

ORDINANCE NO. 152

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON AMENDING ORDINANCE NO. 43, ADOPTING THE INTERIM ZONING CODE, AND ALL SUBSEQUENT ORDINANCES THAT AMENDED THE INTERIM ZONING CODE, AND REVISING THE INTERIM ZONING CODE TO REFLECT THE REQUIRED CHANGES OF WASHINGTON STATE REGULATORY REFORM ESHB 1724 ADOPTED UNDER CITY OF WOODINVILLE ORDINANCE NO. 143.

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; and

WHEREAS, Ordinance No. 43 did adopt an Interim Zoning Code; and

WHEREAS, Ordinance No. 80 amended Ordinance 43; and

WHEREAS, the City of Woodinville did conduct a public meeting before the Planning Commission on March 6, 1996 regarding the proposed amendments to the Interim Zoning Code; and

WHEREAS, the Planning Commission has reviewed the proposed amendments to those designated sections of the Interim Zoning Code and recommends those amendments be adopted by the City Council; and

WHEREAS, Zoning Code amendments are required in order to meet compliance with Washington State Regulatory Reform Act ESHB 1724 and the City of Woodinville Ordinance No. 143; and

WHEREAS, the City Council finds it in the best interest to amend the Zoning Code previously adopted in Ordinance No. 43, as amended by Ordinance No. 80, Ordinance No. 83, and Ordinance No. 126, NOW, THEREFORE,

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

Section 1: **Code Section 21A.40.010** of the WMC which previously read:

Applications - Specific form and content of application determined.

The Department shall:

- A. Prescribe, prepare and provide the form on which applications required by this code are made; and
- B. Prescribe, the type of information to be submitted by the applicant.

is hereby deleted.

Section 2: Code Section 21A.40.015 is added to the WMC Chapter 21A.40 Application and Notice Requirements to read:

Applications - Requirements. Application requirements shall be in accordance with the provisions of WMC 17.09.020.

Section 3: Code Section 21A.40.020 of the WMC which previously read:

Application - Initiation of required approvals or permits. The Department shall not commence review of any application set forth in this chapter until the property owner has submitted the materials and fees specified for complete applications.

is hereby deleted.

Section 4: Code Section 21A.40.030 of the WMC which previously read:

Applications - Complete applications.

- A. Applications for conditional use permits, variances, zone reclassification and special use permits shall be considered complete as of the date of submittal upon determination by the Department that the materials submitted contain the following:
1. Applications forms provided by the Department and completed by the applicant;
 2. Certificates of sewer and water availability from the appropriate purveyors, where sewer and/or water service is proposed to be obtained from a purveyor, confirming that the proposed water supply and/or sewage disposal are adequate to serve the development in compliance with adopted state and local system design and operating guidelines;
 3. Receipt signed by the fire district verifying applications submittal, if applicable;
 4. Identification on the site plan of all easements, deed restrictions, or other encumbrances restricting the use of the property, if applicable;
 5. Proof that the lot or lots are recognized as separate lots pursuant to the provisions of WMC Title 20A Interim Subdivision Code;
 6. A sensitive area affidavit as provided by WMC 21A.24;
 7. A completed environmental checklist, if required by WMC environmental procedures;
 8. Payment of any development permit review fees, excluding impact fees collectible pursuant to WMC required development permit fees; and
 9. Complete applications for other required permits that are required to be processed concurrently with the proposed application, or copies of approved permits that are required to be obtained prior to the proposed application.
- B. Applications found to contain material errors shall not be deemed complete until such material errors are corrected.
- C. The Planning Director may waive specific submittal requirements determined to be unnecessary for review of an application.

is hereby deleted.

Section 5: Code Section 21A.40.040 of the WMC which previously read:

Applications - Modifications to proposal.

- A. Modifications to an application required by the City shall not be deemed a new application.
- B. An applicant-requested modification occurring either before or after issuance of the permit shall be deemed a new application for the purpose of vesting when such modification would result in a substantial increase in a project's impacts as determined by the Department. Such substantially increased impacts may include increases in residential density or traffic generation or a greater than 10 percent increase in building square footage.

is hereby deleted.

Section 6: Code Section 21A.40.050 of the WMC which previously read:

Applications - Supplemental information.

