. Electronic Changing Message Signs. No sign shall have blinking or flashing lights; provided, however, electronically changing message signs shall be allowed. These signs shall not change displays or images at a rate less than one every five seconds except for signs which provide alternate messages only as to times and temperature, which may change at a rate of not less than one message every two seconds. All such signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness.

E. Internal Information Signs. Signs intended to be seen by the public within a business site, oriented away from the street and not readable from the public right-of-way and adjacent property shall not be regulated as signs. Such signs shall include but are not limited to internal directory signs, certain incidental signs and menu boards.

F. Portable Business Signs. Portable signs shall only be allowed within eight feet of any building where a business is located. There is no limitation on the number of such signs. However, these signs shall not be placed in the ground, on walkways, in parking areas, drive aisles, or anywhere that might block visibility or create a safety hazard.

G. Special Event Signs. Signs for special events as defined by Chapter 5.30 LMC shall conform to the provisions of that chapter. Signs for temporary activities or occurrences not regulated as a special event shall conform to the provisions of this chapter.

H. Searchlights. Searchlights shall only be permitted if they meet the following criteria:

1. That the duration of time for display of the searchlight shall not be more than 10 days;

2. That no permit for display of a searchlight shall have been approved for the same applicant during the six-month period prior to the most recent application;

3. That the searchlight be so located as to minimize interference of driver visibility at intersections or at points of ingress and egress;

4. That the searchlight be located 35 or more feet from the right-of-way; and directed away from traffic on nearby streets;

5. The intensity and color of light and the duration of its operation shall not constitute a nuisance as defined in LMC 10.08.200; and

6. That a fee as shown in Chapter 3.104 LMC shall be paid in connection with any such permit.

I. Real Estate Signs. Signs advertising the sale, lease or rental of commercially zoned property on which the sign is located shall require a temporary sign permit. Such
signs shall not be permitted unless a property, building(s) and/or tenant space(s) is for sale, lease or rent. Each such sign shall not exceed 24 square feet in area, and if freestanding, shall be set back at least six feet from the street right-of-way. Such signs shall not be placed where they can obstruct driver, bicyclist or pedestrian visibility. There shall be no more than one such sign per street corner or one per street frontage, whichever is less. Such signs shall be no more than six and one-half feet in height, shall not be illuminated and shall be removed once the property and/or buildings being advertised are sold, leased or rented. In addition, any such nonconforming sign shall require a permit and be made conforming by October 9, 2000.

J. Construction Signs. Construction signs for commercially zoned property shall comply with the regulations of LMC 21.16.280.

K. Signs in Restricted Business Zone. Signs shall comply with the following:

1. No roof signs shall be allowed;

2. No freestanding signs shall be allowed, except ground signs in accordance with the regulations of this section; and

3. Building signs shall comply with the regulations of this section. All building signs shall be noninternally illuminated, except for individual letter signs and signs with opaque sign face backgrounds that only allow letters and/or business logos or graphics to be visible at night. Signs on building facades oriented toward nearby residential zones shall not be illuminated.

L. Signs in the East 196th PCD Overlay.

1. Signs.

a. Objectives.

i. Signs shall be of high quality. It is recognized that individual businesses must be properly identified, but it is also recognized that signs should be the minimum necessary to provide such identification. Excessively large signs are recognized as being inconsistent with the existing character of the area and will be discouraged. While freestanding signs of high quality may be allowed for area identification, emphasis shall be placed upon use of building face signs where they will function as effectively as a freestanding sign. Where possible, signs shall be coordinated in scale and materials with those currently used on adjacent sites within the district.

b. Regulations. Signs shall be subject to the following:

i. No more than one freestanding sign per business site per street frontage;
ii. Sign area, location, height and design shall comply with the regulations of this section;

iii. Signs shall comply with the illumination regulations of this chapter;

iv. New pole or monument signs shall require a special use permit; however, new ground signs and building signs shall not require a special use permit;

v. Modification of existing signs that are part of a previously approved special use permit shall be subject to the regulations of LMC 1.35.180.

ML. Sign Variances. Requests to relax standards of this section shall be processed as variances and shall meet all the criteria for granting of variances, unless otherwise provided for. In considering any application for a variance to relax the required setback for pole or monument signs, the hearing examiner shall take into account the following factors and all others in the public interest in determining whether special circumstances exist which warrant a variance:

1. The extent to which vegetation and/or topography of the subject and/or adjacent properties would obscure a pole sign at the required setback on the subject property; provided, that removal of the obstructing vegetation and/or topography is beyond the control of the owner of the subject property or contrary to city policies or ordinances.

2. The size of the subject property as it relates to possible locations for the proposed sign.

3. The extent to which nearby existing pole or monument signs located at less than the required setback would obscure a pole sign at the required setback on the subject property.

4. The extent to which visibility of the proposed sign might be enhanced by mounting the sign lower or higher (but not exceeding the required height limit) than nearby obstructions, rather than by reducing the required setback.

5. The width, alignment, and extent of improvement of the right-of-way toward which the proposed sign would be oriented, insofar as this determines the angle at which the sign would be viewed by the traveling public.

If the hearing examiner determines that a variance to relax a pole or monument sign setback is warranted, the examiner may require periodic review of any reduction granted and/or provisions for eventual relocation to the required setback if existing and anticipated future conditions so indicate. If provisions for relocation appear appropriate, the examiner may require installation of wiring and a foundation at the required setback.
concurrent with erection of the sign at a lesser setback and a bond or other suitable guarantee of relocation.

Section 4. Amendment. LMC 21.25.145 is hereby amended to read as follows:

21.25.145 Director's decision.

A. General.

1. Coordination with Decisions Under SEPA. If a SEPA threshold determination is required to be issued, the threshold determination must precede the director’s decision on the project. If the SEPA threshold determination is appealed, the director’s decision shall be issued prior to the open record hearing on the threshold determination appeal.

B. Decisional Criteria. The director shall use the criteria listed in this section.

1. It is consistent with the comprehensive plan.

2. It is consistent with all applicable provisions of this chapter.

3. It is consistent with the applicable design guidelines found in the Lynnwood Citywide Design Guidelines, adopted by this reference and incorporated in the provisions of the LMC and Chapter 21.25 LMC as fully as if herein set forth.

4. For development applications for remodeling or expansion of an existing development, it is consistent with those provisions in the Lynnwood Citywide Design Guidelines identified by the director as being applicable.

