



LYNNWOOD
WASHINGTON

ORDINANCE NO. 3176

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LYNNWOOD, WASHINGTON, ESTABLISHING REGULATIONS
FOR FEE SIMPLE UNIT LOT SUBDIVISIONS; ADDING A NEW
CHAPTER 19.40 TO THE LYNNWOOD MUNICIPAL CODE;
AMENDING CHAPTERS 19.10 AND 21.02 OF THE LYNNWOOD
MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN
EFFECTIVE DATE, AND SUMMARY PUBLICATION**

WHEREAS, this is a non-project proposal to amend the Lynnwood Municipal Code (LMC) to provide for the subdivision of townhouse developments into individual fee-simple unit lots in any zone in which townhouse dwellings are a permitted use, while applying only those development standards applicable to the underlying parent site as a whole; and

WHEREAS, the Lynnwood Municipal Code provides for the subdivision of individual townhouse lots in the multi-family zones, subject to certain bulk requirements; and

WHEREAS, the City desires to provide for the subdivision of individual townhouse unit lots in any zone in which townhouse dwellings are a permitted use while applying only those development standards applicable to the parent site as a whole, and not to the individual townhouse unit lots; and

WHEREAS, required parking in townhouse developments may be provided within individual unit garages, and such garages are often designed such that the length will accommodate two cars in tandem; and

WHEREAS, Fee Simple Unit Lot Subdivisions would be subject to the requirement to obtain an approved site development plan pursuant to Title 19 Subdivisions of the Lynnwood Municipal Code and it is the desire of the City to allow construction of buildings to commence within a Fee Simple Unit Lot Subdivision upon site plan approval prior to final subdivision approval and recording; and

WHEREAS, providing for the creation of individual townhouse unit lots will provide additional ownership opportunities for future home buyers; and

44 **WHEREAS**, the Department of Community Development provided information to
45 the Lynnwood Planning Commission (the “planning commission”) on the proposed Fee
46 Simple Unit Lot Subdivision regulations in this Ordinance at a public meeting on October 8,
47 2015; and

48
49 **WHEREAS**, the planning commission held a properly noticed public hearing on
50 November 12, 2015, to receive public testimony concerning these proposed development
51 regulations; and

52
53 **WHEREAS**, on November 12, 2015, the planning commission deliberated on the
54 proposed development regulations at an advertised public meeting; and

55
56 **WHEREAS**, at the conclusion of its deliberations the planning commission voted to
57 recommend that the City Council approve the proposed development regulations; and

58
59 **WHEREAS**, on February 22, 2016, the City Council held a public hearing after proper
60 notice, and received and considered public comments and the entire record related to the
61 proposed regulations contained in this Ordinance; And

62
63 **WHEREAS**, the City Council has determined that the regulations in this Ordinance
64 are in the best interests of the health, safety and general welfare of the community;

65
66 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON,**
67 **DO ORDAIN AS FOLLOWS:**

68
69 **Section 1.** The City Council adopts the following findings in support of this
70 Ordinance:

- 71
72 A. The foregoing recitals are adopted as findings as if set forth in full herein.
73
74 B. This Ordinance will amend Lynnwood Municipal Code (LMC) to provide for the
75 subdivision of townhouse developments into individual fee simple unit lots, while
76 applying only those development standards applicable to the underlying parent site
77 as a whole. Accordingly, this Ordinance does not create any inconsistencies with
78 state law or the City Code.
79
80 C. This Ordinance complies with and implements the following Snohomish County
81 General Policy Plan (GPP) goals, objectives, and policies related to the proposed
82 regulations:
83
84 Goal ED 1 Promote the maintenance and enhancement of a healthy
85 economy.
86 Goal ED 2 Provide a planning and regulatory environment which
87 facilitates growth of the local economy.

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45 the Lynnwood Planning Commission (the “planning commission”) on the proposed Fee
46 Simple Unit Lot Subdivision regulations in this Ordinance at a public meeting on October 8,
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50 November 12, 2015, to receive public testimony concerning these proposed development
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53 **WHEREAS**, on November 12, 2015, the planning commission deliberated on the
54 proposed development regulations at an advertised public meeting; and

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56 **WHEREAS**, at the conclusion of its deliberations the planning commission voted to
57 recommend that the City Council approve the proposed development regulations; and

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60 notice, and received and considered public comments and the entire record related to the
61 proposed regulations contained in this Ordinance; And

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83
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85 economy.
86 Goal ED 2 Provide a planning and regulatory environment which
87 facilitates growth of the local economy.

