

## ORDINANCE NO. 456

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, APPROVING A SITE SPECIFIC REZONE AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY REZONING FROM INDUSTRIAL (I) TO CENTRAL BUSINESS DISTRICT (CBD) CENTRAL BUSINESS DISTRICT (CBD) THE PROPERTY LOCATED AT THE NORTH EAST CORNER OF SR-202 AND 128TH PLACE NE AND OWNED BY BOB WELLS, CMTW PARTNERSHIP; PROVIDING FOR SEVERABILITY, SUMMARY PUBLICATION AND AN EFFECTIVE DATE.

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**WHEREAS**, Bob Wells is the owner of certain property located at the northeast corner of SR-202 and 128 Place NE; and

**WHEREAS**, Bob Wells FOLLOWING A CHANGE IN THE PROPERTY'S Comprehensive Plan designation has applied for a zone reclassification for the property from Industrial (I) to Central Business District (CBC) the current Comprehensive Plan designation; and

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

**WHEREAS**, the Hearing Examiner held an Open Record Hearing on the proposed Site Specific Rezone request on August 7, 2007 and forwarded his recommendation for the approval to the City Council; and

**WHEREAS**, the City Council has received and reviewed the Hearing Examiner's findings, conclusions, and recommendation, set forth in *Attachment 1* hereto, and has determined them to be well considered and appropriate,

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

Section 1. Findings. The City Council hereby adopts the findings, conclusions, and recommendation of the Hearing Examiner set forth as *Attachment 1*, attached hereto and incorporated herein by this reference as if set forth in full.

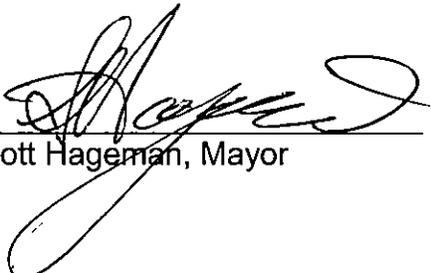
Section 2. The City's official zoning map is hereby amended to rezone the property at the northeast corner of SR-202 and 128th Place NE with the Central Business District (CBD) designation as set forth in *Attachment 2*.

Section 3. The Development Services Director is hereby authorized and directed to make the necessary changes to the City's zoning map as set for in this ordinance.

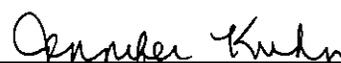
Section 4. Severability. If any section, sentence, clause or phase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause 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 five (5) days after publication.

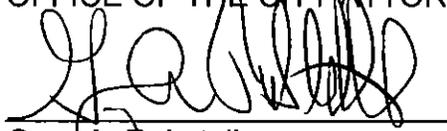
**ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 5<sup>TH</sup> DAY OF FEBRUARY, 2008.**

  
\_\_\_\_\_  
Scott Hageman, Mayor

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Jennifer Kuhn  
City Clerk/CMC

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

A handwritten signature in black ink, appearing to read 'Greg Rubstello', written over a horizontal line.

Greg A. Rubstello  
City Attorney

PASSED BY THE CITY COUNCIL: 2-05-2008  
PUBLISHED: 2-11-2008  
EFFECTIVE DATE: 2-19-2008  
ORDINANCE NO. 456

**COPY**

**BEFORE THE HEARING EXAMINER  
FOR THE CITY OF WOODINVILLE**

In the Matter of the Application of	)	ZMA2006-029
	)	
Washington Development Company	)	Sortino Rezone
	)	
	)	FINDINGS, CONCLUSIONS,
<u>For a Approval of a Zone Reclassification</u>	)	AND RECOMMENDATION

**SUMMARY OF DECISION**

The Hearing Examiner recommends that the request for a zone reclassification from Industrial to Central Business District of property located at the northeast corner of SR-202 and 128<sup>th</sup> Place NE, in Woodinville, Washington, be **GRANTED**.

**SUMMARY OF RECORD**

Request:

The Washington Development Company requests a zone reclassification from Industrial to Central Business District of property located at the northeast corner of SR-202 and 128<sup>th</sup> Place NE, adjacent to the Sammamish Rive, in Woodinville, Washington.

Hearing Date:

The City of Woodinville Hearing Examiner held an open record hearing on the request on August 7, 2007.

Testimony:

The following individual presented testimony under oath:<sup>1</sup>

Bob Wuotila, City Planner

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report on the Sortino Rezone application ZMA2006-029, dated August 1, 2007
2. Rezone Application, received March 31, 2006
3. Legal Description of Sortino property

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<sup>1</sup> No representative of the Applicant appeared at the hearing. The Hearing Examiner recommends that an Applicant Representative appear at the open record hearings in the future because the burden of proof is on the Applicant who seeks approval of the request. The City's role is to review and recommend action on the application, but the City cannot represent the interests of the Applicant. Here, the Hearing Examiner makes a recommendation to the City Council so the Applicant may appear at the Council meeting to advocate approval of the application. Thus, the Hearing Examiner will move forward with a recommendation despite the lack of appearance by the Applicant at the hearing.

4. Environmental Checklist, dated March 31, 2006
5. Determination of Non-Significance, issued May 22, 2006
6. Applicant's written explanation of rezone
7. Notice of Public Hearing, issued July 23, 2007
8. Copy of publication of Notice of Public Hearing
9. Affidavit of posting of Notice of Public Hearing, dated August 2, 2007
10. Mailing List
11. Agency Distribution List

The Hearing Examiner enters the following Findings and Conclusions based upon the testimony and exhibits admitted at the open record hearing:

### FINDINGS

1. The Washington Development Company (Applicant) requests a zone reclassification (rezone) from Industrial to Central Business District of a 1.26 acre property located at the northeast corner of SR-202 and 128<sup>th</sup> Place NE, adjacent to the west side of Sammamish River, in Woodinville, Washington.<sup>2</sup> *Exhibit 1, page 2; Exhibit 2.*
2. The City of Woodinville (City) determined the rezone application was complete on April 28, 2006.<sup>3</sup> *Exhibit 1, page 2; Exhibit 2.* The City provided notice of the application consistent with City ordinances. *Exhibit 1, page 10.* On July 23, 2007, the City published notice of the open record hearing associated with the application in *The Woodinville Weekly* and posted notice on the property. *Exhibit 8; Exhibit 9.* The City mailed notice of the hearing to interested parties, government agencies, and all owners of property within 500 feet of the subject property. *Exhibit 10; Exhibit 11.*
3. The Applicant proposed construction of an approximately 20,000 square-foot office building on the subject property, which is currently vacant. *Exhibit 4, pages 1 and 2.* The City acted as lead agency and analyzed the environmental impacts of the requested rezone, as required by the State Environmental Policy Act (SEPA).<sup>4</sup> The City determined that granting the rezone would not have a probable significant adverse environmental impact and issued a Determination of Non-Significance (DNS) on May 22, 2006. No one appealed the DNS before the comment/appeal period ended on June 6, 2006. *Exhibit 1, page 4; Exhibit 4; Exhibit 5.*

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<sup>2</sup> The property is identified by tax parcel number 092605-9104. *Exhibit 2.* A legal description is provided in Exhibit 3.

<sup>3</sup> Page 1 of the Staff Report refers to "the time of application completeness on March 31, 2006." On page 9 of the Staff Report, suggested finding no. 1 states that "the application was determined complete on April 28, 2006." *Exhibit 1, pages 1 and 9.* The exhibits submitted do not contain a copy of the notice of completeness or notice of application.

