

**ORDINANCE NO. 79**

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, ADOPTING CERTAIN FINDINGS OF FACT, CONCLUSIONS AND DECISION; AND AMENDING THE CITY'S OFFICIAL ZONING MAP, ADOPTED BY ORDINANCE NO. 43, BY REZONING CERTAIN PROPERTY COMMONLY KNOWN AS THE CANTERBURY SQUARE MOBILE HOME PARK FROM R-18 TO RB, ALSO KNOWN AS THE DeYOUNG REZONE REQUEST.

**WHEREAS**, pursuant to RCW Chapter 35A.63, cities are authorized to adopt an Interim Zoning Code and map to guide development of property in the city, including encouraging like development in like areas; and

**WHEREAS**, Ordinance 43 did adopt an Interim Zoning Code, including a Zoning Map; and

**WHEREAS**, the City of Woodinville did receive a request for reclassification of property, commonly known as the Canterbury Square Mobile Home Park, located North of NE 171st Street, extending north to the approximate alignment of 173rd Street, and lying between 133rd Avenue NE and the approximate alignment of 138th Avenue NE from R-18 (Residential - 18 dwelling units per acre) to RB (Regional Business) rezone; and

**WHEREAS**, the City of Woodinville, in accordance with Chapter 21A.02.090 of the Interim Zoning Code, did conduct a public hearing before the Hearing Examiner on the request for reclassification on September 21, 1993; and

**WHEREAS**, the Hearing Examiner has recommended the City Council consider certain changes to the Interim Zoning Code Map adopted by Ordinance 43; and

**WHEREAS**, the City Council held a Public Hearing on May 23, 1994; to receive public testimony and consider the request for reclassification of the property commonly known Canterbury Square Mobile Home Park; and

**WHEREAS**, following receipt of public testimony on May 23, 1994, the public testimony portion of the Public Hearing was closed, the written record was left open until June 1, 1994 at 5:00 p.m., and the Public Hearing was continued to June 6, 1994 to allow for City Council deliberations; and

**WHEREAS**, following deliberations on June 6, 1994, the City Council finds it in the best interest to amend the Zoning Map as set forth herein, **NOW, THEREFORE**,

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

**Section 1. Findings and Conclusions Adopted.** Those certain Findings of Fact and Conclusions, attached as Exhibit A, are hereby adopted by the City Council as the Council's Findings and Conclusions on ZMA93-007, DeYoung Request for Rezone.

**Section 2. Zoning Map Amended.** That certain map referred to in the Woodinville Interim Zoning Code, Chapter 21A.04 and commonly known as the Zoning Map is amended as follows:

That certain piece of property located North of NE 171st Street, extending north to the approximate alignment of 173rd Street, and lying between 133rd Avenue NE and the approximate alignment of 138th Avenue NE and more particularly described on Exhibit A attached hereto and incorporated herein by this reference, is reclassified from R-18 (Residential - 18 dwelling unites per acre) to RB (Regional Business).

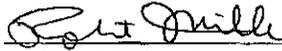
**Section 3. Duties of Director of Planning.** The Director of Planning is hereby authorized to make necessary changes to the Official Zoning Map of the City of Woodinville in order to reflect the changes approved in this ordinance.

**Section 4. 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.

**Section 5. Effective date.** This Ordinance shall be in force and effect five days from and after its passage by the Woodinville City Council and publication of a summary consisting of the title, as required by law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 11TH DAY OF JULY, 1994

APPROVED:

  
Robert Miller, Deputy Mayor

ATTEST/AUTHENTICATED:

By:   
James Katica  
City Clerk/Treasurer

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By: Wayne Tanaka  
Wayne Tanaka  
City Attorney

FILED WITH THE CITY CLERK: 6/23/94  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO. 79

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BEFORE THE WOODINVILLE CITY COUNCIL

THE DEYOUNG REZONE OF THE CANTERBURY )	ZMA93-007
SQUARE MOBILE HOME PARK PROPERTY. )	FINDINGS OF FACT,
)	CONCLUSIONS, AND
)	DECISION