- 88 Objective HO 1.B Ensure that a broad range of housing types is available in
89 urban and rural areas.
- 90 Policy HO 1.B.1 The county shall facilitate affordable home ownership and
91 rental opportunities by promoting an increased supply of
92 lower cost housing types, such as small lots, townhouses,
93 multiplexes, and mixed-use housing.
- 94 Policy HO 1.B.2 The county shall recognize the increasing diversity in the
95 cultural backgrounds of its residents and shall encourage a
96 broad range of ownership and rental housing opportunities.
97
- 98 D. This Ordinance complies with and implements the following City of Lynnwood
99 Comprehensive Plan Goals and Policies of the Housing Element related to the
100 proposed regulations:
101
- 102 HOUSING GOAL Provide for sufficient availability and a variety of opportunities
103 for safe, decent, and affordable housing in strong, cohesive
104 neighborhoods to meet the needs of present and future
105 residents of Lynnwood.
- 106 Policy H-1 Preserve, protect, and enhance the quality, stability and
107 character of established neighborhoods in Lynnwood.
- 108 Policy H-10 Provide opportunities for housing that is responsive to market
109 needs within our region, including both ownership and rental
110 opportunities.
- 111 Policy H-14 Provide for diverse, safe, and decent housing opportunities
112 that meet local housing needs without encroachment into
113 established single-family neighborhoods.
- 114 Policy H-30 The City shall facilitate affordable home ownership and rental
115 opportunities by promoting an increased supply of lower-cost
116 housing types, such as small lots, townhouses, multiplexes,
117 and mixed-use housing.
118
- 119 E. Procedural requirements.
120
- 121 1. A State Environmental Policy Act (SEPA) threshold Determination of Non
122 Significance (DNS) for the code amendments contained in this Ordinance was
123 issued on October 30, 2015.
- 124 2. The planning commission held a public hearing on November 12, 2015, to
125 receive public testimony concerning the code amendments contained in this
126 Ordinance.
- 127 3. Pursuant to RCW 36.70A.106, a notice of intent to adopt this Ordinance was
128 transmitted to the Washington State Department of Commerce for distribution
129 to state agencies.
- 130 4. The public participation process used in the adoption of this Ordinance has
131 complied with all applicable requirements of the GMA and the LMC.

132 5. The Washington State Attorney General issued an advisory memorandum, as
133 required by RCW 36.70A.370, in December of 2006 entitled "Advisory
134 Memorandum: Avoiding Unconstitutional Takings of Private Property," to help
135 local governments avoid the unconstitutional taking of private property. The
136 process outlined in the State Attorney General's 2006 advisory memorandum
137 was used by the City in objectively evaluating the regulatory changes proposed
138 in this Ordinance.
139

140 F. The proposal is consistent with the record for this proposal.
141

- 142 1. In some zones that allow for the subdivision of townhouse dwellings, subdivision
143 of individual townhouse unit lots is not possible due to some of the bulk
144 requirements in the Lynnwood Municipal Code, namely lot area, lot coverage,
145 and setbacks.
- 146 2. The proposal allows for the subdivision of townhouse development into
147 individual fee simple unit lots, while applying only those development standards
148 applicable to the underlying parent lot as a whole.
- 149 3. The proposal provides for construction of buildings in a townhouse unit lot
150 subdivision to commence prior to final subdivision approval and recording
151 provided that a site development plan has been approved in accordance with
152 LMC 19.35.
- 153 4. The proposal should contribute to additional home ownership opportunities for
154 individuals.
155

156 **Section 2.** The City Council makes the following conclusions:
157

- 158 A. The proposal is consistent with the goals, objectives and policies of the Growth
159 Management Act (GMA).
160
- 161 B. The proposal is consistent with Washington State law and the SCC.
162
- 163 C. The proposal is consistent with the Lynnwood Municipal Code.
164
- 165 D. The City has complied with all SEPA requirements in respect to this non-project
166 action.
167
- 168 E. The regulations proposed in this Ordinance do not result in an unconstitutional
169 taking of private property for a public purpose.
170
- 171 F. The proposed amendments are needed to address construction financing and
172 mortgage difficulties related to condominium ownership of townhouse
173 developments.
174

175 **Section 3.** The City Council bases its findings and conclusions on the entire record of
176 the City Council for this Ordinance, including all testimony and exhibits. Any finding which
177 should be deemed a conclusion, and any conclusion which should be deemed a finding, is
178 hereby adopted as such.

179
180 **Section 4.** Chapter 21.02 of the Lynnwood Municipal Code is amended to
181 include the definitions stated below, to be added to the existing definitions in Chapter
182 21.02 in appropriate alphabetical order:

183
184 **21.02.24_ Common areas.**

185 “Common areas” means portions of a subdivision not subdivided for individual lots and not
186 dedicated to the city as public streets, utility systems or other public areas or facilities.

187
188 **21.02.24X Condominium.**

189 “Condominium” means a development subject to Chapter 64.32 or 64.34 RCW.

190
191 **21.02.41X Homeowners’ association.**

192 “Homeowners’ association” means a corporation, unincorporated association, or other
193 legal entity, where each member is an owner of an individual lot within the unit lot
194 subdivision.

195
196 **21.02.XXX Fee Simple unit lot subdivision.**

197 “Fee Simple Unit Lot Subdivision” or “Unit Lot Subdivision” means a division or re-division of
198 land in which one or more boundaries of the individual lots coincide with the interior walls
199 of a structure which separate individual attached single family dwelling units. Sites
200 developed or proposed to be developed with townhouses may be subdivided into individual
201 unit lots to allow the separate ownership of each residential unit, as permitted in the
202 applicable zones.

203
204 **21.02.537 Owner.**

205 “Owner” means any person having property rights as a fee owner or contract purchaser, or
206 one duly authorized by the power of attorney to represent the owner.

207
208 **21.02.545 Parent lot.**

209 “Parent lot” means a parcel of land which may be subdivided into unit lots through the unit
210 lot subdivision process pursuant to Chapter 19.40 of the City code.