5. For such applications, the director may modify applicable design standards and guidelines to provide continuity between existing and new development and/or proposed phases of development.

C. Conditions and Restrictions. The director shall include in the written decision any conditions and restrictions that are necessary to ensure compliance with the decisional criteria listed in subsection (B) of this section.

((D. Contents of Decision. The director shall include the following in the written decision:

1. A statement granting, modifying and granting, or denying the application.

2. Any conditions and restrictions that are imposed.

3. A statement of facts presented to the director that support the decision, including any conditions and restrictions that are imposed.
4. A statement of the director’s conclusions based on those facts.

5. A statement of the criteria used by the director in making the decision.

6. The date of the decision.

7. A summary of the rights, as established in this process, of the applicant and others to appeal the decision of the director.

8. A statement of any threshold determination made under the State Environmental Policy Act (SEPA), Chapter 43.21C RCW.

E. Distribution of Written Decision. Within five working days after the written decision of the director is issued, it shall be distributed as follows:

1. A copy will be mailed to the applicant.

2. A copy will be mailed to each person who submitted written comments or information to the director.

3. A copy will be mailed to any person who has specifically requested it.

4. A copy will be given to every member of the city council.

D. Content and Notice of Decision. The decision of the Director shall be prepared and distributed as specified by Chapter 1.35 LMC.

Section 5. Amendment. Table 21.46.10 of LMC 21.46.100 is hereby amended to read as follows:

<table>
<thead>
<tr>
<th>Residential Uses</th>
<th>B-3</th>
<th>B-2</th>
<th>PCD</th>
<th>B-1</th>
<th>CG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Family Homes</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>All uses permitted in single-family zones</td>
<td>–</td>
<td>–</td>
<td>P</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Multiple-Family Housing Units*</td>
<td>C*</td>
<td>C</td>
<td>P</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Multiple-Family Housing Units (on parcels designated as Highway 99 Corridor on the Future Land Use Map) +</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Caretaker or Watchman Quarters</td>
<td>C</td>
<td>C</td>
<td>–</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Living Quarters for Homeless Mothers +</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Motels and Motor Hotels</td>
<td>–</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Respite Care</td>
<td>P</td>
<td>–</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>
Table 21.46.10

<table>
<thead>
<tr>
<th>Residential Uses</th>
<th>B-3</th>
<th>B-2</th>
<th>PCD</th>
<th>B-1</th>
<th>CG</th>
</tr>
</thead>
</table>

* One-acre minimum lot size, subject to standards and procedures established in Chapter 21.43 LMC for the Multiple Residential Medium Density Zone (RMM) with the exception that maximum building height is three stories or 45 feet, whichever is less. Also subject to additional screening or privacy measures as determined by the hearing examiner during the conditional use permit process, including but not limited to: distance, architectural design, significant tree cover, significant elevation change, fencing, reduction or elimination of lighting immediately adjacent to single-family uses, and prohibitions on activities immediately adjacent to single-family uses that will create noise, odor or other impacts (i.e., garbage collection areas, recreation areas, parking lots). See Figure 21.46.1.

Section 6. Amendment. LMC 21.46.116 is hereby amended to read as follows:

**21.46.116 Limitations on uses – Residential uses.**

A. Motels and Motor Hotels. The initial development must contain at least 20 units composed of multiple-unit type buildings and shall provide hotel services, including a main lobby, desk attendant, and room service. When accessory uses providing services for the motor hotel patrons, such as barber, bar, beauty parlor, cleaners, clothing, drugs, pottery, souvenir, tobacco, and travel are included, they shall be primarily oriented internally. Provisions for public functions such as banquets or meetings need not be oriented internally.

B. Multiple-Family Housing.

1. Except for properties zoned PCD, dwellings may be permitted in commercial or office buildings on the fourth floor or higher, provided no more than one-half the floor area of the building (not including basements) is used for residential purposes. All provisions normally applying to high-rise multiple family housing shall apply.

2. For properties zoned PCD, dwellings may be permitted on the second floor of buildings or higher, provided that:

   a. General commercial, office, or similar land uses occupy the ground level of the building where the building faces or abuts a public street.

   b. Not more than 20 percent of the linear frontage of the ground level that faces a public street may be used for the entrance, lobby, leasing office, etc. for the building’s residences.

   c. Floor area at ground level limited to general commercial, office, or similar uses shall have a minimum depth of 30 feet, as measured perpendicular to the building façade, so that the floor area may be occupiable for non-residential land uses.
d. For development sites where the building is not accessible or visible from the abutting public street, the Community Development Director may authorize dwellings to be located below the second floor of the building.

3. For properties subject to the provisions of this chapter, development with multifamily dwellings shall provide a minimum of 40 square feet of onsite recreation area per dwelling. The onsite recreation area shall consist of a minimum of two of the following:

a. Individual patio, deck or balcony immediately adjacent to the corresponding dwelling. Individual patios, decks, or balconies shall be designed so that a six-foot by six-foot square will fit within the perimeter of the patio, deck or balcony.

b. Outdoor recreation area accessible to all residents of the development and designed so that a 15-foot by 15-foot square will fit within the perimeter of the outdoor recreation area. Common outdoor recreation areas shall include features such as: landscaped courtyard or plaza; seating; lighting; roof-top garden; children’s play structure; and sport court. Outdoor recreation areas may include overhead weather protection, but shall not be enclosed. Landscaping required within parking areas shall not be considered outdoor recreation area.

c. Indoor recreation space accessible to all residents of the development and designed so that a 12-foot by 12-foot square will fit within the indoor recreation area. Indoor recreation areas shall include furnishings and fixtures for activities such as: aerobic exercise; children’s play; indoor games; sports; hobbies and crafts; and video entertainment.

