

CITY OF LYNNWOOD

ORDINANCE NO. 2824

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LYNNWOOD MUNICIPAL CODE CHAPTERS 19.50, 21.24, 21.25, 21.26 AND SECTION 21.42.110.G PERTAINING TO THE PROCESSING, ISSUANCE, VALIDITY, EXTENSION AND EXPIRATION OF PERMITS, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, the City Council has determined that it is in the community interest to review and revise the regulations for short subdivisions (STPs), conditional use permits (CUPs), project design reviews (PDRs), variances (VARs), and accessory dwelling units (ADUs), particularly those regulations pertaining to the processing, issuance, validity, extension and expiration of said land use permits; and

WHEREAS, Lynnwood Municipal Code (LMC) 19.50 establishes an effective 12-month period for preliminary approval of short subdivisions and provides for an extension of an additional 12-months by the Mayor; and

WHEREAS, LMC 21.24 establishes an effective two-year period for approval of a conditional use permit by the Hearing Examiner with no possibility for extension; and

WHEREAS, LMC 21.25 establishes an effective one-year period for approval of a project design review application and provides for an extension of an additional one-year by the Community Development Director; and

WHEREAS, LMC 21.26 establishes an effective 18-month period for approval of a variance application and provides for an extension of an additional one-year by the Hearing Examiner; and

WHEREAS, LMC 21.42.110(G) establishes an effective one-year period for approval of an accessory dwelling unit and provides for an extension of an additional one-year by the Community Development Director; and

WHEREAS, the Lynnwood Environmental Review Committee determined on April 21, 2009, that the amendments are categorically exempt from environmental review under WAC 197-111-800(19); and

WHEREAS, the Lynnwood Planning Commission held a duly advertised public hearing on May 28, 2009, and recommended to the City Council that certain revisions be made to LMC Titles 19 and 21 which provide consistent approval and extension periods across certain land use permits; and

WHEREAS, the City Council held a duly advertised public hearing on January 25, 2010; and

WHEREAS, Lynnwood Municipal Code (LMC) section 21.20.500 establishes decision criteria by which the City may approve amendments to the text of the zoning code, so long as the amendment is A) consistent with the comprehensive plan, B) substantially related to the public health, safety or welfare, and C) is not contrary to the best interest of the citizens and property owners of the city of Lynnwood; and

WHEREAS, the Land Use Policies 1.2(f), 1.2(j), and Economic Development Policy 1(B) of the Lynnwood Comprehensive Plan encourage clear and timely permit processing which promote development of specific land uses; and

WHEREAS, certain development projects may require multiple land use permits with differing approval periods and extension processes; and

WHEREAS, it is generally recognized that the current United States recession started during or near December 2007; and,

WHEREAS, one of the consequences of the recession is the tightening of credit markets making it difficult for development projects to secure credit and obtain financing; and

WHEREAS, the Master Builder's Association has brought to the attention of the Planning Commission and staff the implications of short approval periods for land use applications during the economic downturn and the need for longer approval timelines to secure financing and building permits, and the City of Lynnwood has approved a number of land use applications that have been unable to obtain or use building permits due to unfavorable economic conditions; and

WHEREAS, several previously approved STP, CUP, PDR, VAR, and ADU land use applications have expired, citing the current economic climate as the reason for not being able to implement their project in the near term; and,

WHEREAS, the City Council of the City of Lynnwood finds that such projects should have the opportunity to retroactively extend their permits for a period not to exceed one year from the date of approval of the extension in order to continue seeking financing and/or securing building permits; and

WHEREAS, generally, projects that expired on or after January 1, 2009 were initially approved and/or received an extension of their approval either just before or near the recognized start of the current economic recession; and,

WHEREAS, the City Council finds that the economic conditions across the nation has resulted and may continue to result in projects that would otherwise be beneficial to the City to lose their approved status, and that allowing additional time for approved projects to secure

project financing and building permits is both necessary and beneficial to the City, now, therefore

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

Section 1. Findings. The recitals above are adopted as findings that support passage of this ordinance.

Section 2. Amendment. Section 19.50.030 of the Lynnwood Municipal Code is amended as follows:

19.50.030 Preliminary approvals.

- A. If the adopted recommendations require the meeting of conditions, construction of improvements, or time is necessary for the obtaining of required certifications, then the approval action shall be preliminary approval. Preliminary approvals shall be for 2 years whereby the conditions of approval and required improvement shall be accomplished. If good cause is shown and a written request is received at least two weeks prior to the deadline, the mayor may grant the applicant one additional 12-month time extension for meeting conditions of approval and/or construction of improvements. (Ord. 2463 § 12, 2003; Ord. 1314 § 12, 1983)
- B. Exception. Effective until June 1, 2010, the applicant or agent of record for any unexpired short subdivision approval granted on or before the effective date of this ordinance, or expired short subdivision valid as of January 1, 2009, may submit a written application in the form of a letter with supporting documentation to the Community Development Department requesting an additional one-time, one-year time extension. The extension for a currently unexpired short subdivision shall be one year from the expiration date, for a total of two one-year extensions. The extension for an expired short subdivision shall be valid for one year from the date of the retroactive extension approval. The mayor shall make a decision using the procedures set forth for extensions in this section.

Section 3. Amendment. Section 21.24.300 of the Lynnwood Municipal Code is amended as follows:

21.24.300 Expiration of conditional use permits. Any conditional use permit which is issued and not utilized within two years from the effective date of the permit, or within such shorter period of time as may be stipulated by the hearing examiner, shall expire. In order for a conditional use permit to be considered as being utilized, there shall be submitted to the city, by the applicant for the permit, a valid building permit application including a complete set of plans in the case of a conditional use permit for a use which would require new construction; an application for a certificate of occupancy and business license in the case of a conditional use permit which does not involve new construction; or in the case of an outdoor use, evidence that the site has been and is being utilized in accordance with the terms

of the conditional use permit. After a use has been established in accordance with the terms of the conditional use permit, a lapse of one year during which the premises are not used for the purposes provided for in the permit shall cause the permit to expire and be of no further consequence. Any conditional use permit approved prior to the enactment of this chapter shall expire two years from the date of approval by the hearing examiner unless the permit has been utilized as provided in LMC 21.24.100 through this section. (Ord. 2441 § 8, 2003; Ord. 2020 § 12, 1994; Ord. 522 § 2, 1969; Ord. 494 § 2, 1969)

Section 4. New Section. A new Section 21.24.310 - Extension, is added to the Lynnwood Municipal Code to read as follows:

21.24.310 Extension. Upon application of the applicant or agent of record, the community development director may extend a conditional use permit, not to exceed one year, if:

- A. Unforeseen circumstances or conditions necessitate the extension of the conditional use permit; and
- B. Termination of the conditional use permit would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and
- C. The extension of the conditional use permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property.
- D. Exception. Effective until June 1, 2010, the applicant or agent of record for any unexpired conditional use permit approval granted on or before the effective date of this ordinance, or expired conditional use permit valid as of January 1, 2009, may submit a written application in the form of a letter with supporting documentation to the Community Development Department requesting an additional one-time, one-year time extension. The extension for a currently unexpired conditional use permit shall be one year from the expiration date. The extension for an expired conditional use permit shall be valid for one year from the date of the retroactive extension approval. The director shall make a decision using the criteria set forth for extensions in this section.