<sup>4</sup> The Applicant submitted an Environmental Checklist regarding potential environmental impacts of the requested rezone and proposed office building. *Exhibit 4.*

4. When the Applicant submitted the rezone application, the property was zoned Industrial and designated Industrial (I) on the Comprehensive Plan Future Land Use Map. The Applicant submitted an application to amend the Comprehensive Plan designation concurrent with the rezone request. The City Council adopted Ordinance No. 436 on December 18, 2006, amending the property's Comprehensive Plan designation from Industrial to Central Business District (CBD). The subject property is surrounded by railroad tracks to the north, Sammamish River to the north and east, and SR-202 to the south. Adjacent property to the west is zoned Industrial and developed with a storage yard. Property across the railroad lines to the north is developed with a new industrial business park. Property across the river to the north and east is zoned Industrial. Property south of SR-202 is zoned CBD and developed with a restaurant. Wilmot Park and the Sammamish River Trail are within walking distance of the property. *Exhibit 1, pages 2 – 4, 8, 9; Exhibit 4, page 8; Exhibit 6.*
5. The purpose of the Industrial zone is to locate and group industrial enterprises and activities and to protect the industrial land base for industrial economic development and employment opportunities, by allowing for a wide range of industrial and manufacturing uses; establishing appropriate development standards and public review procedures; and limiting residential, institutional, service, office and other non-industrial uses to those necessary to directly support industrial activities. *Woodinville Municipal Code (WMC) 21.04.130(1).* Within the Industrial zone, professional office use is permitted only as an accessory use not to exceed 49 percent of the gross floor area. *WMC 21.08.060.* Eating and drinking establishments are permitted within the Industrial zone only in conjunction with an on-site food processing facility. City code generally does not permit retail land uses within the Industrial zone. *WMC 21.08.070.*
6. The purpose of the Central Business District (CBD) zone is to provide for the broadest mix of comparison retail, higher density residential (R-12 through R-48), service and recreation/cultural uses with compatible storage and fabrication uses, serving regional market areas and offering significant employment and housing opportunities by encouraging compact development supportive of transit and pedestrian travel; allowing for outdoor sales and storage, regional shopping areas and limited fabrication uses; and concentrating large scale commercial and office uses to facilitate the efficient provision of public facilities and services. *WMC 21.04.110(1).* The CBD zone is appropriate for property in the urban center, as designated by the Comprehensive Plan, which is served by adequate public sewers, water supply, roads and other needed public facilities and services. *WMC 21.04.110(2).* Permitted uses within the CBD zone include high density residential; parks and other recreational or cultural uses; general services; institutional uses; business services, not including farm product warehousing, log storage, transportation, photocopying, and heavy equipment repairs; and most of the retail land uses listed in City code. *Chapter 21.08 WMC.*
7. The purpose of the zoning code includes the harmonious grouping of compatible and complementary land uses and the implementation of Comprehensive Plan goals and

policies.<sup>5</sup> *WMC 21.02.030*. Comprehensive Plan Land Use goals and policies would guide growth to improve the City's quality of life, environmental attributes, and Northwest woodland character, while encouraging a variety of commercial services and employment opportunities. *City Comprehensive Plan, Chapter 3, Land Use Element, pages 1 and 2.*<sup>6</sup> Comprehensive Plan Economic Development goals and policies recognize and support the City's commercial districts. *City Comprehensive Plan, Chapter 6, Economic Development Element, page 3.*<sup>7</sup> Community Design Element goals and policies would maintain the City's heritage and Northwest woodland character with a visually cohesive community. *City Comprehensive Plan, Chapter 8, Community Design Element, pages 1 and 2.*<sup>8</sup> Comprehensive Plan Environmental Element goals and policies would preserve and enhance wildlife habitat. *City Comprehensive Plan, Chapter 12, Environmental Element, page 2.*<sup>9</sup>

8. The property is bordered on the east by the Sammamish River, a Shoreline of the State and a Type 1 stream under the City's Critical Areas code. *City Shoreline Master Program; WMC 21.24.370(1); Exhibit 1, pages 3, 6, 10, 11; Exhibit 4*. Future development of the property would be subject to a 150 foot-wide standard stream buffer or a 115 foot-wide reduced buffer with enhancement. *WMC 21.24.380(1).*<sup>10</sup> The Applicant anticipates that development would result in improved fish habitat through stream buffer enhancement. *Exhibit 4, pages 14 – 16*. The City staff report states that shoreline management regulations would ensure that the Applicant enhance and restore habitat and vegetation. *Exhibit 1, pages 5 – 7*. This rezone recommendation does not entail review of development activity or determination and mitigation of direct impacts.

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<sup>5</sup> The general purposes of this title are: (1) To encourage land use decision making in accordance with the public interest and applicable laws of the State of Washington; (2) To protect the general public health, safety, and welfare; (3) To implement the City of Woodinville Comprehensive Plan's goals and policies through land use regulations; (4) To provide for the economic, social, and aesthetic advantages of orderly development through harmonious groupings of compatible and complementary land uses and the application of appropriate development standards; (5) To provide for adequate public facilities and services in conjunction with development; and (6) To promote general public safety by regulating development of lands containing physical hazards and to minimize the adverse environmental impacts of development. *WMC 21.02.030*.

<sup>6</sup> The City identified the following Land Use Policies as relevant to the rezone request: LU-1.1, LU-1.2, and LU-4.1. *Exhibit 1, page 5*.

<sup>7</sup> The City identified Economic Development Policy ED-4.2 as relevant to the rezone request. *Exhibit 1, page 5*.

<sup>8</sup> The City identified Community Design Policies CD-1.3 and CD-2.2 as relevant to the rezone request. *Exhibit 1, pages 5 and 6*.

<sup>9</sup> The City identified the following Environmental Policies as relevant to the rezone request: ENV-3.1, ENV-3.2, ENV-3.3, ENV-3.4, and ENV-3.7. *Exhibit 1, pages 6 and 7*.

<sup>10</sup> The staff report refers to a "100 foot shoreline enhancement zone." *Exhibit 1, pages 6 and 11*. City code provides for a 100-foot wide reduced stream buffer with enhancements as allowed by the Planning Director when a special study (based on BAS) determines that functions achieved in 100 feet are equal to the functions achieved in 115 feet for the site in question. *WMC 21.24.380(1)*.

The City reviews compliance with Critical Areas code requirements at the time of development and site design review, including establishment of a Native Growth Protection Area and mitigation of any stream impacts. *WMC 21.24.110.; Chapter 22.10 WMC; Exhibit 1, pages 5, 10, 11.*

9. The Applicant described the property as located at the western gateway to Woodinville's retail and business core. The Applicant stated that there is a strong demand for office use in this area, according to three commercial real estate brokers with experience in the Woodinville area. The City staff report states that with the wider range of uses allowed under the CBD zone, the property could be developed to provide a positive impact to the appearance and vitality of the neighboring area, as the Sammamish River enhances the site and makes it an inviting place to work and socialize. *Exhibit 1, pages 5 and 8; Exhibit 6.*
10. The Applicant stated that the subject property has been for sale for the past 15 years without success and the property would be better suited for commercial use. The Applicant described the subject property as too small to adequately serve an industrial use. The Applicant also stated the property cannot be connected to other industrial sites as it is surrounded by railroad tracks, SR-202, and the Sammamish River. The City staff report states that the land uses permitted by the CBD zone would allow for more aesthetically appealing development of the subject property. *Exhibit 1, page 8; Exhibit 6.*
11. Future development of the property would be subject to City impact fees, including a transportation impact fee and a parks impact fee. The City would evaluate proposed development for consistency with the 1999 Transportation Infrastructure Standards and Specifications and the 2005 King County Surface Water Design Manual. The property would be served by public water and sewer systems. The City staff report states that the Applicant provided a Certificate of Water Availability indicating that there is sufficient water and fire flow available at the site. *Exhibit 1, pages 8 and 9.*

## CONCLUSIONS

### Jurisdiction

The City of Woodinville Hearing Examiner is granted jurisdiction to hear zone reclassification requests and make a recommendation on the request to the City Council. *Woodinville Municipal Code (WMC) 2.27.030; WMC 17.07.030; WMC 21.020.090.*

### Criteria for Review

City code requires that a zone reclassification shall be granted only if the Applicant demonstrates that the proposal is consistent with the Comprehensive Plan and applicable functional plans at the time the application for such zone reclassification is submitted, and complies with the following criteria:

- (1) There is a demonstrated need for additional zoning as the type proposed.

- (2) The zone reclassification is consistent and compatible with uses and zoning of the surrounding properties.
- (3) The property is practically and physically suited for the uses allowed in the proposed zone reclassification.

*WMC 21.44.070.*

In addition to the rezone criteria provided in the City code, Washington state courts apply the following general rules to rezone applications:

- (1) There is no presumption of validity favoring the action of rezoning;
- (2) The proponents of the rezone have the burden of proof in demonstrating that conditions have substantially changed since the original zoning; and
- (3) The rezone must bear a substantial relationship to the public health, safety, morals or welfare.

