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0046.150.005
WDT/srf
03/02/93

ORDINANCE NO. 30

AN ORDINANCE OF THE CITY OF WOODINVILLE,
WASHINGTON, PROVIDING FOR MITIGATION OF
IMPACTS AS A DIRECT RESULT OF DEVELOPMENT
ACTIVITY; DECLARING AN EMERGENCY AND
ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Woodinville,
Washington, has determined that direct impacts as a result of
developmental activity must be mitigated, and

WHEREAS, it is in the interests of the City, its citizens
and those involved in developmental activity to have available as
broad an array of potential methods of mitigation of direct impacts
as possible, NOW, THEREFORE,

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

Section 1. There is hereby adopted into the ordinances
of the City of Woodinville, a new Title 22 entitled Methods to
Mitigate Development Impacts, as set forth in Exhibit A attached
hereto and hereby incorporated in full by the reference.

Section 2. Severability. If any section, sentence,
clause or phrase of this ordinance should be held to be invalid or
unconstitutional by a court of competent jurisdiction, such
invalidity or unconstitutionality shall not affect the validity or
constitutionality of any other section, sentence, clause or phrase
of this ordinance.

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Section 3. Effective date. The City Council of the City of Woodinville, declares that it is necessary for the public health, safety and general welfare that this ordinance be in effect as of the date of incorporation to assure that direct impacts of developmental activity are, in fact, mitigated. The failure to have these rules in effect as of the date of incorporation could result and has a strong likelihood of resulting in substantial detriment to the public health, safety and general welfare. Therefore, the City Council declares that an emergency exists necessitating that these regulations be in full force and effect as of 12:01 a.m., March 31, 1993. This ordinance or a summary thereof consisting of the title shall be published in the City's official newspaper.

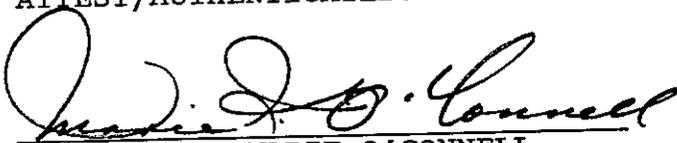
PASSED by a majority of not less than five members of the City Council of the City of Woodinville this 8th day of March, 1993.

PASSED by the City Council of the City of Woodinville this 8th day of March, 1993.

APPROVED:


MAYOR, LUCY DEYOUNG

ATTEST/AUTHENTICATED:


CITY CLERK, MARIE O'CONNELL

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY Wagner Steverson

FILED WITH THE CITY CLERK: 3/4/93
PASSED BY THE CITY COUNCIL: 3/8/93
PUBLISHED: 3/15/93
EFFECTIVE DATE: 3/31/93
ORDINANCE NO. 30

EXHIBIT A

**CHAPTER 22.10
METHODS TO MITIGATE DEVELOPMENT IMPACTS**

22.10.010 Purpose

It is the purpose of this section to provide alternatives for prospective developers of land within the City to mitigate the direct impacts that have been specifically identified by the City as a consequence of proposed development, and to make provisions for, including but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, and sites for schools and school grounds.

22.10.020 Definition of Development

For purposes of this chapter, the term "development" shall include, but not be limited to, subdivisions, short subdivisions, binding site plans, building permits and any other Development Activity defined by the Zoning Code.

22.10.030 Determination of Direct Impact

Before any development is given the required approval or is permitted to proceed, the official or body charged with deciding whether such approval should be given shall determine direct impacts, if any, that are a direct consequence of the proposed development and which require mitigation, considering, but not limited to, the following factors:

- A. Predevelopment versus postdevelopment need for services such as city streets, sewers, water supplies, drainage facilities, parks, playgrounds, recreational facilities, schools, police services, fire services, and other municipal facilities or services;
- B. Likelihood that a direct impact of a proposed development would require mitigation due to the cumulative effect of such impact when aggregated with the similar impacts of future development in the immediate vicinity of the proposed development;

- C. Size, number, condition and proximity of existing facilities to be affected by the proposed development;
- D. Nature and quantity of capital improvements reasonably necessary to mitigate specific direct impacts identified as a consequence of the proposed development;
- E. Likelihood that the users of the proposed development will benefit from any mitigating capital improvements or programs; and
- F. Any significant adverse environmental impacts of the proposed development identified in the process of complying with the Environmental Policy Ordinance or the State Environmental Policy Act.

22.10.040 Costs

The cost of any investigations, analysis or reports necessary for a determination of direct impact shall be borne by the applicant.

22.10.050 Mitigation of Direct Impacts

The official or body charged with granting the necessary approval for a proposed development shall review an applicant's proposal for mitigating any identified direct impacts and determine whether such proposal is a reasonable and acceptable mitigation measure considering the cost and land requirements of the required improvement and the extent to which the necessity for the improvement is attributable to the direct impacts of the proposed development. No official or body shall approve a development unless reasonable provisions have been made to mitigate identified direct impacts that are direct consequences of such development.

22.10.060 Methods of Mitigation

- A. The methods of mitigating identified direct impacts required as a condition of any development approval may include, but are not limited to, dedication of land to any public body, off-site improvement, on-site improvements, and other capital or non-capital methods that may effectively reduce direct impacts.
- B. In lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, the City may

approve a voluntary payment agreement with the developer, and shall be subject to the following provisions:

1. The official or body approving development must find that the money offered will mitigate or is a satisfactory alternative to mitigate the identified direct impact.
 2. The payment shall be held in a reserve account and may only be expended to fund a capital improvement or program agreed upon by the parties to mitigate the identified direct impact.
 3. The payment shall be expended in all cases within five years of collection, unless otherwise agreed to by the developer.
 4. Any payment not expended within five years of collection shall be refunded to the property owners of record at the time of the refund with interest at the rate earned in the City's reserve account applicable at the time of refund. If the payment is not expended within the five years due to delay attributable to the developer, the payment shall be refunded without interest.
 5. Property owners entitled to a refund and/or interest under the provisions of this chapter may voluntarily and in writing waive their right to a refund for specified period of time in the interest of providing the designated capital improvement or other capital improvement or program identified by the property owner, and acceptable to the City.
 6. The developer may voluntarily and in writing waive on behalf of the developer and subsequent purchasers, the right to interest and or a refund in order to facilitate completion of an improvement. Under no condition shall such a waiver be required as a condition of approval. Such waiver shall be recorded with the county where the property is situated and shall be binding on subsequent owners.
- C. The developer or applicant may choose to pay a fee in lieu of reservation of all or portions of open

space areas required. If the applicant offers to pay money in lieu of open space and if the City accepts the offer, the amount shall be determined based upon the square footage of open space which otherwise would have been required to be provided times the then current market value per square foot of similarly situated property.

22.10.070 Appeals

The method of mitigation shall be subject to appeal in the same manner and at the same time as appeals of the underlying development permit.