Section 5. Amendment. Section 21.25.165 of the Lynnwood Municipal Code is amended as follows:

21.25.165 Lapse of approval – General. The applicant under this process must begin construction or submit to the city a complete building permit application for the development activity, or remodel or expansion of existing development approved under this process within 2 years after the final decision on the matter, or the decision becomes void. The applicant must substantially complete construction for the development activity, remodel or expansion of existing development approved under this process and complete the applicable conditions listed in the decision within five years after the final decision of the city on the matter, or the decision becomes void. If litigation is initiated pursuant to LMC 1.35.260, Appeal of hearing examiner’s decision to superior court, the time limits of this section are automatically

extended by the length of time between the commencement and final termination of that litigation. If the development activity, remodel or expansion of existing development approved under this process includes phased construction, the time limits of this section may be extended in the decision on the application, to allow the completion of subsequent phases. (Ord. 2388 § 13, 2001)

Section 6. Amendment. Section 21.25.170 of the Lynnwood Municipal Code is amended to read as follows:

21.25.170 Lapse of approval – Time extension.

- A. Application. Prior to the lapse of approval under LMC 21.25.165 the applicant may submit a written application in the form of a letter with supporting documentation to the community development department requesting a one-time extension of those time limits of up to one year.
- B. Criteria. The request must demonstrate that the applicant is making substantial progress on the development activity, remodel or expansion of existing development approved under this process and that circumstances beyond the applicant's control prevent compliance with the time limits of LMC 21.25.165.
- C. Review Process. An application of a time extension will be reviewed and decided upon by the director.
- D. Appeals. Any person who is aggrieved by the granting or denying of a request for a time extension under this section may appeal that decision. The appellant must file a letter of appeal indicating how the decision on the time extension affects the appellant's property and presenting any relevant material or information supporting the appellant's contention. The appeal will be heard and decided upon using Process II as identified in LMC 1.35.200. (Ord. 2388 § 13, 2001)
- E. Exception. Effective until June 1, 2010, the applicant or agent of record for any unexpired project design review approval granted on or before the effective date of this ordinance, or expired project design review valid as of January 1, 2009, may submit a written application in the form of a letter with supporting documentation to the Community Development Department requesting a one-time, one-year time extension. The extension for a currently unexpired project design review approval shall be one year from the expiration date, for a total of two one-year extensions. The extension for an expired project design review approval shall be valid for one year from the date of the retroactive extension approval. The department director shall make a decision using the procedures set forth for extensions in this section.

Section 7. Amendment. Section 21.26.450 of the Lynnwood Municipal Code is amended as follows:

21.26.450 Time Limitation. A variance automatically expires and is void if the applicant fails to obtain a building permit or other necessary development permit and substantially completes improvements allowed by the variance within 2 years of the effective date of the variance. (Ord. 2020 § 13, 1994)

Section 8. Amendment. Section 21.26.500 of the Lynnwood Municipal Code is amended to read as follows:

21.26.500 Extension. Upon application of the applicant or agent of record, the community development director may extend a variance, not to exceed two years, if:

- A. Unforeseen circumstances or conditions necessitate the extension of the variance; and
- B. Termination of the variance would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and
- C. The extension of the variance will not cause substantial detriment to existing uses in the immediate vicinity of the subject property. (Ord. 2441 § 9, 2003; Ord. 2020 § 13, 1994)
- D. Exception. Effective until June 1, 2010, the applicant or agent of record for any unexpired variance approval granted on or before the effective date of this ordinance, or expired variance valid as of January 1, 2009, may submit a written application in the form of a letter with supporting documentation to the Community Development Department requesting an additional one-time, one-year time extension. The extension for a currently unexpired variance shall be one year from the expiration date, for a total of two one-year extensions. The extension for an expired variance approval shall be valid for one year from the date of the retroactive extension approval. The hearing examiner shall make a decision using the criteria set forth for extensions in this section.

Section 9. Repealed. Section 21.26.550 of the Lynnwood Municipal Code is hereby repealed.

Section 10. Amendment. Subsection 21.42.110(G)(f) of the Lynnwood Municipal Code is amended as follows:

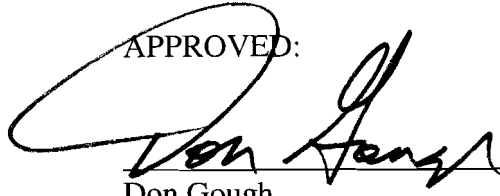
21.42.110(G)(f). Expiration. Any permit for an accessory dwelling unit shall expire 2 years from the date of approval unless a building permit for the accessory dwelling unit has been obtained. The community development director may grant a single one-year extension to this time limit, provided a written request for the extension is received before expiration.

Section 11. 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 12. 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.

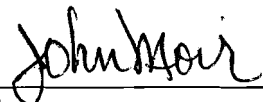
PASSED BY THE CITY COUNCIL, the 8th day of February, 2010.

APPROVED:



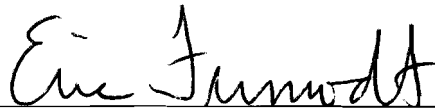
Don Gough
Mayor

ATTEST/AUTHENTICATED:



John Moir
Finance Director

APPROVED AS TO FORM:



Eric Frimodt
City Attorney

FILED WITH ADMINISTRATIVE SERVICES: _____

PASSED BY THE CITY COUNCIL: 02/08/2010

PUBLISHED: _____

EFFECTIVE DATE: _____

ORDINANCE NUMBER: 2824

CITY OF LYNNWOOD

Staff Report to City Council Permit Timeline Code Amendment (2009CAM0002)

February 8, 2010

ACTION

City Council is to take action on the proposed ordinance. Actions may include approving the ordinance; amending and approving the ordinance; or not approving the ordinance.

PROPOSAL

On January 25, 2010 the City Council held a duly noticed public hearing on a proposed ordinance (Attachment D) that would allow for the extension of certain permit timelines. The proposed ordinance would allow applicants to request that expired permits be valid again for a certain time period and would also promote permit timeline consistency amongst various land use permits.