*Parkridge v. Seattle*, 89 Wn.2d 454 (1978).

Proof of changed circumstances is not required for a rezone if the proposed rezone and associated development implement policies contained in the comprehensive plan. *Bjarnson v. Kitsap County*, 78 Wn. App. 840 (Div. I, 1995); *Henderson v. Kittitas County*, 124 Wn. App. 747 (Div. III, 2004). Only general conformance with a comprehensive plan is required. *Woods v. Kittitas County*, 130 Wn. App. 573 (Div. III, 2005).

Conclusion Based on Findings:

- A. **The proposed zone reclassification would comply with the approval criteria provided in Woodinville Municipal (WMC) Code 21.44.070.** The City provided notice of the rezone application and associated open record hearing. Approval of the requested zone reclassification would be consistent with the property's current Comprehensive Plan designation of Central Business District (CBD). Future development would be reviewed for compliance with City requirements, including transportation, drainage, and critical areas standards. The rezone would allow for development that positively impacts the appearance and vitality of the neighborhood; preserves and enhances wildlife habitat; and supports commercial services and employment opportunities, consistent with Comprehensive Plan goals and policies. *Findings 1, 2, 7 – 11.*
1. **There is a demonstrated need for additional zoning of the type proposed.** The Applicant stated that the property is undersized for the current Industrial zone. The Applicant has been unable to sell the property under the current zone. The City Council has approved a change in the Comprehensive Plan designation to CBD. Office uses are in demand in the Woodinville area. The requested CBD zone would provide a broad mix of uses, including professional office use, retail, eating and drinking establishments, and high density residential uses. *Findings 4 – 7, 9, 10.*

*Findings, Conclusions, and Recommendation*  
*City of Woodinville Hearing Examiner*  
*Sortino Rezone, ZMA2006-029*

2. **The zone reclassification would be consistent and compatible with uses and zoning of the surrounding properties.** The zone reclassification would allow for development that is compatible with the property's location adjacent to the Sammamish River and near the City's commercial downtown area, Wilmot Park, and the Sammamish River Trail. Immediately adjacent land uses include a storage yard, a new industrial business park, and a restaurant. Under the current zone, development of the property would be limited to industrial and manufacturing uses. Uses permitted in the CBD zone include business services, general services, retail uses, and high density residential uses. The wide range of land uses permitted in the CBD zone would allow for more aesthetically appealing development, consistent with the City Comprehensive Plan Land Use goals and policies to improve the City's quality of life, environmental attributes, and Northwest woodland character, while encouraging a variety of commercial services and employment opportunities. *Findings 4 – 10.*
3. **The property is practically and physically suited for the uses allowed in the proposed zone reclassification.** The CBD zone provides for the broadest possible mix of uses, including professional office use, retail, eating and drinking establishments, and high density residential uses. The property is located adjacent to the Sammamish River, making it a pleasant location to work and socialize. The City reviewed the environmental impacts of the rezone request and determined that the zone reclassification would not result in a probable significant adverse impact on the environment. Future development of the property would be reviewed for consistency with the City's Critical Areas ordinance, shoreline management regulations, and transportation and drainage standards. *Findings 3 – 11.*

- B. The proposed zone reclassification would comply with the general approval criteria prescribed by Washington state case-law.** Proof of changed circumstances is not required for a rezone if the proposed rezone and associated development implement policies contained in the comprehensive plan. Here, the City Council approved changing the property's Comprehensive Plan designation to CBD. Approval of the zone reclassification request would amend the zone to be consistent with the Comprehensive Plan. The zone reclassification would allow for development that positively impacts the appearance and vitality of the neighborhood and supports commercial services and employment opportunities, consistent with Comprehensive Plan goals and policies.

The requested rezone bears a substantial relationship to the public health, safety, morals or welfare. The City analyzed the environmental impacts of the requested rezone and determined that granting the rezone would not have a probable significant adverse impact on the environment. The City issued a Determination of Non-Significance (DNS) on May 22, 2006. Any future development of the property would be reviewed for compliance with City requirements, including the Critical Areas Ordinance and shoreline management regulations. The wide range of land uses permitted in the CBD zone would

allow for more aesthetically appealing development than what is generally permitted in the Industrial zone. *Findings 3 – 11.*

### RECOMMENDATION

Based upon the preceding Findings and Conclusions, the Hearing Examiner recommends that the request for a zone reclassification from Industrial to Central Business District of property located at the northeast corner of SR-202 and 128<sup>th</sup> Place NE in Woodinville, Washington, be **GRANTED.**<sup>11</sup>

Decided this 22<sup>nd</sup> day of August 2007.

  
THEODORE PAUL HUNTER  
Hearing Examiner

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<sup>11</sup> The City proposed a number of conditions of rezone approval. The proposed conditions address compliance with City standards for site development, including the 2005 King County Surface Water Design Standards; the 1999 Transportation Infrastructure Standards and Specifications, including fire access requirements; street tree requirements; and impact fee ordinances. However, when reviewing a rezone application, the Hearing Examiner does not review development proposals. Rather, the role of the Hearing Examiner is to review the rezone request to ensure compliance with zone reclassification criteria found in WMC 21.44.070. Therefore, it is inappropriate at this time for the Hearing Examiner to impose conditions governing site development as conditions of zone reclassification approval. Development-related conditions are more appropriately proposed and considered during site development review. The Hearing Examiner also notes that it is sometimes difficult to administer a conditional rezone, as the rezone ordinance itself must be accessed to ascertain the conditions. For these reasons, the Hearing Examiner recommends review of the rezone request without conditions.



EXHIBIT 1

**City of Woodinville  
Department of Development Services  
Permit & Land Use Services Division  
Woodinville, WA**

**COPY**

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425-489-2754 • 17301 133rd Avenue NE • Woodinville, WA 98072  
Permit Desk Hours • Monday – Friday • 8:30am – 4:00pm • Wednesday 11:30am-4:00pm

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**CITY OF WOODINVILLE  
STAFF REPORT TO THE HEARING EXAMINER  
FOR  
SORTINO REZONE ZMA2006-029**

August 7, 2007 – PUBLIC HEARING AT 10:00 AM

Council Chambers  
17301 133<sup>rd</sup> Ave NE  
Woodinville, WA 98072  
Phone: (425) 489-2754

**To:** Ted Hunter, City of Woodinville Special Hearing Examiner  
**From:** Hal Hart, Development Services Director  
**Date:** August 1, 2007  
**Subject:** Staff Report for Washington Development Company Rezone ZMA2006-029

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## INTRODUCTION

The following paragraphs outline the Comprehensive Plan goals and policies and the provisions of the Woodinville Municipal Codes (WMC) that apply to the rezone for the proposed Washington Development Company (Roger Sortino) rezone because they were in effect at the time of application completeness on March 31, 2006. Following the goals, policies and codes is other pertinent information to assist in decision-making. Staff-recommended conditions to the hearing examiner follow the aforementioned. Applicable Comprehensive Plan goals and policies and regulatory codes are as follows:

- Woodinville Comprehensive Plan 2005
- WMC Title 17, Land Development, 2005
- WMC Title 21, Zoning Code, 2006

**NOTE:** Nothing herein is intended to relieve the applicant from complying with all applicable regulatory standards, regardless of whether or not they are specifically referenced in this staff report. The applicant is and will remain responsible for satisfying all relevant codes, ordinances, rules and regulations with respect to the proposed rezone and the future of the subject property.

## PROCEDURAL BACKDROP

The following paragraphs precede the specific City staff recommendations for conditions of approval and are the underlying premises necessary to process the proposal. The Director makes the following procedural conclusions as a backdrop to the substantive recommendations set forth in this staff report:

1. TYPE III APPLICATION:

The Washington Development Company rezone request application is being properly processed and heard as a Type III permit pursuant to WMC 17.070.030 and WMC21.42.100-110. Pursuant to WMC 17.07.030 and WMC 21.42.100 -110, the Hearing Examiner will make a recommendation to the City Council regarding the applicant's requested rezone.

**Rezone Recommendation:** The Hearing Examiner will make a recommendation to the City Council for its decision on the rezone. An appeal of the rezone is a judicial appeal to King County Superior Court.

