

ORDINANCE NO. 425

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING CHAPTER 3 LAND USE ELEMENT OF THE WOODINVILLE COMPREHENSIVE PLAN TO PROVIDE FOR UPDATED SITING POLICIES FOR ESSENTIAL PUBLIC FACILITIES; AMENDING CHAPTER 21.06 WMC TECHNICAL TERMS AND LAND USE DEFINITIONS TO REVISE AND ADD NEW DEFINITIONS FOR LOCAL, REGIONAL AND STATE ESSENTIAL PUBLIC FACILITIES; AMENDING TITLE 21 WMC BY ADDING A NEW CHAPTER 21.25 ESSENTIAL PUBLIC FACILITIES THERETO; AMENDING THE SPECIAL USE PERMIT PROVISIONS SET FORTH IN WMC 21.44.060; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, RCW 36.70A.200 requires that all cities planning under the Growth Management Act (GMA) adopt comprehensive plan policies and development regulations that identify and prescribe a process for siting essential public facilities; and

WHEREAS, Policy LU-5.3 in the Land Use Element of the Woodinville Comprehensive Plan provides a policy basis for a siting process to be developed and implemented through the City's development regulations; and

WHEREAS, the Woodinville City Council desires to amend its process for siting essential public facilities, recognizing that the Woodinville community already hosts several facilities of this type; and

WHEREAS, the Woodinville City Council seeks to comply fully with the requirements of RCW 36.70A.200 and the decisions of the Central Puget Sound Growth Management Hearings Board interpreting those requirements; and

WHEREAS, the Woodinville Planning Commission has held at least one public hearing on the Comprehensive Plan and development regulation amendments contained herein; and

WHEREAS, the Comprehensive Plan and development regulation amendments contained herein satisfy the criteria set forth in Chapters 21.01 WMC and 21.46 WMC, as more fully explained in Exhibit 1; and

WHEREAS, the Woodinville City Council, after carefully considering the recommendations of the Planning Commission and any and all other public testimony, input, and recommendations, has determined to enact this ordinance in furtherance of the public health, safety and welfare;

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

Section 1. Findings. The above recitals are hereby adopted as findings in support of the Comprehensive Plan and development regulation amendments set forth in this ordinance. The City Council further adopts the findings enumerated in Exhibit 1, attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Amendment of Chapter 3, Land Use Policy 5.2 of the Woodinville Comprehensive Plan. Policy LU-5.2 of the Woodinville Comprehensive Plan is hereby amended to provide in its entirety as follows:

LU-5.2 Coordinate with neighboring jurisdictions and with King and Snohomish Counties by participating in the interjurisdictional process developed by the King County Growth Management Planning Council and the process adopted by the Snohomish County Tomorrow Steering Committee. Participate as early and as fully as practicable in any hearings, meetings and other decisional processes with respect to the proposed siting of any state or regional essential public facility within the City's jurisdiction. Such participation may include, but is not limited to, (a) holding informational meetings independent of the formal siting process in order to obtain local citizen input regarding the proposal, (b) testifying at relevant state and regional hearings, and (c) submitting into the administrative record for any such hearing documentation regarding the probable economic, environmental, traffic, visual and other impacts of the proposed facility upon the Woodinville community.

Section 3. Amendment of Chapter 3, Land Use Policy 5.3 of the

Woodinville Comprehensive Plan. Policy LU-5.3 of the Woodinville Comprehensive

Plan is hereby amended to provide in its entirety as follows:

LU-5.3 Use the following Siting Process to site essential public facilities.

1. The City shall adopt and periodically update a list of existing and potential essential public facilities (at a minimum, that provided by Washington State Office of Financial Management). In formulating and updating said list, the City shall consider and draw upon the following sources:
 - a. The list maintained by the Office of Financial Management of essential state public facilities that are required or likely to be constructed within the following six years;
 - b. Any list maintained by King County regarding essential public facilities of a county-wide or regional nature, including facilities made part of or pursuant to the planning policies adopted by King County in consultation with the City of Woodinville; and
 - c. Any list of local essential public facilities adopted by the City of Woodinville, irrespective of the funding source therefore.
2. Essential public facilities shall be classified as “state”, “regional” or “local” facilities, with substantive and procedural standards for each classification provided in the Woodinville Municipal Code.
3. The policy guidelines herein are intended to ensure the City’s compliance with applicable GMA mandates while simultaneously protecting the local public interest to the maximum permissible extent. Nothing herein shall be interpreted to allow preclusion of essential public facilities in contravention of RCW 36.70A.200.
4. To the extent permissible under RCW 36.70A.200 and any controlling precedent established by Washington courts or the Central Puget Sound Growth Management Hearings Board, the City’s siting process for essential public facilities shall take into account the following considerations:
 - a. The extent to which the proposed facility will exacerbate the community, traffic, environmental, financial and other impacts of any other existing or proposed essential public facilities located in close proximity;