The attached ordinance (Attachment D) is the same as was presented at the January 25, 2010 public hearing. During the City Council public hearing staff noted that the March 30, 2010 expiration date for requesting an extension of a previously expired permit anticipated City Council action on the ordinance this past December (when a public hearing was originally scheduled).

To allow sufficient time for staff to notify applicants of the new ordinance and to allow for extension requests (of previously expired permits) to be received and processed, staff recommends that the City Council amend the attached ordinance (Attachment D) to allow for a June 1, 2010 deadline (rather than March 30, 2010) to request extensions.

(NOTE: Staff has made a scrivener correction to a WHEREAS statement in the proposed ordinance (Attachment D) that reflects that the City Council public hearing on this proposal was held January 25, 2010 rather than on December 7, 2009 when originally scheduled).

In addition, at the January 25, 2010 Public Hearing, Council raised the possibility of a sunset clause for the proposal. The proposal, which promotes permit expiration consistency among various land use actions, has long-term merit regardless of the current or future economic climate.

BACKGROUND

City staff has reviewed its approval periods for various land use permits and has found that certain approvals expire relatively quickly if no action is taken, particularly Accessory Dwelling Units (ADUs), Conditional Use Permits (CUPs), Project Design Review approvals (PDRs), Short Subdivisions (STPs), and Variances (VARs). This can limit the flexibility property owners have in completing their projects. In addition, various land use permits have differing expiration timelines. This means that land use permits processed concurrently for the same project can expire at different times following approval.

The current economic downturn has resulted in many applicants placing their development projects on hold. The development projects include those with permits being processed and/or already approved. In the past, owners who had approved, high-quality developments which expired have opted not to reapply, and instead leave their land undeveloped rather than go through the approval process again. These developments, if built, would have contributed to the overall character of the City, added to City revenue, and, in most cases, helped meet population and employment targets.

In response to the economic downturn, the Master Builders Association of King and Snohomish Counties (MBAKS) has advocated that local jurisdictions review their permit expiration durations and give consideration to extending them to accommodate developers during the present economic climate by helping to keep project permits from expiring (see attached MBAKS Issue Brief, Attachment E).

These concerns are shared by neighboring jurisdictions, including Edmonds, Everett, Snohomish County, Seattle, Kirkland, Sammamish, Kent, Renton, King County, and Pierce County, all of which have passed motions extending approval periods. If Lynnwood chooses to approve this ordinance, over 30 projects would have the potential to further extend approval of their permits, including 13 PDR approvals.

The Lynnwood Planning Commission held a duly noticed public hearing on May 28, 2009, and recommended to the City Council that certain revisions be made to LMC Titles 19 and 21 which provide consistent approval and extension periods across ADU, CUP, PDR, STP and VAR permits.

ATTACHMENTS

- A. Staff Report to Planning Commission, May 28, 2009, including Decision Criteria
- B. Planning Commission Minutes, May 28, 2009
- C. Planning Commission Recommended Language
- D. Proposed Ordinance
- E. Master Builder's Association Issue Brief, December 2008: Economic Stimulus Needed for Housing

DECISION CRITERIA

LMC 21.20 – Code Amendments

Lynnwood Municipal Code (LMC) Chapter 21.20 outlines the purpose and the decision criteria that must be met to approve a code amendment as follows:

21.20.200 – Purpose: “An amendment to the text of the city zoning code is a mechanism by which the city may bring its land use and development regulations into consistency with the comprehensive plan or respond to changing conditions or needs of the city.”

21.20.500 – Decision Criteria: “The city may approve or approve with modifications a proposal to amend the text of the zoning code if:

21.20.500.A: “The amendment is consistent with the comprehensive plan.”

21.20.500.B: “The amendment is substantially related to the public health, safety, or welfare.”

21.20.500.C: “The amendment is not contrary to the best interest of the citizens and property owners of the city of Lynnwood.”

CONCLUSION AND RECOMMENDATION

A. Conclusion

The decision criteria for approval of a code amendment have been met.

B. Recommendation

City Council to amend the proposed ordinance (Attachment D) to allow for a June 1, 2010 deadline to request an extension to a previously expired permit rather than March 30, 2010, and then adopt the ordinance.

Lynnwood Planning Commission
Meeting of May 28, 2009

Staff Report

Agenda Item: E-1
Permit Timeline Code Amendment
(2009CAM0002)

- Public Hearing
- Informal Public Meeting
- Work Session
- New Business
- Old Business
- Information
- Miscellaneous

Lynnwood Community Development Department — Staff Contact: Lauren Balisky, Assistant Planner

ACTION

Following a public hearing, the Planning Commission is to make a recommendation to the City Council on amendments to the City's regulations for permit timelines.

ATTACHMENTS

1. Proposed Language
2. Master Builder's Association Issue Brief, December 2008: Economic Stimulus Needed for Housing

NOTICING

A Notice of Public Hearing was posted at the City of Lynnwood official posting sites and published in the Herald newspaper on May 5, 2009.

BACKGROUND

The current economic downturn has resulted in many applicants placing their development projects on hold. The development projects include those with permits being processed and/or already approved.

In response to this, the Master Builders Association of King and Snohomish Counties (MBAKS) has advocated that local jurisdictions review their permit expiration durations and give consideration to extending them to accommodate developers during the present economic climate by helping to keep project permits from expiring (see attached MBAKS Issue Brief).

City staff has reviewed its approval periods for various land use permits and has found that certain approvals expire relatively quickly if no action is taken. This can limit the flexibility property owners have in completing their projects.

In addition, various land use permits have differing expiration timelines. This means that land use permits processed concurrently for the same project will expire at different times following approval.

Staff has been concerned about the length of the approval period for the above types of permits for some time. In the past, owners who had approved, high-quality developments which expired have opted not to reapply, and instead leave their land undeveloped rather than go through the approval process again. These developments, if built, would have contributed to the overall character of the City, added to City revenue, and, in most cases, helped meet population and employment targets.

These concerns are shared by neighboring jurisdictions, including Edmonds, Everett, Snohomish County, Seattle, Kirkland, Sammamish, Kent, Renton, King County, and Pierce County, all of which have passed motions extending approval periods (examples of Everett, Snohomish, King and Pierce Counties attached in the packet for May 14, 2009).

ENVIRONMENTAL REVIEW

The Environmental Review Committee determined that this code amendment (2009ERC0006) was categorically exempt from State Environmental Policy Act review under Washington Administrative Code (WAC) on April 16, 2008. The WAC contains a categorical exemption for amendments which pertain solely to government procedures, which includes the processing of land use permits. Section 197-11-800(19) – Procedural Actions states as follows:

The proposal or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environmental shall be exempt. Agency SEPA procedures shall be exempt.

PROPOSAL AND ANALYSIS

This amendment seeks to minimize barriers to development by increasing the approval periods for certain land use applications, standardizing the initial approval period to two years, allowing for administratively approved extensions, and permitting projects which have approval at the time of the ordinance to make use of the additional one-year extension.

