



**ORDINANCE NO. 3403**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING THE CITY OF LYNNWOOD COMPREHENSIVE PLAN; AMENDING THE COLLEGE DISTRICT SUBAREA PLAN; AMENDING THE HIGHWAY 99 SUBAREA PLAN; AMENDING THE CITY’S OFFICIAL ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE; SUBMISSION TO THE STATE; SEVERABILITY; AND SUMMARY PUBLICATION.**

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WHEREAS, the City of Lynnwood adopted a Comprehensive Plan to comply with the requirements of the Growth Management Act on June 24, 2015, by Ordinance No. 3142; and

WHEREAS, the City of Lynnwood last updated its Comprehensive Plan on August 14, 2017 by Ordinance No. 2369; and

WHEREAS, as allowed by the Growth Management Act, the Comprehensive Plan, subarea plans, and development regulations may be amended on an annual basis, pursuant to RCW 36.70A.130, and shall be subject to continuing review and evaluation; and

WHEREAS, Chapter 21.40 of the Lynnwood Municipal Code (LMC) establishes the use zones and the City of Lynnwood Zoning Map; and

WHEREAS, the amendment of the City’s Official Zoning Map (reclassification) is included as part of the Comprehensive Plan Amendment Process; and

WHEREAS, as provided in Chapters 1.35, 18.02, and 21.22 of the Lynnwood Municipal Code (LMC), the City has established procedures and decision criteria for proposed Comprehensive Plan and reclassification amendments; and

WHEREAS, the process to amend the Comprehensive Plan includes multiple opportunities for public participation and input; and

WHEREAS, applications and suggestions to amend the Comprehensive Plan with a related Zoning Map reclassification were accepted and docketed for processing after April 1, 2021, in accordance with the approved amendment schedule; and

45 WHEREAS, on May 24, 2021, the City adopted Resolution 2021-05, adopting the City's  
46 Housing Action Plan as a guiding document with recommendations for future housing policy,  
47 planning, and regulatory amendments; and

48  
49 WHEREAS, the City has an interest in implementing the Housing Action Plan including  
50 encouraging new construction or rehabilitation of multifamily housing and to increase and  
51 improve housing opportunities for all income levels; and

52  
53 WHEREAS, the City finds that there is a need for housing units that are safe and affordable  
54 across all income levels; and

55  
56 WHEREAS, the Lynnwood Planning Commission held a work session on April 22, 2021, and  
57 a duly advertised public hearing on May 13, 2021, regarding the Proposed Amendment List (PAL)  
58 of Comprehensive Plan and Zoning Map amendments; and

59  
60 WHEREAS, the Lynnwood City Council held a work session on June 7, 2021, and a duly  
61 advertised public hearing on June 14, 2021, regarding the Proposed Amendment List (PAL) of  
62 Comprehensive Plan and Zoning Map amendments; and

63  
64 WHEREAS, at their June 28, 2021, business meeting, the Lynnwood City Council confirmed  
65 the final Proposed Amendment List (PAL) of Comprehensive Plan and Zoning Map amendments  
66 for further review; and

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68 WHEREAS, on September 20, 2021, the City's SEPA Responsible Official issued Addendum  
69 #3 to the Mitigated Determination of Nonsignificance (MDNS) for the 2015 Update to the  
70 Lynnwood Comprehensive Plan, pursuant WAC 197-11-625 and WAC-197-11-630; and

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72 WHEREAS, on September 22, 2021, the proposed amendments were submitted for the  
73 mandatory 60-day state agency review, agencies were asked to comment prior to final action by  
74 the City Council, and no comments were received; and

75  
76 WHEREAS, the Lynnwood Planning Commission held a public hearing on September 23,  
77 2021, on the amendments, and following the public hearing recommended approval of the  
78 proposed Comprehensive Plan and Zoning Map Amendments of this Ordinance; and

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80 WHEREAS, the Lynnwood City Council held a duly advertised public hearing on November  
81 8, 2021, on the Comprehensive Plan and Zoning Map Amendments, as described herein; and

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83 WHEREAS, after consideration of the testimony and other evidence presented at the  
84 public hearing, the City Council finds that the amendments (1) Are consistent with the provisions  
85 of the Growth Management Act and will not result in Comprehensive Plan or regulation conflicts;  
86 (2) Will not create significant adverse impacts on existing sensitive land uses, businesses, or  
87 residents; (3) Can be accommodated by all applicable public services and facilities; (4) Will help