211
212 **21.02.75X Townhouse.**

213 “Townhouse” means a type of attached multifamily dwelling in a row of at least two such
214 units in which each unit has its own front and rear access to the outside, no unit is located
215 over another unit, and each unit is separated from any other unit by one or more vertical
216 common fire-resistant walls.

217
218

219 **21.02.77X Unit lot.**
220 "Unit lot" is defined as a subdivided lot within a development approved through the unit lot
221 subdivision process pursuant to Chapter 19.40 of the City code.
222

223 **21.02.827 Zero lot line townhouse development.**
224 "Zero lot line townhouse development" means the division of land to create attached
225 residential units with common (or "party") walls. Each unit is located on a lot in such a
226 manner that one or more of the dwelling's sides rests on a lot line. Each unit has its own
227 entrance opening to the outdoors (to the street, alley, or private tract) and, typically, each
228 house is a complete entity with its own utility connections. Although most townhouses
229 have no side yards, they have front and rear yards. The land on which the townhouse is
230 built, and any yard, is owned in fee-simple.
231

232 **Section 5.** Chapter 19.10 of the Lynnwood Municipal Code is amended to include
233 the definitions stated below, to be added to the existing definitions in Chapter 19.10 in
234 appropriate alphabetical order:
235

236 **19.10.057 Common areas.**
237 "Common areas" means portions of the subdivision not subdivided for individual lots and
238 not dedicated to the city as public streets, utility systems or other public areas or facilities.
239

240 **19.10.067 Condominium.**
241 "Condominium" means a development subject to Chapter 64.32 or 64.34 RCW.
242

243 **19.10.XXX Fee simple unit lot subdivision.**
244 "Fee Simple Unit Lot Subdivision" or "Unit Lot Subdivision" means a division or re-division of
245 land in which one or more boundaries of the individual lots coincide with the interior walls
246 of a structure which separate individual attached single family dwelling units. Sites
247 developed or proposed to be developed with townhouses may be subdivided into individual
248 unit lots to allow the separate ownership of each residential unit, as permitted in the
249 applicable zones.
250

251 **19.10.112 Homeowners' association.**
252 "Homeowners' association" means a corporation, unincorporated association, or other
253 legal entity, where each member is an owner of an individual lot within the unit lot
254 subdivision.
255

256 **19.10.142 Parent lot.**
257 "Parent lot" means a parcel of land which may be subdivided into unit lots through the unit
258 lot subdivision process pursuant to Chapter 19.40 of the City code.
259

260 **19.10.205 Townhouse.**
261 "Townhouse" means a type of attached multifamily dwelling in a row of at least two such
262 units in which each unit has its own front and rear access to the outside, no unit is located

263 over another unit, and each unit is separated from any other unit by one or more vertical
264 common fire-resistant walls.

265

266 **19.10.210 Unit lot.**

267 "Unit lot" is defined as a subdivided lot within a development approved through the unit lot
268 subdivision process pursuant to Chapter 19.40 of the City code.

269

270 **19.10.220 Zero lot line townhouse development.**

271 "Zero lot line townhouse development" means the division of land to create attached
272 residential units with common (or "party") walls. Each unit is located on a lot in such a
273 manner that one or more of the dwelling's sides rests on a lot line. Each unit has its own
274 entrance opening to the outdoors (to the street, alley, or private tract) and, typically, each
275 house is a complete entity with its own utility connections. Although most townhouses
276 have no side yards, they have front and rear yards. The land on which the townhouse is
277 built, and any yard, is owned in fee-simple.

278

279 **Section 6.** A new Chapter 19.40, to be titled "Fee Simple Unit Lot Subdivisions" is
280 added to the Lynnwood Municipal Code to read as follows:

281

282

Chapter 19.40

283

FEE SIMPLE UNIT LOT SUBDIVISIONS

284

285 Sections:

286 **19.40.010 Purpose and applicability.**

287 **19.40.020 Administration.**

288 **19.40.030 Procedure for preliminary fee simple unit lot subdivision.**

289 **19.40.040 Requirements for a complete application.**

290 **19.40.050 Review of fee simple unit lot subdivision application.**

291 **19.40.060 Criteria for approval.**

292 **19.40.070 Time limitation for final decision.**

293 **19.40.080 Effect of preliminary fee simple unit lot subdivision approval – Expiration.**

294 **19.40.090 Deadline for submission of final fee simple unit lot subdivision application.**

295 **19.40.100 Revisions to an approved fee simple unit lot subdivision.**

296

297 **19.40.010 Purpose and applicability.**

298 The purpose of this chapter is to establish the fee simple unit lot subdivision procedure for
299 the following limited circumstances only:

300 A. To divide land for townhouses where all of the following conditions apply:

301 1. Underlying zoning standards allow multiple townhouse units on a single lot
302 or parcel without subdividing the land; and

303 2. Fee simple unit lot subdivisions are specified as a permissible type of
304 development in the underlying zoning district wherever townhouse development is a
305 permitted use, including the B-3 Zoning Designation.

306

307 **19.40.020 Administration.**

308 Fee simple unit lot subdivisions are subject to the provisions of Chapter 19.50 (short
309 subdivisions), or Chapters 19.20 (preliminary plat procedures) and 19.25 LMC (final plat
310 procedures), based upon the number of lots created through the fee simple unit lot
311 subdivision process.