- A. The Department may cease processing of a complete application while awaiting supplemental information which is found to be necessary for continued review subsequent to the initial screening by the Department.
- B. The Department shall set a reasonable deadline for the submittal of such supplemental information and shall provide written notification to the applicant by certified mail. An extension of such deadline may be granted upon submittal by the applicant of a written request providing satisfactory justification for an extension.
- C. Failure by the applicant to meet such deadline shall be cause for the Department to cancel/deny the application:
- D. When granting a request for a deadline extension, the Department shall give consideration to the number of days between receipt by the Department of a written request for a deadline extension and the mailing to the applicant of the Department's decision regarding that request.

is hereby deleted.

Section 7: Code Section 21A.40.060 of the WMC which previously read:

Applications - Oath of accuracy. the applicant shall attest by written oath to the accuracy and completeness of all information submitted for an application.

is hereby deleted

Section 8: Code Section 21A.40.080 of the WMC which previously read:

Notice - Content.

All required notice of proposed actions shall contain the following information:

1. The file number;
2. The name of the applicant;
3. The description of the requested action and the proposed use of the property;

Notice - Content (continued)

4. A general location description in non-technical terms;
5. A site plan, if applicable;
6. The procedures and deadline for filing comments;
7. The time and place of public hearing, if applicable; and
8. Identification of the responsible City official.

is hereby deleted.

Section 9: Code Section 21A.40.090 of the WMC which previously read:

Notice - Posted Notice. Posted notice for a proposed action shall consist of one or more notice boards as follows.

- A. A single notice board shall be placed by the applicant:
 1. At the midpoint of the site street frontage or as otherwise directed by the Department for maximum visibility;
 2. Five feet inside the street property line except when the board is structurally attached to an existing building, provided that no notice board shall be placed more than five feet from the street property without approval of the Department;
 3. So that the top of the notice board is between seven to nine feet above grade; and
 4. Where it is completely visible to pedestrians.
- B. Additional notice boards may be required when:
 1. The site does not abut a public road;
 2. A large site abuts more than one public road; or
 3. The Department determines that additional notice boards are necessary to provide adequate public notice.
- C. Notice boards shall be:
 1. Maintained in good condition by the applicant during the notice period;
 2. In place at least 15 days prior to the date of hearing or the end of any required comment period; and
 3. Removed within 15 days after the end of the notice period.
- D. Removal of the notice board prior to the end of the notice period may be cause for discontinuance of the Department review until the notice board is replaced and remains in place for the specified time period.
- E. An affidavit of posting shall be submitted to the Department by the applicant prior to the hearing or final comment date.
- F. Notice boards shall be constructed and installed in accordance with specifications promulgated by the Department.

is hereby deleted.

Section 10: **Code Section 21A.40.100** of the WMC which previously read:

Notice - Published notice. Notice of a proposed action shall be published by the City at least 15 days prior to the public hearing or the end of any required comment period in the official City newspaper or another newspaper of general circulation in the affected area.

is hereby deleted.

Section 11: **Code Section 21A.40.110** of the WMC which previously read:

Notice - Mailed Notice. Mailed notice for proposed action shall:

- A. Be sent by the Department by first class mail to owners of property in an area within 500 feet of the site, and to the extent possible to tenants or residents living within 500 feet of the site, provided such area shall be expanded as necessary to send mailed notice to at least 20 different property owners, and tenants or residents.
- B. Be considered supplementary to posted or published notice.
- C. Be deemed satisfactory despite the failure of one or more owners, tenants and residents to receive mailed notice.

is hereby deleted.

Section 12: **Code Section 21A.40.120** of the WMC which previously read:

Notice - additional notice. The Department may provide additional notice or may expand the area of notice in order to inform affected property owners of a proposed action.

is hereby deleted.

Section 13: **Code Section 21A.40.130** of the WMC which previously read:

Notice - Exception to notice requirements. If testimony cannot be completed prior to adjournment on the date set for a hearing, the presiding official shall:

- A. Announce prior to adjournment the time and place said hearing will be continued; or
- B. Provide mailed notice for a continued hearing to all parties of record, when a new time and place is determined.

is hereby deleted.