2. The rezone proposal is considered vested to the land use regulations in effect at the time of the complete application. WMC 17.09 states "a project permit application is complete when it meets the submittal requirements specified by the Director." The rezone application was deemed complete on March 31, 2006. Based upon relevant legal standards, including but not limited to WMC 21.40.035 and WMC 21.04.080, the Director concludes that the application is therefore vested to the codes and regulations in effect on March 31, 2006.
3. This vesting determination does not mean that the requested rezone is automatically granted. The applicant must still demonstrate that the proposed rezone satisfies the criteria for zone reclassifications. Under WMC 21.44.070, Zone reclassification, "A zone reclassification shall be granted only if the applicant demonstrates that the proposal is consistent with the Comprehensive Plan and applicable functional plans and complies with the following criteria:
- (1) *There is a demonstrated need for additional zoning of the type proposed;*
  - (2) *The zone reclassification is consistent and compatible with uses and zoning of the surrounding properties; and,*
  - (3) *The property is practically and physically suited for the uses allowed in the proposed zone reclassification."*

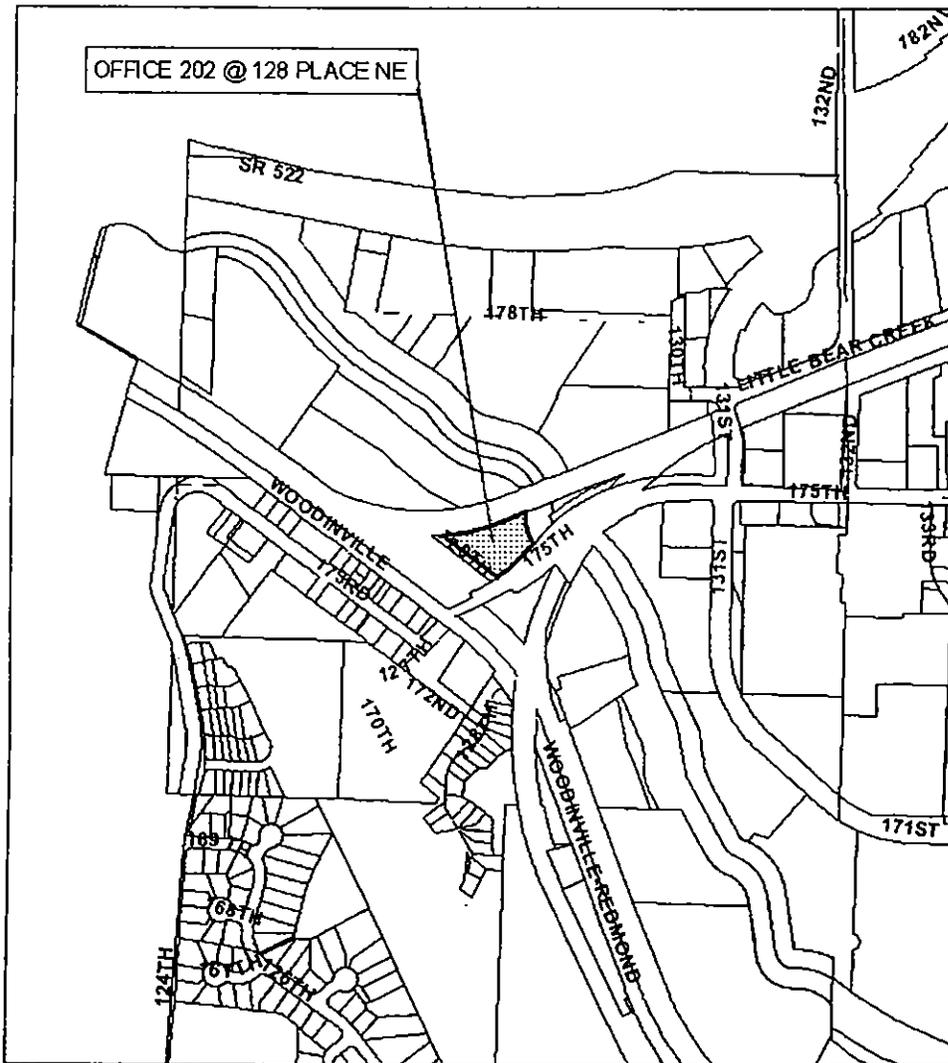
## BACKGROUND OF THE SITE

The rezone proposal is located at the western edge of the CBD zone in the City. A Comprehensive Plan amendment for this site was approved by City Council in Ordinance 436 on December 18, 2006 from Industrial (I) to Central Business District (CBD).

### **A. SUMMARY OF PROPOSED ACTION:**

The applicant proposes to rezone the project site (City File No. ZMA 2006-029) from I to CBD. The Washington Development Company property is located at the NE corner of the intersection of SR 202 and 128th Place NE adjacent to the west side of the Sammamish

River. It is in the NE ¼ of Section 9, Township 26 North, Range 5E, Willamette Meridian, King County respectively. (See Exhibit 3, legal description).



SR 202 and 128<sup>th</sup> Place NE are two lane asphalt roads with asphalt and gravel shoulders. The site is situated in a bowl approximately six to ten feet below street grade. The site drains to the Sammamish River on the east. The surrounding zoning is Industrial to the north, east and west and CBD to the south. The site lies within a Shoreline of the State and as such has a 200 foot management zone associated with it which includes a 100 foot building exclusion area extending westerly from the Sammamish River high water mark.

**B. GENERAL INFORMATION: Applicant's Proposal**

Applicant: Washington Development Company  
10900 NE 8<sup>th</sup> St.

Suite 900  
Bellevue 98004  
Contact: Roger Sortino  
(425) 482-4412

Property Owner: Clifford S. Chamberlain  
Location: Located at NE corner of SR 202 & 128<sup>th</sup> Place NE.,  
STR: NE ¼ of Section 9, Township 26 North, Range 5E, Willamette  
Meridian, King County respectively.

Parcel Numbers: 092605-9104  
Comprehensive Plan: Central Business District (CBD)  
Existing Zoning: Industrial (I)  
Proposed Zoning: CBD  
SEPA Status: Determination of Non-Significance published, May 22, 2006  
Acreage: 1.26  
Sewage Disposal: Woodinville Water District  
Water Supply: Woodinville Water District  
Solid Waste: Waste Management  
Fire District: Woodinville Fire & Life Safety District No. 36  
School District: Northshore School District No. 417  
Electricity: Puget Sound Energy  
Natural Gas: Puget Sound Energy  
Telephone: Verizon  
Cable: Comcast Cable  
Telecommunications: Various cellular and fiber optic providers  
Completed

Application Date: March 31, 2006  
Associated  
Application(s): SEPA Determination File No. SEP2006-030  
Comprehensive Plan Map Amendment File No. CPA2006-045  
ZMA2006-029

Hearing Date: August 7, 2007  
Staff Contact: Robert Wuotila, Development Services Department

**C. HISTORY/BACKGROUND:**

Washington Development Company submitted applications for a Comprehensive Plan amendment and a Zoning Map amendment to the City of Woodinville Development Services Department on March 31, 2006 (Exhibit 2-General application form, Exhibit 3-legal description, Exhibit 4-SEPA Checklist and Exhibit 6-Project description).

**D. SEPA DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE:**

Pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C, the responsible SEPA official of the City of Woodinville issued a Determination of Non-significance on May 22, 2006 (Exhibit 5). The public comment period ended on June 6, 2006 without any comments received. This DNS was based on the review of the environmental checklist and other pertinent documents, resulting in the conclusion that the proposal would not cause probable significant impacts to the environment.

**E. AGENCIES CONTACTED: See Distribution List (Exhibit 11)**

**F. COMPLIANCE WITH COMPREHENSIVE PLAN:**

This proposal is governed by the 2005 Comprehensive Plan (i.e., the Plan in effect in 2005 when the rezone application was deemed complete), which designates this area as Industrial. The proposed rezone to CBD complies with the policies of the Comprehensive Plan that allows for the ability to apply for the rezone. The following are specific goals of the Comprehensive Plan that are applicable to the proposal.

**LAND USE**

**Land Use Policy LU-1.1** *Preserve neighborhood character, while accommodating for GMA growth forecasts and* **Land Use Policy LU-1.2** *Guide growth to areas with capacity, where impacts will be minimized, and where growth will help area's appearance or vitality.*

**Comment:**

The rezone area is on the edge of the CBD neighborhood where other commercial uses (Restaurant and lounge) are located. The development of this site will have some positive impacts to the appearance and vitality of the area neighborhood as new uses will develop through the City's design review process. All utilities are available in this location and utility capacity is not an issue.

