

CITY OF LYNNWOOD

ORDINANCE NO. 2085

City of Lynnwood  
DEC 20 2000  
SCANNED

AN ORDINANCE AMENDING TITLE 18 OF THE LYNNWOOD MUNICIPAL CODE RELATING TO PLANNING, ENACTING NEW PROVISIONS RELATING TO THE CITY'S COMPREHENSIVE PLAN, AND PROCEDURES AND FEES FOR PLAN AMENDMENT, AND REPEALING PROVISIONS NO LONGER APPLICABLE

WHEREAS, existing processes in Title 18, Lynnwood Municipal Code relating to comprehensive planning need to be updated in light of and to be consistent with Chapter 36.70A RCW (also known as the Growth Management Act - "GMA"); and

WHEREAS, GMA requires that GMA comprehensive plans must consist of a map(s) and descriptive text covering the objectives, principals, and standards used to described the essential elements of the plan; and

WHEREAS, the City of Lynnwood adopted its comprehensive plan pursuant to GMA on April 10, 1995 by Ordinance No. 2033; and

WHEREAS, GMA requires generally that comprehensive plans can only be updated no more frequently than once per year; and

WHEREAS, the City Council determines that provisions of this Ordinance are necessary and appropriate to remove dated sections of existing ordinances and Lynnwood Municipal Code provisions relating to planning, and to replace them with provisions consistent with GMA;

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

Section 1. There is hereby enacted, re-enacted, and added to the Lynnwood Municipal Code the following, to be codified as Chapter 18.02 Lynnwood Municipal Code - Comprehensive Plan:

18.02.010 COMPREHENSIVE PLAN

The comprehensive plan of the City of Lynnwood, adopted pursuant to Chapter 36.70A RCW (also known as the Growth Management Act "GMA", is that plan entitled City of Lynnwood Comprehensive Plan, adopted April 10, 1995 by Ordinance 2033. The Comprehensive Plan includes all subsequent amendments. The Plan, including all amendments, is hereby incorporated by reference into the Lynnwood Municipal Code.

Section 2. There is hereby enacted and added to the Lynnwood Municipal Code the following, to be codified as Chapter 18.04 Lynnwood Municipal Code - Comprehensive Plan Amendment Process:

#### 18.04.010 AMENDMENTS - PURPOSE AND INTRODUCTION

The purpose of this Chapter is to establish procedures for amending the Comprehensive Plan. The Growth Management Act generally allows amendments to comprehensive plans only once per year, except in emergency situations. The comprehensive plan amendment process set forth in this Chapter provides for the City to compile and maintain a “list of suggested amendments” to the Comprehensive Plan, which list is derived from suggestions made by citizens, property owners, project proponents, staff, Hearing Examiner, Planning Commission members or the Planning Commission, City Council members or the City Council, or other agencies. From the “list of suggested amendments,” a process is established to determine which suggested amendments will be considered for review in the annual amendment process.

In addition to the review of suggested amendments, the City will review in the annual amendment process applications for comprehensive plan amendments filed by interested persons.

#### 18.04.020 ANNUAL AMENDMENT PROCESS

Except as provided in LMC 18.04.030, (1) proposals for amendments of the Comprehensive Plan shall be considered by the City Council no more frequently than once every year; (2) proposals for plan amendment shall be considered concurrently so that the cumulative effect of various proposals can be ascertained; and (3) proposals may be considered at separate meetings or hearings, so long as the final action taken considers the cumulative effect of all the proposed amendments to the Plan.

#### 18.04.030 EXCEPTION TO ANNUAL AMENDMENT

In addition to the annual amendment process, the City Council may amend the Comprehensive Plan in any of the following circumstances:

1. Resolution of an emergency condition or situation that involves public health, safety or welfare; and when adherence to the annual amendment process would be further detrimental to public health, safety or welfare.
2. Initial adoption of an identified subarea plan.

3. Resolution of decision by an administrative agency, or court of competent jurisdiction.

Determination of an exception to the annual amendment process shall be made by the City Council after recommendation by the Planning Commission. Proposed comprehensive plan amendments which are reviewed outside the annual amendment process shall be processed according to LMC 18.04.050, .060, and .070.

