



**ORDINANCE NO. 3459**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO UNDERGROUND OF OVERHEAD SERVICE WIRES IN THE REGIONAL GROWTH CENTER AND CITY CENTER, AND AMENDING CHAPTER 12.20 OF THE LYNNWOOD MUNICIPAL CODE, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

WHEREAS, the City of Lynnwood is a municipal corporation organized under the laws of the State of Washington; and

WHEREAS, on July 10, 2006, the Lynnwood City Council passed Ordinance No. 2630 requiring undergrounding of overhead electric wires which provisions were codified as Chapter 12.20 LMC; and

WHEREAS, on June 22, 2015, the Lynnwood City Council passed Ordinance No. 3142 adopting the Lynnwood Comprehensive Plan including the Community Character Element and Goal 8: Visual Character supporting undergrounding of overhead utility lines upon redevelopment; and

WHEREAS, the Lynnwood Regional Growth Center and City Center has continued to experience redevelopment projects and the City of Lynnwood recognizes the need for redevelopment to implement the Lynnwood Comprehensive Plan; and

WHEREAS, on May 11, 2023, the Lynnwood Planning Commission held a public hearing on the revisions to the Lynnwood Municipal Code stated in this Ordinance, and all persons wishing to be heard were heard; and

WHEREAS, following the public testimony portion of the public hearing, the Planning Commission deliberated on the draft legislation and by regular motion voted to recommend that the Lynnwood City Council adopt the provisions of this Ordinance; and

WHEREAS, on March 11, 2024, the City Council held a public hearing on the revisions to the Lynnwood Municipal Code stated in this Ordinance, and all person wishing to be heard were heard; and

WHEREAS, the City Council after due consideration finds that the provisions of this Ordinance are consistent with and implement the City’s Comprehensive Plan, are consistent with applicable state law, and are to the best interest of the public health, safety and general welfare; and

42 WHEREAS, the City Council finds that there are sufficient reasons to take action to  
43 ensure that development agreement may be a development tool to provide adequate flexibility to  
44 meet market demands while providing additional public benefits.  
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46 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO  
47 ORDAIN AS FOLLOWS:

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

52 **Section 2: Purpose.** The purpose of this ordinance is to require redevelopment projects to  
53 underground overhead utility services within the Lynnwood Regional Growth Center and City  
54 Center to implement Goal 8: of the Community Character Element of the Lynnwood  
55 Comprehensive Plan.

56 **Section 3: LMC Chapter 12.** LMC 12.20 is amended to read as follows:

57 12.20.010 Purpose and Scope.

58 Overhead wires carrying electrical energy, including but not limited to telephone, cable  
59 television and electrical service wires, are a source of possible danger to persons using  
60 streets in high density urban areas, including but not limited to the streets of the Regional  
61 Growth Center and City Center Subarea. Therefore, public necessity, convenience, safety  
62 and general welfare require that all such overhead wires be relocated underground as  
63 soon as possible in accordance with the requirements of this chapter, and that all new  
64 electric wires be installed underground.

65 12.20.015. Definitions.

66 The following terms shall have the following meanings in this chapter:

67 “City Center Subarea” means the area as established and described in  
68 LMC 21.60.200 (“city center subarea”):

69 “Development” means subdivisions, short subdivisions, planned unit developments,  
70 binding site plans and project design review approvals; or use and mitigation of real  
71 property pursuant to a development agreement authorized by LMC Chapter 21.29.

72 “Overhead wires” means service wires placed above the ground commonly but not  
73 necessarily, hung on poles.

74 “Regional Growth Center” means the area established Lynnwood Comprehensive Plan  
75 Future Land Use Map.

76 “Service wires” means wires used for, including but not limited to, electrical distribution,  
77 telephone, cable television, high speed internet, and fiber optic.

78 12.20.020 Undergrounding Requirement.

79 For the Regional Growth Center and City Center Subarea.

80 A. All new service wires shall be placed underground.

81 B. Upon development or redevelopment of real property, all overhead service wires shall  
82 be relocated underground.