**Land Use Policy 4.1** *Create a vibrant compact downtown Woodinville that is an inviting place to work, shop, live and socialize.*

**Comment**

The rezone site is designated as CBD on the Comprehensive Plan Future Land Use Map and represents an abutting site which adds linear dimension to the compact CBD. The adjacent Sammamish River enhances the site and makes it an inviting place to work and socialize.

**ECONOMIC DEVELOPMENT**

**Economic Development Policy ED-4.2** *Encourage the non-residential areas abutting the freeways, highways, arterials and railways to present a more aesthetically appealing image of the community.*

**Comment**

The rezone site abuts an arterial (SR 202) and a railway (BNRR). The rezone from Industrial to Commercial will permit uses that favor more aesthetically appealing structures and the zone will also be enhanced through design review requirements for commercial development not available for industrial uses.

**COMMUNITY DESIGN ELEMENT**

**Community Design Policy CD-1.3** *Promote an image of quality and distinction by blending the natural and built environments.*

Comment:

The site is situated next to the Sammamish River and in a 200 foot management zone. Full utilization of the site will require intrusion into that zone which is permitted for a distance of 100 feet provided that stream enhancement is accomplished. This being done will promote a healthy environmental image and blend the built environment with the natural.

**Community Design Policy CD-2.2** *Encourage native vegetation as a necessary component in the aesthetic and environmental quality of residential, commercial, industrial areas.*

Comment:

As a commercial area, development of the site will be hastened (As zoned Industrial, the site was not developed) and the application of shoreline management guidelines will encourage the planting of native vegetation enhancing the aesthetic and environmental quality of the area.

**ENVIRONMENTAL ELEMENT**

**Environmental Policy ENV-3.1** *Encourage urban forest preservation.*

Comment:

The rezone will meet or exceed this policy by complying with tree retention standards and forest practices regulations. The proposed action will enhance the forested shoreline management zone. A tree retention plan will be submitted with the site plans for development and reviewed for compliance with City standards WMC 21.16.130 through 200; 21.17; 21.06.268 and 14.04 prior to grading the site.

**Environmental Policy ENV-3.2** *Protect critical habitat areas* and **Policy ENV-3.3** *Maintain a standard of no net loss of critical habitat functions and values.*

Comment:

The proposed action will enhance and restore habitat and vegetation due to the shoreline management regulations applicable to the location. This project is subject to WMC Chapter 21.24 and will be required to mitigate any impacts on site. A mitigation/vegetation management plan and Critical Areas Information form shall be submitted with a site development application and building plans and during design review in accordance with City regulations and approved prior to grading the site.

**Environmental Policy ENV-3.4** *Maintain critical area connectivity.*

Comment:

Restoring the 100 foot shoreline enhancement zone abutting the river will provide shade and habitat to the river and the riparian area aiding connectivity quality for fish and mammals.

**Environmental Policy ENV-3.7** *Encourage native plant use.*

Comment:

Development of the rezone area would meet City requirements for the use of native plants in required landscaping and habitat restoration.

**G. COMPLIANCE WITH WOODINVILLE MUNICIPAL CODE:**

- WMC Title 17, Land Development 2005
- WMC Title 21, Zoning Code 2006

**In summary**, the rezone as proposed would be consistent generally with the 2005 Comprehensive Plan. The site could accommodate development consistent with the CBD zone.

**WMC TITLE 17, LAND DEVELOPMENT, 2004**

**17.07** The Site Specific Rezone process is a Type III decision.

**17.09** Project permit application submittal requirements as specified by the application submittal checklist.

**WMC TITLE 21, ZONING CODE, 2006**

**21.04.110 Central Business District Zone.** Use of this zone is appropriate in the urban center as designated by the Comprehensive Plan that is served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services. Adequate public services and facilities are available to this rezone site.

**21.08. Permitted Uses** The rezone will permit all of the uses specified as specifically allowed by this Chapter.

**21.12 Establishes standards for densities and dimensions.** The rezone proposal will permit development in accordance with this Chapter including maximum site coverage of 90 percent and a maximum base building height of 35 feet with increases to 45 feet.

**21.24 Development Standards – Critical Areas.** This section of the code relates to protecting critical (sensitive) areas and following State Environmental Policy Act (SEPA) requirements. The rezone site is situated in a shoreline management zone and any development applications will be required to submit plans for surface water management and critical area information.

**WMC 21.44 Decision Criteria** for consistent evaluation of land use applications:

A zone reclassification shall be granted only if the applicant demonstrates that the proposal is consistent with the Comprehensive Plan and the applicable functional plans complies with the following criteria:

**WMC 21.44.070(1)** requires a rezone applicant to establish that "[t]here is a demonstrated need for additional zoning as the type proposed." The proponent queried several experienced commercial real estate brokers in the area to confirm that there was a strong demand for more office use in the area.

**WMC 21.44.070(2)** The zone reclassification is consistent and compatible with uses and zoning of the surrounding properties. The rezone site is surrounded on two sides by industrial and commercial uses, and a river and railroad line on the other two sides. It is consistent and compatible with these uses. Therefore, the rezone proposal appears to meet these criteria.

**WMC 21.44.070(3)** The property is practically and physically suited for the uses allowed in the proposed zone reclassification. The rezone proposal appears to meet those criteria.

**TRANSPORTATION PLANS:**

1. **TRANSPORTATION PLANS:** The subject rezone is not in conflict with Transportation, Non-motorized and Trails Plans.
2. **ACCESS:** Vehicular access would be provided via two roadway connections.
  - a) SR 202
  - b) 128<sup>th</sup> Place NE
3. **TRAFFIC GENERATION:** Development proposals after the site is rezoned are expected to add vehicle trips with full development. This will be determined when site development and building permit applications are submitted to the City of Woodinville. The impacts to the City's infrastructure shall be mitigation through payment of TIF.
4. **ADEQUACY OF ARTERIAL ROADS:** When uses are proposed for this site evaluations will be done for consistency with 2005 Transportation Infrastructure Standards and Specifications (TISS).
  - a. Transportation improvements will be in place at the time of development, or a financial commitment (performance bond) is in place to complete the improvements.
  - b. Transportation Impact Fee will be required.
5. **Transportation Impact Fee:** The City of Woodinville Transportation Impact Fee Ordinance codified at Chapter 3.39 WMC requires payment of a traffic impact mitigation fee (TIF) for each type of use on the site. TIF fees are determined by the zone in which the site is located. TIF fees are paid at building permit issuance. The amount of the fee will be determined by the applicable fee ordinance at the time the complete building permit application is submitted to the Development Services Department.

**PUBLIC SERVICES:**

1. **PARKS AND RECREATION SPACE:** Wilmot Park and the Sammamish River Trail are within close walking distance. The future development of the site is subject to the Park Impact Fee Ordinance codified at Chapter 3.36 WMC.
2. **FIRE PROTECTION:** A Certificate of Water Availability from the Woodinville Water District indicates that water is presently available to the site. The Woodinville Water District verified sufficient quantity of fire hydrant flow to satisfy King County Fire Flow Standards. Prior building permits being issued the water service facilities must be reviewed and approved per King County Fire Flow Standards.

**UTILITIES & STORMWATER:**

1. **SEWAGE DISPOSAL:** The site must be served by a public sewer system.
2. **WATER SUPPLY:** The site must be served by a public water system.
3. **DRAINAGE:** The site is subject to the conservation flow control and basic water quality requirements in the 1999 King County Surface Water Design Manual. (KCSWDM).