The following is a summary and brief discussion of the proposed amendments:

Accessory Dwelling Units

Current: Land use approval expires after one year unless a building permit is issued.

Proposed: Approval expires after two years unless a building permit is issued.

Discussion: Accessory dwelling units are already approved administratively; this would simply extend the length of time the land use permit is valid.

Conditional Use Permits

Current: Expiration after two years unless permit is utilized.

Proposed: Expiration after two years, plus a one-year administratively approved extension unless the permit is utilized.

Discussion: Initial approval would still be reviewed by the Hearing Examiner, and the extension would be approved by the Community Development Director, reducing the amount of staff time and high cost to the applicant of returning to the Hearing Examiner.

Project Design Review

Current: Expiration after one year unless a complete building permit application is submitted.

Proposed: Expiration after two years, plus a one-year administratively approved extension unless a complete building permit is submitted.

Discussion: Project Design Review is also already approved administratively. The amendment would lengthen initial approval and provide for an extension.

Variances

Current: Expiration after 18 months, plus two one-year extensions approved by the Hearing Examiner, unless the improvements are substantially completed.

Proposed: Expiration after two years, plus a two-year administratively approved extension unless the improvements are substantially completed.

Discussion: The provisions for variances currently allow 3.5 years to substantially complete a project. Altering the variance language to two-years plus a one-year extension would have reduced the approval period, so staff opted to change the extension to a single, administratively approved two-year extension to increase the approval period and reduce the amount of staff time and high cost to the applicant of returning to the Hearing Examiner.

Short Subdivisions

Current: Expiration after one year, plus a one-year extension approved by the Mayor.

Proposed: Expiration after two years, plus a one-year extension approved by the Mayor.

Discussion: Review of utility and street improvements by Public Works does not begin until after Preliminary Approval is granted by the Mayor. The process of getting City approval for improvements, bidding for contractors, and beginning construction can take a significant amount of time. Over half of the short subdivisions processed in the last ten years have posted a construction bond for utility and street improvements instead of completing them prior to recording, despite the cost of a bond being 1.5 times the estimated cost of construction. Adding a year to the length of Preliminary Approval should significantly increase the number of projects which complete their improvements prior to recording.

COMMENT

Affected City Departments were contacted for comment. No negative comments were received.

Those persons who requested to be Parties of Record prior to the completion of this staff report were sent a notice, a copy of the proposed language, and a copy of this staff report with attachments. Persons of record are listed in the project file.

Per RCW 36.70A.106, a copy of the proposed amendment has been sent to the Washington State Department of Community, Trade and Economic Development for review. At the time of this staff report, no comments have been received from state agencies.

DECISION CRITERIA

LMC 21.20 – Code Amendments

Lynnwood Municipal Code (LMC) Chapter 21.20 includes sections outlining the purpose and the decision criteria that must be met to approve a code amendment as follows:

21.20.200 – Purpose: “An amendment to the text of the city zoning code is a mechanism by which the city may bring its land use and development regulations into consistency with the comprehensive plan or respond to changing conditions or needs of the city.”

21.20.500 – Decision Criteria: “The city may approve or approve with modifications a proposal to amend the text of the zoning code if:

21.20.500.A: “The amendment is consistent with the comprehensive plan.”

- *Land Use Policy LU-1.5*: “Procedures, standards, and criteria shall be established to provide for a clearly understandable, fair, and expeditious process for the evaluation and decision on land use and development applications such as Comprehensive Plan amendments, rezones, subdivisions, conditional use permits and other related permits.”

The amendment sets clear and fair standards for granting an extension, creates consistency across land use permits, and reduces the need for re-reviewing expired projects.

- *Land Use Policy LU-1.9*: “Fill-in development of vacant parcels which were passed over by earlier development, but which are served by utilities and streets that meet current standards should be encouraged in order to maximize efficiency of existing capital improvements.”

By extending the amount of time applicants have to complete their projects, applications which may have otherwise expired are more likely to be built. These are high-quality developments, often located on vacant parcels which have

features that pose development challenges. . This amendment encourages developers to continue with projects rather than abandon them and leave the properties vacant.

- *Economic Development, GMA Goal 7 – Permits:* “Applications for both state and local government permits should be processing in a timely and fair manner to ensure predictability.”

Offering consistency across land use permits provides predictability for applicants by reducing the number of conflicting expiration deadlines, especially for complicated projects requiring multiple permit approvals.

21.20.500.B: “The amendment is substantially related to the public health, safety, or welfare.”

- The amendment is substantially related to the public welfare by encouraging the development of vacant or dilapidated properties, the existence of which can diminish the value of neighboring properties, detract from the overall quality and livability of the City, and create a perceived or real safety hazard. This code amendment will also encourage redevelopment of under-utilized properties and thereby help establishment of new businesses or residences and meeting of employment and population growth targets.

21.20.500.C: “The amendment is not contrary to the best interest of the citizens and property owners of the city of Lynnwood.”

- The amendment encourages quality development, reduces inefficiencies in the use of staff time, allows for the capture of building permit revenue which would otherwise be lost and increases revenue generated from completed projects, and supports the development community. This amendment is therefore in the best interest of the citizens and property owners of the City.

CONCLUSION AND RECOMMENDATION

Staff concludes that the decision criteria for approval of a code amendment have been met.

Staff recommends that, following public hearing, the Planning Commission recommend adoption of the proposed code amendment to City Council.

Current Planning Permit Timelines					
Permit Type	Preliminary Approval Period	Preliminary App. Extension Period	Final Decision Time Limitation	Final Decision Extension Period	Total Time
Accessory Dwelling Unit			1 year without valid building permit	1 year	2 years
Conditional Use Permit			2 years without valid building permit		2 years
Project Design Review			1 year without valid building permit	1 year	1 year
Short Subdivision	1 year	1 year	21 days to recording		2 years
Variance			18 months without valid building permit	1 year (2 times)	3.5 years

Proposed Planning Permit Timelines					
Permit Type	Preliminary Approval Period	Preliminary App. Extension Period	Final Decision Time Limitation	Final Decision Extension Period	Total Time
Accessory Dwelling Unit			2 year without valid building permit	1 year	3 years
Conditional Use Permit			2 years without valid building permit	1 year	3 years
Project Design Review			2 years without valid building permit	1 year	3 year
Short Subdivision	2 year	1 year	21 days to recording		3 years
Variance			2 years without valid building permit	2 years	4 years

**City of Lynnwood
PLANNING COMMISSION MINUTES
May 28, 2009 Meeting**

Commissioners Present:	Staff Present:
Richard Wright, Chair	Shay Davidson, Administrative Asst.
Maria Ambalada	Lauren Balisky, Asst. Planner
Van Aubuchon	Kevin Garrett, Planning Manager
Jeff Davies	David Mach, Project Manager, PW
Bob Larsen, Vice Chair	
Michael Wojack, Second Vice-chair	
	Other:
Commissioners Absent:	Councilmember Ted Hikel
Chad Braithwaite	Jennifer Jerabek, Master Builders Assoc.

