



ORDINANCE NO. 2943

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LYNNWOOD MUNICIPAL CODE CHAPTER 17.02 BY ADDING SECTION 17.02.029 ENTITLED "PLANNED ACTION PERMIT PROCESS" AND SECTION 17.02.300 ENTITLED "CITY CENTER PLANNED ACTION," PROVIDING FOR PROJECT REVIEW OF PLANNED ACTION APPLICATIONS AND DESIGNATING DEVELOPMENT IN THE LYNNWOOD CITY CENTER AS A PLANNED ACTION PURSUANT TO RCW 43.21C.031, PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, the Washington State Environmental Policy Act (SEPA) authorize cities planning under the Growth Management Act (GMA) to designate planned actions that have had their significant impacts adequately addressed in an environmental impact statement (EIS) prepared in conjunction with a comprehensive plan, sub-area plan or a master planned development; and

WHEREAS RCW 43.21C.031 and WAC 197-11-164, 168, and 172 address planned actions and their designation; and

WHEREAS, LMC 17.02.025 adopts, by reference, WAC 197-11-164, 168, and 172; and

WHEREAS, the City of Lynnwood SEPA procedures incorporate provisions for planned action EIS's to provide for streamlined review of projects designated as planned actions; and

WHEREAS, the City of Lynnwood has adopted a Comprehensive Plan that addresses the City Center Sub-Area through the adoption of a "City Center" Comprehensive Plan Future Land Use designation; and

WHEREAS, on March 14, 2005, the City of Lynnwood passed Ordinance No. 2553 adopting a City Center Sub-Area Plan as an amendment to the City of Lynnwood Comprehensive Plan; and

WHEREAS, the City of Lynnwood prepared a Final Supplemental EIS (Final SEIS) dated September 9, 2004 for the City Center Sub-Area Plan and adoption of implementing development regulations; and

WHEREAS, the Final SEIS identifies significant environmental impacts and mitigation measures associated with development in the City Center Sub-Area (City Center); and

WHEREAS, the probable significant adverse environmental impacts of development in the City Center are adequately addressed in the Final SEIS; and

WHEREAS, the City Center is located within an urban growth area, as defined in RCW 36.70A.030, and is a geographical boundary less extensive than the jurisdictional boundaries of the City of Lynnwood; and

WHEREAS, the Final SEIS envisioned a planned action designation by ordinance for the City Center; and

WHEREAS, designation of a project as a planned action streamlines subsequent review of such project by eliminating the need for preparation of a threshold determination or EIS; and

WHEREAS, on April 5, 2006, the City of Lynnwood Environmental Review Committee, as SEPA Responsible Official, issued an Adoption of the Final SEIS (adopting the City Center Sub-Area Plan Final SEIS) along with an addendum to address certain City Center related code amendments; and

WHEREAS, on May 24, 2011, the City of Lynnwood Environmental Review Committee, as SEPA Responsible Official, issued an Addendum to the Final SEIS to address certain City Center related code amendments; and

WHEREAS, due to the impact of the recent economic recession, City Center development activity has not progressed as quickly as envisioned in the Final SEIS, leaving the City Center development profile little changed from the time the City Center Final SEIS was completed and the City Center Sub-Area Plan adopted, thereby helping to preserve the timeliness and adequacy of the FSEIS; and

WHEREAS, the City has adopted development regulations which protect the environment, including but not limited to development regulations specific to the City Center sub-area which guide the location, form and intensity of development; and

WHEREAS, on April 23, 2012 the City Council of the City of Lynnwood held a duly noticed public hearing on the City Center Planned Action Ordinance to accept public testimony, this public hearing was continued to May 14, 2012; and

WHEREAS, at the April 23, 2012 public hearing, City of Lynnwood staff submitted to the City Council a report which concluded that the environmental impacts of a planned action in the City Center have been identified and adequately addressed in the Final SEIS, and that there are no specific mitigation measures, other than applicable adopted development regulations, that should be applied to a project for it to qualify as a planned action; and

