

CITY OF WOODINVILLE, WASHINGTON

ORDINANCE NO. 325

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, ADDING A DEFINITION IN WOODINVILLE MUNICIPAL CODE CHAPTER 21.06 AND AMENDING WOODINVILLE MUNICIPAL CODE CHAPTERS 21.08 AND 21.44 TO ESTABLISH SITING REGULATIONS FOR SECURE COMMUNITY TRANSITION FACILITIES AS ESSENTIAL PUBLIC FACILITIES, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Woodinville is required to establishing siting regulations for Secure Community Transition Facilities as essential public facilities regulations by September 1, 2002 pursuant to State Law; and

WHEREAS, the City conducted the required Environmental Review under the State Environmental Policy Act (SEPA), and

WHEREAS, the Planning Commission held a Public Hearing on the proposed Zoning Code Amendment on July 3, 2002.

WHEREAS, the Planning Commission forwarded its Findings and Recommendation of Approval to the City Council, and

WHEREAS, the City Council has received and reviewed the Planning Commission's report, findings and recommendations, and

WHEREAS, the City Council has approved Zoning Code Amendment File No. ZCA2002-0036, and

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 21.08 of the Woodinville Municipal Code is hereby amended as shown in Exhibit 1, pages 1 through 5.

Section 2. WMC 21.44.060 is hereby amended as follows:

21.44.060 Special use permit. A special use permit for essential public facilities shall be granted, or, if applicable, conditionally granted, by the City's Hearing Examiner provided that:

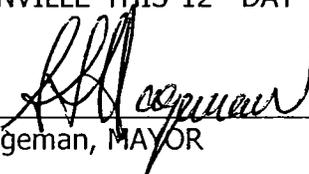
- (1) The applicant can demonstrate that:
 - (a) The characteristics of the special use will not be unreasonably incompatible with the types of uses permitted in surrounding areas;
 - (b) The special use will not materially endanger the health, safety and welfare of the community;

- (c) The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
 - (d) The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;
 - (e) The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties;
 - (f) The special use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title;
 - (g) Alternative sites have been evaluated, as have the equity of the geographic distribution of the sites;
 - (h) The special use meets the requirements of the Comprehensive Plan regarding the siting process for essential public facilities; and
 - (i) In the case of a Secure Community Transition Facility, the minimum requirements set forth in RCW 71.09 for siting said facility have been met.
- (2) Subject to public notice requirements of WMC Title 17, the Hearing Examiner shall make a threshold determination on whether the proposal presents siting difficulties, and shall consider public comments in making that determination.
- (3) No provision of the City's regulations shall preclude the siting of essential public facilities.
- (4) The hearing examiner may impose reasonable conditions upon the granting of a special use permit for a secure community transition facility, pursuant to applicable provisions of the WMC, PROVIDED THAT, with respect to the subject matters specifically addressed in RCW 71.09.285 through 71.09.340, the hearing examiner shall not impose any condition more restrictive than the requirements specifically addressed by those sections. This subsection shall not be construed as limiting any authority the hearing examiner may have to impose conditions of a type that are not specifically addressed by RCW 71.09.285 through 71.09.340. Furthermore, it is understood that DSHS may voluntarily impose conditions upon its proposal that would be more restrictive than the requirements of RCW 71.09.285 through 71.09.340. To the extent that this subsection conflicts with subsection (6), below, subsection (6) shall control.
- (5) The City hereby adopts the Siting Policy Guidelines developed by DSHS pursuant to RCW 71.09.285 and RCW 71.09.290 and such guidelines shall be considered by the hearing examiner in making its decision on the special use permit for a secure community transition facility. The hearing examiner shall deny a special use permit application if it determines that DSHS did not comply with the Siting Policy Guidelines in selecting the proposed site.
- (6) With respect to the siting of secure community transition facilities, nothing in this section shall be construed by the hearing examiner or a reviewing court to be a regulation more restrictive than the Minimum Requirements (RCW 71.09.285 through RCW 71.09.340). The hearing examiner is hereby authorized, in making its decision regarding the siting of a secure community transition facility, to ignore any regulation herein that the hearing examiner determines to be more restrictive than the Minimum Requirements.

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 or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force no sooner than five (5) days after publication. This ordinance shall become ineffective if the City receives objection of the regulations from the State.

PASSED BY THE CITY COUNCIL OF THE CITY OF WOODINVILLE THIS 12th DAY OF AUGUST 2002.