The meeting was called to order by Chair Wright at 7:00 p.m.

Approval of Minutes

1. Meeting of Special Meeting of May 14, 2009

Motion made by Commissioner Davies, seconded by Commissioner Larsen, to approve the minutes as presented. Motion passed unanimously.

Council Liaison Report

Councilmember Ted Hikel reported that the annexation proposal was were unanimously favored approved by the Boundary Review Board. The next step is a final financial review by the City Council. The Council would then consider placing the annexation question on the November ballot.

The Visioning Committee held their first outreach meeting to present our Community Vision last night at Lynnwood Elementary School. Nearly 50 people attended. There will be four additional meetings around the city in the coming weeks.

Citizen Comments

None.

Public Hearings

1. Permit Timeline Code Amendment (2009-CAM-0002). This amendment, if approved, would revise the City's regulations to extend and standardize approval periods for Accessory Dwelling Units, Conditional Use Permits, Project Design Review, Short Subdivisions, and Variances.

Staff Presentation:

Chair Wright opened the hearing at 7:01 p.m. Planning Manager Garrett introduced the item and stated the Planning Commission's options. He introduced Assistant Planner Lauren Balisky who reviewed the amendment. Ms. Balisky introduced Jennifer Jerabek, South Snohomish County Manager of the Master Builders Association which is the group that brought this issue forward to the City.

Public Comment:

Jennifer Jerabek, Master Builders Association, 335 116th Avenue SE, Bellevue, WA, discussed the Issue Brief presented earlier to the Planning Commission. She spoke in support of the amendment before the Planning Commission. She suggested adding extending the approval-duration for regular subdivisions as well as short subdivisions.

Public Comment: None

There being no further public comment, Chair Wright closed the public hearing was closed at 7:06 p.m.

Commissioner Comments:

Commissioner Larsen responded to Master Builders request that they add regular subdivisions to the extended timelines. He stated that full plats are much more capital intensive and time intensive than short plats and he would support the extended timeline for those.

Commissioner Wojack asked about the difference between a short plat and a full plat. Planning Manager Garrett explained that in Lynnwood a short plat creates four or fewer buildable lots and a long plat or a regular plat is five or more. The timelines currently in code for a long plat are five years from for the preliminary approval with the opportunity for a single one-year extension. He added that in the time that he oversaw current planning they did not have any requests to extend long plats. The timing of those has typically not been a problem. Commissioner Larsen withdrew his request for an extension for a long plat.

Chair Wright asked if there are any plans to sunset this code amendment. Planning Manager Garrett stated that there is no recommendation from staff to include a sunset clause, but it could be part of a recommendation from the Commission.

Chair Larsen felt that it was appropriate now, but allowing an extended timeline during a hectic building time can actually be counterproductive to the interests of the public. He was in favor of reviewing this at a later time.

Commissioner Ambalada expressed concern about this change affecting the formula of the 40/60 ratio. Planning Manager Garrett stated that the only possible connection might be positive from the point of view of encouraging single family. The code amendment would allow small single family subdivisions to stay in the pipeline rather than losing their preliminary approval. Multi-family would only be affected in terms of design review.

Commissioner Aubuchon asked for confirmation that they were only addressing timelines in this amendment. Planning Manager Garrett affirmed this.

Commissioner Wojack asked Ms. Jerabek about Master Builder's proposal to add an extension to the long plat. Ms. Jerabek stated that they did not have a specific recommendation, but they felt that without an extended timeline builders might feel like they are forced to build at a time when they might not be able to sell the final product.

Commissioner Wojack asked about the projects to which this would apply. Ms. Balisky reviewed this. She discussed two short plat divisions which will expire in the next month or so. There was discussion about potential impacts to annexation areas.

Commissioner Larsen commented that there is a lot of vacant land in the proposed annexation area. He suggested revisiting this issue following annexation. Planning Manager Garrett agreed. Commissioner Ambalada concurred that this should be revisited after annexation. Planning Manager Garrett indicated he would make a note to come back to this at the annexation time.

Motion made by Commissioner Ambalada, seconded by Commissioner Davies, to forward this amendment to City Council. Motion passed unanimously (6-0)

WORK SESSION

1. 2009 Comprehensive Plan Amendments – Group 1 (2009CPL0002)
 - Parks Element Update. Annual update; no policy revisions.

Planning Manager Garrett pointed out that the changes are relatively minor. He reviewed the proposed changes.

Commissioner Wojack commented that Parks did a very nice job on this. It was very easy to see what the changes were.

- Transportation Element - Incorporate system of determining priorities for non-motorized transportation projects into the Element.

Project Manager David Mach discussed the changes to the Transportation Element this year.

Commissioner Ambalada discussed handicapped and wheelchair accessibility. Mr. Mach explained that all sidewalks and ramps are required to be ADA accessible and that those that were built before that requirement became effective they will be over time.

Commissioner Davies commended the work of staff on this.

Commissioner Larsen also commended this work.

Commissioner Aubuchon agreed that they need to have the same priorities for ADA as they do for bicycles. Mr. Mach stated that he would pass those comments on to staff.

Councilmember Hikel discussed two items that came up at last night's visioning meeting. There are some routes in the city where developers have left walking paths, which are not even listed on the city's plans. The other item is that when walking on the sidewalks to older developments there often times are not sidewalks or walkways leading safely into the development. Planning Manager Garrett commented that the city's rules changed on that. They now require a pedestrian walkway from a sidewalk into a building at new developments.

Commissioner Larsen brought up the subject of how 196th might link to Highway 99.

Chair Wright thanked staff for their work.

- Update Introduction and Land Use Elements - Revise Introduction to the Plan and Land Use Element to update text; no policy revisions.

Planning Manager Garrett stated that the main change in this proposal is to move the population projections to the introduction. Other minor corrections and revisions were also made.

OTHER BUSINESS

None.

DIRECTOR'S REPORT

1. Update on Annexation Project – BRB Action

Planning Manager Garrett reported on the Boundary Review Board's action.

Commissioner Davies stated that he has noticed a lot of signs protesting the annexation. There was discussion about this.

Commissioner Ambalada spoke against some of the signs she has been seeing around town in support of a city manager instead of a mayor.

Councilmember Hikel complimented Kevin Garrett and the entire staff in Community Development and all of the people in the city who worked in a joint effort on the annexation issue.

