



**ORDINANCE NO. 3381**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING THE DEPARTMENT OF DEVELOPMENT AND BUSINESS SERVICES; CONSOLIDATING THE EXISTING DEPARTMENT OF ECONOMIC DEVELOPMENT INTO THE DEPARTMENT OF DEVELOPMENT AND BUSINESS SERVICES; AMENDING CHAPTER 2.23 AND SECTIONS 2.44.010, 2.44.020, 2.44.040, 2.44.060 AND 2.44.080B OF THE LYNNWOOD MUNICIPAL CODE; REPEALING CHAPTER 2.45 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, SUMMARY PUBLICATION, AND AN EFFECTIVE DATE.**

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WHEREAS, the City of Lynnwood is a code city operating under Title 35A RCW; and

WHEREAS, pursuant to Chapters 35A.11 and 35A.12 RCW, and other state law, the City Council is authorized to organize, establish and alter the City’s internal operations, to establish various City departments and employee positions, and to define the functions, duties and powers of the departments and positions; and

WHEREAS, previously, the City Council established the City’s Departments of Community Development, Public Works, and Economic Development, and assigned certain functions and authority to each Department; and

WHEREAS, in August of 2019, the City contracted with Strategica, Inc. to conduct an efficiency study relating to the functions and services performed by the City’s Departments of Community Development, Streets and Public Works – Development Services Division, and Economic Development; and

WHEREAS, in 2020, Strategica, Inc. completed its study, and prepared a final report dated June 19, 2020, titled “City of Lynnwood Development & Business Services, Process Review and Improvement Project;” and

WHEREAS, on July 6, 2020, Strategica, Inc. presented its findings and recommendations to the City Council; and

1 WHEREAS, among other things, Strategica, Inc. recommends that the functions and  
2 services performed by the City’s Department of Community Development and Department of  
3 Economic Development be consolidated into a single Department of Development and Business  
4 Services, and that certain functions and services performed by the Department of Streets and  
5 Public Works in connection with specific land use permits and other approvals be performed  
6 under the administration of the new Department of Development and Business Services; and  
7

8 WHEREAS, the City Council has determined that it is in the best interests of the City to  
9 consolidate the Departments of Community Development and Economic Development into a  
10 new Department of Development and Business Services, and that certain functions and services  
11 performed by the Department of Streets and Public Works staff in connection with specific land  
12 use permits and other approvals be administered by the new Department of Development and  
13 Business Services, all as stated in this Ordinance; and  
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15 WHEREAS, the City Council after due consideration has determined that the provisions of  
16 this Ordinance are in the best interests of public health, safety, and general welfare;  
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18 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS  
19 FOLLOWS:  
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21 Section 1. Chapter 2.23 of the Lynnwood Municipal Code is amended to read as follows, and  
22 the title of Chapter 2.23 is amended to read “Development and Business Services”:  
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24 **Chapter 2.23**

25 **COMMUNITY DEVELOPMENT DEVELOPMENT AND BUSINESS SERVICES**

26 Sections:

27 **2.23.010 Purpose – Community Development and business services department.**

28 **2.23.020 Community Development and business services director – Defined.**

29 **2.23.030 Duties of the community Development and business services department.**

30 **2.23.100 Explanation of fees and charges.**

31 **2.23.120 Repealed.**

32 **2.23.140 Repealed.**  
33

34 **2.23.010 Purpose – Community Development and business services department.**

35 The “community development and business services department” is responsible for the city’s  
36 current and long range planning, maintaining and enforcing the zoning, business licensing,  
37 subdivision, environmental review, building and related construction codes and code  
38 enforcement (nuisance) sections of Lynnwood Municipal Code, as well as programs and activities  
39 to support economic development and tourism. The department manages the city’s permit  
40 center function and supports the activities of the hearing examiner, planning commission,  
41 tourism advisory committee, and the Lynnwood Public Facilities District and human services  
42 commissions.  
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**2.23.020 Community Development and business services director – Defined.**

The “community development and business services director” is the head of the community development and business services department. The term “development and business services director” includes the director’s authorized representative or any representative authorized by the mayor.”