WHEREAS, after carefully considering the staff report, testimony and other information presented at the April 23, 2012 public hearing and May 14, 2012 continuation of the public hearing, the Lynnwood City Council determined that approval of a Planned Action Ordinance for the City Center is appropriate; and

WHEREAS, adopting a SEPA planned action for the City Center with appropriate standards, criteria and permit review procedures will help achieve permit processing efficiency and promote environmental quality, and

WHEREAS, it is desired to have administrative procedures in place for the evaluation of planned action proposals;

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

**Section 1.** Lynnwood Municipal Code Chapter 17.02 is hereby amended to add a new section 17.02.300 entitled "City center planned action" as follows:

**"LMC 17.02.300 City center planned action**

A. Purpose. The city declares that the purpose of this section is to:

1. Combine environmental analysis with land use planning; and
2. Designate projects in the City Center sub-area as "planned actions" consistent with state law (RCW 43.21C.031); and
3. Streamline and expedite the land use permit review process by relying on completed and existing environmental analysis for the City Center sub-area; and
4. Apply the Lynnwood Municipal Code, along with the mitigation framework of this section, to process project applications as planned actions.

B. Findings. The city council finds that:

1. The city is required to prepare and implement plans in accordance with the provisions of the Washington State Growth Management Act (GMA), Chapter 36.70A RCW.
2. The city has adopted a comprehensive plan and City Center Sub-Area Plan in compliance with the GMA.
3. Based on the report prepared by Lynnwood staff and reviewed by the city council in connection with the passage of the ordinance codified in this section, the environmental impacts of a planned action comprised of the City Center Sub-Area (City Center) have been identified and adequately addressed in the Lynnwood City Center Final Supplemental Environmental Impact Statement dated September 9, 2004 for the Lynnwood City Center Sub-Area Plan and implementing development regulations, as supplemented by addenda issued April 5, 2006 and May 24, 2011 (Final SEIS).
4. A planned action comprised of the City Center:
  - a. Is a subsequent or implementing project covered by the Final SEIS, the city comprehensive plan and the City Center Sub-Area Plan; and
  - b. Is not an essential public facility, as defined in RCW 36.70A.200 or the City of Lynnwood Comprehensive Plan; and
  - c. Is consistent with the comprehensive plan and the City Center Sub-Area Plan.
5. The Final SEIS was prepared pursuant to RCW 43.21C.031 in anticipation of the City Center being designated a planned action.

6. There are no specific mitigation measures, other than development regulations, that must be applied to a project application for development in the City Center.
7. A streamlined process for review of project applications for development in the City Center will benefit the public, protect the environment, and enhance economic development.
8. Opportunities for public involvement and review have been provided, and comments considered, as part of preparation of the Draft and Final SEIS for the City Center Sub-Area Plan, implementing development regulations and amendments thereto, and the ordinance codified in this section.