Chair Wright commented that it has been very educational watching the process. He also congratulated the staff on their work.

2. Other Matters

Staff has agendas for meetings through June and July. There may be a break in August.

ADJOURNMENT

The meeting was adjourned at 8:08 p.m.



Richard Wright, Chair

CITY OF LYNNWOOD
 PROPOSED CODE AMENDMENT
 PERMIT TIMELINES – LMC TITLE 19 AND TITLE 21

PRESENT LANGUAGE	FINAL PROPOSED LANGUAGE
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ACCESSORY DWELLING UNITS	
EXPIRATION 21.42.110.G.14	EXPIRATION 21.42.110.G.14
<p>There is currently a code amendment for Accessory Dwelling Units being reviewed by City Council. It is unknown when a final decision will be made, so two options are presented here.</p> <p>The first option amends the existing provisions in Title 21.</p>	
<p>f. Expiration. Any permit for an accessory dwelling unit shall expire one year from the date of approval unless a building permit for the accessory dwelling unit has been obtained. The community development director may grant a single one-year extension to this time limit, provided a written request for the extension is received before expiration.</p>	<p>f. Expiration. Any permit for an accessory dwelling unit shall expire one year <u>2 years</u> from the date of approval unless a building permit for the accessory dwelling unit has been obtained. The community development director may grant a single one-year extension to this time limit, provided a written request for the extension is received before expiration.</p>
<p>The second option amends the proposed amendments to Title 21 currently being reviewed by Council.</p>	
<p>f. Expiration. Any permit for <u>a new ADU</u> shall expire one year from the date of approval unless a building permit for the <u>ADU</u> has been obtained. The <u>Director</u> may grant a single one-year extension to this time limit, provided a written request for the extension is received <u>two weeks prior</u> to expiration.</p>	<p>f. Expiration. Any permit for a new ADU shall expire one year <u>2 years</u> from the date of approval unless a building permit for the ADU has been obtained. The Director may grant a single one-year extension to this time limit, provided a written request for the extension is received two weeks prior to expiration.</p> <p><u>g. Exception. Effective until December 31, 2009, the applicant or agent of record for any unexpired accessory dwelling unit approval granted prior to [date of this ordinance], 2009, may submit a written application in the form of a letter with supporting documentation to the Director requesting a one-time, one-year time extension.</u></p>

PRESENT LANGUAGE	PROPOSED LANGUAGE
<p>g. Cancellation/Revocation. Cancellation of an accessory dwelling unit permit may be accomplished by the owner filing a certificate that the owner is relinquishing an approved accessory dwelling unit permit with the community development director and recording the certificate at the county. A permit for an accessory dwelling unit may be revoked for violation of the requirements of the section or for fraud in obtaining the permit.</p> <p>h. Appeal. Any action by the community development director may be appealed by the applicant to the hearing examiner only for noncompliance with these regulations; provided, that such appeal shall be filed in writing within 10 calendar days of mailing of a notice of action. Such appeal shall be processed as provided for in</p>	<p>h. Cancellation/Revocation. Cancellation of an accessory dwelling unit permit may be accomplished by the owner filing a certificate that the owner is relinquishing an approved accessory dwelling unit permit with the community development director and recording the certificate at the county. A permit for an accessory dwelling unit may be revoked for violation of the requirements of the section or for fraud in obtaining the permit. <u>Cancellation of an ADU may be accomplished by the property owner recording, with both the City and the Snohomish County Auditor's Office, a certificate stating that the ADU no longer exists on the property. Cancellation may also result from an enforcement action by the City.</u></p> <p><u>i. Complaint. Upon complaint, the City may require proof by the owner that all requirements of this section are met.</u></p> <p><u>j. Revocation. In addition to the conditions imposed during the permit approval process, permits for ADUs shall expire automatically whenever:</u></p> <ul style="list-style-type: none"><u>i. The ADU is substantially altered and is thus no longer in conformance with the plans and drawings reviewed and approved by the City;</u><u>ii. The subject parcel ceases to maintain the required number of parking spaces; or</u><u>iii. The property owner(s) cease(s) to reside in either the primary unit or the ADU for a minimum of six months per calendar year, the owner-occupied unit is rented, or the current owner fails to record the certificate as required under this section.</u> <p><u>k. Appeal. Any action by the community development director Director may be appealed by the applicant to the hearing examiner Hearing Examiner only for noncompliance with these regulations; provided, that such appeal shall be filed in writing within 10 calendar days of mailing of a notice of action. Such appeal shall be</u></p>

PRESENT LANGUAGE	PROPOSED LANGUAGE
Process II, LMC 1.35.200, et seq.	processed as provided for in Process II, LMC 1.35.200, et seq.
CONDITIONAL USE PERMITS	
<p>EXPIRATION OF CONDITIONAL USE PERMITS 21.24.300 Expiration of conditional use permits. Any conditional use permit which is issued and not utilized within two years from the effective date of the permit, or within such shorter period of time as may be stipulated by the hearing examiner, shall expire and be of no further consequence. In order for a conditional use permit to be considered as being utilized, there shall be submitted to the city, by the applicant for the permit, a valid building permit application including a complete set of plans in the case of a conditional use permit for a use which would require new construction; an application for a certificate of occupancy and business license in the case of a conditional use permit which does not involve new construction; or in the case of an outdoor use, evidence that the site has been and is being utilized in accordance with the terms of the conditional use permit. After a use has been established in accordance with the terms of the conditional use permit, a lapse of one year during which the premises are not used for the purposes provided for in the permit shall cause the permit to expire and be of no further consequence. Any conditional use permit approved prior to the enactment of this chapter shall expire two years from the date of approval by the hearing examiner unless the permit has been utilized as provided in LMC 21.24.100 through this section. (Ord. 2441 § 8, 2003; Ord. 2020 § 12, 1994; Ord. 522 § 2, 1969; Ord. 494 § 2, 1969)</p>	<p>EXPIRATION OF CONDITIONAL USE PERMITS 21.24.300 Expiration of conditional use permits. Any conditional use permit which is issued and not utilized within two years from the effective date of the permit, or within such shorter period of time as may be stipulated by the hearing examiner, shall expire and be of no further consequence. In order for a conditional use permit to be considered as being utilized, there shall be submitted to the city, by the applicant for the permit, a valid building permit application including a complete set of plans in the case of a conditional use permit for a use which would require new construction; an application for a certificate of occupancy and business license in the case of a conditional use permit which does not involve new construction; or in the case of an outdoor use, evidence that the site has been and is being utilized in accordance with the terms of the conditional use permit. After a use has been established in accordance with the terms of the conditional use permit, a lapse of one year during which the premises are not used for the purposes provided for in the permit shall cause the permit to expire and be of no further consequence. Any conditional use permit approved prior to the enactment of this chapter shall expire two years from the date of approval by the hearing examiner unless the permit has been utilized as provided in LMC 21.24.100 through this section. (Ord. 2441 § 8, 2003; Ord. 2020 § 12, 1994; Ord. 522 § 2, 1969; Ord. 494 § 2, 1969)</p>
NONE	<p>EXTENSION OF CONDITIONAL USE PERMITS 21.24.310</p>