C. Multiple-Family Housing – Highway 99 Corridor in the Community Business (B-1) and General Commercial (CG) zones. Multiple-family housing is permitted in the B-1 and CG zones on specified parcels in the Highway 99 corridor as designated on the city of Lynnwood future land use map. Multiple-family residential development may be combined with mixed use development subject to the following bulk requirements:

<table>
<thead>
<tr>
<th>Development standard</th>
<th>Sites with residential development of less than 20 dwelling units per acre</th>
<th>Sites with residential development of 20 dwelling units or more per acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Minimum setbacks*</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Public street</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Interior property lines</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

Table 21.46.13(a)
Development Level
<table>
<thead>
<tr>
<th>Development standard</th>
<th>Sites with residential development of less than 20 dwelling units per acre</th>
<th>Sites with residential development of 20 dwelling units or more per acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground floor residential units+</td>
<td>10 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Minimum sidewalk width along public streets</td>
<td>12 ft.</td>
<td>12 ft.</td>
</tr>
<tr>
<td>Maximum lot coverage</td>
<td>35%</td>
<td>None</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>50 ft.</td>
<td>90 ft., not to exceed six stories</td>
</tr>
<tr>
<td>Minimum dwelling units/acre++</td>
<td>N/A</td>
<td>20 DU/A</td>
</tr>
<tr>
<td>Maximum floor-area ratio</td>
<td>1.0</td>
<td>3.0</td>
</tr>
</tbody>
</table>

* See LMC 21.62.450 for development adjacent to a residential zone (Transitional Property Lines).

+ Applies to residential projects only; setback is from all public rights-of-way, internal circulation (vehicle, bicycle, pedestrian), parking areas, or access easement. Alternatively, where vision-obscuring glass is installed, the setback may be eliminated.

++ The minimum number of residential units to qualify for this level shall be calculated using the entire project site. Where residential development is part of redevelopment of one or more parcels, this calculation shall be based only on the portion of the parcel(s) being redeveloped. Fractional portions of a unit are “rounded up” for this calculation.

Buildings within 200 feet of Highway 99 shall be mixed use development with commercial development on the first floor. Phased development may occur on large parcels but the initial development plan is required to illustrate the commercial activity adjacent to Highway 99.

Multiple-family development shall comply with the remainder of the development regulations established in Chapter 21.62 LMC, Highway 99 Mixed Use Zone, unless otherwise indicated in Chapter 21.62 LMC. Stand-alone multiple-family development or mixed use development shall also comply with the Design Guidelines for the Highway 99 Mixed Use zones.

Processing of a multiple-family development, including associated mixed use, will be subject to the provisions set forth in Chapter 21.30 LMC, Planned Unit Development.

D. Convalescent and Nursing Homes and Housing for the Elderly and Physically Disabled. These uses may be allowed by conditional permit.
1. Staff Evaluation and Recommendation. Before any conditional use permit for
the uses designated in this subsection is considered by the hearing examiner and city
council, a joint recommendation concerning development of the land and/or construction
of the buildings shall be prepared by the fire and community development departments,
specifying the conditions to be applied if approved. If it is concluded that the application
for a conditional use permit should be approved, each requirement in the joint
recommendation shall be considered and any which are found necessary for the
protection of the health, safety, and general welfare of the public shall be made part of
the requirements of the conditional use permit. In any case, the approval of the
conditional use permit shall include the following requirements:

   a. The proposal’s proximity to stores and services, safety of pedestrian
      access in the vicinity, access to public transit, design measures to minimize
      incompatibility between the proposal and surrounding businesses;

   b. Compliance with all applicable state, federal, and local regulations
      pertaining to such use, a description of the accommodations, and the number of
      persons accommodated or cared for, and any structural requirements deemed
      necessary for such intended use;

   c. The amount of space around and between buildings shall be subject to the
      approval of the fire chief as being adequate for reasonable circulation of emergency
      vehicles or rescue operations and for prevention of conflagration;

   d. The proposed use will not adversely affect the surrounding area as to
      present use or character of the future development;

   e. Restriction to such intended use except by revision through a subsequent
      conditional use permit;

2. Development Standards. Housing for the elderly and physically disabled
facilities shall conform to the following criteria:

   a. Lot area per dwelling unit: 1,000 square feet minimum per unit;

   b. Passive recreation and/or open space: 200 square feet per unit. In the
city’s higher density multiple-family zones, developments are required to provide active
recreational space to help satisfy a portion of the demand for recreational facilities.
Housing for the elderly has a similar need but is of a passive nature. Therefore, passive
recreation space and/or open space shall be provided. Up to 50 percent of the
requirement may be indoors; provided, that the space is utilized exclusively for passive
recreation and/or open space (i.e., arts and crafts rooms, solariums, courtyards). All
outdoor recreation and/or open space areas shall be set aside exclusively for such use
and shall not include areas held in reserve for parking, as per LMC 21.18.800. All open
space and/or recreational areas shall be of a permanent nature, and they may be
restricted to use by tenants only. The use of private and semi-private patios and balconies in meeting these requirements is not permitted.

E. Living Quarters, Homeless Teenage Parents. Living quarters designed for homeless teenage parents and their children are permitted in any commercial zone of the city. For the purposes of this section, “living quarters for homeless teenage parents” is defined to mean a building or buildings occupied for living purposes by not more than eight teenage parents and their children.

1. Supervision and Maximum Occupancy. Such living quarters must have an adult supervisor residing therein. The maximum number residing therein at any time shall not exceed 2:1, including parents, children, and adult supervisor(s).

2. Development Regulations and Standards. Subdivision and zoning development standards for living quarters for teenage parents shall be the same as for the low density multiple-family residential zone (RML). Such quarter shall be treated as an R occupancy for fire and building codes.

3. Expiration.

a. Notwithstanding below herein, uses established in accordance with this provision shall be considered lawful permitted uses as provided herein for as long as such use continues to exist. Non-use of any living quarter for teenage parents for more than six months shall be deemed to be abandoned and such use shall lose all right to its legal status.

b. Except as provided for above, this subsection shall expire on December 15, 1992.

Section 7. Amendment. LMC 21.48.116 is hereby amended to read as follows:


A. Motels and Motor Hotels. The initial development must contain at least 20 units composed of multiple-unit type buildings, and shall provide hotel services, including a main lobby, desk attendant, and room service. When accessory uses providing services for the motor hotel patrons, such as barber, bar, beauty parlor, cleaners, clothing, drugs, pottery, souvenir, tobacco, and travel are included, they shall be primarily oriented internally. Provisions for public functions such as banquets or meetings need not be oriented internally.

B. Multiple-Family Housing. Dwellings may be permitted, consistent with the use and development regulations for multiple-family dwellings in the PRC PCD zone.