C. Qualifying criteria for evaluating and determining projects as City Center planned actions.

1. **Planned Action Area.** A proposed project must be located in the City Center, which shall be comprised of an approximately 250 acre area generally bounded by 194<sup>th</sup> Street SW and the planned extension of 194<sup>th</sup> St. on the north; 33<sup>rd</sup> Avenue West on the east; Interstate 5 on the southeast; and 48<sup>th</sup> Avenue West on the west, as depicted in the diagram attached as Exhibit A to the Ordinance codified in this section.
2. **Environmental Documents.** Review of a project proposed as a planned action for a site-specific development permit application shall be based on the environmental analysis contained in the City Center Planned Action Environmental Impact Statement composed of the Draft Supplemental EIS (April 19, 2004) and the Final Supplemental EIS (September 9, 2004); the City of Lynnwood Adoption of DS issued April 5, 2006 for the Lynnwood City Center Sub-Area Plan with an Addendum for the adoption of certain City Center related code amendments and the City of Lynnwood Adoption of DS issued May 24, 2011 for the Lynnwood City Center Sub-Area Plan with an Addendum to address certain City Center related code amendments (collectively, the Final SEIS).
3. **Planned Action Qualifications.** The following criteria and thresholds shall be used to determine whether a proposed project qualifies as a City Center planned action:
  - a. **Land Use.** The project land uses and activities must be permitted in the City Center Zoning District (Chapter 21.60 LMC). The project may include the demolition of existing buildings and/or demolition/construction of parking facilities. The project shall not be for new public street projects that would not otherwise be exempt from WAC 197-11-800.
  - b. **Development Thresholds.** The proposed project, combined with City Center projects approved by or pending with the city, cumulatively do not exceed the Development Envelope established by the Final SEIS, as shown in the following City Center Summary Development Table (Table 17.02.01.) Table 17.02.01 identifies the maximum amount of planned

action development for SEPA purposes. The data is based on anticipated market and economic conditions over a 20-year period. Development could occur anywhere within the City Center and at potentially differing rates from the estimates.

**Table 17.02.01 City Center Summary Development Table**

Land Use	Square Feet (sf) or Dwelling Units (du)	Stories or Density
Office (1)	4 million sf	15-34
Retail (2)	1.5 million sf	1-2
Residential (3)	3.6 million sf 3,000 du	50-70 du/acre 5-13 story*
Total Buildout (4)	9.1 million sf	
Net New Development	6.6 million sf	

**NOTES:**

1. Includes approximately one (1) million square feet of existing development.
2. Retail development would replace existing retail.
3. New development.
4. Includes the City Center Planned Action Area (see Exhibit A) and the Alderwood-City Center Transition Area.

c. Total build-out. A geographic shifting of the total build-out of development among uses within the City Center is allowed provided that:

- i) The total build-out does not exceed the aggregate amount of development provided in Table 17.02.01; and
- ii) The impacts of the development have been identified and mitigated by applicable adopted development regulations.

d. Elements of the Environment Analyzed in the Final SEIS. A project that would result in new significant adverse environmental impacts that were not identified in the EIS shall not qualify as a planned action.

e. Time Horizon. A proposed City Center planned action project application may be considered provided that all of the development shown in Table 17.02.01 (City Center Summary Development Table) has not been constructed, or until the year 2025, whichever occurs first.

f. Significant changes. If the project significantly changes the assumptions for the environmental analysis identified in the Final SEIS, the project shall not qualify as a planned action and the SEPA responsible official shall require additional SEPA review.

D. Applications for planned actions shall be processed in accordance with LMC Section 17.02.029.

**Section 2.** Lynnwood Municipal Code Chapter 17.02 is hereby amended to add a new section 17.02.029 entitled “Planned action permit process” as follows:

**“17.02.029 Planned action permit process**

Applications for planned actions shall be processed as follows:

A. Applications for planned actions shall be made on forms authorized by the SEPA responsible official, shall include a SEPA checklist and other supporting materials as requested by the SEPA responsible official, and shall be accompanied by applicable fees.

B. The community development department shall determine whether the application is complete as provided in LMC 1.35.015.

C. Within 14 calendar days after the determination of completeness, the SEPA responsible official shall determine that:

1. The proposed project meets the description in the designating planned action ordinance; and

2. The proposed project will implement any applicable conditions or mitigation measures identified in the designating planned action ordinance; and

3. The probable significant adverse environmental impacts of the proposed project have been adequately addressed in the EIS prepared for the planned action, by reviewing an environmental checklist or other project review form as specified in SEPA regulations and filed with the application; and

4. The proposed project is not an essential public facility, as defined in RCW 36.70A.200 or the City of Lynnwood Comprehensive Plan.