312

313 **19.40.030 Procedure for preliminary fee simple unit lot subdivision.**

314 The following steps shall be followed in the processing of preliminary fee simple unit lot
315 subdivision applications:

- 316 A. LMC 1.35.015, determination of complete application;
- 317 B. LMC 1.35.020, notice of application;
- 318 C. Chapter 17.02 LMC, SEPA;
- 319 D. LMC 1.35.070, determination of consistency with the development regulations and
320 comprehensive plan;
- 321 E. LMC 1.35.140, notice of public hearing (if more than nine lots);
- 322 F. LMC 1.35.160-180, notice of decision;
- 323 H. LMC [1.35.200 et seq.](#), administrative appeal (if nine lots or less); or
- 324 I. LMC [1.35.175](#), judicial appeal (if more than nine lots).

325

326 **19.40.040 Requirements for a complete application.**

327 The following materials shall be submitted to the City for a complete preliminary fee simple
328 unit lot subdivision application.

329 A. Application Form. An application form provided by the City shall be completed and
330 contain the following information:

- 331 1. The proposed name of the proposed fee simple unit lot subdivision, which shall
332 not be the same as the name of any other subdivision or development in the
333 City;
- 334 2. Name, address and telephone number of the applicant and of the owner(s) of
335 the property to be subdivided, if different;
- 336 3. Signature of the applicant;
- 337 4. Signature(s) of property owner(s) or owner's authorized representative(s);
- 338 5. A verified statement by the applicant(s) that the property affected by the
339 application is in the exclusive ownership of the applicant(s), or, if the property is
340 not in the exclusive ownership of the applicant, a verified statement that the
341 applicant has submitted the application with the consent of all owners of the
342 affected property;
- 343 6. Legal description of the property to be subdivided; and
- 344 7. Other information specified and requested on the application form.

345 B. Title Report. A title report dated by the title company within 30 days of the date the
346 application was submitted to the City, confirming that the title of the land as described and
347 shown in the plat is in the name of the applicant, or other person listed on the application
348 as the owner.

349 C. Lot Descriptions. Legal descriptions of all proposed lots, boundaries and
350 approximate dimensions, including square feet of lot area for all lots and parcels within the
351 application, together with the numbers to be assigned to each lot.

352 D. Certificate of Consent and Dedication. A certificate giving full and complete
353 descriptions of the lands divided as they appear on the fee simple unit lot subdivision,
354 including a statement that the fee simple unit lot subdivision has been made with free
355 consent and in accordance with the desires of the owner(s). If the fee simple unit lot
356 subdivision includes a dedication, the certificate shall also contain the dedication of all
357 streets and other areas to the public and individual(s), religious society or societies or to
358 any corporation, public or private, as shown on the subdivision plat and a waiver of all
359 claims for damages against any governmental authority which may be occasioned to the
360 adjacent land by the established construction, drainage and maintenance of any road(s).
361 Prior to final plat approval, the certificate shall be signed and acknowledged before a notary
362 public by the property owner(s) and all other persons required by law.

363 E. Site Plan. One original 18-inch by 24-inch drawing, and seven copies, containing the
364 following information:

- 365 1. The location and size of all proposed lots, tracts and easements, consistent with
366 separately attached plat map required in subsection F of this section;
- 367 2. Proposed site improvements and structures;
- 368 3. Any existing structures or site improvements intended to be retained on the site;
- 369 4. All proposed uses, including existing uses intended to be retained;
- 370 5. The location of proposed or existing open space, including any required
371 landscaped areas;
- 372 6. The location and identification of critical areas;
- 373 7. Adjacent streets, access easements and proposed locations and dimensions of
374 driveways providing access to the site;
- 375 8. The layout of an internal vehicular and pedestrian circulation system, including
376 proposed ingress and egress for vehicles and emergency vehicle access; parking
377 shall be calculated and designed for each lot in compliance with Chapter 21.42
378 LMC, although parking required for a dwelling may be provided on a different lot
379 or tract within the parent lot as long as the right to use that parking is formalized
380 by an easement declared on the plat. Where parking for detached single-family
381 buildings is provided on a different lot or tract, parking allowances for detached
382 single-family residences in Chapter 21.42 LMC, including tandem parking and
383 backing into a street, shall not apply.
- 384 9. Location of existing and proposed fire hydrants;
- 385 10. The number and location of proposed or existing parking spaces on the site, and
386 on streets directly abutting the site;
- 387 11. The location of utilities and drainage systems proposed to serve the site;
- 388 12. The location and size of water bodies and drainage features, both natural and
389 manmade;
- 390 13. A layout of sewers and the proposed water distribution system;
- 391 14. Proposed easements and access;