C. Convalescent and Nursing Homes and Housing for the Elderly and Physically Disabled. These uses may be allowed by conditional use permit:
1. Staff Evaluation and Recommendation. Before any conditional use permit for the uses designated in this subsection is considered by the hearing examiner, a joint recommendation concerning development of the land and/or construction of the buildings shall be prepared by the fire and community development departments, specifying the conditions to be applied if approved. If it is concluded that the application for a conditional use permit should be approved, each requirement in the joint recommendation shall be considered and any which are found necessary for protection of the health, safety, and general welfare of the public shall be made part of the requirements of the conditional use permit. In any case, the approval of the conditional use permit shall include the following requirements:

   a. The proposal’s proximity to stores and services, safety of pedestrian access in the vicinity, access to public transit, design measures to minimize incompatibility between the proposal and surrounding businesses;

   b. Compliance with all applicable state, federal, and local regulations pertaining to such use, a description of the accommodations and the number of persons accommodated or cared for, and any structural requirements deemed necessary for such intended use;

   c. The amount of space around and between buildings shall be subject to the approval of the fire chief as being adequate for reasonable circulation of emergency vehicles or rescue operations and for prevention of conflagration;

   d. The proposed use will not adversely affect the surrounding area as to present use or character of the future development;

   e. Restriction to such intended use except by revision through a subsequent conditional use permit;

2. Development Standards. Housing for the elderly and physically disabled facilities shall conform to the following criteria:

   a. Lot area per dwelling unit: 1,000-square-foot minimum per unit;

   b. Passive recreation and/or open space: 200-square-foot minimum per unit. In the city's higher density multiple-family zones, developments are required to provide active recreational space to help satisfy a portion of the demand for recreational facilities. Housing for the elderly has a similar need but is of a passive nature. Therefore, passive recreation space and/or open space shall be provided. Up to 50 percent of the requirement may be indoors; provided, that the space is utilized exclusively for passive recreation or open space (i.e., arts and crafts rooms, solariums, courtyards). All outdoor recreation and/or open space areas shall be set aside exclusively for such use and shall not include areas held in reserve for parking, as per LMC 21.18.800. All open space and/or recreational areas shall be of a permanent
nature, and they may be restricted to use by tenants only. The use of private and semi-private patios and balconies in meeting these requirements is not permitted.

D. Living Quarters, Homeless Teenage Parents. Living quarters designed for homeless teenage parents and their children are permitted in any commercial zone of the city. For the purposes of this section, “living quarters for homeless teenage parents” is defined to mean a building or buildings occupied for living purposes by not more than eight teenage parents and their children.

1. Supervision and Maximum Occupancy. Such living quarters must have an adult supervisor residing therein. The maximum number residing therein at any one time shall not exceed 21, including parents, children, and adult supervisor(s).

2. Development Regulations and Standards. Subdivision and zoning development standards for living quarters for teenage parents shall be the same as for the low density multiple-family residential zone (RML). Such quarters shall be treated as a R occupancy for fire and building codes.

3. Expiration.

   a. Notwithstanding below herein, uses established in accordance with this provision shall be considered lawful permitted uses as provided herein for as long as such use continues to exist. Non-use of any living quarters for teenage parents for more than six months shall be deemed to be abandoned and such use shall lose all right to its legal status.

   b. Except as provided for above, this subsection shall expire on December 45, 1992.

Section 8 Amendment. LMC 21.50.100 is hereby amended to read as follows:

21.50.100 Uses allowed in the industrial zones.

<table>
<thead>
<tr>
<th>Use</th>
<th>BTP</th>
<th>LI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Greenhouses</td>
<td>AC*</td>
<td>–</td>
</tr>
<tr>
<td>Assembly of Wood, Light Metal, Glass, Electronic, Electrical or Plastic Parts or Components which are extruded, stamped, manufactured, shaped, or prepared elsewhere, not precluding minor processes such as cutting, drilling, soldering, or minor welding</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Athletic Clubs and athletic facilities containing such facilities such as handball, racquetball, and tennis, and basketball courts, swimming pools, and exercise rooms</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Auditoriums</td>
<td>–</td>
<td>P</td>
</tr>
</tbody>
</table>
### Table 21.50.01

