

## ORDINANCE NO. 447

**AN ORDINANCE OF THE CITY OF WOODINVILLE RELATING TO LAND USE AND ZONING; RENEWING THE TERM OF INTERIM ORDINANCE NO. 431 OF THE CITY OF WOODINVILLE, WASHINGTON, AN ORDINANCE AMENDING CHAPTER 21.04 WMC; BY TEMPORARILY REMOVING LANGUAGE RELATING TO RESIDENTIAL DEVELOPMENT WITH DENSITIES LESS THAN FOUR DWELLING UNITS PER ACRE WITHIN THE CITY'S LOW DENSITY RESIDENTIAL ZONES; ADOPTING FINDINGS IN SUPPORT OF SAID RENEWAL; PROVIDING FOR SEVERABILITY; DECLARING A PUBLIC EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.**

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**WHEREAS**, on March 12, 2007, the City of Woodinville enacted Ordinance No. 431 adopting findings of fact, adopting a work plan; declaring an emergency and adopting interim zoning regulations removing existing language Sub-section 21.04.080(1)(a) relating to development on land zoned for residential densities less than four dwelling units per acre; and

**WHEREAS**, the effective period of Ordinance No. 431 was limited to six months unless extended by the City Council, and RCW 36.70A.390 allows the City Council to be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal; and

**WHEREAS**, the Woodinville City Council has determined that additional time is necessary to complete the adopted work plan and to provide the City Council with the sustainable development study information it needs before adopting permanent zoning amendments; and

**WHEREAS**, a public hearing concerning the substance of this ordinance was held before the Woodinville City Council on August 20, 2007 prior to the adoption of this Ordinance and the City Council below makes findings of fact in support of this Ordinance;

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

**Section 1. Findings.** The City Council hereby incorporates and readopts the findings of fact it adopted in Section 1. Findings of Ordinance No. 431 and adopts the following additional findings of fact:

- a. In order to complete the original scope of work for the sustainable development study the City Council has approved the expenditure of additional monies for the work of its consultants.
- b. The work of the consultants will not be completed in time for the City Council to receive the information, deliberate and take action to adopt new permanent regulations, including changes to Section 21.04.080 of the Woodinville Municipal Code.

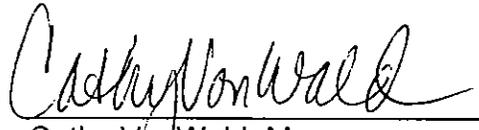
- c. With a six month renew of Ordinance 431 the City Council will have time to adopt new permanent regulations before Ordinance 431 as amended by this Ordinance expires.
- d. The statements of fact reported by staff in the staff report (Attachment A) presented to the City Council with this Ordinance for its meeting of August 20, 2007, are adopted herein by this reference as if specifically set forth.

**Section 2. Severability.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance be held 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. Provided, however, that if any section, sentence, clause, or phrase of this Ordinance, or any change in a land use designation is held to be invalid by a court of competent jurisdiction, or by the Growth Management Hearings Board, then the section, sentence, clause, phrase, or land use designation in effect prior to the effective date of this ordinance, shall be in full force and effect for that invalidated section, sentence, clause, phrase, or land use designation, as if this ordinance had never been adopted.

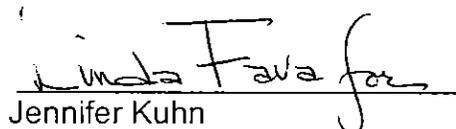
**Section 3. Copy to CTED.** The City Clerk is directed to send a copy of this ordinance to the State Department of Community, Trade, and Economic Development for its files within ten (10) days after adoption of this Ordinance.

**Section 4. Effective Date; Sunset.** This ordinance shall become effective on September 11, 2007 and shall remain effective for a period of six months unless terminated earlier or subsequently extended by the City Council.