PRESENT LANGUAGE	PROPOSED LANGUAGE
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	<p><u>Extension. Upon application of the applicant or agent of record, the community development director may extend a conditional use permit, not to exceed one year, if:</u></p> <p><u>A. Unforeseen circumstances or conditions necessitate the extension of the conditional use permit; and</u></p> <p><u>B. Termination of the conditional use permit would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and</u></p> <p><u>C. The extension of the conditional use permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property. (Ord. 2441 § 9, 2003; Ord. 2020 § 13, 1994)</u></p> <p><u>D. Exception. Effective until December 31, 2009, the applicant or agent of record for any unexpired conditional use permit approval granted prior to [date of this ordinance], 2009, may submit a written application in the form of a letter with supporting documentation to the community development department requesting an additional one-time, one-year time extension. The director shall make a decision using the criteria set forth for extensions in this section.</u></p>
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PROJECT DESIGN REVIEW

<p>LAPSE OF APPROVAL – GENERAL 21.26.165 The applicant under this process must begin construction or submit to the city a complete building permit application for the development activity, or remodel or expansion of existing development approved under this process within one year after the final decision on the matter, or the decision becomes void. The applicant must substantially complete construction for the development activity, remodel or expansion of existing development approved under this process and complete the applicable conditions listed in the decision within five years after the final decision of the city on the matter, or the decision</p>	<p>LAPSE OF APPROVAL – GENERAL 21.26.165 The applicant under this process must begin construction or submit to the city a complete building permit application for the development activity, or remodel or expansion of existing development approved under this process within one year <u>2 years</u> after the final decision on the matter, or the decision becomes void. The applicant must substantially complete construction for the development activity, remodel or expansion of existing development approved under this process and complete the applicable conditions listed in the decision within five years after the final decision of the city on the matter, or</p>
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PRESENT LANGUAGE	PROPOSED LANGUAGE
<p>becomes void. If litigation is initiated pursuant to LMC 1.35.260, Appeal of hearing examiner's decision to superior court, the time limits of this section are automatically extended by the length of time between the commencement and final termination of that litigation. If the development activity, remodel or expansion of existing development approved under this process includes phased construction, the time limits of this section may be extended in the decision on the application, to allow the completion of subsequent phases. (Ord. 2388 § 13, 2001)</p>	<p>the decision becomes void. If litigation is initiated pursuant to LMC 1.35.260, Appeal of hearing examiner's decision to superior court, the time limits of this section are automatically extended by the length of time between the commencement and final termination of that litigation. If the development activity, remodel or expansion of existing development approved under this process includes phased construction, the time limits of this section may be extended in the decision on the application, to allow the completion of subsequent phases. (Ord. 2388 § 13, 2001)</p>
<p>LAPSE OF APPROVAL – TIME EXTENSION 21.25.170</p> <p>A. Application. Prior to the lapse of approval under LMC 1.35.565 the applicant may submit a written application in the form of a letter with supporting documentation to the community development department requesting a one-time extension of those time limits of up to one year.</p> <p>B. Criteria. The request must demonstrate that the applicant is making substantial progress on the development activity, remodel or expansion of existing development approved under this process and that circumstances beyond the applicant's control prevent compliance with the time limits of LMC 1.35.565.</p> <p>C. Review Process. An application of a time extension will be reviewed and decided upon by the director.</p> <p>D. Appeals. Any person who is aggrieved by the granting or denying of a request for a time extension under this section may appeal that decision. The appellant must file a letter of appeal indicating how the decision on the time extension affects the appellant's property and presenting any relevant material or information supporting the appellant's contention. The appeal will be heard</p>	<p>LAPSE OF APPROVAL – TIME EXTENSION 21.25.170</p> <p>A. Application. Prior to the lapse of approval under LMC 1.35.565 <u>21.25.165</u> the applicant may submit a written application in the form of a letter with supporting documentation to the community development department requesting a one-time extension of those time limits of up to one year.</p> <p>B. Criteria. The request must demonstrate that the applicant is making substantial progress on the development activity, remodel or expansion of existing development approved under this process and that circumstances beyond the applicant's control prevent compliance with the time limits of LMC 1.35.565 <u>21.25.165</u>.</p> <p>C. Review Process. An application of a time extension will be reviewed and decided upon by the director.</p> <p>D. Appeals. Any person who is aggrieved by the granting or denying of a request for a time extension under this section may appeal that decision. The appellant must file a letter of appeal indicating how the decision on the time extension affects the appellant's property and presenting any relevant material or information supporting the appellant's contention. The appeal will be heard</p>

PRESENT LANGUAGE	PROPOSED LANGUAGE
<p>and decided upon using Process II as identified in LMC 1.35.200. (Ord. 2388 § 13, 2001)</p>	<p>and decided upon using Process II as identified in LMC 1.35.200. (Ord. 2388 § 13, 2001)</p> <p><u>E. Exception. Effective until December 31, 2009, the applicant or agent of record for any unexpired project design approval granted prior to [date of this ordinance], 2009, may submit a written application in the form of a letter with supporting documentation to the community development department requesting a one-time, one-year time extension. The department director shall make a decision using the procedures set forth for extensions in this section.</u></p>
<h2>VARIANCES</h2>	
<p>TIME LIMITATION 21.26.450 Time Limitation. A variance automatically expires and is void if the applicant fails to obtain a building permit or other necessary development permit and substantially completes improvements allowed by the variance within 18 months of the effective date of the variance. (Ord. 2020 § 13, 1994)</p>	<p>TIME LIMITATION 21.26.450 Time Limitation. A variance automatically expires and is void if the applicant fails to obtain a building permit or other necessary development permit and substantially completes improvements allowed by the variance within 18 months <u>2 years</u> of the effective date of the variance. (Ord. 2020 § 13, 1994)</p>
<p>EXTENSION 21.26.500 Extension. Upon application of the property owner the hearing examiner may extend a variance, not to exceed one year, if: A. Unforeseen circumstances or conditions necessitate the extension of the variance; and B. Termination of the variance would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and C. The extension of the variance will not cause substantial detriment to existing uses in the immediate vicinity of the subject property. (Ord. 2441 § 9, 2003; Ord. 2020 § 13, 1994)</p>	<p>EXTENSION 21.26.500 Extension. Upon application of the property owner <u>applicant or agent of record</u>, the hearing examiner <u>community development director</u> may extend a variance, not to exceed one year <u>two years</u>, if: A. Unforeseen circumstances or conditions necessitate the extension of the variance; and B. Termination of the variance would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and C. The extension of the variance will not cause substantial detriment to existing uses in the immediate vicinity of the subject property. (Ord. 2441 § 9, 2003; Ord. 2020 § 13, 1994)</p> <p><u>D. Exception. Effective until December 31, 2009,</u></p>