Scott Hageman, MAYOR

ATTEST:



Sandra Parker
City Clerk/CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 

Jeff Taraday
City Attorney

PASSED BY THE CITY COUNCIL: 08-12-2002
PUBLISHED: 08-19-2002
EFFECTIVE DATE: 08-24-2002
ORDINANCE NO. 325

- 21.06.478 Public agency office.
- 21.06.480 Public agency training facility.
- 21.06.483 Public agency yard.
- 21.06.485 Public Works Director.
- 21.06.488 Receiving site.
- 21.06.490 Recreational vehicle (RV).
- 21.06.493 Recreational vehicle parks.
- 21.06.495 Recyclable material.
- 21.06.498 Regional stormwater management facility.
- 21.06.500 Regional utility corridor.
- 21.06.503 Relocatable facility, school.
- 21.06.505 Relocatable facilities cost per student.
- 21.06.508 Relocation facilities.
- 21.06.510 Restoration, sensitive area.
- 21.06.513 Retail, comparison.
- 21.06.515 Retail, convenience.
- 21.06.518 Retention/detention facility.
- 21.06.520 Salmonid.
- 21.06.523 School bus base.
- 21.06.525 School district.
- 21.06.528 School district support facility.
- 21.06.530 Schools, elementary, and middle/junior high.
- 21.06.532 Schools, preschool.
- 21.06.533 Schools, secondary or high school.
- 21.06.534 Secure Community Transition Facility
- 21.06.535 Seismic hazard areas.
- 21.06.538 Self-service storage facility.
- 21.06.540 Sending site.
- 21.06.543 Sensitive areas.
- 21.06.545 Setback.
- 21.06.548 Setback, interior.
- 21.06.550 Setback, street.
- 21.06.552 Sexually oriented business
- 21.06.555 Shooting range.
- 21.06.558 Sign.
- 21.06.559 Sign, animated.
- 21.06.560 (Reserved).
- 21.06.561 Sign, building.
- 21.06.563 Sign, changing message center.
- 21.06.565 Sign, community bulletin board.
- 21.06.567 Sign, directional.
- 21.06.568 Sign, employment.
- 21.06.569 Sign frame.
- 21.06.570 Sign, freestanding.
- 21.06.573 Sign, fuel price.

- 21.06.532 Schools, preschool.** Schools, preschool: establishments providing exclusively educational programs for prekindergarten or preschool children (ages two (2) – five(5)), but excluding daycare as defined by WMC 21.06.140 Daycare.
- 21.06.533 Schools, secondary or high school.** Schools, secondary or high school: institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Washington in grades nine (9) through twelve (12), including associated meeting rooms, auditoriums and athletic facilities.
- 21.06.534 Secure Community Transition Facility.** Secure Community Transition Facilities: smaller housing units required by the federal court to provide a community-based treatment setting for Special Commitment Center sex offenders who have progressed successfully through multiple levels of treatment over several years.
- 21.06.535 Seismic hazard areas.** Seismic hazard areas: those areas in the City of Woodinville subject to severe risk of earthquake damage as a result of soil liquefaction in areas underlain by cohesionless soils of low density and usually in association with a shallow groundwater table or of other seismically induced settlement.
- 21.06.538 Self-service storage facility.** Self-service storage facility: an establishment containing separate storage spaces that are leased or rented as individual units.
- 21.06.540 Sending site.** Sending site: land designated in WMC 21.36 as capable of providing a public benefit if permanently protected by virtue of having its zoned development potential transferred to another property.
- 21.06.543 Sensitive areas.** Sensitive areas: any of those areas in the City of Woodinville which are subject to natural hazards or those land features which support unique, fragile or valuable natural resources including fishes, wildlife and other organisms and their habitat and such resources which carry, hold or purify water in their natural state. Sensitive areas include erosion hazard areas, flood hazard areas, landslide hazard areas, seismic hazard areas, steep slope hazard areas, streams and wetlands.
- 21.06.545 Setback.** Setback: the minimum required distance between a structure and a lot, access easement, or buffer line that is required to remain free of structures.
- 21.06.548 Setback, interior.** Interior setback: the setback extending from the interior lot line to a line parallel to and measured perpendicularly from the interior lot lines at the depth prescribed for each zone.

Exhibit 1, page 3, of Ordinance No. 325 - Secure Community Transition Facilities Amendments

WMC 21.08.100
A. REGIONAL
LAND USES

KEY
P - Permitted Use
C - Conditional Use
S - Special Use

Z O N E	RESIDENTIAL				COMMERCIAL/INDUSTRIAL							P U B L I C U T I O N A L	
	L O W D E N S I T Y	M O D E R A T E D D E N S I T Y	M E D I U M D E N S I T Y	H I G H D E N S I T Y	N E I G H B O R H O O D	B U S I N E S S E S S H O P P I N G	T R A N S I T I O N A L	B U S I N E S S E S S H O P P I N G	G E N E R A L	B U S I N E S S E S S H O P P I N G	C O M M E R C I A L		B U S I N E S S E S S H O P P I N G