**H. FINDINGS:**

1. The Applicant submitted an application for a zoning map amendment on March 31, 2006 (Exhibit 2). The application was determined complete on April 28, 2006;
2. The site of the proposed subdivision is located at located at the northeast corner of SR 202 and 128<sup>th</sup> Place NE in Woodinville WA.;
3. The proposal is to rezone a 1.26 acre site from Industrial to Central Business District;
4. The site was posted and notice was published in the Woodinville Weekly (Exhibit 9);
5. Pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C, the responsible SEPA official of the City of Woodinville issued a Determination of Significance on May 22, 2006 (Exhibit 5). No comments or appeals were received;
6. WMC 17.11.040 Public Hearing Notice Requirements, a public meeting notice was published in the Woodinville Weekly (Exhibit 8); for a public hearing on August 7, 2007 to hear comments relating to the proposed rezone;
7. The Future Land Use Map (Comprehensive Plan) of the City of Woodinville dated December, 2005 designates this property as Industrial (I) allowing for the rezone from Industrial (I) to Central Business District (CBD);

8. The Applicant has provided a Certificate of Water Availability from the Woodinville Water District dated March 31, 2006;
9. All applicable notice requirements have been met with regards to the August 7, 2007 rezone, including but not limited to legal notice, mailings, etc. (Exhibit 5,7,8,9)

**I. CONCLUSIONS:**

The subject Rezone shall comply with the goals and objectives of the City of Woodinville Comprehensive Plan and shall comply with the requirements of the Zoning Code and other controls of the City of Woodinville, based on the conditions for rezone approval.

1. This proposal, with recommended conditions, meets the Goals and Policies of the Comprehensive Plan in effect in 2005;
2. This proposal, with recommended conditions, meets the regulations and requirements of the Zoning Code WMC 21;
3. The Hearing Examiner has jurisdiction to conduct a public hearing for and render a final recommendation on an application for a zoning map amendment pursuant to the Woodinville Municipal Code (WMC). A zoning map amendment application is a Type III project permit pursuant to WMC 17.07.030;
4. The criteria used by the Hearing Examiner to review and decide an application for a rezone is described in WMC 21.44.070. The proposed rezone conforms to the criteria established under WMC 21.44.070 provided the conditions listed below are met:
5. This project is subject to City of Woodinville Transportation Impact Fee Ordinance codified at Chapter 3.39 WMC;
6. A Native Growth Protection Area (NGPA) shall be designated on the final site plan for a future design review application associated with this site over the easterly 100 feet of the site;
7. The proposed rezone is subject to the Park Impact Fee Ordinance codified at Chapter 3.36 WMC;

**J. RECOMMENDATIONS:**

**Rezone:** Staff recommendation to the Hearing Examiner is for the recommendation of **approval** of the applicant's requested rezone, subject to recommended conditions of approval.

**RECOMMENDED CONDITIONS OF APPROVAL:**

**ENVIRONMENTAL**

1. Shoreline 100 foot enhancement zone must be shown on the final site plan. A restoration plan shall be submitted during Design Review;
2. An NGPA shall be shown on the final site plan. The boundary of the Native Growth Protection Area (NGPA) shall be at least 100 feet west of the ordinary high water mark of the Sammamish River.

**FIRE**

1. Driveway width and construction for Fire Department access must meet City of Woodinville Transportation design requirements (TISS);
2. Curb turning radius shall be 25 feet curvature.
3. Fire Department access roads with dead-ends over 150 feet shall have an approved turn-around per City of Woodinville Transportation Infrastructure Standards and Specifications (TISS);
4. Fire hydrants shall be installed in compliance with requirements of the City Engineer and the Fire Marshall. Hydrant spacing shall be in accordance with Uniform Fire Code, Appendix III-A and B;
5. Current hydrant flow chart required at the closest hydrant to each structure. Fire flow will be calculated based on square footage of each structure. Buildings not meeting minimum fire flow requirements shall be provided with an automatic fire sprinkler system;
6. At the time of any building permit application submittal, a hydrant flow chart will be required from the closest hydrant to each structure. Buildings not receiving the minimum low requirements shall be provided with an automatic fire sprinkler system;

**IMPACT FEES**

1. This project is subject to the following impact fee Ordinances:
  - a. Transportation Impact Fee (TIF) Ordinance codified at Chapter 3.39 WMC
  - b. Park Impact Fee (PIF) Ordinance codified at Chapter 3.36 WMC.

**LANDSCAPE & TREE RETENTION**

1. This project shall comply with applicant City street tree requirements. Street trees shall be provided as follows, per WMC 21.16.050:
  - a. The trees shall be owned (not if in the City right-of-way) and maintained by the property owners.
  - b. The species of trees shall be approved by the City of Woodinville Development Services Department. If located within the right-of-way, tree shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree

or shrub whose roots are likely to obstruct sanitary or storm sewers or that is not compatible with overhead utility lines.

- c. Trees shall be located within the street right-of-way and planted in accordance with WMC 2.24.090, City of Woodinville Public Infrastructure Standards and Specifications, Landscaping Section 7, Details 341, 342, and in accordance with the Public Tree Care Standards Manual.
  - d. The street trees must be installed and inspected, or a performance bond posted prior to building permit issuance. If a performance bond is posted, the street trees must be installed and inspected within one year of obtaining occupancy permits. A detailed landscape plan shall be submitted with the engineering plans for site development. The tree retention plan (and engineering plans) shall be consistent with the requirements of WMC 21.16.140;
2. No clearing of the subject property is permitted until the final tree retention and grading plan is approved by the City of Woodinville Development Services Department. Flagging and temporary fencing of trees to be retained shall be provided, consistent with WMC 21.16.160;
  3. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except for grading work permitted pursuant WMC 21.16.160;
  4. A note shall be placed on the final site plan indicating that the trees shown to be retained on the tree retention plan shall be maintained by the future owners of the property, consistent with WMC 20.06.175 20.06.190 and 21.16. (Note that the tree retention plan shall be included as part of the final engineering plans for the site);

### **SURFACE WATER**

1. Surface water infrastructure proposed for the site shall be in accordance with the 2005 King County Surface Water Design Standards.

### **TRANSPORTATION**

1. Transportation impact fee required. This project is subject to Transportation Impact Fee (TIF) Ordinance 356. TIF fees are paid at building permit issuance. The fee amount shall be the amount in effect as of the date of complete building application. Submit a completed TIF Worksheet with each (new dwelling) building permit;

### **K. OTHER CONSIDERATIONS:**

Preliminary approval of this application does not limit the applicant's responsibility to obtain any required permit or license from the State or other regulatory body. This may include, but is not limited to the following:

- a. Forest Practice Permit from the Washington State Department of Natural Resources.

- b. National Pollutant Discharge Elimination System (NPDES) Permit from WSDOE.
- c. Water Quality Modification Permit from WSDOE.
- d. Water Quality Certification (401) Permit from U.S. Army Corps of Engineers.
- e. Shoreline Management Permit.

In summary, the development as proposed would be consistent with the Comprehensive Plan and Zoning Code for the CBD zone. The site could accommodate development consistent with the CBD zone, but would require careful consideration and protection of the sensitive areas. Provided that specific critical area, shoreline and floodway studies and final design plans confirm that all environmentally sensitive areas were preserved and buffered as required by the City of Woodinville 2005 Zoning Code (including prescribed setbacks and compliance with performance standards), the development alternatives would be consistent with these portions of the WMC.

**L. PUBLIC HEARING PROCESS:**

The rezone hearing is an official OPEN RECORD HEARING.

**M. HEARING EXAMINER & APPEAL PROCESS:**

Rezoning Recommendation: The hearing examiner will make a recommendation to the city council for its decision on the rezoning. An appeal of the rezoning is a judicial appeal to superior court.

**WASHINGTON DEVELOPMENT COMPANY EXHIBITS – ZONING MAP AMENDMENT STAFF REPORT**

#	Description
1	Washington Development Company Staff Report
2	General Application ZMA2006-029
3	Legal Description
4	Environmental Checklist (SEPA)
5	ZMA Determination of Non-Significance
6	Applicant's written explanation of rezoning
7	ZMA Notice of Public Hearing
8	Record of Published Notice of Public Hearing
9	Applicant's Affidavit of Posting of Public Hearing
10	ZMA Property Owner's Radius Map and Mailing List
11	Agency Distribution List

RECEIVED

Received Stamp

MAR 3 2006

CITY OF WOODINVILLE  
PLANNING DEPARTMENT

CITY OF WOODINVILLE  
DEPARTMENT OF PLANNING & COMMUNITY  
DEVELOPMENT

GENERAL APPLICATION FORM

File #	2006029
Application Type	2000
TRC III Date	
Fee Paid	4200
Date Rec'd	3/31/06

GENERAL INFORMATION:

EXHIBIT 2  
PAGE 1 OF 1

Name of Development/Project: NEW OFFICE BUILDING

Applicant Name: WASHINGTON DEVELOPMENT COMPANY

Applicant Address: 10900 NE 8th St., SUITE 900; BELLEVUE, WA 98004

Phone Number: 425-482-4412

Description of Proposed Action: REZONE TO CB (CENTRAL BUSINESS) FROM EXISTING I (INDUST.