Section 14: **Code Section 21A.42.030B** of the WMC which previously read:

Planning Director review - Decisions and appeals.

- B. Planning Director decisions may be appealed to the Hearing Examiner.

is amended to read as follows:

Planning Director review - Decisions and appeals.

B. Planning Director decisions may be appealed to the Hearing Examiner pursuant to WMC 17.07.030 and in accordance with WMC 17.17.

Section 15: Code Section 21A.42.050A of the WMC which previously read:

Planning Director review - Notice requirements and comment period.

A. The Department shall provide published, posted and mailed notice pursuant to WMC 21A.40.080 - .130 for all applications subject to Planning Director review.

is hereby amended to read as follows:

Planning Director review - Notice requirements and comment period.

A. The Department shall provide published, posted and mailed notice pursuant to WMC 17.11.040 for all applications subject to Planning Director review.

Section 16: Code Section 21A.42.080B of the WMC which previously read:

Planning Director review - Decision regarding the proposal.

B. Decisions shall be rendered no more than 40 days after the termination of comment period or a public hearing, if required. A comment period or public hearing may be reopened for purposed of obtaining additional information.

is hereby amended to read as follows:

Planning Director review - Decision regarding the proposal.

B. Decisions shall be rendered pursuant to WMC 17.09.060. A comment period or public hearing may be reopened for purposed of obtaining additional information.

Section 17: Code Section 21A.42.080C of the WMC which previously read:

Planning Director review - Decision regarding proposal.

C. The written decision contained in the record shall show:

1. Facts, findings and conclusions supporting the decision and demonstrating compliance with the applicable decision criteria; and
2. Any conditions and limitations imposed, if the request is granted.

is hereby amended to read as follows:

Planning Director review - Decision regarding proposal.

C. The written decision contained in the record shall be in accordance with WMC 17.15.080C and shall show:

1. Facts, findings and conclusions supporting the decision and demonstrating compliance with the applicable decision criteria; and
2. Any conditions and limitations imposed, if the request is granted.

Section 18: Code Section 21A.42.080D of the WMC which previously read:

Planning Director review - Decision regarding proposal.

D. The Planning Director shall mail a copy of the written decision to the applicant and to all parties of record.

is hereby amended to read as follows:

Planning Director review - Decision regarding proposal.

D. The Planning Director shall mail a copy of the written decision to the applicant and to all parties of record in accordance with WMC 17.09.060B.

Section 19: Code Section 21A.42.090A of the WMC which previously read:

Planning Director review - Decision final unless appealed.

A. The decision of the Planning Director shall be final unless the applicant or an adverse party files an appeal to the Hearing Examiner pursuant to City of Woodinville Ordinance No. 18 and Ordinance No. 81.

is hereby amended to read as follows:

Planning Director review - Decision final unless appealed.

A. The decision of the Planning Director shall be final unless the applicant or an adverse party files an appeal to the Hearing Examiner pursuant to City of Woodinville Ordinance No. 18, Ordinance No. 81, and WMC 17.19.

Section 20: Code Section 21A.42.090B of the WMC which previously read:

Planning Director review - Decision final unless appealed.

B. Prior to an appeal hearing by the Hearing Examiner, the Hearing Examiner shall mail notice of the appeal to parties of record.

is hereby amended to read as follows:

Planning Director review - Decision final unless appealed.

B. Prior to an appeal hearing by the Hearing Examiner, the Hearing Examiner shall mail notice of the appeal to parties of record and provide notice in accordance with WMC 17.17.040A(4) and (6).

Section 21: Code Section 21A.42.100 of the WMC which previously read:

Hearing Examiner review - Zone reclassification, variances, special use permits and conditional use permits referred by the Planning Director. Applications for zone reclassification, special use permits, variances and conditional use permits referred by the Planning Director shall be reviewed by the Hearing Examiner subject to the notice procedures set forth in WMC 21A.40 and applicable criteria set forth in WMC 21A.44.

is hereby amended to read as follows:

Hearing Examiner review - Zone reclassification, variances, special use permits and conditional use permits referred by the Planning Director. Applications for zone reclassification, special use permits, variances and conditional use permits referred by the Planning Director shall be reviewed by the Hearing Examiner subject to the notice procedures set forth in WMC 17.11 and applicable criteria set forth in WMC 21A.44.