- 392 15. Proposed freestanding signage; and
393 16. Depictions of easements, deed restrictions and other encumbrances referenced
394 in subsections F and T of this section.
- 395 F. Plat Map. One original 18-inch by 24-inch drawing, and seven copies of a map
396 labeled, "Plat of _____ Fee Simple Unit Lot Subdivision" (insert name of plat) showing
397 only existing and proposed lot and tract lines, easement lines (including necessary
398 maintenance and/or construction easements for buildings with zero setbacks from property
399 lines), rights-of-way lines, dimensions, bearings, monuments, lot numbers, and other
400 descriptions and illustrations of how the site is to be legally accessed, divided and
401 described, consistent with separately attached site plan required under subsection E of this
402 section. For divisions of nine or fewer lots, the plat map shall be formatted as prescribed in
403 LMC 19.50 (short subdivisions). For divisions of more than nine lots, the plat map shall
404 meet the requirements of LMC 19.20 (preliminary subdivision plats) and 19.25 (final
405 subdivision plats).
- 406 G. Elevation and Floor Plans. One original 18-inch by 24-inch drawing, and seven
407 copies of elevation drawings and floor plans as known.
- 408 H. Utilities Plan. One original 18-inch by 24-inch drawing, and seven copies of a utilities
409 plan showing the location and size of utility trunk lines, lateral lines, water, electric, gas, and
410 telecommunication lines, utility vaults and transformers both existing and proposed to
411 serve the site.
- 412 I. Topography Map. One original 18-inch by 24-inch drawing, and seven copies of a
413 topography map.
- 414 J. Grading Plan. One original 18-inch by 24-inch drawing, and seven copies of a
415 grading plan showing proposed clearing and tree retention and the existing and proposed
416 topography, detailed to two-foot contours, unless smaller contour intervals are otherwise
417 specified by the City code.
- 418 K. Drainage Plan. One original 18-inch by 24-inch drawing, and seven copies of a
419 drainage plan which will accommodate the maximum proposed square footage of
420 impervious surface, including the maximum proposed square footage of impervious surface
421 exposed to vehicular use, subject to the requirements of the City's stormwater drainage
422 design standards.
- 423 L. Drainage Analysis. A downstream drainage analysis or any other requirement
424 specified in the City's surface water design manual or site development regulations.
- 425 M. SEPA Checklist. A completed SEPA environmental checklist (if applicable).
- 426 N. Common Area Documents. All covenants, easements, maintenance agreements or
427 other documents regarding mutual use of easements, common open space, parking and
428 access.
- 429 O. Sewer Availability Certificate. Sanitary sewer availability certificate from the public
430 sanitary sewer service provider, if other than the City, for an area not served by or intended
431 to be served by the City.

- 432 P. Water Availability Certificate. Water availability certificate from the water purveyor
- 433 providing service to the property if other than the City for an area not served by or
- 434 intended to be served by the City.
- 435 Q. Existing Encumbrance Documents. Copies of all easements, deed restrictions or
- 436 other encumbrances restricting the use of the site.
- 437 R. Phasing Plan. A phasing plan and time schedule, if the site is intended to be
- 438 developed in phases.
- 439 S. Fees. The payment of all applicable fees as prescribed in the City's fee schedule.
- 440 T. Proposed Restrictions. Draft covenants, conditions and restrictions labeled "CC&Rs"
- 441 or any other restrictions or easements that may apply.
- 442 U. Additional Information as Required for Short and Preliminary Plats. Any additional
- 443 information required under Title 19 Subdivisions (depending on number of lots in proposed
- 444 fee simple unit lot subdivision).
- 445 V. Statement of Waiver. For divisions of nine or fewer lots (short plats), the application
- 446 must include a written statement of the applicant waiving his or her rights to the 30-day
- 447 review period under RCW 58.17.140.
- 448

449 **19.40.050 Review of fee simple unit lot subdivision application.**

- 450 A. Transmittal for Review and Comment. Once the preliminary fee simple unit lot
- 451 subdivision application has been determined complete, the Director shall transmit for
- 452 review and comment a copy of the site plans, together with copies of any document the
- 453 Director determines are appropriate, to the following:
 - 454 1. The Public Works Director, who shall review the elements of the application
 - 455 relating to traffic, utilities, storm drainage, streets, alleys, public ways, sidewalks,
 - 456 water, sanitary sewer, drainage, and determine whether it satisfies the
 - 457 requirements of LMC 19.40.060;
 - 458 2. The City Fire Marshal, who shall review the elements of the application relating
 - 459 to conformance to the Fire Code and emergency access;
 - 460 3. Any other City officer, department, utility provider, or school district, as the
 - 461 Director deems appropriate;
 - 462 4. If the proposed preliminary fee simple unit lot subdivision is located adjacent to
 - 463 the right-of-way of a state highway, the Director shall give written notice of the
 - 464 application, including a legal description of the fee simple unit lot subdivision
 - 465 and a location map, to the State Department of Transportation; and
 - 466 5. If the proposed preliminary fee simple unit lot subdivision is located in whole or
 - 467 in part in a designated floodplain as provided in Chapter 86.16 RCW, the Director
 - 468 shall give written notice of the application, including a legal description of the
 - 469 fee simple unit lot subdivision and a location map, to the State Department of
 - 470 Ecology.
- 471 B. In addition to the transmittal of copies of the application materials to the officers,
- 472 departments and agencies identified in subsection A of this section, the Director shall also

473 specify the deadline for submission of any comments or determinations of said officers,
474 departments and agencies as to the conformance of the application with the criteria for
475 approval in LMC 19.40.060

476

477 **19.40.060 Criteria for approval.**

478 A. Required Findings for Applicant. The applicant for a preliminary fee simple unit lot
479 subdivision must demonstrate that the application complies with all of the following:

- 480 1. All applicable statutory provisions, including but not limited to RCW 58.17.195;
- 481 2. All applicable provisions of Chapter 19.50 LMC (short subdivisions) for divisions
482 of nine lots or fewer;
- 483 3. All applicable provisions of Chapter 19.20 LMC (preliminary plats) for divisions of
484 10 lots or more;
- 485 4. The City's Comprehensive Plan and all related elements, including, but not
486 limited to the Comprehensive Plan's capital facilities, water, sewer and
487 transportation elements;
- 488 5. Easements have been provided for maintenance of and access to walls, roofs
489 and features of structures that are accessible only across abutting parcels;
- 490 6. Encroachment easements have been provided for any minor encroachments
491 that may extend into abutting parcels, such as eaves, window sills, bay windows,
492 and similar features purposefully designed to encroach over individual property
493 lines within the fee simple unit lot subdivision; and
- 494 7. The submitted proposal and site plan complies with the underlying zoning
495 requirements for the zone in which the project is located.