OTHER PERMITTING INFORMATION:

Are you applying for a consolidated permit review?  YES  NO

(Consolidated Permit Reviews require all applications be submitted concurrently.)

If yes, what other permits/applications are you submitting at this time?

PROPERTY INFORMATION:

Location of Subject Property: SR 202 at 128th PL. NE

Legal Description: ATTACHED

Tax Parcel Number: 092605-9104    ¼ Sec.: NE    Sec.: 9    Twn.: 26 N    Range: 5 E

Size (ac/sq ft): 1.26 / 54,977 SF    Comp. Plan Designation: INDUSTRIAL    Zone: I

Current Use: VACANT

Are there Sensitive Areas on Property  Yes. Please list the size (ac/sq ft): \_\_\_\_\_  No

SIGNATURE OF ALL PERSONS WITH AN INTEREST IN THE PROPERTY  
AUTHORIZATION TO FILE:

Name: <u>ROGER SORTINO</u>	Name: <u>Bob Wells</u>
Signature: <u>[Signature]</u>	Signature: <u>[Signature]</u>
Tax No. or Lot & Subdivision: <u>092605-9104</u>	Tax No. or Lot & Subdivision: <u>092605-9104</u>
<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Contract Purchaser <input checked="" type="checkbox"/> Option Purchaser (Owners signature also required) Option Expiration Date _____	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Contract Purchaser <input type="checkbox"/> Option Purchaser (Owners signature also required) Option Expiration Date _____

CERTIFICATION:

I certify that the information and exhibits herewith submitted are true and correct to the best of my knowledge and that I am to file this application and act on behalf of the signatories of the above authorization.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# ~~SORTINO PROPERTY (LEGAL):~~

EXHIBIT 3  
PAGE 1 OF 1

## DESCRIPTION:

THAT PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION ON THE EAST AND WEST CENTERLINE OF SECTION 9 WITH THE WESTERLY BANK OF SAMMAMISH RIVER; THENCE SOUTHERLY ALONG THE WESTERLY BANK OF SAID RIVER TO THE SOUTHERLY MARGIN OF RIGHT-OF-WAY FOR THE SUMAS BRANCH OF NORTHERN PACIFIC RAILWAY COMPANY AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTHERLY AND SOUTHEASTERLY ALONG THE BANK OF SAID RIVER TO COUNTY ROAD; THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY MARGIN OF SAID ROAD TO A POINT DISTANCE 150 FEET NORTHEASTERLY MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF RIGHT-OF-WAY FOR THE SNOQUALMIE BRANCH OF NORTHERN PACIFIC RAILWAY COMPANY; THENCE NORTHWESTERLY PARALLEL TO THE CENTERLINE OF SAID RIGHT-OF-WAY FOR SNOQUALMIE BRANCH AND DISTANT 150 FEET THEREFROM, TO THE SOUTHERLY MARGIN OF RIGHT-OF-WAY FOR THE SUMAS BRANCH OF NORTHERN PACIFIC RAILWAY COMPANY; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY FOR SUMAS BRANCH TO THE TRUE POINT OF BEGINNING; EXCEPT THE SOUTHWESTERLY 30 FEET THEREOF AS CONVEYED TO MAR-TAM, INC., BY DEED RECORDED UNDER RECORDING NO. 7408070296; AND EXCEPT THEREFROM PORTIONS CONVEYED TO THE STATE OF WASHINGTON FOR ROAD BY DEEDS RECORDED UNDER RECORDING NOS. 3348214 AND 5399294.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

## AREA:

SITE CONTAINS 54,977 SQ. FT. OR 1.2621 ACRES.

RECEIVED

MAR 5 2005

CITY OF WOODINVILLE  
PLANNING DEPARTMENT

70.0'

STA. 15+89.95'

SEPA CHECKLIST  
CITY OF WOODINVILLE

EXHIBIT 4  
PAGE 1 OF 16

WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

*Purpose of Checklist:*

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

*Instructions for Applicants:*

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

*Use of checklist for nonproject proposals:*

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For project actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable: **New Office Building  
(LMA #06-051)**
  
2. Name of applicant: **Washington Development Company  
c/o Lance Mueller & Associates/Architects (Agents for Owner)**
  
3. Address and phone number of applicant and contact person:

<b>Applicant:</b> Roger Sortino Washington Development Company 10900 NE 8 <sup>th</sup> Street, Suite 900 Bellevue, WA 98004 425-443-7552	<b>Contact Person:</b> Bob Wells Lance Mueller & Associates/Architects 130 Lakeside, Suite 250 Seattle, WA 98122 Phone: (206) 325-2553
--	---

4. Date checklist prepared: 3/30/06

EXHIBIT 4  
PAGE 2 OF 6

5. Agency requesting checklist: City of Woodinville – Dept. of Planning & Community Development

6. Proposed timing or schedule (including phasing, if applicable):

**Obtain Rezone by 9/06**

**After rezone begin building permit process, including Pre-App & Design Review: Bldg permit by 12/07.**

**Construction from approximately 4/08-11/08**

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal?  
If yes, explain.

**Tenant Improvement work inside.**

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

**Confirmation of Non-Wetland Determination by Talasea, dated 4/30/92.**

**Geotechnical Report will be prepared.**

**Traffic Report will be prepared.**

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

**No.**

10. List any government approvals or permits that will be needed for your proposal, if known.

**Rezone to CB.**

**Building Permit: including Design Review, HPA, and EPA approvals.**

**Tenant Improvement permits.**

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

**A rezone to allow permitting a proposed new office of approximately 20,000sf over a basement parking of approximately 10,000sf.**

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

**NE corner of SR202 at 128<sup>th</sup> Place NE. Sammamish River is at the east property line.**

TO BE COMPLETED BY APPLICANT

EXHIBIT 4  
PAGE 3 OF 6

EVALUATION FOR  
AGENCY USE ONLY

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_.

Site is flat in the middle sloping on three sides down to the middle. Sammamish River has a bank on the east property line.

- b. What is the steepest slope on the site (approximate percent slope)?

2:1 slope at the Sammamish River bank on the east property line.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

From the Talasea wetland report we know this is free-draining sandy soil.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Not known.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Not known.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Yes. Erosion potential will be greatest during the clearing and grading of the site. All can be contained on site per conventional erosion control techniques. Landscaping will eliminate erosion issues after construction

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

± 47%

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

All clearing and grading construction shall be in accordance with City of Redmond and shall employ the necessary clearing and grading erosion control devices. These include but are not limited to:

1. Stabilize soil with mulch or plastic.
2. Seal loose soil by compacting.
3. Install catch basin protection.
4. Install hard surface construction access road and pad.
5. Install siltation fences.



## 2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Emission generated would be principally from construction-related activities; these would include dust generated from the grading and clearing of the project site and vehicle emissions associated with the various construction vehicles and equipment. After the proposed building is built, emission would be limited to vehicles

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

There are vehicle exhaust emission from surrounding roads, but we do not anticipate this will affect the project.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None.

## 3. Water

- a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

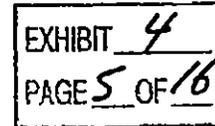
Sammamish River is at our east property line, and it flows into Lake Washington.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Work will be adjacent to the Sammamish River. Prelim Plans are attached.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None.



- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

- 5) Does the proposal lie within a 100-year flood plain? If so, note location on the site plan.

We have conflicting information on this. From 15-year old information we recall this property being just out of the flood plain? From a recent large scale FEMA map it appears our property has a center portion in 100-year flood plain, and is designated Zone AE? We need more time to determine what all this means?

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No, other than treated storm water from paving and roofs

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

No water will be withdrawn. Not know at this time if an infiltration type storm water system will be utilized, but this is not waste material.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals . . .; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None.

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Runoff is from surface parking areas, sidewalks, and roof areas. Parking runoff will be collected in catch basins and run through a water quality system on site and then discharges into Sammamish River. Roof runoff will be collected and connected directly to the detention system. The design includes phosphorus control measures mandated by code for downstream discharge to Lake Sammamish.