5. The proposed project meets the City’s evaluation criteria for concurrency related transportation impacts as provided for in the City of Lynnwood Comprehensive Plan. Projects failing to meet such evaluation criteria shall be required to undergo SEPA

environmental review to evaluate and mitigate address transportation concurrency impacts. Use of SEPA to evaluate concurrency management shall occur only until such time the City adopts a concurrency management ordinance in accordance with RCW 36.70A.070(6)(b).

Within the same 14-day period, the SEPA official shall also determine whether the proposed project meets the criteria of LMC 17.02.300(C)(1) and 17.02.300(C)(3) or the applicable designating planned action ordinance.

D. If the SEPA responsible official determines that a proposed project qualifies as a planned action pursuant to LMC 17.02.029(C), then the application shall be processed in accordance with the applicable permit review procedures; except that no SEPA threshold determination, EIS or additional SEPA review shall be required. Although no SEPA threshold determination, EIS or additional SEPA review shall be required for the proposed project, the city may use city code provisions and other applicable laws to place conditions on the project that will mitigate non-significant impacts.

E. Public notice and review for projects that qualify as planned actions shall be tied to the underlying permit. If public notice is otherwise required by the provisions of Chapter 1.35 LMC for the underlying permit, the notice shall state that the project has qualified as a planned action. If notice is not otherwise required for the underlying permit, no special notice is required.

F. If the SEPA responsible official determines that a project does not qualify as a planned action, the SEPA responsible official shall so notify the applicant and prescribe a SEPA review procedure consistent with the City's SEPA regulations and the requirements of state law. The notice to the applicant shall describe the elements of the project and application that result in failure to meet the planned action criteria.

G. Projects that fail to qualify as planned actions may incorporate or otherwise use relevant elements of the applicable EIS, as well as other relevant SEPA documents, to meet their SEPA requirements. The SEPA responsible official may limit the scope of SEPA review for the non-qualifying planned action project to those issues and environmental impacts not adequately or previously addressed in the planned action EIS.

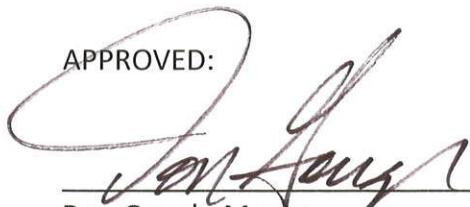
H. The decision of the SEPA responsible official regarding qualification as a planned action shall be final with no administrative appeals.

**Section 3.** 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.

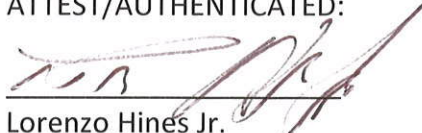
**Section 4.** This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL, the 14<sup>th</sup> day of May, 2012

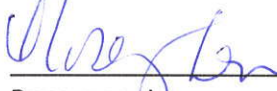
APPROVED:

  
\_\_\_\_\_  
Don Gough, Mayor

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Lorenzo Hines Jr.  
Finance Director