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This is an application for a rezone submitted by the applicants, Al and Donna DeYoung, and submitted to the City on August 4, 1993. A public hearing was held before the Woodinville Hearing Examiner on September 21, 1993. Exhibits and testimony were accepted during the public hearing. On October 14, 1993, the Hearing Examiner issued his written recommendation of approval to the City Council. Pursuant to Section 21A.42.110 WMC, the City Council determined to hold a public hearing and set May 23, 1994 as the date. Notice of the hearing was posted, published and mailed as required by ordinance. The public hearing before the City Council was heard as scheduled, at which time more exhibits and testimony were accepted. The public portion of the hearing was closed and the hearing continued to June 6, 1994. Additional notice of the continued public hearing was posted and published in the official newspaper. At the hearing, the Council was provided with additional information from the City staff and the applicant pursuant to specific Council questions. Upon a motion duly made and seconded, the public hearing was then closed. On the basis of the record and after consideration of the written and oral testimony, the City Council makes the following Findings of Fact and Conclusions:

I. FINDINGS OF FACT

-1-

The applicants, Al and Donna DeYoung, filed a request for a reclassification of zoning designation from R-18 to RB on August 4, 1993.

-2-

The subject property is located at 17300 135th Avenue N.E. It is approximately 20.4 acres in size.

-3-

The current land use on the property is the Canterbury Square Mobile Home Park. The park has existed for approximately 20 years and has always been owned by the applicants. The park is an attractive mobile home community with well maintained homes, buried utilities and pleasant landscaping. Residents of the mobile home park live in proximity to shopping and professional services in downtown Woodinville. It is a desirable residential community inhabited by approximately 200 people. Many residents are senior citizens on fixed incomes.

-4-

Property surrounding the north and east sides of the subject property are developed with commercial and multi-family uses. Land to the west is vacant. A relatively new, major arterial known as the "South Bypass" is located to the south of the subject property. Immediately to the south of the South Bypass is unincorporated King County.

-5-

Subject property is presently zoned R-18, residential with 18 dwelling units per acre. The mobile home park is a permitted use in this zone. Property to the west is zoned R-18. Property to the north and east is zoned RB, Regional Business. A mobile home park would also be a permitted use in the RB zone. Property to the south, across the street from the subject property, has a King County zoning designation of A-10-P and AR-2.5-P, agricultural with one dwelling unit per 10 acres and two and one-half acres respectively.

-6-

The City of Woodinville was incorporated on March 31, 1993. Prior to incorporation, King County had adopted the Northshore Community Plan which is a part of the County's Comprehensive Plan. The Northshore Community Plan had designated the subject property as residential. Upon incorporation of the City, the City adopted its own Interim Comprehensive Plan and Land Use Map. The City's Interim Comprehensive Plan designates the subject property as "Commercial-Central Business District". The City's Comprehensive Plan also designates the areas north, east and west of the subject property as "Commercial-Central Business District". The current zoning of the property was established on March 31, 1993, as part of the City's Interim Zoning Code and Map.

-7-

An environmental checklist for the application was completed on August 2, 1993. The City's responsible SEPA official issued a Mitigated Determination of Non-significance (MDNS) on August 23, 1993. Notice of this determination was made by publication in the City's official newspaper on August 23, 1993. This determination was not appealed. The MDNS was issued subject to four mitigation measures which relate to stream protection, traffic mitigation and pedestrian linkages to the site.

-8-

The application is for reclassification of the zoning map only. There is no project proposal associated with this application. During the public hearing before the City Council, the applicant presented a site plan as an option that the applicants may choose to pursue at some time in the future. (Exhibit 13.) However, the applicant has no proposal pending before the City and the applicant has, through their attorneys, stated that no decision will be made on development of the property until some time in the future after all options are considered. The applicants'

attorney specifically denied the accuracy of a newspaper article which indicated that the mobile home park would close as of a certain date.

-9-

City staff has prepared information regarding land currently zoned RB in the City of Woodinville. Certain verbal and written information and conclusions were presented by staff at the Hearing Examiner hearing on September 21, 1993. Additional information was presented at the City Council public hearing. (Exhibits 4, 5, 6, 7, 8, and 51.) Based upon this information, the staff concluded that in its opinion there was a need for additional RB zoned property in the City of Woodinville. There was no substantial testimony introduced by any person at either the Hearing Examiner public hearing, or the City Council public hearing which would counter any of the facts or conclusions offered by the staff on this point.