SIC#	SPECIFIC LAND USE	R1-4	R5-8	R9-18	R19+	NB	TB	GB	CBD	O	I	P/I
*	Jail							S11	S11	S11, 15		S11
*	Secure Community Transition Facility							S16	S16			
*	Work Farm/Camp											
*	Work Release Facility							S11	S11	S11, 15		
*	Public Agency Animal Control Facility							S11	S11		P11	S11
*	Public Agency Training Facility							S3, 11	S3, 11	S3, 11, 15	C4, 11	S11
*	Hydroelectric Generation Facility	C11, 13, S11										S11
*	Non-hydroelectric Generation Facility	C11, 12, S11					C12, 11, S11	C11, 12, S11	C11, 12, S11	C11, 12, S11, 15	P11, 12, S11	
*	Major Communication Facility										S6c, 11	
*	Personal Wireless Facilities (14)	14	14	14	14	14	14	14	14	14, 15	14	14
*	Earth Station	P6a	P6a	P6a	P6a		P6b, 11	P6b, 11	P6b, 11	P6b 11, 15	P6b, 11	P6b, 11
13	Oil and Gas Extraction	S11	S11	S11	S11		S11	S11	S11	S11, 15	C11	
*	Energy Recourse Recovery Fac										S11	
*	Soil Recycling/Incineration Fac.										C11	
*	Landfill										S11	S8, 11
*	Transfer Station							S11	S11		P11	S11
*	Wastewater Treatment Facility							S11	S11		C11	S11
*	Municipal Water Production	S11	S11	S11	S11		S11	S11	S11	S11, 15	S11	S11
*	Airport/Heliport	S11	S11	S11	S11		S11	S11	S11	S11, 15	S11	S8, 11
*	Landing Field	S11	S11	S11	S11		S11	S11	S11	S11, 15	S11	S8, 11
*	Transit Bus Base							S11	S11		P11	S11
*	Transit Park and Ride Lot	C11	S11	S11	S11		P11	P11	P11	P11, 15	P11	S11
*	School Bus Base	C5, 11, S11	C5, 11, S11	C5, 11, S11	C5, 11, S11		S11	S11	S11	S11, 15	P11	S8, 11
7948	Racetrack	S7, 11	S11	S7, 11	S7, 11		S7, 11	S11	S7, 11	S7, 11, 15		
*	Fairground							S11	S11			S8, 11
8422	Zoo/Wildlife Exhibit (2)							S11	S11			S8, 11
651	Stadium/Arena							S11	S11		S11	P11
8221-8222	College/University (1)	P9, 11, C10, 11, S11		P9, 11, C10, 11, S11		P11	P11, 15	P11	P11			

GENERAL CROSS REFERENCES:
 Land Use Table Instructions, see WMC 21.08.020 and 21.02.070
 General Provisions, see WMC 21.32 through 21.38
 Tourist District Regulations, see WMC 21.38.065
 (*) Definition of this specific Land Use, see WMC 21.06
 Development Standards, see WMC 21.12 through 21.30
 Application and Review Procedures, see WMC 21.40 through 21.44
 R-48/0 regulations, see WMC 21.38.030

21.08.100 B DEVELOPMENT CONDITIONS.

- (1) Except technical institutions. See vocational schools on General Services land use table, WMC 21.08.050.
- (2) Except arboretum. See WMC 21.08.040, Recreation/Cultural land use table.
- (3) Except weapons armories and outdoor shooting ranges.
- (4) Except outdoor shooting range.
- (5) Only in conjunction with an existing or proposed school.
- (6) (a) Limited to one receive-only satellite parabolic antenna not exceeding one meter in diameter in a residential zone and not exceeding two meters in diameter in all other zones.
(b) Limited to no more than three satellite parabolic antennas not exceeding one meter in diameter in a residential zone and not exceeding two meters in diameter in all other zones.
(c) Limited to tower consolidations.
- (7) Except racing of motorized vehicles.
- (8) Only as an accessory to a permitted use or if operated by a public agency.
- (9) Only as a re-use of a public school facility subject to the provisions of WMC 21.32.
- (10) Only as a re-use of surplus non-residential facility subject to the provisions of WMC 21.32.
- (11) If use abuts an agriculturally zoned property, the following conditions apply:
 - (a) Buildings and parking areas must be set back 50 feet from the property line abutting a agriculturally zoned parcel;
 - (b) 50 feet of Type II landscaping is required in the setback; and
 - (c) Non-emergency access through or to the agriculturally zoned parcel is prohibited.
- (12) Excluding impoundment of water using a dam.
- (13) Limited to facilities that comply with the following provisions:
 - (a) Any new diversion structure shall not:
 - (i) Exceed a height of eight feet as measured from the streambed, or
 - (ii) Impound more than three surface acres of water at the normal maximum surface level.
 - (b) There shall be no active storage.
 - (c) The maximum water surface area at any existing dam or diversion shall not be increased.
 - (d) An exceedance flow of no greater than 50 percent in mainstream reach shall be maintained.
 - (e) Any transmission line shall be limited to a:
 - (1) Right-of-way of five miles or less; and
 - (2) Capacity of 230 KV or less.
 - (f) Any new, permanent access road shall be limited to five miles or less.
 - (g) The facility shall be located above an anadromous fish barrier.

- (14) Personal wireless service facilities shall be regulated pursuant to WMC Chapter 21.26.
- (15) Not permitted on sites contiguous to property designated Low Density Residential or less by the City of Woodinville adopted Comprehensive Plan. This limitation also applies to sites in unincorporated King County with equivalent designations.
- (16) No Secure Community Transition Facility shall any case be sited adjacent to, immediately across a street or parking lot from, or within the line of sight of any risk potential facilities defined in the law as schools, school bus stop, preschool facilities, day care facilities, public parks, publicly dedicated trails, sport fields, recreational and community centers, churches, synagogues, temples, mosques, or public libraries.