88 implement the goals and policies of the Lynnwood Comprehensive Plan; and (5) Will not have  
89 significant impacts beyond the Lynnwood City limits; and  
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91 WHEREAS, the City Council further finds that the concurrent site-specific reclassification  
92 (rezone/Zoning Map amendment) (1) is substantially related to the public health, safety, and  
93 welfare; (2) Is warranted because of changed circumstances or because of a need for additional  
94 property in the proposed land use zone classification or because the proposed zoning  
95 classification is appropriate for reasonable development of the subject property; (3) Is a suitable  
96 site for development in general conformance with zoning standards of the RMH zone; (4) Will  
97 not be materially detrimental to uses or property in the immediate vicinity of the subject  
98 property; (5) Has merit and value for the community as a whole; (6) Is in accord with the  
99 comprehensive plan; and (7) Complies with all other applicable criteria and standards of the  
100 Lynnwood Municipal Code; and  
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102 WHEREAS, the City Council has determined the provisions of this Ordinance implement  
103 goals and policies in the Housing Action Plan; and  
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105 WHEREAS, the City Council has determined that the provisions of this Ordinance further  
106 the public’s health, safety and welfare;  
107

108 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO  
109 ORDAIN AS FOLLOWS:  
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111 Section 1: Purpose. The purpose of this ordinance is to amend the City of Lynnwood  
112 Comprehensive Plan, College District Subarea Plan, Highway 99 Subarea Plan, and Official Zoning  
113 Map.  
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115 Section 2: Amendment of the College District Subarea Plan. The following language is  
116 added at the end of Page 47 of the College District Subarea Plan as follows:  
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The College District Plan subarea is intended for a variety of housing types and levels of  
118 affordability, including income-restricted and subsidized multifamily housing units. The  
119 City regulates the construction of housing but does not directly build housing. The City  
120 will serve as a partner to encourage housing that meets the diverse housing needs of the  
121 community. The City will work with housing providers to create and preserve affordable  
122 housing serving households at 80% area median income (AMI) or below.  
123  
124

125 Section 3: Amendment of the Highway 99 Subarea Plan. The following language is added to  
126 the end of page 48 of the Highway 99 Subarea Plan as follows:  
127

3.3 Policy: Create and preserve housing that is safe and affordable at a variety of levels of  
128 affordability.  
129  
130

131 3.3.1 Work with housing providers to create and preserve affordable housing  
132 serving households at 80% area median income (AMI) or below.

133  
134 The Highway 99 Subarea is intended for a variety of housing types and levels of  
135 affordability, including income-restricted and subsidized multifamily housing  
136 units. The City regulates the construction of housing but does not directly build  
137 housing. The City will serve as a partner to encourage housing that meets the  
138 diverse housing needs of the community.

139  
140 Section 4: Amendment of the Lynnwood Comprehensive Plan. The Comprehensive Plan of  
141 the City of Lynnwood is amended as described below and in the following exhibits, which are  
142 attached hereto and incorporated herein for reference.

143  
144 The Future Land Use Map is amended to change the land use designation for Revised  
145 Parcel B of BLA-009742-2021 (a portion of existing Parcel Number 00585300004300) from  
146 Public Facilities (PF) to High-Density Multi-family (MF-3), as legally described in Exhibit A  
147 and generally depicted in Exhibit B.

148  
149 Section 5: Amendment of the Lynnwood Municipal Code. The City of Lynnwood Official Zoning  
150 Map is amended as follows:

151  
152 The City’s Official Zoning Map is amended to change the zoning designation for Revised  
153 Parcel B of BLA-009742-2021 (a portion of existing Parcel Number 00585300004300)  
154 from Public Use (P-1) to High-Density Multi-family (RMH), as legally described in Exhibit A  
155 and generally depicted in Exhibit B.

156  
157 Section 6: Submission of Plan to the State. The Development and Business Services Director is  
158 hereby directed to submit a copy of all approved amendments to the City of Lynnwood  
159 Comprehensive Plan, including subarea plans, and the Lynnwood Municipal Code to the  
160 Department of Commerce of the State of Washington.

161  
162 Section 7: Severability. If any section, sentence, clause or phrase of this ordinance should  
163 be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or  
164 unconstitutionality shall not affect the validity or constitutionality of any other section, sentence,  
165 clause or phrase or word of this ordinance.


166  
167 Section 8: Effective Date. This ordinance or an approved summary thereof consisting of its  
168 title shall be published in the City’s official newspaper of record and shall take effect and  
169 be in full force five days following its publication.