-10-

The property is generally flat except for constructed berms on the perimeter of the site. The soils are generally Tukwila muck and Indianola loam. There is a wetland to the south of the subject property across N.E. 171st Street. An unnamed stream, designated stream 0087 by Water Resources Inventory Area, is adjacent to the subject property and is tributary to the Sammamish River. There is no erosion or landslide hazard on the site. There is a seismic hazard area on the southwest portion of the subject portion of the property.

-11-

In 1990 the state legislature adopted the Growth Management Act (GMA) which mandated certain planning decisions be made by cities and counties, including King County. Pursuant to the GMA, King County is required to establish an interim urban growth area, outside of which no urban growth can occur. On November 8, 1993, King County adopted Ordinance No. 11110 which purported to establish the interim urban boundary. The boundary line was the existing city limits. To the north, Snohomish County has also established interim urban areas. The area to the north of the City limits is designated rural and therefore no urban development can occur there.

## II. CONCLUSIONS

-1-

The City Council has jurisdiction to hear and decide an application for zone reclassification pursuant to RCW 35A.63 and Section 21A.42.110 WMC. The Hearing Examiner's recommendation is not binding upon the City Council but is entitled to due consideration. The City Council reviews de novo the evidence submitted to the Hearing Examiner as well as additional evidence submitted to the City Council during the public hearing process.

-2-

The City Council must use the criteria established in Woodinville Municipal Code Section 21A.44.070. All criteria must be met in order for the Council to approve a rezone.

-3-

The first criteria is "There is a demonstrated need for additional zoning of the type proposed." The evidence presented at the public hearings establishes that there are approximately 177.5 acres of property in the City of Woodinville currently zoned RB. This does not include the rail and road rights-of-way. Of those 177 acres, approximately 127 acres are being fully utilized at the present time. Other utilization are for the most part under 25 percent. According to the staff, there are approximately 24 vacant store fronts in the RB zone for a vacancy rate of 8.6 percent. The Council recognizes and finds that this rate is in a constant state of flux. The most logical area for expansion of the City's downtown would either be to the north or the south of the current RB and industrial area. However, under the Growth Management Act, this option is limited because Snohomish County has designated the area north of the King County line as rural and King County has designated the area south of the subject property and south of the existing city limits as rural as well. This rural designation would preclude commercial development in the future.

-4-

The second criteria is that the zone reclassification is consistent and compatible with uses and zoning of the surrounding properties. The City Council finds that this criteria has been met because of the commercial development to the north and east of the site and the "major collector" street that borders on the south.

-5-

The next criteria is that there have been significant changes in the circumstances of the property to be rezoned or surrounding properties to warrant a change in classification. Although this property was initially zoned R-18 upon incorporation, the City's Comprehensive Plan designated this area as Commercial-central Business District. This designation represented a significant change from the designation in King County's Northshore Community Plan. Therefore, this zoning request is consistent with the Comprehensive Plan and is in furtherance of the change that was made at that time from the County Comprehensive Plan. Furthermore, evidence presented in the public record indicates significant changes in the surrounding properties over the last 15 years. The downtown area has developed from a rural area to a suburban/urban downtown. Finally, decisions by the King and Snohomish County Councils made after the initial zoning regarding the location of the urban growth line significantly limit the areas suitable for development as business and commercial uses. Thus the areas able to develop commercially are more limited than earlier expected which necessitates a change in zoning for this property.

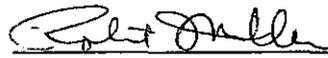
The final criteria is that the property is practically and physically suited for the uses allowed in the proposed zone reclassification. No one at the public hearings has suggested that this criteria has not been met and from all the evidence the Council finds that this criteria has been met.

### III. DECISION

Based on the foregoing Findings and Conclusions, the City Council has determined to grant the requested zone reclassification from R-18 to RB, subject to the conditions set forth in the Mitigated Determination of Non-significance previously issued.

DATED this 11 day of July, 1994.

Deputy Mayor

  
Robert Miller

Pursuant to Section 21A.42.110 WMC and Woodinville Ordinance Nos. 18 and 81, any person desiring to appeal this decision must file an action in King County Superior Court within 14 days of the above date.