- b. The proposed facility's consistency and compatibility with the City's Vision Statement, Comprehensive Plan, and development regulations;
- c. The project site's compliance with the proposed facility's minimum physical site requirements, including any reasonably projected facility expansion needs;
- d. The facility's compatibility with surrounding land uses;
- e. The extent to which mitigation measures would substantially avoid, reduce, or compensate for any adverse environmental impacts of the facility;
- f. The extent to which necessary transportation infrastructure is or will be made available to ensure safe transportation access and transportation concurrency;
- g. The extent to which necessary infrastructure is or will be made available to ensure appropriate access by public safety responders;
- h. The extent to which the proposed facility will unreasonably increase noise levels in residential areas, particularly at night;
- i. The extent to which visual screening would mitigate the visual impacts of the proposed facility from streets and adjacent properties; and
- j. The financial capacity of the project sponsor to comply with any bonding or other security requirements of the City's land use regulations.

The above list is nonexclusive.

- 5. In addition to the considerations enumerated in LU-5.3(4), the siting process for local essential public facilities shall take into account the following considerations:
 - a. The public need for the facility;
 - b. The extent to which the proposed facility site will reasonably serve the project sponsor's overall service population;
 - c. The extent to which the project sponsor has reasonably investigated alternative sites;

- d. The project's consistency with the sponsor's own long- range plans for facilities and operations, as well as the plans of those jurisdictions and agencies that may also be participating in a facilities plan;
 - e. The extent to which the project sponsor's public participation plan has allowed for public participation in the siting decision and with respect to appropriate mitigation measures; and
 - f. The extent to which the project would result in a disproportionate burden of essential public facilities upon a particular geographic area of the City.
6. The proposed siting and/or expansion of essential public facilities shall be subject to the City's special use permit process. Applications for siting essential public facilities shall be submitted to the Department of Development Services.
7. To the extent legally permissible, it is the policy of the City of Woodinville that no essential public facility be located within a residential zoning district unless no reasonable alternative sites in other zoning districts are or practicably can be made available.
8. The City's regulations for essential public facilities shall provide a public process that includes, at a minimum, noticing as required by WMC Title 17 and provides for at least one public hearing to be heard by the City's Hearing Examiner.

Section 4. Amendment of Chapter 3, Goal LU-5 of the Woodinville

Comprehensive Plan. Goal LU-5 of the Woodinville Comprehensive Plan is hereby amended by the addition of a new Policy LU-5.5 to provide in its entirety as follows:

LU-5.5 Where appropriate in the City Council's discretion, cooperate with sponsors of proposed regional and state essential public facilities through the execution of interlocal agreements regarding the siting, operation and/or expansion of such facilities within the Woodinville community. Such agreements are encouraged to the extent they would result in locally beneficial siting decisions, facilitate the sponsor's voluntary provision of enhanced mitigation measures exceeding those required by applicable regulatory standards, and/or provide for mitigation of any disproportionate financial burden on the City created by the proposed facility.

Section 5. Amendment of Chapter 3, Goal LU-5 of the Woodinville

Comprehensive Plan. Goal LU-5 of the Woodinville Comprehensive Plan is hereby amended by the addition of a new Policy LU-5.6 to provide in its entirety as follows:

LU-5.6 To the extent consistent with the other policies of Goal LU-5, encourage exceptional, high-quality design standards and the installation, use and operation of state-of-the-art technology with respect to any essential public facilities sited in the Woodinville community. Examples of such design standards and technology may include, but are not limited to, (a) architectural methods that minimize the building footprint and visual impact of the proposed facility, (b) energy-efficient technology and building design, (c) innovative and/or state-of-the-art pollution, noise and odor control measures, and (d) utilization of recycled, reused, or otherwise ecologically-sensitive building materials.

Section 6. Amendment of WMC 21.44.060. Section 21.44.060 of the

Woodinville Municipal Code is hereby amended to provide in its entirety as follows:

21.44.060 Special use permit.

A. A special use permit 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) Where applicable, the special use meets the requirements of the Comprehensive Plan regarding the siting process for essential public facilities; and

(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.