**2.23.030 Duties of the community development and business services department.**

The community development and business services department shall supervise and control the following:

- A. Preparation and implementation of the budget for the department;
- B. Formulate and recommend comprehensive goals on planning;
- C. Ensure compliance with statutory requirements relative to environmental issues;
- D. Direct preparation and review of environmental impact statements and technical reports and determine final action on environmental issues;
- E. Act as the city’s responsible official for SEPA compliance;
- F. Provide staff to support the planning commission, ~~human services commission,~~ and hearing examiner;
- G. Coordinate with departments to ensure departmental plans are consistent with the comprehensive plan;
- H. Coordinate with departments regarding developer plans to ensure the ability to provide required services to protect the public’s health, safety, and welfare;
- I. Represent city on regional issues;
- J. Coordinate with other jurisdictions and agencies;
- K. Develop and maintain the comprehensive plan, ~~and~~ sub-area plans, and economic development plans and policies;
- L. Provide lead in annexation issues;
- M. Develop and maintain the zoning ordinance;
- N. Ensure compliance with the Growth Management Act; ~~and~~
- O. Oversee process for new developments and land use applications, and issue decisions as specified in this code;-
- P. Foster public/private partnerships in commercial areas;
- Q. Attract new business and development and support the growth and development needs of existing businesses;
- R. Coordinate economic activity with transportation and land use policies;
- S. Develop, implement and evaluate an ongoing tourism marketing plan; and
- T. To the extent not already required under paragraphs A through S of this section, implement the policies and actions stated in Ordinance No. 2320, Section 1, under 2.XX.010 “Economic Development Policies and Actions”, Subparts A through O, passed by the City Council on February 21, 2001, and incorporated herein by this reference. A copy of Ordinance No. 2320 shall be kept on file with the Office of the City Clerk for use and examination by the public.

**2.23.100 Explanation of fees and charges.**

1 Costs associated with providing service to the public for application and permit processing and  
2 other services will be recovered, in-whole or in-part, using a combination of fixed fees and hourly  
3 charges, and fully recovered as costs are related to consulting fees and public notification  
4 requirements. To effect recovery, fees for land use applications and miscellaneous services and  
5 fees are established by ordinance and codified as Chapter 3.104 LMC. .  
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7 | **2.23.120 Fee schedules.**

8 *Repealed by Ord. 2588.*  
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10 | **2.23.140 Applications – Deposits/bonds.**

11 *Repealed by Ord. 3257.*  
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14 Section 2. Section 2.44.010 of the Lynnwood Municipal Code is amended to read as follows:  
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16 **2.44.010 Department established and duties described.**

17 There is established a department of streets and public works whose function it shall be to design  
18 and supervise the construction, maintenance and repair of streets, alleys and other public ways  
19 within the city of Lynnwood; to examine and authorize plans for public works; to supervise the  
20 construction of the same, and to advise and make recommendations concerning the granting of  
21 franchises to use the public streets and other public property. Pursuant to the provisions of  
22 chapter 2.23 LMC, the development and business services (DBS) department has the  
23 responsibility to review, approve, and perform plan review and inspections for private  
24 development permits and approvals for constructing or reconstructing infrastructure to codes,  
25 standards and best practices that are under the responsibility of the department of streets and  
26 public works.  
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29 Section 3. Section 2.44.020 of the Lynnwood Municipal Code is amended to read as follows:  
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31 **2.44.020 Supervision of department – Appointment of assistants.**

32 The functions of ~~the~~ such department of streets and public works shall be executed under the  
33 supervision and control of a public works director/city engineer. The public works director/city  
34 engineer shall be appointed by the mayor, subject to a city council confirmation process in  
35 Chapter 2.06 LMC which includes, but is not limited to, a majority vote of the city council. The  
36 public works director/city engineer shall hold the appointment at the pleasure of the mayor. The  
37 public works director/city engineer shall employ, subject to the approval of the mayor, such  
38 additional personnel as shall be necessary to perform the duties referred to in LMC 2.44.010.  
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41 Section 4. Section 2.44.040 of the Lynnwood Municipal Code is amended to read as follows:  
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43 **2.44.040 Administrative permits – Public works and DBS departments.**