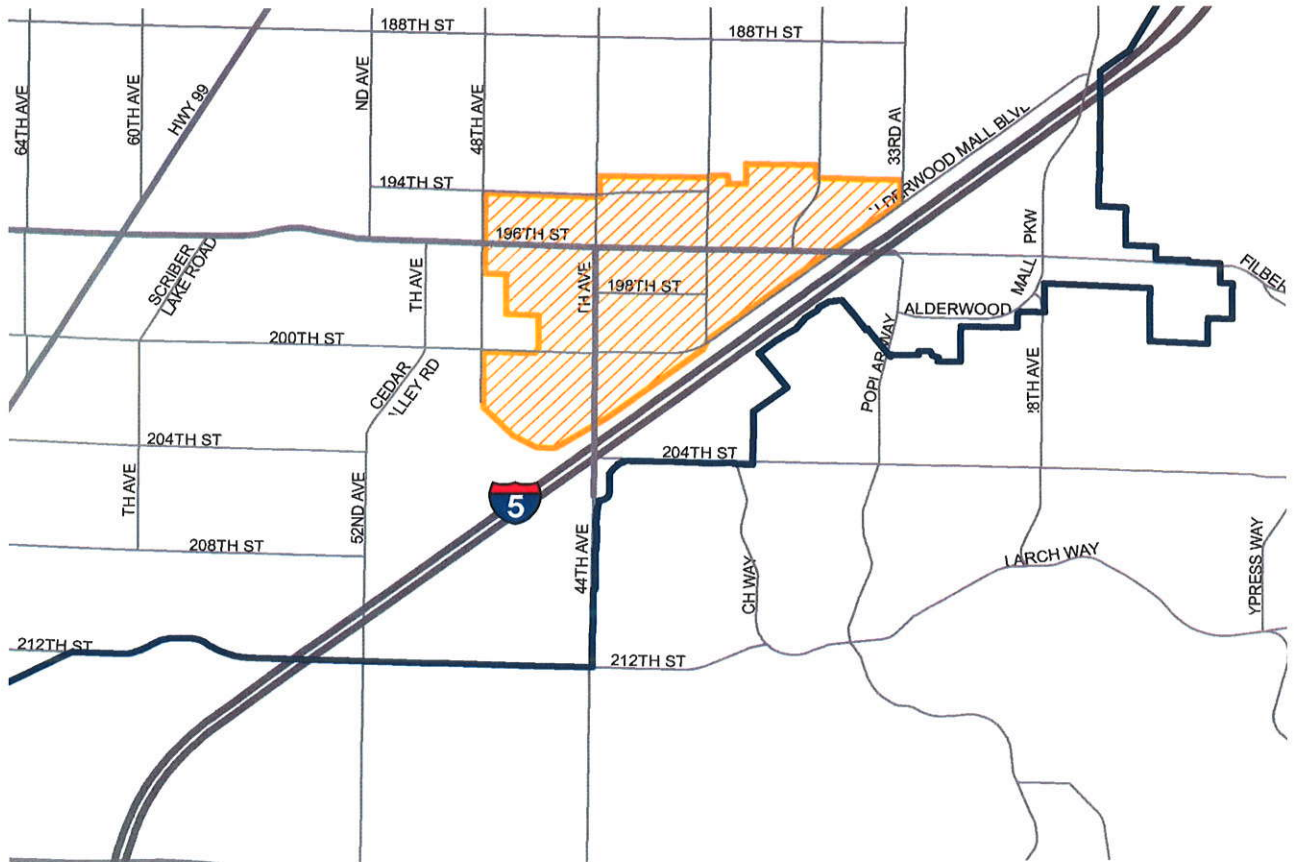
APPROVED AS TO FORM:

  
\_\_\_\_\_  
Rosemary Larson  
City Attorney

FILED WITH ADMINISTRATIVE SERVICES:	<u>05-15-12</u>
PASSED BY THE CITY COUNCIL:	<u>05-14-12</u>
PUBLISHED:	<u>05-22-12</u>
EFFECTIVE DATE:	<u>05-27-12</u>
ORDINANCE NUMBER:	<u>2943</u>



# Exhibit A Lynnwood City Center Planned Action Area



**Planned Action Area: City Center**



**CITY OF LYNNWOOD  
CITY COUNCIL  
SUMMARY OF ORDINANCE NO. 2943**

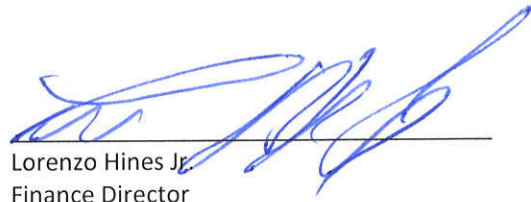
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On the 14th day of May, 2012, the City Council of the City of Lynnwood, Washington, passed Ordinance No. 2943. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LYNNWOOD MUNICIPAL CODE CHAPTER 17.02 BY ADDING SECTION 17.02.029 ENTITLED "PLANNED ACTION PERMIT PROCESS" AND SECTION 17.02.300 ENTITLED "CITY CENTER PLANNED ACTION," PROVIDING FOR PROJECT REVIEW OF PLANNED ACTION APPLICATIONS AND DESIGNATING DEVELOPMENT IN THE LYNNWOOD CITY CENTER AS A PLANNED ACTION PURSUANT TO RCW 43.21C.031, PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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