<table>
<thead>
<tr>
<th>Use</th>
<th>BTP</th>
<th>LI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto Wrecking Yards</td>
<td>–</td>
<td>C</td>
</tr>
<tr>
<td>Automotive and Machinery Repairing and Storage</td>
<td>–</td>
<td>P</td>
</tr>
<tr>
<td>Banks and Other Financial Institutions</td>
<td>C</td>
<td>–</td>
</tr>
<tr>
<td>Barber Shops and Beauty Parlors</td>
<td>AC*</td>
<td>–</td>
</tr>
<tr>
<td>Battery Exchange Station (Electric Vehicle), Principal or accessory use</td>
<td>P, A</td>
<td>P, A</td>
</tr>
<tr>
<td>Biotechnology (except manufacturing pharmaceuticals)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Blacksmithing, Welding, and Metal Fabricating Shops</td>
<td>–</td>
<td>P</td>
</tr>
<tr>
<td>Bookstores, News Stands, and Stationery Stores</td>
<td>AC*</td>
<td>–</td>
</tr>
<tr>
<td>Bottling and Packaging Plants</td>
<td>C</td>
<td>–</td>
</tr>
<tr>
<td>Building Material Yards</td>
<td>–</td>
<td>P</td>
</tr>
<tr>
<td>Business and Professional Offices including offices of a clerical or administrative nature</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Business Services and Office Supplies</td>
<td>P</td>
<td>–</td>
</tr>
<tr>
<td>Cabinet, Millwork, or Wood Prefabrication Operations</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Child Day Care (e.g., day care for children of employees or of patrons)</td>
<td>–</td>
<td>AC</td>
</tr>
<tr>
<td>Contractor’s Offices, Shops, and Indoor Storage</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Contractor’s Offices, Shops, and Storage Yards</td>
<td>–</td>
<td>P</td>
</tr>
<tr>
<td>Electric Vehicle Charging Station, Level 1, Level 2 or Level 3, if accessory to a permitted or conditionally permitted use.</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Employees’ Cafeterias</td>
<td>AC</td>
<td>P</td>
</tr>
<tr>
<td>Florist Shops</td>
<td>AC*</td>
<td>–</td>
</tr>
<tr>
<td>Food and Dry Goods Distribution Operations</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Food and Dry Goods Processing and Packaging</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Freight Warehouse Terminals</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Furniture Manufacture and Repair Shops</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Gift Shops</td>
<td>AC*</td>
<td>–</td>
</tr>
<tr>
<td>Indoor and/or Outdoor Tennis Courts, Racquet Clubs, and Handball Courts</td>
<td>C</td>
<td>–</td>
</tr>
<tr>
<td>Research and Development</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Laundry and Dry Cleaning Plants</td>
<td>–</td>
<td>P</td>
</tr>
<tr>
<td>Manufacturing, Rebuilding or Repairing Nonmetal Products</td>
<td>–</td>
<td>P</td>
</tr>
<tr>
<td>Manufacturing Pharmaceuticals</td>
<td>–</td>
<td>C</td>
</tr>
<tr>
<td>Mass Transit Storage and Maintenance Facilities</td>
<td>–</td>
<td>C</td>
</tr>
<tr>
<td>Use</td>
<td>BTP</td>
<td>LI</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>-----</td>
<td>----</td>
</tr>
<tr>
<td>Mini-Warehouses</td>
<td>P</td>
<td>–</td>
</tr>
<tr>
<td>Municipal Services</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Park and Pool Lots</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Pharmacies in conjunction with medical, dental, optical, and chiropractic clinics</td>
<td>AC</td>
<td>–</td>
</tr>
<tr>
<td>Plant Nurseries</td>
<td>AC*</td>
<td>–</td>
</tr>
<tr>
<td>Printing, Publishing and Binding</td>
<td>P</td>
<td>–</td>
</tr>
<tr>
<td>Printing Plants</td>
<td>–</td>
<td>P</td>
</tr>
<tr>
<td>Public Utility Facilities</td>
<td>C</td>
<td>–</td>
</tr>
<tr>
<td>Recycling Collection Centers</td>
<td>–</td>
<td>C</td>
</tr>
<tr>
<td>Repair Shops for Household Appliances</td>
<td>AC*</td>
<td>–</td>
</tr>
<tr>
<td>Residences for Watchmen or Custodians</td>
<td>–</td>
<td>P</td>
</tr>
<tr>
<td>Restaurants providing on-premises service</td>
<td>AC*</td>
<td>–</td>
</tr>
<tr>
<td>Retail Lumber Yards</td>
<td>–</td>
<td>P</td>
</tr>
<tr>
<td>Universities, Colleges, Schools, including preschools, commercial schools, such as dancing, music, trade, etc.</td>
<td>P</td>
<td>–</td>
</tr>
<tr>
<td>Veterinary Clinics and Veterinary Hospitals*</td>
<td>C</td>
<td>–</td>
</tr>
<tr>
<td>Warehouses (except mini-warehouses)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Wholesale trade (i.e., wholesale stores)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Wholesale trade (i.e., wholesale stores) with retailing confined exclusively to products which are manufactured, packaged, repacked, reloaded or otherwise processed on the same premises</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Wireless Communications Facility less than 300 feet from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)*</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Wireless Communications Facility 300 feet or more from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Wireless Communications Facility, Attached</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Wood, Coal and Oil Fuel Yards</td>
<td>–</td>
<td>P</td>
</tr>
</tbody>
</table>

+See LMC 21.50.110.

Key:
P = Use is permitted as a primary use.
C = The use may be permitted through issuance of a conditional use permit.
A = Permitted as accessory use with a principal permitted or approved conditional use.
AC = Use is permitted as an accessory conditional use and must be related to the principal use of the tenant space or property.
AC* = These accessory conditional uses may occupy no more than 25 percent of the floor area.
– = Use is prohibited.

Section 9 Amendment. LMC 21.50.210 is hereby amended to read as follows:

21.50.210 Additional development standards.

A. Building Height.

1. BTP Zone. For those buildings taller than three stories, the floor area to lot area ratio (FAR) shall not exceed 0.4, unless specifically allowed by conditional use permit approval. In connection with any such conditional use permit approval, the applicant shall demonstrate that the additional floor area will not adversely impact traffic flow and volumes on the public streets, as compared to other existing or anticipated developments on other properties in the same zone and vicinity.

2. LI Zone. A height variance may be obtained. The community development director may authorize a minor increase in maximum building height when a proof of the applicant demonstrates conformance with the general intent of this chapter has been established.

B. Setbacks for Fences. All setbacks in subsection (A) of this section specified by this chapter shall also apply to fences. However, fences, walls and hedges up to six feet high in height may be located in any portion of an industrial-zoned lot as long as they are not located within intersection and driveway sight distance triangles, do not obstruct driver and pedestrian visibility, comply with applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), and are approved through project design review (Chapter 21.25 LMC).

C. Landscaping Requirements for Sites in the Light Industrial Zone.

1. On a transitional site, at least 50 percent of the front yard area shall be landscaped which may include landscaping requirements in parking lots.

2. On a general site, at least 25 percent of the front yard area shall be landscaped which may include landscaping requirements in parking lots.

3. Where interior property lines of a site being developed are not affected by other landscaping standards and are not adjoined by buildings, trees shall be planted inside and along the property line with a spacing of 40 feet or less between the trees.

D. Parking Requirements.
1. Required Number of Stalls. Requirements for parking are provided in Chapter 21.18 LMC. At transitional sites in the BTP zone, the landscaping requirement along zoning boundaries which occur along streets may be counted to fulfill front yard parking lot landscaping, providing the building is located no closer to the street than the minimum allowable setback.

2. Landscaping in Parking Areas.

   a. Planting at Street Frontages.

      i. Development sites without parking areas located only between the sides of building(s) opposite along the street frontage and interior property lines shall provide a 10-foot-wide planting area along the entire street frontage, except for driveways, walkways and other pedestrian spaces.

      ii. Development sites with single-aisle, double-loaded parking areas located between buildings and the street right-of-way, parking areas between buildings or parking areas between buildings and the closest side property line shall provide a 15-foot-wide planting area along the entire street frontage with the same above exceptions.

      iii. Development sites with multi-aisle parking areas located between buildings and the street right-of-way shall provide a 20-foot-wide planting area along the entire street frontage with the same above exceptions.

      iv. Planting at street frontages shall consist of ornamental landscaping of low plantings and high plantings. The minimum height of trees shall be eight feet for evergreen trees and 10 feet for all other species. Trees shall be spaced a maximum of 25 feet on center with branches eliminated to a height of six feet where necessary to prevent sight obstruction. The required trees in this planting area may be located within the adjacent street right-of-way as long as they comply with Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), and are approved by the public works department. Low evergreen plantings, or a mixture of low evergreen and deciduous plantings with a maximum height of 30 inches, shall be provided so as to achieve 50 percent groundcover within two years.

   b. At transitional sites in the BTP zone, the landscaping requirement along zoning boundaries which occur along streets may be counted to fulfill front yard parking lot landscaping, providing the building is located no closer to the street than the minimum allowable setback.