83 C. In conjunction with a street-widening project that requires reinstallation of service  
84 wires, all existing overhead wires shall be relocated underground.

85 D. Existing high capacity transmission lines along I-5 and the Interurban Trail providing  
86 critical regional service are exempt from Chapter 12.20.

87 12.20.030 Responsibility for cost.

88 For a city-initiated and -sponsored street-widening project pursuant to  
89 LMC 12.20.020(C), the city shall be responsible for the cost and expense of placing  
90 overhead wires underground. For a combined city-initiated and -sponsored and property  
91 owner-initiated and -sponsored street-widening project pursuant to LMC 12.20.020(C),  
92 the city and the property owner shall be responsible for their respective cost and expense  
93 of placing overhead wires underground, as agreed to between the city and the property  
94 owner. For all other undergrounding of service wires pursuant to LMC 12.20.020, the  
95 owners of such wires, to the extent authorized by state statute and regulations, and the  
96 owners of the real property abutting the right-of-way, shall be responsible for the cost and  
97 expense of placing such service wires underground, as agreed to between the owners of  
98 such service wires and the owners of such real property. The placement of overhead  
99 wires underground shall include but not be limited to the installation of service wires, the  
100 removal of poles and the restoring of any street or sidewalk surface.

101 12.20.040 Delay of installation.

102 The public works director may authorize a delay in the placement of service wires  
103 underground where such placement, in the opinion of the public works director, could in  
104 the foreseeable future be accomplished more efficiently and cost effectively in  
105 conjunction with development of contiguous real property or as part of a city financing  
106 mechanism, including but not limited to a local improvement district or a city bond issue.  
107 In such event, the persons responsible for the cost and expense of such placement shall  
108 enter into an agreement with the city regarding the delay in performance.

109 12.20.050 Design standard – As-built plans – Maintenance

110 All underground service wires shall be installed in accordance with applicable federal,  
111 state and city standards, and pursuant to a schedule approved by the public works  
112 director. Where possible, the underground service wires shall be included in a common  
113 trench with other utilities in order to preserve the remainder of the right-of-way for other  
114 uses. As-built project drawings in a form and scale approved by the public works director  
115 shall be submitted in duplicate to the public works director within 30 days of the  
116 completion of the underground project. Following installation, the person who placed the  
117 service wires underground shall be responsible for maintaining and replacing such wires  
118 in accordance with this code or applicable federal, state and city laws and regulations.

119 12.20.060 Permits

120 The installation, removal or replacement of service wires underground shall require a  
121 permit pursuant to Chapter 12.04 LMC. Except for street- widening projects in which the  
122 city is a participant, the property owner and the service wire owner shall be responsible  
123 for obtaining any applicable federal and state permits, and any additional city permits, for  
124 the installation, maintenance, removal or replacement of service wires underground.

125 12.20.080 Existing city franchises not affected.

126 This chapter shall not affect or waive any right or obligation of a city franchise for use of  
127 the city right-of-way, and shall be applied consistent with any applicable tariffs and  
128 regulations of the Washington Utilities and Transportation Commission. If a provision of  
129 this chapter conflicts with a provision of a franchise agreement or ordinance, the  
130 provision of the franchise agreement or ordinance shall control.

131 Section 4. Effective Date: This ordinance or an approved summary thereof consisting of its  
132 title shall be published in the City’s official newspaper of record and shall take effect and  
133 be in full force five days following its publication.

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

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142 PASSED BY THE CITY COUNCIL THIS 25th day of March 2024.

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APPROVED:

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DocuSigned by:  
*Christine Frizzell* 4/1/2024  
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Christine Frizzell, Mayor

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152 ATTEST/AUTHENTICATED:

APPROVED AS TO FORM:

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DocuSigned by:  
*Luke Lonie*  
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Luke Lonie, City Clerk

DocuSigned by:  
*Lisa Marshall*  
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Lisa Marshall, City Attorney

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