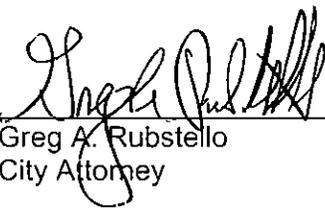
**ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 20<sup>th</sup> DAY OF AUGUST 2007.**

  
Cathy VorWald, Mayor

ATTEST/AUTHENTICATED:

  
Jennifer Kuhn  
City Clerk/CMC

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By:   
Greg A. Rubstello  
City Attorney

PASSED BY THE CITY COUNCIL: 8-20-2007  
PUBLISHED: 8-27-2007  
EFFECTIVE DATE: 9-11-2007  
ORDINANCE NO. 447

**Staff Report**

**TO:** City Council  
**FROM:** Richard A. Leahy, City Manager  
**BY:** Hal H. Hart, Development Services Director  
**SUBJECT:** FIRST AND SECOND READING AND ADOPTION OF INTERIM ORDINANCE NO. 447  
**MEETING OF:** AUGUST 20, 2007

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**ISSUE:** Shall the City Council hold a public hearing and approve Ordinance No. 447 providing a six month renewal of interim Ordinance No. 431 that amended WMC 21.04.080(1)(a) removing the statement that developments with densities less than four dwelling units per acre within the City's low density residential zones are allowed only if adequate services cannot be provided?

**RECOMMENDATION:** To hold the public hearing and approve Ordinance 447 as presented.

**POLICY DECISION:** Ordinance 431 expires on September 11, 2007. To continue the interim regulations and allow adequate time and opportunity for public review and the adoption process to be completed for permanent regulations, it is necessary to renew the interim regulations currently in effect. RCW 35A.63.220 allows renewal of interim regulations.

**DISCUSSION/BACKGROUND:** The Sustainable Development Citizen Advisory Panel (CAP) and the Planning Commission are nearing the completion of their work on proposed amendments to address important environmental and neighborhood characteristics in the Low Density Residential area of the City. These proposals are based on 6 months of intensive work and study by a team consisting of the CAP, Planning Commission members, City staff and consultants with expertise in hydrology, geology, ecological systems, transportation, low impact development, Growth Management and urban planning and design. This effort has culminated in over 500 pages of reports and comprehensive analysis designated as Phase 2a of the Sustainable Development Study. Based on the Phase 2a study, the team is now drafting proposed amendments to the City's Zoning Map and development regulations. A Planning Commission-sponsored open house and public hearing have been scheduled for separate dates in September to provide citizens an opportunity to review and comment on the proposed amendments. State and local agencies also are given opportunity to provide their input. However, this review process won't be completed prior to the expiration date, September 11, 2007, for interim Ordinance No. 431. Following the public hearing, the Planning Commission will need time to complete their deliberations and formulate a recommendation to City Council. Likewise, the Council will need time to consider the results of the Sustainable Development Phase 2a Study and the Planning Commission's recommendation. Although Ordinance No. 447 provides for an additional six months, the intent is to replace the ordinance with a comprehensive set of amendments within the next four months.

**ALTERNATIVES:**

1. Approve Ordinance No. 447 as presented
2. Modify Ordinance No. 447
3. Refer Ordinance No. 447 back to the City staff for refinement
4. Take No Action and direct the staff to return with alternatives for the Low Density Residential Zone at the earliest opportunity.

**RECOMMENDED MOTION:**

1. I MOVE TO OPEN THE PUBLIC HEARING
2. I MOVE TO OPEN THE PUBLIC TESTIMONY PORTION OF THE HEARING  
HEAR STAFF REPORT  
RECEIVE PUBLIC TESTIMONY
3. I MOVE TO CLOSE THE PUBLIC TESTIMONY PORTION OF THE HEARING
4. I MOVE TO CLOSE THE PUBLIC HEARING
5. I MOVE THAT THE CITY COUNCIL HAVE FIRST AND SECOND READING AND ADOPTION OF ORDINANCE NO. 447, AN ORDINANCE OF THE CITY OF WOODINVILLE RELATING TO LAND USE AND ZONING; RENEWING THE TERM OF INTERIM ORDINANCE NO. 431 OF THE CITY OF WOODINVILLE, WASHINGTON, AN ORDINANCE AMENDING CHAPTER 21.04 WMC; BY TEMPORARILY REMOVING LANGUAGE RELATING TO RESIDENTIAL DEVELOPMENT WITH DENSITIES LESS THAN FOUR DWELLING UNITS PER ACRE WITHIN THE CITY'S LOW DENSITY RESIDENTIAL ZONES; ADOPTING FINDINGS IN SUPPORT OF SAID RENEWAL; PROVIDING FOR SEVERABILITY; DECLARING A PUBLIC EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