496 B. Required Findings and Conclusions for City Approval. A proposed preliminary fee
497 simple unit lot subdivision application shall not be approved unless the City makes written
498 findings and conclusions that:

- 499 1. All of the requirements in subsection A of this section are satisfied;
- 500 2. The collective lots in the property included in the preliminary fee simple unit lot
501 subdivision will function as one site with respect to, but not limited to, lot
502 access, interior circulation, open space, landscaping, drainage facilities, facility
503 maintenance and parking;
- 504 3. Appropriate provisions are made for the public health, safety and general
505 welfare and for such open spaces, drainage ways, streets or roads, alleys, other
506 public ways, transit stops, potable water supplies, sanitary wastes, and parks
507 and recreation;
- 508 4. The public use and interest will be served by the approval of the fee simple unit
509 lot subdivision;
- 510 5. The fee simple unit lot subdivision includes the following statement:
511 All development and use of the land described herein shall be in accordance
512 with this fee simple unit lot subdivision, as it may be amended with the approval
513 of the City, and in accordance with other governmental permits, approvals,
514 regulations, requirements and restrictions that may be imposed upon such land
515 and the development and use thereof. Upon completion, the improvements on

516 the land shall be included in one or more units or owned by an association or
517 other legal entity in which the owners of units therein or their owners'
518 associations have a membership or other legal or beneficial interest. This fee
519 simple unit lot subdivision shall be binding upon all persons or entities now or
520 hereafter having any interest in the land described herein.

521 6. The conditions of use, maintenance and restrictions on redevelopment of shared
522 open space, parking, access and other improvements are identified and
523 enforced by the covenants, easements or other similar mechanisms; and

524 7. The applicant agrees to install and dedicate all public facilities prior to the City's
525 approval of the final fee simple unit lot subdivision, unless the applicant has
526 executed a subdivision improvement agreement and has provided the necessary
527 security for the agreement.
528

529 **19.40.070 Time limitation for final decision.**

530 A preliminary fee simple unit lot subdivision application shall be approved, approved with
531 conditions or denied within 120 days after a complete application has been submitted,
532 unless the applicant consents to an extension in writing of such time period; provided, that
533 if an environmental impact statement is required as provided in RCW 43.21C.030, the 120-
534 day period shall not include the time spent preparing and circulating the environmental
535 impact statement by the City.
536

537 **19.40.080 Effect of preliminary fee simple unit lot subdivision approval – Expiration.**

538 A. Approval of the preliminary fee simple unit lot subdivision by the City shall
539 constitute direction to the applicant to develop construction plans and specifications for the
540 required public facilities, in strict conformance with the approved preliminary fee simple
541 unit lot subdivision, the street and utility standards adopted by the City and any special
542 conditions imposed on the approval.

543 B. Permission shall not be granted for installation of required public facilities until all
544 construction plans and specifications have been approved in writing by the City, pursuant to
545 Chapter 19.75 LMC.

546 C. Preliminary fee simple unit lot subdivision approval shall expire if a final fee simple
547 unit lot subdivision plat application has not been submitted pursuant to the deadlines
548 established in LMC 19.20.040 (for divisions of 10 or more lots) or 19.50.030 (for divisions of
549 nine or fewer lots).
550

551 **19.40.090 Deadline for submission of final fee simple unit lot subdivision application.**

552 A. For divisions of nine lots or less, all improvements and construction must be
553 completed before short plat recordation unless the applicant has entered into a subdivision
554 improvement agreement with the City, in which the sub-divider contracts with the City to
555 either construct or defer required public facilities, contingent upon the posting of the
556 necessary security.

557 B. For divisions of ten lots or more, a final fee simple unit lot subdivision application
558 meeting all of the requirements of the preliminary fee simple unit lot subdivision approval

559 and this title shall be submitted to the City per RCW 58.17.140. Final fee simple unit lot
560 subdivisions shall be processed according to Chapter 19.25 LMC.

561
562 **19.40.100 Revisions to an approved fee simple unit lot subdivision.**

563 An application for a revision to an approved preliminary fee simple unit lot subdivision may
564 be submitted before a final fee simple unit lot subdivision application is submitted, as
565 follows:

566 A. Minor Revisions to an Approved Preliminary Fee Simple Unit Lot Subdivision. The
567 Director is authorized to make the determination on a minor revision to an approved fee
568 simple unit lot subdivision without a public hearing.