- 1 The following listed permits are the responsibility of the public works department or the DBS  
2 department whose staff ensure compliance of private development projects with the standards  
3 and codes that are the responsibility of the public works director, as indicated below:
- 4 A. Weekend work approval, administered by DBS, LMC 10.12.300(B)(13);
  - 5 B. Water use approval, administered by public works, LMC 13.20.040;
  - 6 C. Water meter application, administered by DBS, LMC 13.12.010;
  - 7 D. Water main/service permit, administered by DBS, LMC 13.12.015;
  - 8 E. Purity tests, administered by DBS, LMC 13.20.070;
  - 9 F. House moving permit, administered by DBS, LMC 16.20.045;
  - 10 G. Side sewer installation permit, administered by DBS, LMC 14.16.022;
  - 11 H. Sewer main installation permit, administered by DBS, LMC 14.16.024;
  - 12 I. Sewer capping permit, administered by DBS, LMC 14.16.220;
  - 13 J. Private sewer system permit, administered by DBS, LMC 14.44.040;
  - 14 K. Industrial waste limited discharge permit, administered by public works, LMC 14.60.510;
  - 15 L. Industrial waste discharge permit, administered by public works, LMC 14.60.503;
  - 16 M. Cross-connection control permit, administered by public works, LMC 13.12.080;
  - 17 N. Right-of-way use permit, administered by DBS, LMC 12.04.010;
  - 18 O. Road improvement permit, administered by DBS, LMC 12.04.015;
  - 19 P. Storm drainage permit, administered by DBS, ~~LMC Chapter 13.40-040~~ LMC;
  - 20 Q. Tree removal permit, administered by DBS, Chapter 17.15 LMC;
  - 21 R. Sensitive areas permit, administered by DBS, Chapter 17.10 LMC;
  - 22 S. Grading permit, administered by DBS, LMC 16.04.030;
  - 23 T. Right-of-way vacation, administered by DBS, LMC 12.16.010;
  - 24 U. Grease interceptor permit, administered by DBS, LMC 14.60.376;
  - 25 V. Sewer lateral permit, administered by DBS, LMC 14.16.022;
  - 26 W. Private water service permit, administered by DBS, LMC 13.12.012;
  - 27 X. Land clearing permit, administered by DBS, LMC 13.40.065;
  - 28 Y. Water main connection permit, administered by DBS, LMC 13.12.020;
  - 29 Z. Fire hydrant inspection permit, administered by DBS, LMC 13.12.035;--
  - 30 AA. Stormwater pollution prevention plan permit, administered by public works, Chapter 13.40  
31 LMC; and
  - 32 AB. FEMA floodplain development permit, administered by public works, Chapter 16.46 LMC.

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35 Section 5. Section 2.44.060 of the Lynnwood Municipal Code is amended to read as follows:

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37 **2.44.060 Interpretation of codes.**

- 38 A. Applicability. The procedure and criteria that the city will use in deciding upon a written  
39 request to interpret the provisions of any code relating to permits listed in LMC 2.44.040 are set  
40 forth in this section.
- 41 B. Purpose of Interpretation. An interpretation of the provisions of the code relating to  
42 permits listed in LMC 2.44.040 clarifies conflicting or ambiguous wording, or the scope or intent  
43 of the provisions of the code. An interpretation of the provisions of the code may not be used to  
44 amend that code.

1 C. Director to make interpretation. The director of public works shall make interpretations  
2 related to engineering codes, standards and best practices, and the director of DBS shall make  
3 interpretations related to processes of plan review, approvals and inspections.

4 D. Who May Request. Any person may request a written interpretation of the provisions of  
5 the code. In addition the director of public works or the director of DBS may issue an  
6 interpretation on the director's own initiative.

7 E. Applicable Procedure. The director of public works or the director of DBS shall interpret the  
8 provisions of the applicable codes in conformance with this section.

9 F. Submittal Requirements. Any person requesting an interpretation of the code shall submit  
10 a written request specifying each provision of the code for which an interpretation is requested,  
11 why an interpretation of each provision is necessary and any reasons or material in support of a  
12 proposed interpretation.

13 G. Factors for Consideration. In making an interpretation of the provisions of the code, the  
14 public works director or the DBS director shall consider:

- 15 1. The applicable provisions of the code including their purpose and context; and
- 16 2. The implications of the interpretation for development within the city as a whole; and
- 17 3. The impact of the interpretation on other provisions of the code; and
- 18 4. The intent of the city council as reflected by the council minutes, findings, and
- 19 conclusions, and other documents found within the public works or DBS community  
20 ~~development~~ department file on the provisions in questions, if any; and
- 21 5. The comprehensive plan and other relevant codes and policies; and
- 22 6. The opinion of the city attorney on the interpretation.

23 H. Limitation on Authority. The director of public works or the director of DBS may not make  
24 an interpretation of any provision of the code which modifies or conflicts with any other provision  
25 of the code, unless the purpose of the interpretation is to resolve a conflict between provisions  
26 of the code.

27 I. Enforcement. An interpretation of the code issued in accordance with these provisions may  
28 be enforced in the same manner that any provision of the code is enforced. The public works  
29 director and the DBS director shall maintain and make available for public inspection all written  
30 interpretations of the code with a current index of such interpretations.

31 J. Time Limitation. An interpretation of the code remains in effect until rescinded in writing  
32 by the public works director or DBS director.

33 K. Response to Written Request. The public works director or the DBS director shall mail a  
34 written response to any person filing a written request to interpret the provisions of the code  
35 within 25 days of having received that request.

36 L. Appeal of Interpretation by Director. When an interpretation is made in response to a  
37 written request pursuant to these provisions, the person filing the written request may appeal  
38 the decision of the director of public works using Process II, LMC 1.35.200 et seq. The fee for such  
39 an appeal shall be shown in Chapter 3.104 LMC and must be paid by the appellant at the time of  
40 filing the appeal.