   b. Landscaping in Right-of-Way. Additional plantings may be placed on the street right-of-way as authorized by the public works department behind the sidewalk line if the property owner provides the city with a written release of liability for damages which may be incurred to the planting area from...
future street expansion or utility installation and/or agrees to relocate plantings at owner’s expense.

c d. Coverage. Ten percent of the parking areas located between buildings or between buildings and interior property lines, and single-aisle, double-loading parking areas located between buildings and the street; and 15 percent of multi-aisle parking areas located between buildings and street shall be in landscaping (exclusive of landscaping on the street frontage and required landscape buffers); provided, that:

i. No landscaping area shall be less than 100 square feet in area or less than five feet in width;

ii. No parking stall shall be located more than 45 feet from a landscaped area; and

iii. All landscaping must be located between parking stalls or between parking stalls and the property lines.

d e. Landscaping Adjacent to Parking Stalls. Where landscaping areas which fulfill city standards are adjoined by angular or perpendicular parking stalls, landscaping in the form of groundcover materials or plants may be installed in that portion of any parking stall which will be ahead of the wheels and adjacent to the landscaped area; provided, that curbing or wheel stops are installed in a position which will protect the plants from damage. Such landscaping shall not be construed to be part of the percentage of landscaped area required by this chapter nor a reduction of the parking stall.

e f. Additional Landscaping Along Specified Streets. Along streets where it may be desirable and feasible to obtain a higher degree of continuity in landscaping from property to property than is provided for here, the city council, upon recommendation by the planning commission, may designate specific street frontage landscaping plans for those streets. See Chapter 21.06 LMC.

E. Surface Water Management. Each industrial area shall have adequate facilities for management of surface water.

F. Screening of Service Yards. Service yards shall be site-screened so that a visual barrier is established between the storage yard and local streets and arterials.

Screening shall be installed on side yard setbacks between street right-of-way and service buildings or storage yards (except for driveways). It shall consist of either:

1. One row of evergreen conifer trees, spaced a maximum of 10 feet on center. Minimum tree height shall be six feet. The remainder of the planting strip shall
be promptly planted with low evergreen plantings which will mature to a total groundcover within five years; or

2. A site-screening evergreen hedge that provides a sight, sound, and psychological barrier between zones with some degree of incompatibility. The spacing of plants shall be such that they will form a dense hedge within five years. Minimum plant height shall be four feet.

G. Development Standards – Cooperative Programs. In the BTP zone, cooperative development of adjacent properties is encouraged. LMC 21.46.900(E) 21.46.900.D provides incentives which should be considered when contemplating development, particularly the development of relatively small properties.

Section 10. 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 11. 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:

Art Ceniza
Interim Finance Director

APPROVED AS TO FORM:

Rosemary Larson
City Attorney

FILED WITH ADMINISTRATIVE SERVICES: _______
PASSED BY THE CITY COUNCIL: ________________
PUBLISHED: ________________
EFFECTIVE DATE: ________________
ORDINANCE NUMBER: ____________
On the _____ day of ___________, 2015, the City Council of the City of Lynnwood, Washington, passed Ordinance No. _______. A summary of the content of said ordinance, consisting of the title, provides as follows:


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

DATED this _____ day of ___________, 2015.
Introduction: The City of Lynnwood is required annually to amend and adopt a Six Year Transportation Improvement Plan, which lists anticipated street projects and their costs for the six year period. This requirement is set out in RCW 35.77.010, RCW 36.81.121 and modified by HB 1525.

Attached is a summary project list for the 2016 – 2021 Six-Year TIP. There are 7 programs, 2 studies, and 30 projects on this year’s list, for a six-year total of $160,099,210. The programs/projects are grouped into six categories:

1. Recurring Annual Programs
2. New/Expanded Roads
3. Non-Motorized
4. Intersection Improvements
5. City Center
6. Miscellaneous

The Proposed TIP covers the years 2016 - 2021. The projects in the TIP are derived directly from the 2015 – 2020 Capital Facilities Plan with minor modifications. Scheduling is determined by need and probable funding sources. All of these projects are based on the policies set forth in the City of Lynnwood Comprehensive Plan.

State of the Transportation System: The annual updating of the Six Year TIP is an opportunity to look at how far we have come over the last few years and to look where we are headed in the future. Changes from last year reflect progress in completing projects.

Recent Past: Over the last 10 years the City has seen the completion of several significant transportation projects:

1. Completion of the widening of 44th Ave W from 196th St SW to I-5
2. Completion of the widening of 176th St SW from Olympic View Drive to SR 99
3. Completion of the widening of Olympic View Drive, Phases 1 & 2
4. Lynnwood Traffic Management Center at City Hall
5. Interurban Trail/44th Ave W Pedestrian Bridge and Trail
6. I-5/196th St SW Pedestrian Improvements
7. WSDOT Braided Ramp Project on southbound I-5
8. 48th Avenue W Sidewalks Project
9. 44th Avenue W Sidewalks Project

**In Design:** Projects in design include:
- 36th Ave W, Maple Road to SR-99
- 196th St SW, 48th Ave W to 37th Ave W
- Poplar Way / 33rd Ave Extension over I-5
- Interurban Trail, South Segment
- 194th – 40th to 33rd Pre-design Study
- Citywide Bikelink
- Paving 184th – 33rd to AMP; AMP – 184th to 182nd

**In Construction:** Projects in construction include:
- 33rd Ave W/ LHS Ring Road
- 204th St SW/ 68th Ave W to SR-99
- Citywide Safety Improvements
- SR-99/SR-524 Adaptive Signal Control
- SR-99/SR-524 Safety Improvements

**Changes in the proposed 2016-2021 TIP:** Due to prioritization, project completion, new grant funding, and/or budgetary constraints, the following projects were either removed, or added:
- Removed: 33rd Ave W/ LHS Ring Road
- Removed: 204th St SW/ 68th Ave W to SR-99
- Removed: Interurban Trail Imp.( Vic. of 208th St SW & 52nd)

**Action and Scheduling:** The Planning Commission is requested to consider the proposed the proposed 2016 – 2021 TIP and forward a recommendation on to the City Council. The Commission’s recommendation will be forwarded to the City Council for consideration and discussion at a future City Council Work Session. A City Council Public Hearing will also be scheduled followed by adoption of an ordinance at a City Council Business Meeting.