B. With respect to essential public facilities, the provisions and decisional criteria of Chapter 21.25 WMC shall supersede the provisions of this section to the extent of any conflict or inconsistency.

Section 7. Amendment of WMC 21.06.216. Section 21.06.216 of the

Woodinville Municipal Code is hereby amended to provide in its entirety as follows:

21.06.216 Essential public facility. Essential public facility (EPF): a facility that is typically difficult to site, such as airports, state education facilities, state or regional transportation facilities as defined by RCW 47.06.140, state or local correctional facilities, solid waste handling facilities, in-patient facilities, including substance abuse, mental health, or group home facilities, and secure community transition facilities as defined by RCW 71.09.020. The term “Essential Public Facility” includes, but is not necessarily limited to, all facilities referenced in RCW 36.70A.200, all facilities enumerated on the list maintained by the State Office of Financial Management pursuant to RCW 36.70A.200(4), all facilities categorized as essential public facilities in the City’s Comprehensive Plan or Title 21 WMC, and all facilities enumerated on the essential public facility list maintained by the City pursuant to the City’s Comprehensive Plan.

Section 8. Amendment of Chapter 21.06 WMC. Chapter 21.06 WMC

Technical Terms and Land Use Definitions is hereby amended by the addition of a new

Section 21.06.217 “Essential Public Facility, Local”, and a new Section 21.06.219

“Essential Public Facility, State”, to provide in their respective entirety as follows:

21.06.217 Essential Public Facility, Local: Essential Public Facility, Local: an EPF that is owned, operated, or sponsored by the City of Woodinville, a special purpose district, King County (for facilities that do not provide service to the county-wide population), or another unit of local government. An EPF is “sponsored” by a local government when it will be owned or operated by a nongovernmental entity pursuant to a contract with the local government to provide the EPF.

21.06.119 Essential Public Facility, State: Essential Public Facility, State: an EPF that is owned, operated, or sponsored by the State of Washington, including any department or agency thereof. An EPF is “sponsored” by the State when it will be owned or operated by a nongovernmental entity pursuant to a contract with the State to provide the EPF.

Section 9. Amendment of WMC 21.06.218. Section 21.06.218 of the Woodinville Municipal Code is hereby amended to provide in its entirety as follows:

21.06.218 Essential Public Facility, Regional: Essential Public Facility, Regional: an EPF that is owned, operated, or sponsored by King County or a regional agency whose boundaries encompass the City and which serves a substantial portion of the county-wide population or a geographic area that is greater than the county. An EPF is “sponsored” by the county or a regional agency when it will be owned or operated by a nongovernmental entity pursuant to a contract with the county or regional agency to provide the EPF.

Section 10. Amendment of Chapter 21.06 WMC. The definition of “Evergreen” formerly codified at WMC 21.06.218 is hereby renumbered as new Section 21.06.220 WMC to provide in its entirety as follows:

21.06.220 Evergreen. Evergreen: a plant species with foliage that persists and remains green year round.

Section 11. Amendment of Title 21 WMC. Title 21 of the Woodinville Municipal Code is hereby amended by the addition of a new chapter 21.25 Essential Public Facilities to provide in its entirety as follows:

Chapter 21.25
ESSENTIAL PUBLIC FACILITIES

SECTIONS:

- 21.25.010 Authority.**
- 21.25.015 Inventory of essential public facilities.**
- 21.25.020 Purpose.**
- 21.25.030 Siting and expansion of local essential public facilities.**
- 21.25.040 Siting and expansion of state and regional essential public facilities.**
- 21.25.045 Permit conditions.**
- 21.25.050 Optional site consultation process.**
- 21.25.060 Inter-jurisdictional siting.**
- 21.25.070 Public involvement.**
- 21.25.080 Consultant and legal review; deposit.**
- 21.25.090 Hearing Examiner decision.**
- 21.25.100 Suspension or revocation of permit.**
- 21.25.110 Appeal.**
- 21.25.120 Decision timing.**
- 21.25.130 Building permit application.**
- 21.25.140 Secure Community Transition Facilities.**

21.25.010 Authority.

This chapter is established to regulate the siting of essential public facilities pursuant to RCW 36.70A.200.

21.25.015 Inventory of essential public facilities.

The City of Woodinville currently hosts or borders several essential public facilities, including but not limited to the following:

1. The Brightwater Regional Wastewater Treatment Facility;
2. The Cascade Recycling Facility;
3. The Sound Transit/Metro Park & Ride Facility;
4. The Olympic Pipeline System;
5. Burlington Northern Santa Fe Railroad Corridor;
6. State Route 522; and
7. State Route 202.