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43 Section 6. Section 2.44.080B of the Lynnwood Municipal Code is amended to read as follows:  
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1 B. Basic Permit Plan Requirements. The applications for the permits listed in LMC 2.44.040 shall  
2 include the following basic submittal requirements unless specifically waived by the director or  
3 by subsequent sections:

- 4 1. One copy of a completed application form, as supplied by the city.
- 5 2. Four sets of plans including the following basic information:
  - 6 a. Name of development on each sheet;
  - 7 b. Names, addresses and phone numbers of owners and/or applicants;
  - 8 c. Drafting that is legible and reproducible;
  - 9 d. A vicinity map;
  - 10 e. A north arrow;
  - 11 f. A legal description of the parcels;
  - 12 g. The datum and location of the city benchmark used;
  - 13 h. The engineering scale used (one inch equals 100 feet maximum);
  - 14 i. The locations of any existing or proposed structures or improvements;
  - 15 j. Two-foot contours over the site and the first floor elevations of all existing and
  - 16 proposed structures on the site;
  - 17 k. The location and names or numbers of all adjacent public rights-of-way and/or
  - 18 public or private easements on the property;
  - 19 l. The location of any above-ground stormwater conveyance systems such as swales
  - 20 and ditches that are adjacent to the proposal;
  - 21 m. The location of any below-ground stormwater conveyance systems such as pipes
  - 22 and vaults that are adjacent to the proposal;
  - 23 n. The dimensions of the site;
  - 24 o. The locations of any other features on the site that affect the proposal;
  - 25 p. Standard notes and details per city of Lynnwood standards;
  - 26 q. A sequence of construction activities for the project.
- 27 3. Four sets of plans including the following temporary erosion control features as  
28 required by LMC 13.40.070 ~~(E)(2)~~:
  - 29 a. Locations of all rip-rap or rock-lined channels, ditches, outfalls, etc.;
  - 30 b. Filter fence locations and details;
  - 31 c. Temporary silt pond locations and details;
  - 32 d. Rock check dam locations and details;
  - 33 e. Temporary piping for steep slopes;
  - 34 f. Vegetation matting locations, details and specifications;
  - 35 g. Limits of clearing and grading activities.
- 36 4. A list of all other permits and dates applied for.
- 37 5. The posting of all guarantee sureties as required.

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40 Section 7. Chapter 2.45 LMC, entitled "Office of Economic Development and Policies for  
41 Economic Development and Employment," is repealed.  
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1 Section 8. Each and every place in the Lynnwood Municipal Code where the term  
2 “Department of Community Development” is used, the term shall be interpreted to mean  
3 “Department of Development and Business Services.”  
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5 Section 9. Each and every place in the Lynnwood Municipal Code where the term “Director  
6 of the Department of Community Development” or “Community Development Director” is used,  
7 the term shall be interpreted to mean “Director of the Department of Development and Business  
8 Services.”  
9

10 Section 10. Each and every place in the Lynnwood Municipal Code where the term  
11 “Department of Economic Development” is used, the term shall be interpreted to mean  
12 “Department of Development and Business Services.”  
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14 Section 11. Each and every place in the Lynnwood Municipal Code where the term “Director  
15 of the Department of Economic Development” or “Economic Development Director” is used, the  
16 term shall be interpreted to mean “Director of the Department of Development and Business  
17 Services.”  
18

19 Section 12. Severability. If any section, sentence, clause or phrase of this Ordinance should  
20 be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or  
21 unconstitutionality shall not affect the validity or constitutionality of any other section, sentence,  
22 clause or phrase or word of this Ordinance.  
23

24 Section 13. Publication and Effective Date. This Ordinance or a summary thereof consisting of  
25 the title shall be published in the official newspaper of the City. This Ordinance shall take effect  
26 and be in full force on January 1, 2021, which date shall be at least five (5) days after publication.  
27

28 PASSED BY THE CITY COUNCIL this 14<sup>th</sup> day of December, 2020.  
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30 APPROVED:

31 DocuSigned by:

32 *Nicola Smith*

12/15/2020

33 Nicola Smith, Mayor  
34  
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36 ATTEST/AUTHENTICATED:

37 DocuSigned by:

38 *Karen Fitzthum*

39 Karen Fitzthum, Interim City Clerk  
40  
41

APPROVED AS TO FORM:

DocuSigned by:

*Rosemary Larson*

Rosemary Larson, City Attorney  
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PASSED BY THE CITY COUNCIL: 12/14/2020  
PUBLISHED: 12/17/2020  
EFFECTIVE DATE: 12/22/2020  
ORDINANCE NUMBER: 3381