**Attachment(s):** Proposed Six Year Transportation Improvement Plan (TIP) 2016 – 2021 and associated map.

◆ ◆ ◆
# City of Lynnwood Six Year TIP 2016-2021

<table>
<thead>
<tr>
<th>Project Type</th>
<th>Project Title</th>
<th>Funded</th>
<th>Six Year Total</th>
<th>Prior</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>Project Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recurring Annual Programs</td>
<td>Overlying Program</td>
<td>P</td>
<td>21,000,000</td>
<td>N/A</td>
<td>3,500,000</td>
<td>3,500,000</td>
<td>3,500,000</td>
<td>3,500,000</td>
<td>3,500,000</td>
<td>3,500,000</td>
<td>3,500,000</td>
</tr>
<tr>
<td></td>
<td>Traffic Signal Rebuild Program</td>
<td>N</td>
<td>2,400,000</td>
<td>N/A</td>
<td>400,000</td>
<td>400,000</td>
<td>400,000</td>
<td>400,000</td>
<td>400,000</td>
<td>400,000</td>
<td>400,000</td>
</tr>
<tr>
<td></td>
<td>Transportation Business Plan</td>
<td>N</td>
<td>450,000</td>
<td>N/A</td>
<td>75,000</td>
<td>75,000</td>
<td>75,000</td>
<td>75,000</td>
<td>75,000</td>
<td>75,000</td>
<td>75,000</td>
</tr>
<tr>
<td></td>
<td>Sidewalk and Walkway Program - ADA Ramps</td>
<td>N</td>
<td>400,000</td>
<td>N/A</td>
<td>100,000</td>
<td>90,000</td>
<td>80,000</td>
<td>70,000</td>
<td>30,000</td>
<td>30,000</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td>Sidewalk and Walkway Program - Maintenance</td>
<td>N</td>
<td>600,000</td>
<td>N/A</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
</tr>
<tr>
<td></td>
<td>Neighborhood Traffic Calming Program</td>
<td>N</td>
<td>300,000</td>
<td>N/A</td>
<td>50,000</td>
<td>50,000</td>
<td>50,000</td>
<td>50,000</td>
<td>50,000</td>
<td>50,000</td>
<td>50,000</td>
</tr>
<tr>
<td></td>
<td>Sidewalk and Walkway Program</td>
<td>N</td>
<td>2,250,000</td>
<td>N/A</td>
<td>375,000</td>
<td>375,000</td>
<td>375,000</td>
<td>375,000</td>
<td>375,000</td>
<td>375,000</td>
<td>375,000</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal</strong></td>
<td></td>
<td>27,400,000</td>
<td></td>
<td>4,600,000</td>
<td>4,590,000</td>
<td>4,580,000</td>
<td>4,570,000</td>
<td>4,530,000</td>
<td>4,530,000</td>
<td>NA</td>
</tr>
<tr>
<td>New/Expanded Roads</td>
<td>56th Ave W Maple Road</td>
<td>P</td>
<td>164th St SW</td>
<td>9,500,000</td>
<td>1,500,000</td>
<td>1,500,000</td>
<td>8,000,000</td>
<td></td>
<td>11,000,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>56th Ave W SR 99</td>
<td>P</td>
<td>164th St SW</td>
<td>9,500,000</td>
<td>3,390,000</td>
<td>1,500,000</td>
<td>8,000,000</td>
<td></td>
<td>12,690,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Poplar Extension Bridge</td>
<td>P</td>
<td>AMB</td>
<td>196th St SW</td>
<td>29,666,000</td>
<td>2,674,000</td>
<td>504,000</td>
<td>3,526,000</td>
<td>9,576,000</td>
<td>12,768,000</td>
<td>3,162,000</td>
</tr>
<tr>
<td></td>
<td>Maple Road Extension</td>
<td>P</td>
<td>32nd Ave W</td>
<td>1,937,000</td>
<td>173,000</td>
<td>1,764,000</td>
<td></td>
<td></td>
<td>1,937,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>52nd Ave W 176th St SW</td>
<td>N</td>
<td>184th St SW</td>
<td>5,045,000</td>
<td>2,949,000</td>
<td>1,500,000</td>
<td></td>
<td>236,000</td>
<td>176,000</td>
<td>2,537,000</td>
<td>2,949,000</td>
</tr>
<tr>
<td></td>
<td>33rd Ave W Extension</td>
<td>N</td>
<td>33rd Ave W</td>
<td>184th St SW</td>
<td>11,445,000</td>
<td>236,000</td>
<td>236,000</td>
<td>2,537,000</td>
<td></td>
<td>11,445,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maple Road</td>
<td>N</td>
<td>3,200,000</td>
<td>Underpass</td>
<td></td>
<td></td>
<td>220,000</td>
<td>550,000</td>
<td>2,430,000</td>
<td>3,200,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Beech Road Extension</td>
<td>AMP</td>
<td>48th Ave W</td>
<td>3,970,000</td>
<td>3,970,000</td>
<td></td>
<td></td>
<td>320,000</td>
<td>210,000</td>
<td>3,440,000</td>
<td>3,970,000</td>
</tr>
<tr>
<td></td>
<td>200th St SW 48th Ave W</td>
<td>N</td>
<td>500,000</td>
<td>25,321,000</td>
<td>500,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>25,821,000</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal</strong></td>
<td></td>
<td>72,567,000</td>
<td></td>
<td>3,504,000</td>
<td>19,699,000</td>
<td>11,340,000</td>
<td>13,899,000</td>
<td>10,213,000</td>
<td>13,912,000</td>
<td>105,452,000</td>
</tr>
<tr>
<td>Non-Motorized Roads</td>
<td>Interurban Trail Imp.</td>
<td>Y</td>
<td>Vic. of 212th St SW</td>
<td>598,710</td>
<td>377,699</td>
<td>598,710</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>176th St SW 52nd Ave W</td>
<td>N</td>
<td>44th Ave W</td>
<td>71,000</td>
<td>24,000</td>
<td>71,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>95,000</td>
</tr>
<tr>
<td></td>
<td>Pedestrian Signal</td>
<td>SR-99</td>
<td>180th St SW</td>
<td>587,000</td>
<td>587,000</td>
<td></td>
<td>69,000</td>
<td>518,000</td>
<td></td>
<td></td>
<td>587,000</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal</strong></td>
<td></td>
<td>1,256,710</td>
<td></td>
<td>401,609</td>
<td>669,710</td>
<td></td>
<td>69,000</td>
<td>518,000</td>
<td></td>
<td>1,658,319</td>
</tr>
</tbody>
</table>
# City of Lynnwood Six Year TIP 2016-2021

