



ORDINANCE NO. 3154

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, INCREASING THE NUMBER OF LOTS FOR A SHORT SUBDIVISION, AMENDING SECTIONS 19.10.190, 19.10.200, 19.50.005, 19.50.020, 19.50.070 AND 3.104.010 OF THE LYNNWOOD MUNICIPAL CODE (LMC), AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION.

WHEREAS, Lynnwood Municipal Code (LMC) formerly allowed for short subdivisions (“plats”) up to four lots to coincide with the State Environmental Policy Act (SEPA) categorical exemptions; and

WHEREAS, the SEPA exemption limit on plats was raised to include a SEPA categorical exemption for land division up to nine (9) lots and to apply the same exemption to binding site plans up to the same number of lots allowed as a short subdivision; and

WHEREAS, the City Council wishes to raise the limits on short plats to up to nine (9) lots to coincide with the raised SEPA categorical exemption threshold; and

WHEREAS, the Washington State Department of Commerce received this draft amendment meeting the procedural requirement under RCW 36.70.A.106 and granted expedited review; and

WHEREAS, on August 13, 2015, the Planning Commission held a public hearing on the draft ordinance and recommended approval of the draft ordinance to the City Council; and

WHEREAS, on October 12, 2015, the City Council held a hearing on the draft ordinance, after proper notice, during its regular meeting; and

WHEREAS, the City Council after due consideration has determined that the amendments to the City’s Subdivision Code (Title 19) stated in this ordinance are in the best interests of the public health, safety and general welfare; now, therefore

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

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

Section 2. Amendment. LMC 19.10.190 and LMC 19.10.200 are hereby amended to read as follows:

19.10.190 Short Subdivision.

“Short subdivision” means the division or redivision of land into nine (9) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership; provided, any boundary line adjustment is deemed to be a short subdivision when such boundary line adjustment reconfigures lot lines of property to facilitate future subdivision of that property when such subdivision results in a total of more than nine (9) lots, tracts, parcels, sites, or division of the property including the lots reconfigured by the boundary line adjustment. Should the future subdivision occur more than five years after the boundary line adjustment or result in nine (9) or fewer lots, tracts, parcels, sites, or division of property including the reconfigured lots, such boundary line adjustment shall not be deemed a short subdivision.

19.10.200 Subdivision.

“Subdivision” means the division or redivision of land into ten (10) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, except as provided for in LMC 19.10.190.

Section 3. Amendment. LMC 19.50.005, LMC 19.50.020 and LMC 19.50.070 are hereby amended to read as follows:

19.50.005 Applicability.

Every division of land into nine (9) or less lots, tracts, parcels, sites of subdivisions for the purpose of sale, lease, or transfer of ownership shall proceed in compliance with this chapter; provided, that any land contained within a short subdivision shall not be further divided for a period of five years from the date of filing of a short plat without the filing of a final plat. Contiguous parcels of land in the same ownership and having boundaries in common shall be presumed to be a single parcel in determining whether or not the division of land comprises a short subdivision.

19.50.020 Preliminary short subdivision application.

Any person desiring to divide land under the provisions of this title situated in the city of Lynnwood into nine (9) or fewer lots shall submit an application for short subdivision approval to the community development director together with payment of related fees and costs as set forth in Chapter 3.104 of the City code.

- A. Applications for a preliminary short plat subdivision shall be submitted on forms prescribed by the community development director. All applications submitted to the community development director shall be complete and contain the following material:
1. The name, address and telephone number of the owner(s);
 2. A written statement by the owner showing the entire contiguous ownership of land in which there is an interest by reason of ownership, contract for purchase, earnest money agreement or option by any person, firm or corporation in any manner connected with the development, and the names and addresses and telephone numbers of all such persons, firms or corporations;
 3. The existing zoning classifications;
 4. The square footage computation of each lot or parcel. The square footage of land contained in access panhandles and/or private roads shall not be included in the lot size computation;
 5. The source of water supply;
 6. The method of sewage disposal;
 7. A survey prepared by a licensed surveyor registered in the state of Washington. However, if the community development director determines that existing conditions so warrant because of previous development, construction or subdividing, the requirement of a survey of the property to be subdivided may be waived for the preliminary short plat, but a survey shall be required for the final short plat;
 8. For the same reasons as stated in subsection (A)(7) of this section, a current ownership certificate from a recognized title company at the preliminary short plat stage may be waived for the preliminary short plat; however, it shall be required for final short plat approval.
- B. Map. A map shall be prepared on a sheet of reproducible material, having dimensions of eight and one-half inches by 14 inches, and containing the following information:
1. The date, scale and north arrow;
 2. The boundary lines, to scale, of the tract to be subdivided and each lot contained therein;
 3. The dimensions, square footage and number assigned to each proposed lot;
 4. All existing structures;
 5. All setback dimensions for existing structures; and
 6. The location of any sensitive areas as defined by LMC Title 17 as known to the applicant at time of submittal.

19.50.070 Violation – Injunctive relief.

Wherever any parcel of land is divided into nine (9) or less lots, tracts, or parcels of land and any person, firm, corporation, or association or any agent of any person, firm, corporation, or association sells or transfers or offers or advertises for sale or transfer any such lot, tract, or parcel without having a short plat of such subdivision approved pursuant to this title then such action is hereby declared to be unlawful and a public nuisance and the city attorney may commence an action to restrain and enjoin further subdivisions, sales or transfers, or offers of sale or transfer and compel compliance with all provisions of this title. The costs of such action

shall be taxed against the persons, firm, corporation, association, or agent of such entities selling or transferring the property.

Section 4. LMC 3.104.010 and Table 3.104.010, Title 19 – Subdivision Fees are amended as follows:

Title 19 – Subdivision Fees

All Deposits are to trust accounts to cover hourly processing charges, actual cost of services, plus posting and mailing costs.

Binding site plan	Deposit	2,000.00
Boundary line adjustment	Deposit	1,250.00
Lot combination	Deposit	1,250.00
Subdivision	Deposit	7,500.00
Short subdivision	Deposit	2,000.00
City Attorney Support	Actual cost	
Hearing Examiner	Actual cost	
Public Notice Requirements		
Posting costs	Hourly rate (posting notification on proposed project site and civic sites)	
Mailing costs	Actual cost of postage plus staff hourly rate	
Publication in newspaper	Actual cost	

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

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

26th PASSED this 12th day of October, 2015, and signed in authentication of its passage this day of October, 2015.

APPROVED:



Nicola Smith, Mayor

ATTEST/AUTHENTICATED:



Sonja Springer, Finance Director

APPROVED AS TO FORM:



Rosemary, Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 10/22/2015
PASSED BY THE CITY COUNCIL: 10/12/2015
PUBLISHED: 10/26/2015
EFFECTIVE DATE: 10/31/2015
ORDINANCE NUMBER: 3154



On the 12th day of October 12, 2015 the City Council of the City of Lynnwood, Washington, passed ordinance 3154. A summary of the content of this ordinance, consisting of the title, provides as follows:

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

DATED this 26th day of October, 2015.



Debbie Karber, Deputy City Clerk



LYNNWOOD
WASHINGTON

CERTIFICATE

I, the undersigned, Debra Karber, the duly appointed Deputy 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. 3154 of the City of Lynnwood, Washington, entitled as follows:

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That said ordinance was passed by the Council on October 12, 2015 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 October 26, 2015.

Debra Karber, Deputy City Clerk