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171 PASSED this 22<sup>nd</sup> day of November 2021.


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ATTEST/AUTHENTICATED:

DocuSigned by:  
  
549561C7EC99433...  
Karen Fitzthum, City Clerk

APPROVED:

DocuSigned by:  
 11/23/2021  
281B3CE79E884DA...  
Nicola Smith, Mayor

APPROVED AS TO FORM:

DocuSigned by:  
  
B23BAB973133428...  
Rosemary Larson, City Attorney

Exhibit A

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THAT PORTION OF TRACT 43, STATE PLAT IN SECTION 16, TOWNSHIP 27 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 71, RECORDS OF SNOHOMISH COUNTY WASHINGTON, LYING WEST OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 43, SAID POINT ALSO BEING ON THE EAST LINE OF TRACT 10 OF SAID PLAT;

THENCE SOUTH 88°33'56" EAST 83.37 FEET ALONG THE NORTH LINE OF SAID TRACT 43 TO THE POINT OF BEGINNING OF SAID DESCRIBED LINE;

THENCE SOUTH 08°02'19" EAST 114.96 FEET;

THENCE SOUTH 00°27'36" WEST 348.19 FEET TO INTERSECT A LINE WHICH LIES 54.00' NORTHERLY OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 43;

THENCE NORTH 88°33'56" WEST, ALONG SAID PARALLEL LINE, 49.48 FEET, TO INTERSECT THE NORTHERLY EXTENSION OF THE EASTERLY RIGHT OF WAY OF 58TH AVENUE WEST;

THENCE SOUTH 00°39'28" WEST, ALONG SAID EXTENSION, 54.00 FEET TO THE SOUTH LINE OF SAID TRACT 43, AND THE TERMINUS OF THE DESCRIBED LINE.

EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT THE INTERSECTION OF THE EASTERLY EDGE OF RIGHT-OF-WAY OF 58TH AVENUE WEST, AND THE SOUTH LINE OF TRACT 43 STATE PLAT IN SECTION 16, TOWNSHIP 27 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 71, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

THENCE NORTH 88°33'56" WEST ALONG THE SOUTH LINE OF SAID TRACT 43, 327.75 FEET TO INTERSECT A LINE WHICH LIES 24.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY LINE OF SAID TRACT 43;

THENCE NORTH 31°17'36" EAST ALONG SAID PARALLEL LINE, 71.82 FEET;

THENCE SOUTH 18°00'01" EAST, 8.79 FEET TO INTERSECT A LINE WHICH LIES 54.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 43;

THENCE SOUTH 88°33'56" EAST, ALONG SAID PARALLEL LINE, 288.33 FEET TO INTERSECT THE NORTHERLY EXTENSION OF THE EASTERLY RIGHT OF WAY OF 58TH AVENUE WEST;

231 THENCE SOUTH 00°39'28" WEST, ALONG SAID EXTENSION, 54.00 FEET TO THE POINT OF  
232 BEGINNING.

233

234 ALSO, EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

235

236 THAT PORTION OF TRACT 43, STATE PLAT, IN SECTION 16, TOWNSHIP 27 NORTH, RANGE 4 EAST  
237 OF THE WILLAMETTE MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12  
238 OF PLATS, PAGE 71, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, LYING WEST OF THE  
239 FOLLOWING DESCRIBED LINE;

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241 COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF 58TH AVENUE WEST,  
242 AND THE SOUTH LINE OF SAID TRACT 43;

243

244 THENCE NORTH 88°33'56" WEST ALONG THE SOUTH LINE OF SAID TRACT 43, 327.75 FEET TO  
245 INTERSECT A LINE WHICH LIES 24.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY LINE  
246 OF SAID TRACT 43, AND THE POINT OF BEGINNING FOR THIS DESCRIBED LINE;

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248 THENCE NORTH 31°17'36" EAST ALONG SAID PARALLEL LINE, 383.64 FEET;

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250 THENCE NORTH 58°42'24" WEST, 2.00 FEET TO A POINT ON A LINE WHICH LIES 22.00 FEET  
251 EASTERLY OF AND PARALLEL WITH THE WESTERLY LINE OF SAID TRACT 43;

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253 THENCE NORTH 31°17'36" EAST, ALONG SAID PARALLEL LINE, 209.66 FEET TO THE NORTH LINE  
254 OF SAID TRACT 43, AND THE TERMINUS OF THIS DESCRIBED LINE.

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256 SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

257

258 THE ABOVE DESCRIBED AREA CONTAINS 95,927± SQ. FT.

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