Section 22: Code Section 21A.42.110A of the WMC which previously read:

Hearing Examiner review - Decision final unless appealed or challenged.

A. The decision of the Hearing Examiner regarding variances, special use permits and conditional use permits shall be final unless the applicant or an adverse party files an appeal to the City Council pursuant to City of Woodinville Ordinance No. 18 and Ordinance No. 81.

is hereby amended to read as follows:

Hearing Examiner review - Decision final unless appealed or challenged.

A. The decision of the Hearing Examiner regarding variances, special use permits and conditional use permits shall be final unless the applicant or an adverse party files an appeal to the City Council pursuant to City of Woodinville Ordinance No. 18, Ordinance No. 81, and in accordance with WMC 17.17.

Section 23: Code Section 21A.42.110B, C, and D of the WMC which previously read:

Hearing Examiner review - Decision final unless appealed or challenged.

B. The decision of the Hearing Examiner regarding zone reclassifications shall be in the form of a recommendation to the City Council for passage of the appropriate ordinance. The applicant or an adverse party may file a challenge to said recommendation to the City Council within fourteen (14) days of the date of the recommendation. If the City Council concludes that significant issues have been raised in a challenge or if they are unsatisfied with the Hearing Examiner's recommendation for any other reason, they may by motion either direct the Hearing Examiner to hold a rehearing on the matter or decide to hold a City Council hearing on the matter. The motion may limit the scope of the issues to be considered at the rehearing or City Council hearing.

C. Prior to an appeal hearing by the City Council, the Planning Director shall mail a notice of the appeal or challenge to all parties of record.

D. The City Council's decision shall be final unless appealed to Superior Court under the provisions of City of Woodinville Ordinance No. 18 and Ordinance No. 81.

is amended to read as follows:

Hearing Examiner review - Decision final unless appealed or challenged.

- B. The decision of the Hearing Examiner regarding zone reclassifications shall be in the form of a recommendation to the City Council for passage of the appropriate ordinance. The Hearing Examiner shall hold the open record hearing pursuant to WMC 17.07.030 Project Permit Application Type III.
- C. Prior to an appeal hearing by the City Council, the Planning Director shall mail a notice of the appeal or challenge to all parties of record pursuant to WMC 17.17.040A(6)..
- D. The City Council's decision shall be final unless appealed to Superior Court under the provisions of the City of Woodinville Ordinance 18, Ordinance 81, and WMC 17.17.

Section 24: **Code Section 21A.42.120** of the WMC which previously read:

Combined review. Proposed actions may be combined for review purposes with any other action subject to the same review process, provided:

- A. Notice requirements for combined review shall not be less than the greatest individual action requirement; and
- B. No permit shall be approved without prior review and approval of any required variance.

is hereby amended to read as follows:

Combined review. Proposed actions may be combined for review purposes shall be in accordance with WMC 17.07.020B.

Section 25: **Code Section 21A.42.130** of the WMC which previously read:

Establishment of hearing rules. The Hearing Examiner shall establish rules governing the conduct of public hearings before the Hearing Examiner.

is hereby amended to read as follows:

Establishment of hearing rules. The Hearing Examiner shall establish rules governing the conduct of public hearings before the Hearing Examiner and shall be in accordance with WMC 17.15 and 17.17.

Section 26: **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 27: **Effective Date.** This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect (5) days after passage and publication of an approved summary thereof consisting of the title. However, the procedures and time frames for issuance of permits and/or approvals as set forth in this ordinance shall apply only to project permit applications filed on or after the effective date of this ordinance.

PASSED by the Council of the City of Woodinville, this 28th day of May, 1996.

APPROVED:



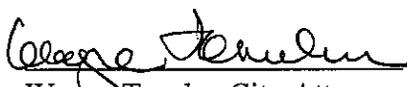
Don Brocha, Deputy Mayor

ATTEST:



James Katica, City Clerk

APPROVED AS TO FORM:



Wayne Tanaka, City Attorney

Filed with City Clerk: 5/28/96
Passed by City Council: 5/28/96
Date Published: 6/3/96
Date Effective: 6/8/96