<table>
<thead>
<tr>
<th>Project Type</th>
<th>Project Title</th>
<th>Map ID #</th>
<th>Funded Six Year Total</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>Project Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intersection Improvements</td>
<td>Roundabout/Traffic Signal 52nd Ave W</td>
<td>62</td>
<td>507,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>45,000</td>
<td>462,000</td>
<td>507,000</td>
</tr>
<tr>
<td></td>
<td>Traffic Signal/Sears Driveway AMP</td>
<td>59</td>
<td>1,377,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>68,000</td>
<td>487,000</td>
<td>822,000</td>
<td>1,377,000</td>
</tr>
<tr>
<td></td>
<td>Traffic Signal 24th Ave W AMB</td>
<td>59</td>
<td>1,464,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>100,000</td>
<td>-</td>
<td>246,000</td>
<td>1,116,000</td>
</tr>
<tr>
<td></td>
<td>Roundabout/Traffic Signal 48th Ave W</td>
<td>60</td>
<td>744,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>104,000</td>
<td>640,000</td>
<td>744,000</td>
</tr>
<tr>
<td></td>
<td>Traffic Signal 66th Ave 212th St</td>
<td>69</td>
<td>744,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>104,000</td>
<td>640,000</td>
<td>744,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Traffic Signal/turn Lane 196th St SW</td>
<td>68</td>
<td>707,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>207,000</td>
<td>460,000</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal</strong></td>
<td></td>
<td><strong>5,543,000</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td><strong>168,000</strong></td>
<td><strong>695,000</strong></td>
<td><strong>2,142,000</strong></td>
<td><strong>498,000</strong></td>
</tr>
<tr>
<td>City Center</td>
<td>City Center Rail Stations Study</td>
<td>10</td>
<td>400,000</td>
<td>-</td>
<td>200,000</td>
<td>200,000</td>
<td>300,000</td>
<td>-</td>
<td>300,000</td>
<td>1,000,000</td>
</tr>
<tr>
<td></td>
<td>16th St SW (SR-524) 37th Ave W</td>
<td>60</td>
<td>15,700,000</td>
<td>52,000</td>
<td>600,000</td>
<td>600,000</td>
<td>3,000,000</td>
<td>5,000,000</td>
<td>5,000,000</td>
<td>15,752,000</td>
</tr>
<tr>
<td></td>
<td>42nd Ave W 200th St SW 194th St SW</td>
<td>68</td>
<td>19,600,000</td>
<td>-</td>
<td>3,300,000</td>
<td>7,800,000</td>
<td>8,500,000</td>
<td>19,600,000</td>
<td>19,600,000</td>
<td>19,600,000</td>
</tr>
<tr>
<td></td>
<td>44th Ave W 1-5 194th St SW</td>
<td>60</td>
<td>9,000,000</td>
<td>-</td>
<td>2,000,000</td>
<td>5,000,000</td>
<td>2,000,000</td>
<td>9,000,000</td>
<td>9,000,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>194th St SW 33rd Ave W 40th Ave W</td>
<td>60</td>
<td>16,100,000</td>
<td>7,900,000</td>
<td>-</td>
<td>-</td>
<td>5,300,000</td>
<td>10,800,000</td>
<td>24,000,000</td>
<td>24,000,000</td>
</tr>
<tr>
<td></td>
<td>200th St SW 40th Ave W 48th Ave W</td>
<td>60</td>
<td>5,400,000</td>
<td>4,600,000</td>
<td>-</td>
<td>-</td>
<td>2,800,000</td>
<td>2,800,000</td>
<td>10,000,000</td>
<td>10,000,000</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal</strong></td>
<td></td>
<td><strong>50,800,000</strong></td>
<td>28,162,000</td>
<td>800,000</td>
<td>800,000</td>
<td>6,300,000</td>
<td>14,800,000</td>
<td>27,900,000</td>
<td>15,600,000</td>
</tr>
<tr>
<td>Misc</td>
<td>SR-99/SR-524 Safety Improvements</td>
<td>10</td>
<td>Y</td>
<td>535,000</td>
<td>396,000</td>
<td>535,000</td>
<td>931,000</td>
<td>472,500</td>
<td>300,000</td>
<td>760,000</td>
</tr>
<tr>
<td></td>
<td>SR-99/SR-524 Adaptive Signal Control</td>
<td>10</td>
<td>Y</td>
<td>432,500</td>
<td>40,000</td>
<td>432,500</td>
<td>432,500</td>
<td>-</td>
<td>432,500</td>
<td>432,500</td>
</tr>
<tr>
<td></td>
<td>Citywide Safety Improvements Citywide</td>
<td>10</td>
<td>Y</td>
<td>265,000</td>
<td>35,000</td>
<td>150,000</td>
<td>115,000</td>
<td>-</td>
<td>115,000</td>
<td>115,000</td>
</tr>
<tr>
<td></td>
<td>Lynnwood Link Trolley Feasibility Study ECC, Transit Ctr, CC, Corv.Ctr, Alderwood mall</td>
<td>10</td>
<td>N</td>
<td>100,000</td>
<td>-</td>
<td>-</td>
<td>100,000</td>
<td>-</td>
<td>100,000</td>
<td>100,000</td>
</tr>
<tr>
<td></td>
<td>Bike Link CityWide</td>
<td>10</td>
<td>1,400,000</td>
<td>(1,400,000)</td>
<td>400,000</td>
<td>500,000</td>
<td>470,000</td>
<td>30,000</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>North Link LRT Extension Northgate Lynnwood Transit Center</td>
<td>10</td>
<td>Y</td>
<td>0</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal</strong></td>
<td></td>
<td><strong>2,732,500</strong></td>
<td>(929,000)</td>
<td><strong>1,517,500</strong></td>
<td><strong>615,000</strong></td>
<td><strong>470,000</strong></td>
<td>130,000</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td><strong>Totals</strong></td>
<td></td>
<td><strong>160,099,210</strong></td>
<td><strong>27,824,609</strong></td>
<td><strong>11,091,210</strong></td>
<td><strong>25,872,000</strong></td>
<td><strong>23,385,000</strong></td>
<td><strong>35,610,000</strong></td>
<td><strong>43,659,000</strong></td>
<td><strong>36,082,000</strong></td>
</tr>
</tbody>
</table>