- 569 1. Defined. Minor revisions to an approved preliminary fee simple unit lot
570 subdivision are those which do not change: (a) the outer boundaries of the fee
571 simple unit lot subdivision (other than for survey discrepancies); (b) the
572 dimension of lot lines within the fee simple unit lot subdivision by more than
573 two percent; (c) the conditions of preliminary fee simple unit lot subdivision
574 approval; (d) road alignments or connections and/or do not increase the number
575 of lots.
- 576 2. Application. A complete application for a preliminary fee simple unit lot
577 subdivision revision shall consist of the following:
 - 578 a. Application form and filing fee;
 - 579 b. Site plan showing the proposed modification, using the same plan format as
580 in the original approval;
 - 581 c. Explanation in narrative form of the requested modification.
- 582 3. Processing. The following steps shall be followed in the processing of an
583 application for a minor revision:
 - 584 a. LMC 1.35.015, determination of complete application;
 - 585 b. LMC 1.35.020, notice of application;
 - 586 c. Chapter 17.02 LMC, SEPA (unless exempt under WAC 197-11-800);
 - 587 d. LMC 1.35.070, determination of consistency with the development
588 regulations and comprehensive plan;
 - 589 e. Chapter 1.35 LMC, notice of decision;
 - 590 f. Chapter 1.35 LMC, administrative appeal.
- 591 4. Criteria for Approval. The Director shall approve or approve with conditions a
592 proposed preliminary fee simple unit lot subdivision revision application, as long
593 as the applicant demonstrates that all of the following criteria are satisfied:
 - 594 a. The proposed revision meets the criteria in LMC 19.40.050(A);
 - 595 b. The revision will not be inconsistent with, or cause the fee simple unit lot
596 subdivision to be inconsistent with, the findings, conclusions or decision
597 made by the City in its approval of the preliminary fee simple unit lot
598 subdivision; and
 - 599 c. Approval of the revision will not affect the ability of the collective lots in the
600 property included in the preliminary fee simple unit lot subdivision to
601 function as one site with respect to, but not limited to, lot access, interior

602 circulation, open space, landscaping, drainage facilities, facility maintenance
603 and parking.

604 5. Time Limitation for Final Decision. The minor preliminary fee simple unit lot
605 subdivision revision application shall be approved, approved with conditions or
606 denied within 120 days after a complete application is submitted, unless the
607 applicant consents to an extension in writing of such time period; provided, that
608 if an environmental impact statement is required as provided in RCW
609 43.21C.030, the 120-day period shall not include the time spent preparing and
610 circulating the environmental impact statement by the City.

611 6. Deadline for Submission of Final Fee Simple Unit Lot Subdivision Not Extended.
612 Approval of a minor preliminary fee simple unit lot subdivision revision shall not
613 extend the deadline set forth in LMC 19.40.090 for submission of a final fee
614 simple unit lot subdivision application to the City.

615 B. Major Revisions to an Approved Fee Simple Unit Lot Subdivision. Major revisions to
616 approved preliminary fee simple unit lot subdivision are defined and processed as follows:

617 1. Defined. A major preliminary fee simple unit lot subdivision revision is any
618 application for a revision of a preliminary fee simple unit lot subdivision that
619 does not meet the definition of a minor preliminary fee simple unit lot
620 subdivision revision.

621 2. Application. An application for a major preliminary fee simple unit lot subdivision
622 revision shall include all of the elements of a complete preliminary fee simple
623 unit lot subdivision application.

624 3. Criteria for Approval, Time Limitation for Final Decision. The criteria for approval
625 and the time limitation for a final decision of a major preliminary fee simple unit
626 lot subdivision revision shall be the same as those for a preliminary fee simple
627 unit lot subdivision application.

628 4. Deadline for Submission of Final Fee Simple Unit Lot Subdivision Not Extended.
629 Approval of a major preliminary fee simple unit lot subdivision revision shall not
630 extend the deadline set forth in LMC 19.40.080C for submission of a final fee
631 simple unit lot subdivision application to the City.

632
633 **Section 7. Severability.** If any section, sentence, clause or phrase of this Ordinance
634 should be held to be invalid or unconstitutional by a court of competent jurisdiction, such
635 invalidity or unconstitutionality shall not affect the validity or constitutionality of any other
636 section, sentence, clause or phrase or word of this Ordinance.

637
638 **Section 8. Effective Date:** This Ordinance or an approved summary thereof consisting of
639 its title shall be published in the City's official newspaper of record and shall take
640 effect and be in full force five days following its publication.

641
642
643 PASSED this 14th day of March 2016, and signed in authentication of its passage this
644 15th day of March, 2016.

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ATTEST/AUTHENTICATED:



Sonja Springer, Finance Director

APPROVED:



Nicola Smith, Mayor

APPROVED AS TO FORM:



Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 03/15/2016
PASSED BY THE CITY COUNCIL: 03/14/2016
PUBLISHED: 03/18/2016
EFFECTIVE DATE: 03/23/2016
ORDINANCE NUMBER: 3176



On the, 14th day of March, 2016 the City Council of the City of Lynnwood, Washington, passed ordinance 3176. A summary of the content of this ordinance, consisting of the title, provides as follows:

ORDINANCE NO. 3176

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING REGULATIONS FOR FEE SIMPLE UNIT LOT SUBDIVISIONS; ADDING A NEW CHAPTER 19.40 TO THE LYNNWOOD MUNICIPAL CODE; AMENDING CHAPTERS 19.10 AND 21.02 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

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

A handwritten signature in blue ink that reads 'D. Karber'.