DATED this 22<sup>nd</sup> day of May 2012.

  
\_\_\_\_\_  
Lorenzo Hines Jr.  
Finance Director



## Legal Notice

Publish Date: Tuesday, May, 22, 2012



CITY OF LYNNWOOD CITY COUNCIL SUMMARY OF ORDINANCE NO. 2943 On the 14th day of May, 2012, the City Council of the City of Lynnwood, Washington, passed Ordinance No. 2943. 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 CHAPTER 17.02 BY ADDING SECTION 17.02.029 ENTITLED "PLANNED ACTION PERMIT PROCESS" AND SECTION 17.02.300 ENTITLED "CITY CENTER PLANNED ACTION," PROVIDING FOR PROJECT REVIEW OF PLANNED ACTION APPLICATIONS AND DESIGNATING DEVELOPMENT IN THE LYNNWOOD CITY CENTER AS A PLANNED ACTION PURSUANT TO RCW 43.21C.031, PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION. The full text of this Ordinance will be mailed upon request. DATED this \_\_\_\_\_ day of May 2012. Lorenzo Hines Jr. Finance Director Published: May 22, 2012.

This legal notice appeared in The Herald newspaper, Everett, Wash., on Tuesday, May, 22, 2012.

This printed copy of the legal notice comes from HeraldNet.com, The Herald newspaper's Web site which can be viewed at <http://www.heraldnet.com/>.

The complete URL for this legal notice is: [http://12.104.73.60/Classified/legals/displaynotice\\_saxo.cfm?id=2012522155326](http://12.104.73.60/Classified/legals/displaynotice_saxo.cfm?id=2012522155326)


5/27/12

# CERTIFICATE

I, the undersigned, Lorenzo Hines Jr., the duly appointed City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 2943 of the City of Lynnwood, Washington, entitled as follows:

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LYNNWOOD MUNICIPAL CODE CHAPTER 17.02 BY ADDING SECTION 17.02.029 ENTITLED "PLANNED ACTION PERMIT PROCESS" AND SECTION 17.02.300 ENTITLED "CITY CENTER PLANNED ACTION," PROVIDING FOR PROJECT REVIEW OF PLANNED ACTION APPLICATIONS AND DESIGNATING DEVELOPMENT IN THE LYNNWOOD CITY CENTER AS A PLANNED ACTION PURSUANT TO RCW 43.21C.031, PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

That said ordinance was passed by the Council of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on 22nd day of May, 2012.

  
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City Clerk of the City of Lynnwood,  
Washington

action development for SEPA purposes. The data is based on anticipated market and economic conditions over a 20-year period. Development could occur anywhere within the City Center and at potentially differing rates from the estimates.

**Table 17.02.01 City Center Summary Development Table**

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Net New Development	6.6 million sf	

**NOTES:**

1. Includes approximately one (1) million square feet of existing development.
2. Retail development would replace existing retail.
3. New development.
4. Includes the City Center Planned Action Area (see Exhibit A) and the Alderwood-City Center Transition Area.

\* *The development regulations offer bonuses which could allow buildings to exceed the indicated heights.*

c. Total build-out. A geographic shifting of the total build-out of development among uses within the City Center is allowed provided that:

- i) The total build-out does not exceed the aggregate amount of development provided in Table 17.02.01; and
- ii) The impacts of the development have been identified and mitigated by applicable adopted development regulations.