#### 18.04.040 LIST OF SUGGESTED AMENDMENTS

##### A. Annual List Of Suggested Amendments

The Planning Director shall compile and maintain for public review an annual "list of suggested amendments" comprising any suggested amendments to the Comprehensive Plan, subarea plans, and development regulations, made by the Planning Commission or members of the Planning Commission, City Council or members of the City Council, staff, Hearing Examiner, other agencies, citizens, property owners, or project proponents.

##### B. Public Participation Process - Suggested Amendments

Not later than December 31 of each year, the City Council shall establish a public participation process (1) to give notice to the public of Comprehensive Plan amendments recently adopted, and (2) to solicit from the public suggested amendments to the Comprehensive Plan for future consideration. The public participation process shall provide for early and continuous public involvement with broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provisions for open discussion, communication programs, information services, and consideration and response to public comments.

##### C. Planning Commission and City Council Review of List of Suggested Amendments.

1. By April 1 of each year, the Planning Director shall prepare a recommendation of which items from the list of suggested amendments should be considered for further review. The Planning Director shall base a recommendation on a preliminary evaluation of the need, urgency, and appropriateness of the suggested plan amendments, and the criteria set forth in LMC 18.04.070.
2. The Planning Director's recommendation, and a brief description of all suggested plan amendments, shall be forwarded to the Planning Commission for review and recommendation to the City Council to

determine which items from the list of suggested amendments should be included in the annual Comprehensive Plan amendment process. The Planning Commission shall hold a public hearing, with notice of all suggested plan amendments mailed to all applicants for an amendment, all persons who have made suggested amendments in the year and all persons who have filed request for notice. Notice shall be published one time at least 20 days before the public hearing. The Planning Commission shall base its recommendation on its preliminary evaluation of the need, urgency, appropriateness of the suggested plan amendment, and the criteria set forth in LMC 18.04.070. The Planning Commission shall recommend a public participation process for the review of the proposed amendments as described in LMC 18.04.060A.

3. The City Council shall consider the Planning Commission’s recommendation, and may hold a public hearing with notice according to LMC 18.04.040C.2. The City Council shall determine from the list of suggested amendments which items shall be included in the annual amendment process. The City Council shall base this decision on its preliminary evaluation of the need, urgency, appropriateness of the plan amendment, and the criteria set forth in LMC 18.04.070.

18.04.050 APPLICATION FOR PLAN AMENDMENT

In addition to the review of suggested amendments pursuant to LMC 18.04.040 the City will review an application for Comprehensive Plan amendment filed by an interested person. Interested persons include proponents of land development projects, property owners, citizens, Hearing Examiner, and other agencies.

Applications for plan amendments shall be processed as follows:

A. Application Submittal Requirements.

The applicant shall:

1. Pay at the time of filing all application fees, in the following amounts:

<u>Application</u>	<u>Fee</u>
Text amendments	\$125.00
Map amendments for less than 1 acre	\$125.00
Map amendment for 1 to 5 acres	\$200.00
Map amendment for 5 or more acres	\$275.00 (plus \$25 per acre or portion of acre in excess of 5 acres)

2. Complete required submittal documents on forms of the Planning Department, that include at a minimum:
  - a. Name and address of applicant;
  - b. Description of proposed plan amendment and associated development proposals (if applicable). Site specific or project related amendments shall include plans, information and/or studies that accurately depict existing and proposed use(s) and improvements. Proposed site specific or project related plan amendments that do not specify proposed use(s) and potential impacts will be assumed to have maximum impact to the environment, and public facilities and services.
  - c. Map (if appropriate) showing area affected by proposed plan amendment;
  - d. Evaluation showing how the amendment and associated development proposals (if any) (i) promotes the public health, safety, and welfare; (ii) is consistent, or conflicts with, or relates to the criteria in LMC 18.04.070; and (iii) complies with GMA; (iv) addresses potential impact and proposed mitigation relating to the environment, and public facilities and services.
3. The Planning Director may request the applicant submit additional information that in the Planning Director's opinion is reasonably necessary and appropriate for review of the proposed amendment.