Debbie Karber, Deputy City Clerk

DATED this 18th day of March, 2016.

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Kathleen Landis being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH688870 ORD. 3175-3184 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 03/18/2016 and ending on 03/18/2016 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$161.56.

Kathleen Landis

Subscribed and sworn before me on this

18 day of March,
2016

Debra Ann Grigg

Notary Public in and for the State of Washington.

City of Lynnwood - LEGAL ADS | 14127890
DEBBIE KARBER



CITY OF LYNNWOOD

On the 14th day of March, 2016 the City Council of the City of Lynnwood, Washington, passed ordinances 3175 through 3184. A summary of the content of these ordinances, consisting of the title, provides as follows:

ORDINANCE NO. 3175
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING BUSINESS LICENSE REQUIREMENTS AND REGULATIONS FOR MOBILE FOOD VENDORS; ADDING A NEW CHAPTER 5.18 TO THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.

ORDINANCE NO. 3176
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING REGULATIONS FOR FEE SIMPLER UNIT LOT SUBDIVISIONS; ADDING A NEW CHAPTER 18.40 TO THE LYNNWOOD MUNICIPAL CODE; AMENDING CHAPTERS 19.10 AND 21.02 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

ORDINANCE NO. 3177
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO A REDUCTION OF REQUIRED ELEMENTARY AND MIDDLE SCHOOL PARKING, AMENDING LYNNWOOD MUNICIPAL CODE (LMC) 21.02.645 AND TABLE 21.18.03 IN LMC 21.18.800; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3178
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING OUTDOOR LIGHTING STANDARDS; ADDING A NEW CHAPTER 21.17 TO THE LYNNWOOD MUNICIPAL CODE; AMENDING SECTIONS 17.05.110, 21.18.800, 21.46.111B.2), 21.46.150B AND 21.46.160B OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3179
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING PROJECT FUNDING FOR THE OPERATIONS CENTER GARAGE BUILDING PROJECT, AND AUTHORIZING EXPENDITURES IN PROJECT FUND 513; AND AUTHORIZING TRANSFERS FROM SPECIFIC CITY FUNDS LISTED HEREIN; AND AUTHORIZING RECEIPT AND EXPENDITURE OF FUNDS FROM OTHER AGENCIES LISTED HEREIN; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3180
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSEDING ORDINANCE 3156, ESTABLISHING PROJECT FUNDING FOR THE SEWER IMPROVEMENTS RELATED TO LIFT STATIONS #4 AND #8; AND AUTHORIZING EXPENDITURES IN UTILITY FUND 411; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3181
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING PROJECT FUNDING FOR CONSTRUCTION SUPPORT SERVICES FOR CAPITAL PROJECTS THIS ORDINANCE AUTHORIZES PROJECT EXPENDITURES IN FUNDS 128, 311, 356, AND 411; AND FUNDING ALLOCATIONS/TRANSFERS FROM FUND 331 TO FUND 311 AND 356; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3182
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSEDING ORDINANCE 3016 AND ESTABLISHING PROJECT FUNDING FOR THE SR99/SR524 SAFETY IMPROVEMENT PROJECT THIS ORDINANCE AUTHORIZES PROJECT EXPENDITURES IN FUND 356; AND FUNDING ALLOCATIONS/TRANSFER FROM FUND 331 TO FUND 356; AND RECEIPT AND DISTRIBUTION AND REIMBURSEMENTS FROM CITYWIDE SAFETY GRANT TO FUNDS 356; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3183
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSEDING ORDINANCE #3014 AND ESTABLISHING PROJECT FUNDING FOR THE SR99 AND SR524 ADAPTIVE SIGNAL CONTROL PROJECT, THIS ORDINANCE AUTHORIZES PROJECT EXPENDITURES IN FUND 356; AND FUNDING ALLOCATIONS/TRANSFER FROM FUND 331 TO FUND 356; AND RECEIPT AND DISTRIBUTION AND REIMBURSEMENTS FROM CITYWIDE SAFETY GRANT TO FUNDS 356; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3184
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING PROJECT FUNDING FOR DESIGN AND CONSTRUCTION FOR MEADOWDALE NEIGHBORHOOD PARK IMPROVEMENT PROJECT THIS ORDINANCE AUTHORIZES PROJECT EXPENDITURES IN FUND 322; AND FUNDING ALLOCATIONS/TRANSFERS FROM FUND 330 TO FUND 322; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

The full text of these ordinances will be mailed upon request.
DATED this 18th day of March, 2016.

Published: March 16, 2016

Debbie Karber, Deputy City Clerk
EDH688870

DEBRA ANN GRIGG
Notary Public
State of Washington
My Commission Expires
October 31, 2017



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. 3176 of the City of Lynnwood, Washington, entitled as follows:

ORDINANCE NO. 3176

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING REGULATIONS FOR FEE SIMPLE UNIT LOT SUBDIVISIONS; ADDING A NEW CHAPTER 19.40 TO THE LYNNWOOD MUNICIPAL CODE; AMENDING CHAPTERS 19.10 AND 21.02 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

That said ordinance was passed by the Council on March 14, 2016 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 March 18, 2016.

D. Karber

Debra Karber, Deputy City Clerk