21.25.020 Purpose.

The purpose of this chapter is to implement the Growth Management Act and the Woodinville Comprehensive Plan by establishing a process for the siting and expansion of essential public facilities as necessary to support orderly growth and delivery of public services. Essential public facilities and transportation facilities of statewide significance are necessary and important in the provision of public systems and services. The City's goal in promulgating the regulations under this chapter is to ensure the timely, efficient and appropriate siting of EPFs while simultaneously acknowledging and mitigating the significant community impacts often created by such facilities.

Nothing in this chapter should be construed as an attempt by the City to preclude the siting of essential public facilities in contravention of applicable state law.

21.25.030 Siting and expansion of local essential public facilities.

A. A special use permit shall be required as provided in this section before any local essential public facility may be located or expanded within the City of Woodinville, regardless of the zoning district in which such facility is or is proposed to be located.

B. A complete application for a special use permit for a local essential public facility shall comply with WMC 17.09.020. The Director shall develop a supplemental application form which addresses and provides sufficient information to determine the application's estimated compliance with each of the approval criteria set forth in this section.

C. A special use permit for a local essential public facility shall be processed as a Type III permit under the table codified at WMC 17.07.030. Notice of the application and the required public hearing shall be given as provided in Chapter 17.11 WMC. Notices shall be posted on-site, posted at the City's designated posting places, advertised in the City's official newspaper, and mailed to property owners within 500 feet of the project site.

D. A special use permit for a local essential public facility shall be approved upon a determination that:

1. The project sponsor has demonstrated a need for the project, as supported by a detailed written analysis of the projected service population, an inventory of existing and planned comparable facilities, and the projected demand for the type of facility proposed;
2. The project sponsor has reasonably investigated alternative sites, as evidenced by a detailed explanation of site selection methodology, and as verified by the City and reviewed by any relevant associated jurisdictions and agencies;
3. Necessary infrastructure is or will be made available to ensure safe transportation access and transportation concurrency to the extent required by applicable state and City regulations;
4. Necessary infrastructure is or will be made available to ensure that public safety responders have capacity to handle increased calls or expenses that will occur as the result of the facility;
5. The project sponsor has the ability to fund all capital costs associated with required on-site and off-site improvements;

6. The facility will not unreasonably increase noise level in residential areas, especially at night;

7. Visual screening will be provided that will mitigate the facility's visual impacts from streets and adjoining properties;

8. The facility is not located in any residential zoning district, except to the extent provided herein;

9. The facility meets all provisions of this title for development within the underlying zoning district, except to the limited extent provided in this subsection. If a local essential public facility does not meet all such provisions, the applicant must demonstrate that compliance with such provisions would preclude the siting of all similar facilities anywhere within the City. If the applicant is able to make such a demonstration, the Hearing Examiner shall authorize the essential public facility to deviate from the provisions of this title to the minimum extent necessary to avoid such preclusion;

10. The project sponsor's public participation plan has allowed for public participation in the siting decision and with respect to appropriate mitigation measures;

11. The project will not result in an unnecessarily disproportionate burden of essential public facilities on a particular geographic area of the City; and

12. Any and all probable significant adverse environmental impacts, including but not limited impacts to wetlands, shorelines and wildlife habitat, are adequately mitigated.

E. The Hearing Examiner may, pursuant to WMC 21.25.045, impose such reasonable conditions on approval of the special use permit as may be necessary in order to enable the proposed facility to (1) satisfy the decision criteria set forth in subsection (D) of this section, (2) satisfy any other applicable criteria set forth in this title, and (3) protect the public health, safety and welfare.

F. The decision criteria set forth in this section shall not be applied in such a manner as to preclude the siting or expansion of local essential public facilities in the City of Woodinville. In the event that a local essential public facility cannot, by the imposition of reasonable conditions, satisfy the decision criteria set forth in this section with respect to the applicant's preferred site, the Hearing Examiner shall either:

1. Deny the special use permit with respect to the requested site, and require the local essential public facility to be located on one of the

investigated alternative sites, if the proposal can be reasonably conditioned to meet the decision criteria at the alternative site; or

2. Approve the siting or expansion of the local essential public facility at the requested site with such reasonable conditions of approval as may be imposed to mitigate the impacts of the proposal to the maximum extent practicable, if there is no reasonable alternative site on which the decision criteria can be met.

21.25.040 Siting and expansion of state and regional essential public facilities.

A. A special use permit shall be required as provided in this section before any state or regional essential public facility may be located or expanded within the City of Woodinville, regardless of the zoning district in which such facility is or is proposed to be located.

B. A complete application for a special use permit for a state or regional essential public facility shall comply with WMC 17.09.020. The Director shall develop a supplemental application form which addresses and provides sufficient information to determine the application's estimated compliance with each of the approval criteria set forth in this section.

C. A special use permit for a state or regional essential public facility shall be processed as a Type III permit under the table codified at WMC 17.07.030. Notice of the application and the required public hearing shall be given as provided in Chapter 17.11 WMC. Notices shall be posted on-site, posted at the City's designated posting places, advertised in the City's official newspaper, and mailed to property owners within 500 hundred feet of the project site.

D. State and regional essential public facilities shall satisfy the provisions of this Title for development within the zoning district in which they are proposed to be located, except as provided in this section.

E. The Hearing Examiner shall not deny a special use permit application for a state or regional essential public facility, and shall accept the valid siting determination made by a state or regional sponsor with respect to any such facility. The Hearing Examiner may, pursuant to WMC 21.25.045, impose reasonable conditions upon the state or regional essential public facility in order to ensure that:

1. Necessary infrastructure is or will be made available to ensure safe transportation access and transportation concurrency;

2. Necessary infrastructure is or will be made available to ensure that public safety responders have sufficient capacity to handle increased calls or expenses that will occur as the result of the facility;

3. All capital costs associated with on-site and off-site improvements necessitated by the facility are born by the project sponsor to the extent legally permissible;
4. The facility will not unreasonably increase noise levels in residential areas, especially at night;
5. Visual screening will be provided that will mitigate the visual impacts from streets and adjoining properties;
6. Any and all probable significant adverse environmental impacts, including but not limited impacts to wetlands, shorelines and wildlife habitat, are adequately mitigated;
7. Any other applicable criteria set forth in this title are satisfied; and
8. The public health, safety and welfare are adequately protected.

F. In the event that a state or regional essential public facility cannot, by the imposition of reasonable conditions of approval, satisfy the criteria set forth in this section, the Hearing Examiner shall approve the siting or expansion of the state or regional essential public facility with such reasonable conditions of approval as may mitigate such impacts to the maximum extent practicable. The Hearing Examiner shall not impose conditions in such a manner as to preclude the siting or expansion of any state or regional essential public facility in the City of Woodinville.

21.25.045 Permit conditions.

A. In issuing a special use permit under this chapter, the Hearing Examiner may impose such reasonable conditions as necessary in order to ensure that a proposed essential public facility satisfies, to the extent practicable, the applicable permit criteria therefore and does not unreasonably impact the public health, safety, environment and welfare. Such conditions may include, but are not limited to, the following:

1. Limiting the manner in which the proposed special use is conducted, including restricting the time during which an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor;
2. Requiring a special yard or other open space or lot area or dimension;
3. Limiting the height, size or location of a building or other structure;
4. Designating the size, number, location or nature of vehicle access points;

5. Designating the amount of street dedication, roadway width or improvements within the street right-of-way;
6. Designating the size, location, screening, drainage, surfacing or other improvement of parking or vehicle loading areas;
7. Limiting or otherwise designating the number, size, location, and height of lighting of signs;
8. Limiting the location and intensity of outdoor lighting, and/or requiring shielding thereof;
9. Requiring screening, landscaping or another facility to protect adjacent or nearby property, and designate standards for the installation or maintenance of such facility;
10. Designating the size, height, location or constituent materials for on-site fencing;
11. Protecting existing trees, vegetation, water resources, wildlife habitat or other significant natural resources;
12. Requiring provisions for public access, both physical and visual, to natural, scenic and recreational resources;
13. Requiring provisions for stormwater drainage, including designating the size, location, screening, or other improvements of detention ponds and related facilities;
14. Imposing special conditions on the proposed special use to reasonably ensure its conformance with the surrounding neighborhood and the intent and purpose of the underlying zoning district; and
15. Requiring financial guarantees regarding the installation of required infrastructure and landscaping improvements, as well as reasonable evidence or assurances that any permit conditions will be complied with.

B. The list of conditions enumerated in subsection (A) is nonexclusive. Nothing in this chapter is intended to diminish or otherwise abridge the City's authority to require mitigation measures or impose conditions pursuant to any other applicable state or local requirement, including but not limited to the SEPA regulations codified at Chapter 14.04 WMC and the subdivision regulations codified at Title 20 WMC.

21.25.050 Optional site consultation process.

Prior to submitting a special use permit application under this chapter, an EPF sponsor may request site consultation with the Director. Participation in this consultation process