**B. Application Submittal Deadline.**

Except as provided in LMC 18.04.030 - Exception to Annual Amendment, all applications for plan amendment to be considered in the public participation process established by the City Council in a calendar year shall be filed by April 1 of that year. The Planning Director shall compile and maintain for public review a "list of pending applications" for plan amendments.

**18.04.060 PUBLIC PARTICIPATION PROCESS, REVIEW BY PLANNING COMMISSION, AND CITY COUNCIL**

**A. Public Participation Process**

The City Council shall determine a public participation process for public review of those items from the list of suggested amendments that the City Council determines to review (LMC 18.04.040) and applications for Comprehensive Plan amendments (LMC 18.04.050), that is designed to ensure that the public in general and affected parties in particular are informed of the proposed amendments, and have the opportunity to participate in the public review of the plan amendment process. The public participation process shall provide for early and continuous

public involvement with broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provisions for open discussion, communication programs, information services, and consideration and response to public comments.

B. Planning Commission Recommendation

The Planning Commission, after holding a public hearing, shall make a recommendation to the City Council that recommends that proposed amendment(s) be denied, or approved, or approved with conditions or modifications. The Planning Commission's recommendation shall be based upon criteria set forth in LMC 18.04.070.

C. City Council Decision

The City Council, shall review the recommendation of the Planning Commission and may hold a public hearing. The Council shall approve, deny, or approve with conditions or revisions the proposed amendment(s). The Council's decision shall be based on criteria set forth in LMC 18.04.070.

18.04.070 CRITERIA FOR EVALUATION OF PLAN AMENDMENTS

The following criteria shall be considered in reviewing plan amendments:

- A. The proposed amendment is supported by or consistent with the goals, policies, and objectives of the various elements of the Comprehensive Plan.
- B. Circumstances related to the proposed amendment and/or the area in which it is located have changed sufficiently since the adoption of the Comprehensive Plan.
- C. The assumptions upon which the Comprehensive Plan is based are no longer valid, or new information is available which was not considered since the adoption of the Comprehensive Plan.
- D. The proposed amendment promotes a more desirable community as a whole.
- E. The proposed amendment would not cause adverse impacts to public services or facilities; or if applicable, other properties in the vicinity, unless they are reasonably mitigated.
- F. The proposed amendment reflects an applicable change in the community's vision.

- G. The proposed amendment would not create a pressure to change the land use designation of other properties, unless the change of land use designation for other properties is in the best long term interests of the community in general.
- H. The proposed amendment is consistent with legal requirements, such as GMA.

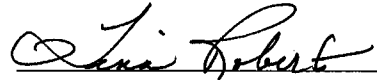
Section 3. Repealer. Section 4 of Ordinance 1342 and Ordinance 1939 are repealed, provided, the same are saved is necessary as interim land use plans and classifications, and the goals, objectives and policies in these ordinances are retained as interim policy plans for annexation areas until the urban growth plan is adopted or substantially completed. In addition, the following are hereby repealed.

<u>Ordinance</u>	<u>Sections</u>
60	1a, 1b, 1c, 1d, 4, 5, 6, & 7
10	4
308	2
1882	1
1929	3
1780	2
663	2
1829	3
1780	4
1358	6
1238	1
1192	1
1135	7
1630	3
1936	2, 3, & 4

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

Section 4. Effective Date. This Ordinance shall take effect and be in full force five (5) days after its passage, approval and publication, provided, for 1996, the time frame for the Planning Director's recommendation (18.02.040C) and application submittal (18.04.050B) shall not apply, and a Comprehensive Plan amendment process schedule for 1996 shall be developed by the Planning Department and approved by the City Council.

PASSED this 22 day of April, 1996, and signed in authentication of its passage this  
25th day of April, 1996.

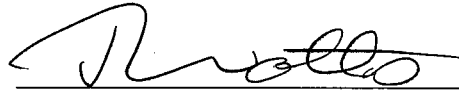
  
TINA ROBERTS, MAYOR

ATTEST:



VICKI HEILMAN  
Interim City Clerk

APPROVED AS TO FORM:



JOHN P. WATTS  
City Attorney

PUBLISHED: