

ORDINANCE NO. 427

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING ORDINANCE NO. 419; RENEWING FOR AN ADDITIONAL SIX MONTH PERIOD THE TEMPORARY R-1 ZONING DISTRICT LAND USE PERMITTING MORATORIUM CURRENTLY SCHEDULED TO EXPIRE ON SEPTEMBER 20, 2006; ADOPTING FINDINGS IN SUPPORT OF SAID RENEWAL; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, through the adoption of Ordinance No. 419 on March 20, 2006, the Woodinville City Council imposed a six-month moratorium upon the receipt and processing of new land use permit applications within the City's R-1 Zoning District; and

WHEREAS, Ordinance No. 419 was amended by Ordinance No. 424 on July 10, 2006, which adopted additional supportive findings and clarified the scope of specified exemptions to the moratorium; and

WHEREAS, the chief purpose of the moratorium is to preserve the *status quo* while the City's Sustainable Development study is completed and new development standards are considered and duly enacted; and

WHEREAS, the Sustainable Development study is proceeding steadily, but will not be fully completed prior to the September 20, 2006 expiration date of the moratorium; and

WHEREAS, it is necessary to renew the moratorium imposed under Ordinance No. 419 in order to prevent land use permit applicants from obtaining vested development rights inconsistent with the anticipated code amendments that will likely result from the Sustainable Development study;

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

Section 1. Findings. The recitals above are hereby adopted as findings in support of the moratorium renewal effected by this ordinance. Pursuant to RCW 36.70A.390 and RCW 35A.63.220, the City Council further makes and enters the additional findings contained in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Renewal of Moratorium. The moratorium imposed under Ordinance No. 419, as amended by Ordinance No. 424, is hereby renewed for an

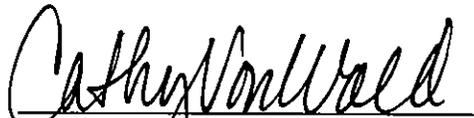
additional six month period commencing upon September 20, 2006. Section 8 of Ordinance No. 419 is accordingly amended to provide in its entirety as follows:

Based upon the findings enumerated in Section 1 of this ordinance and any subsequent enactment relevant hereto, the City Council declares a public emergency necessitating an immediate effective date of the moratorium imposed hereunder. Said moratorium shall take effect immediately, and shall remain effective for one year unless terminated earlier by the City Council. PROVIDED, that the City Council may, in its sole discretion, renew said moratorium for one or more six month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

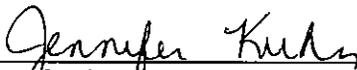
Section 3. Declaration of Emergency; Statement of Urgency; Effective Date. Based upon the findings set forth in Section 1 hereof and Exhibit A hereto, the City Council declares a public emergency necessitating an immediate effective date in order to protect public health, safety, property, peace, welfare and the local environment. This ordinance shall accordingly take effect immediately upon adoption.

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.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 11TH DAY OF SEPTEMBER 2006.

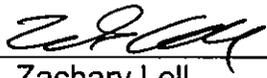

Cathy VonWald, Mayor

ATTEST/AUTHENTICATED:


Jennifer Kuhn
City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY



J. Zachary Lell
City Attorney

PASSED BY THE CITY COUNCIL: 9-11-2006

PUBLISHED: 9-18-2006

EFFECTIVE DATE: 9-20-2006

ORDINANCE NO. 427

EXHIBIT A

FINDINGS IN SUPPORT OF MORATORIUM RENEWAL

The Woodinville City Council hereby reaffirms and incorporates by reference the findings contained in Ordinance Nos. 419 and 424. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council additionally enters the findings below in support of the moratorium renewal effected by this ordinance. Specifically, the City Council has considered the planning goals set forth at Chapter 36.70A RCW, and acknowledges the following circumstances concerning the Sustainable Development study currently underway to resolve outstanding planning and development issues within the R-1 Zoning District:

1. RCW 36.70A.390 and RCW 35A.63.220 expressly authorize renewal of moratoria for one or more six month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

2. The current moratorium was imposed on March 20, 2006. The City subsequently approved a contract with Steward & Associates to perform a comprehensive Sustainable Development study during the moratorium period. The study's purpose is to assist the City in determining the appropriate levels of urban density and development within the City's R-1 Zoning District, protecting the local environment, and ensuring compliance with applicable GMA planning goals. It is anticipated that the City's Comprehensive Plan, Critical Areas Ordinance and development regulations may be amended at the conclusion of the Sustainable Development study process, which is currently expected to be completed in late September or early October, 2006.

3. In July 2006, the City approved a contract with EKW Law to provide legal counsel regarding issues associated with GMA compliance and other legal matters relevant to the Sustainable Development program.

4. On June 7, 2006 the City Planning Commission appointed an 11 member Citizen Advisory Panel (CAP) to provide public input to and oversee study activities associated with the Sustainable Development program and make appropriate recommendations to the Planning Commission and City Council. The CAP has had three meetings to date with the City consultants and staff involved in the Sustainable Development program.

5. Various factors, including but not limited to the unforeseen complexity of necessary environmental studies and delays in compiling relevant data, have postponed the originally anticipated completion date for the Sustainable Development study.

6. Additional time is necessary in order to complete the Sustainable Development study, appropriately process and respond to any recommendations arising out of the study, and enact necessary amendments to the City's Comprehensive Plan and development regulations.

7. The City Council received a status report from its Sustainable Development consultants at the August 7, 2006 Council meeting indicating that the study would not be completed until after the current expiration date of the moratorium.

8. The earliest available City Council meeting for which to publicly notice, schedule and conduct the public hearing necessary to renew the current moratorium is September 11, 2006.

9. Pursuant to RCW 35A.13.190, an ordinance generally does not take effect until five days after the date of its publication. The earliest available publication date following the September 11, 2006 City Council meeting is September 18, 2006.

10. Delaying the effective date of the moratorium renewal until five days after the anticipated September 18, 2006 publication date would allow the current moratorium to expire for a period of at least three days, which in turn could allow land use permit applicants to obtain vested development rights inconsistent with the Comprehensive Plan and development code amendments that will result from the Sustainable Development program.

11. Allowing land use development within the City's R-1 Zoning District inconsistent with the above-referenced amendments would jeopardize and pose an imminent threat to public health, peace, welfare, property and the local environment.

12. In order to prevent the accrual of vested development rights prior to the completion of the Sustainable Development study and adoption of appropriate Comprehensive Plan and development code amendments, it is necessary and urgent for the moratorium renewal enacted by this ordinance to take effect immediately upon the expiration of the current moratorium, and for this ordinance to take effect immediately upon adoption. The immediate necessity of this action prevents the City's compliance with otherwise-applicable adoption procedures and processes.

13. Pursuant to RCW 36.70A.390 and RCW 35A.63.220, the City Council held a public hearing on September 11, 2006 regarding the moratorium renewal effected by this ordinance.

14. The City is working diligently and in good faith to complete the Sustainable Development study and will take appropriate action, pursuant to applicable procedures and standards, to expeditiously process the Comprehensive Plan and development regulation amendments recommended by the study.