**ATTACHMENTS: (2)**

A - Ordinance No. 447

B – Schedule for Adoption of Sustainable Development Phase 2a Amendments

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**WHEREAS**, the effective period of Ordinance No. 431 was limited to six months unless extended by the City Council, and RCW 36.70A.390 allows the City Council to be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal; and

**WHEREAS**, the Woodinville City Council has determined that additional time is necessary to complete the adopted work plan and to provide the City Council with the sustainable development study information it needs before adopting permanent zoning amendments ; and

**WHEREAS**, a public hearing concerning the substance of this ordinance was held before the Woodinville City Council on August 20, 2007 prior to the adoption of this Ordinance and the City Council below makes findings of fact in support of this Ordinance;

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

**Section 1. Findings.** The City Council hereby incorporates and readopts the findings of fact it adopted in Section 1. Findings of Ordinance No. 431 and adopts the following additional findings of fact:

- e. In order to complete the original scope of work for the sustainable development study the City Council has approved the expenditure of additional monies for the work of its consultants.
- f. The work of the consultants will not be completed in time for the City Council to receive the information, deliberate and take action to adopt new permanent regulations, including changes to Section 21.04.080 of the Woodinville Municipal Code.

- g. With a six month renew of Ordinance 431 the City Council will have time to adopt new permanent regulations before Ordinance 431 as amended by this Ordinance expires.
- h. The statements of fact reported by staff in the staff report presented to the City Council with this Ordinance for its meeting of August 20, 2007, are adopted herein by this reference as if specifically set forth.

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**Section 3. Copy to CTED.** The City Clerk is directed to send a copy of this ordinance to the State Department of Community, Trade, and Economic Development for its files within ten (10) days after adoption of this Ordinance.

**Section 4. Effective Date; Sunset.** This ordinance shall become effective on September 11, and shall remain effective for a period of six months unless terminated earlier or subsequently extended by the City Council.

**PASSED BY THE CITY COUNCIL OF THE CITY OF WOODINVILLE THIS 20<sup>th</sup> DAY OF AUGUST 2007.**

\_\_\_\_\_  
Cathy VonWald, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Jennifer Kuhn  
City Clerk

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By: \_\_\_\_\_  
Greg A. Rubstello  
City Attorney

PASSED BY THE CITY COUNCIL: 8-20-2007  
PUBLISHED:  
EFFECTIVE DATE: 8-20-2007  
ORDINANCE NO. 447

## Sustainable Development Study Phase 2a Amendment Adoption Schedule

Date	Meeting or Task	Comments
Aug 15	Planning Commission Study Session	Finalize amendments to be presented at Open House
Aug 20	Council Public Hearing to consider extending Ord No. 431	
Sept 5	Open House	4 – 7 pm
Sept 5	Planning Commission Study Session	7 – 10 pm Review Open House comments
Sept 19	Planning Commission Public Hearing	
Oct 3	Planning Commission deliberations & recommendation	
Nov 5	City Council study session:	Review Phase 2a reports & Planning Commission recommendation
Nov 19	City Council First Reading of Ordinance	Ordinance adopting Sustainable Development Phase 2a amendments
Dec 10	City Council 2 <sup>nd</sup> Reading of ordinance	Ordinance adopting Sustainable Development Phase 2a amendments
Dec 22	Effective Date of ordinance	Ordinance. adopting Sustainable Development Phase 2a amendments