PRESENT LANGUAGE	PROPOSED LANGUAGE
	<p><u>the applicant or agent of record for any unexpired variance approval granted prior to [date of this ordinance], 2009, may submit a written application in the form of a letter with supporting documentation to the community development department requesting an additional one-time, one-year time extension. The hearing examiner shall make a decision using the criteria set forth for extensions in this section.</u></p>
<p>SECOND EXTENSION 21.26.550 Second extension. Upon application of the property owner, the hearing examiner may extend a variance a second time. No more than two extensions may be granted. A second extension, not to exceed one year, may be granted if: A. The criteria in LMC 21.26.500 are met; and B. The applicant has demonstrated reasonable diligence in attempting to meet the time limit imposed; and C. Conditions in the immediate vicinity of the subject property have not changed substantially since the variance was first granted. (Ord. 2441 § 9, 2003; Ord. 2020 § 13, 1994)</p>	<p>SECOND EXTENSION 21.26.550 Second extension. Upon application of the property owner, the hearing examiner may extend a variance a second time. No more than two extensions may be granted. A second extension, not to exceed one year, may be granted if: A. The criteria in LMC 21.26.500 are met; and B. The applicant has demonstrated reasonable diligence in attempting to meet the time limit imposed; and C. Conditions in the immediate vicinity of the subject property have not changed substantially since the variance was first granted. (Ord. 2441 § 9, 2003; Ord. 2020 § 13, 1994)</p>
<p>SHORT SUBDIVISIONS</p>	
<p>PRELIMINARY APPROVALS 19.50.030 If the adopted recommendations require the meeting of conditions, construction of improvements, or time is necessary for the obtaining of required certifications, then the approval action shall be preliminary approval. Preliminary approvals shall be for 12 months whereby the conditions of approval and required improvement shall be accomplished. If good cause is shown and a written request is received at least two weeks prior to the deadline, the mayor may grant the applicant one additional 12-month time extension for meeting conditions of approval and/or construction of improvements. (Ord. 2463</p>	<p>PRELIMINARY APPROVALS 19.50.030 <u>A. If the adopted recommendations require the meeting of conditions, construction of improvements, or time is necessary for the obtaining of required certifications, then the approval action shall be preliminary approval. Preliminary approvals shall be for 12 months <u>2 years</u> whereby the conditions of approval and required improvement shall be accomplished. If good cause is shown and a written request is received at least two weeks prior to the deadline, the mayor may grant the applicant one additional 12-month time extension for meeting conditions of approval and/or construction of improvements.</u></p>

PRESENT LANGUAGE	PROPOSED LANGUAGE
§ 12, 2003; Ord. 1314 § 12, 1983)	(Ord. 2463 § 12, 2003; Ord. 1314 § 12, 1983) <u>B. Exception. Effective until December 31, 2009, the applicant or agent of record for any unexpired short subdivision approval granted prior to [date of this ordinance], 2009, may submit a written application in the form of a letter with supporting documentation to the community development department requesting an additional one-time, one-year time extension. The mayor shall make a decision using the procedures set forth for extensions in this section.</u>

in the collective best interest of all our local communities to restore a healthy housing industry and a strong local economy.

The first step toward economic recovery is to stabilize financial markets and the housing market and reignite home sales. To that end, we join with the National Association of Home Builders in urging the incoming Obama Administration to pass a stimulus package as soon as the new 111th Congress convenes.

In addition, state and local government has a key role to play, too, in improving the economic future of our community and of the entire Puget Sound region.

First and foremost, we urge state and local governments to resist attempts to increase taxes, fees and new regulations on housing. Such measures will only worsen our housing and economic outlook and negatively impact our community's quality of life. A forthcoming paper entitled "Housing Prices and Land Use Regulations: A Study of 250 Major US Cities"⁴ finds that state land use policies and municipal regulations accounts for more than \$200,000 of the increase in the city of Seattle's median housing price since 1989. While we may derive benefits from these policies, the problem is that regulations and fees often bring unintended consequences, and we need to seriously consider their cost and impact. Now is not the time to place added strains on housing.

Second, we urge local governments to review their permitting processes and existing policies and implement a housing stimulus plan. There are a variety of measures that could be taken to enhance the economic vitality of the housing market, and in so doing, help get our economy back on track. Specific actions would undoubtedly vary from jurisdiction to jurisdiction based on local conditions. Most or all of the measures are common sense regulatory changes and can be done at little or no cost to local government.

Examples of actions that could be part of a housing stimulus plan at the local level include, but are not limited to, the following:

- Extensions for approved preliminary plats, short plats and building permits.
- Alternatives and process improvements to performance and maintenance bonds.
- Increased density bonuses for sustainable development projects.
- Reduced parking requirements.
- Flexible road standards.
- Reduced building setbacks.
- Increased heights and floor area ratios.

⁴ "Housing Prices and Land Use Regulations: A Study of 250 Major US Cities," Theo S. Eicher, *Northwest Journal of Business and Economics*, forthcoming. The most recent draft of this paper can be found online at <http://depts.washington.edu/teclass/landuse/>.

- Flexible standards for low impact development.
- Consider options related to moving the point of collection of all locally administered impact fees to a date closer to the end of the development and building process.
- Continue to only require the replacement or repair of cracked sidewalks when critical to address structural or safety defects.
- Advocate for a federal stimulus package that includes resources for local public works infrastructure projects, which may allow for reductions in or reimbursements of transportation and school impact fee programs to local jurisdictions.
- Coordinate with water and sewer utilities regarding the timing of sewer charges to coincide with occupancy permit issuance.
- State Environmental Policy Act exemption threshold changes.
- Changes to level of service standards.
- Credit for open space.

MBA Contacts:

For more information about our association's efforts to advance economic stimulus measures for housing, please contact:

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SUMMARY OF ORDINANCE NO. 2824

of the City of Lynnwood, Washington

On the 8th day of February, 2010, the City Council of the City of Lynnwood, Washington, passed Ordinance No. 2824. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LYNNWOOD MUNICIPAL CODE CHAPTERS 19.50, 21.24, 21.25, 21.26 AND SECTION 21.42.110.G PERTAINING TO THE PROCESSING, ISSUANCE, VALIDITY, EXTENSION AND EXPIRATION OF PERMITS, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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

DATED this 10th day of February 2010.



JOHN MOIR, FINANCE DIRECTOR