EXHIBIT 4  
PAGE 6 OF 16

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

No.

- d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

None.

#### 4. Plants

- a. Check or circle types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other  
 evergreen tree: fir, cedar, pine, other  
 shrubs  
 grass  
 pasture  
 crop or grain  
 wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other  
 water plants: water lily, eelgrass, milfoil, other  
 other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?

West of the Sammamish River setback we will replace existing vegetation with primarily native ornamental plantings per Code. Within the stream setback edge we plan to largely leave the native materials and at river's will comply with code to enhance for fish habitat.

- c. List the threatened or endangered species known to be on or near the site.

Not known.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

West of the Sammamish River setback we will replace existing vegetation with primarily native ornamental plantings per Code. Within the stream setback edge we plan to largely leave the native materials and at river's will comply with code to enhance for fish habitat.

5. **Animals**

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

X birds: hawk, heron, eagle, songbirds, other  
mammals: deer, bear, elk, beaver, other  
fish: bass, salmon, trout, herring, shellfish, other

- b. List any threatened or endangered species known to be on or near the site.

Not known.

- c. Is the site part of a migration route? If so, explain.

Pacific Flyway.

- d. Proposed measures to preserve or enhance wildlife, if any:

We are preserving much of the site in existing landscaping which preserves habitat for birds and small rodents. Plus proposed new largely native plant material will provide additional shade, cover and sources of food.

6. **Energy and Natural Resources**

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Electric power and possibly natural gas will be employed to heat, cool, and power the building.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

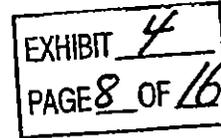
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measure to reduce or control energy impacts, if any:

Building envelope insulation and tinted low-e insulated glass. There will be energy efficiency features on the HVAC system, but that is not designed as yet.

7. **Environmental Health**

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Very unlikely, no unusual construction or post-construction hazards.



- 1) Describe special emergency services that might be required.

Typical medical and fire services for office use buildings.

- 2) Proposed measures to reduce or control environmental health hazards, if any:

None.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Traffic noise.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Construction noise would be of a short-term basis and would be associated with the clearing, grading and construction of the building. Post construction noise would be car traffic, a minor incremental addition to the existing noise.

- 3) Proposed measures to reduce or control noise impacts, if any:

Construction noise will be during daylight hours per code. Post construction surrounding traffic noise will be dampened through the use of insulated walls, roof and windows, and landscape buffers.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

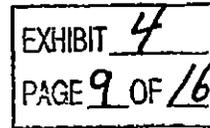
Currently the site is undeveloped. Adjacent to the north and separated from our property by a raised railroad line is a fairly new industrial business park. Across the river to the north and east is industrial. Immediately across from our site and south of SR-202 is a restaurant in CBD (Central Business District). Immediately west of our site is a storage yard zoned I (Industrial).

- b. Has the site been used for agriculture? If so, describe.

Not known.

- c. Describe any structures on the site.

None.



- d. Will any structures be demolished? If so, what?

No.

- e. What is the current zoning classification of the site?

I (Industrial). Note zone was previously BC-P when under King County jurisdiction, not industrial.

- f. What is the current comprehensive plan designation of the site?

Industrial

- g. If applicable, what is the current shoreline master program designation of the site?

Not known.

- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

Not known.

- i. Approximately how many people would reside or work in the completed project?

±85

- j. Approximately how many people would the completed project displace?

None.

- k. Proposed measures to avoid or reduce displacement impacts, if any:

None.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

This is one purpose of this rezone request. To better comply with City goals and policies for waterfront properties and as an east gateway to Woodinville's "Main Street", CBD is more appropriate zoning for this property in the long term.

**9. Housing**

EXHIBIT 4  
PAGE 10 OF 16

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

None.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None.

- c. Proposed measure to reduce or control housing impacts, if any:

None.

**10. Aesthetics**

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

35'

- b. What views in the immediate vicinity would be altered or obstructed?

None.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

The site perimeter and interior are softened with new landscaping. Parking is largely concealed under the building. The building is oriented tastefully to the river for pleasant views from SR-202. Architectural features will provide facade relief and modulation..

**11. Light and Glare**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

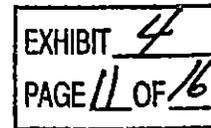
Very little, as exterior lighting is designed and used only as necessary to serve parking lot areas, building entries, and path lighting. Potential for nighttime glare is very unlikely with the glare control features in our design.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

This is very unlikely with the glare control features in our design.

- c. What existing off-site sources of light or glare may affect your proposal?

Do not anticipate any beyond car lights.



- d. Proposed measures to reduce or control light and glare impacts, if any:

All exterior parking lot fixtures will be shielded to prevent light spillage or glare to adjoining properties and roadways. Although modest reflections will occur on glass, it is a non-reflective type to eliminate glare issues. New and existing landscaping will significantly reduce glare potential.

## 12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

There is a trail along the river on the opposite side from our site, There is a large City park also across the river and to the south.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None.

## 13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

Not known.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

Not known

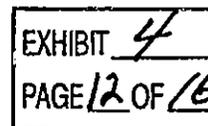
- c. Proposed measures to reduce or control impacts, if any:

None.

#### 14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

SR-202 is adjacent to the site.



- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Not known

- c. How many parking spaces would the completed project have? How many would the project eliminate?

73 stalls proposed and none eliminated.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

Not known

- g. Proposed measures to reduce or control transportation impacts, if any:

Not known

#### 15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

Yes, small incremental increases typical of new projects of this type.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

Building will have life-safety features such as an automatic sprinkler system and security system.

EXHIBIT 4  
PAGE 13 OF 16

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Electricity and natural gas provided by Puget Sound Energy, water & sewer by Woodinville Water District, and storm discharges directly into Sammamish River. Telephone service is available.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:

*Bob Wells*

Date Submitted:

*3/31/06*

RECEIVED

MAR 31 2005

SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS  
CITY OF WOODINVILLE

CITY OF WOODINVILLE  
PLANNING DEPARTMENT

TO BE COMPLETE BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

D. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS

EXHIBIT 4  
PAGE 14 OF 16

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

- 1. How would the proposal be likely to increase discharge to water; emissions to air; production storage, or release of toxic or hazardous substances; or production of noise?

NO.

Proposed measures to avoid or reduce such increases are:

NONE.

- 2. How would the proposal be likely to affect plants, animals, fish, or marine life?

WE ANTICIPATE IMPROVED FISH HABITAT AT THE RIVERS BODIES IF THE PROJECT GOES FORWARD.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

ADD NATIVE LANDSCAPING AND IMPROVE FISH HABITAT.

3. How would the proposal be likely to deplete energy or natural resources?

NO.

Proposed measures to protect or conserve energy and natural resources are:

ENVELOPE INSULATION AND PERFORMANCE  
GLASS SYSTEMS. EFFICIENT MECHANICAL  
AND ELECTRICAL SYSTEMS.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, or historic cultural sites, wetlands, floodplains, or prime farmlands?

WE ARE BUILDING NEXT TO A RIVER.

Proposed measures to protect such resources or to avoid or reduce impacts are:

100' STREAM SETBACK WITH LANDSCAPE + TREES  
EDGE ENHANCEMENTS.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

THIS PROPOSAL WILL LIKELY BETTER ENCOURAGE  
SHORELINE USE THAN EXISTING INDUSTRIAL ZONE.

Proposed measures to avoid or reduce shoreline and land use impacts are:

EXHIBIT 4  
PAGE 6 OF 16

DURING CONSTRUCTION WE WOULD LIMIT ACCESS TO THE STREAM BUFFER AND GENERALLY USE NON-INVASIVE CONSTRUCTION PRACTICES.

POST CONSTRUCTION LANDSCAPING WILL ENHANCE THE AREA AND CONTROL EROSION, ETC.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

YES, SMALL INCREMENTAL INCREASES.

Proposed measures to reduce or respond to such demand(s) are:

TRANSPORTATION - VAN POOLS, FLEX-HOURS, AND THE SITE IS ON A BUS LINE.

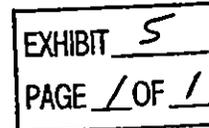
7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

WE ARE NOT AWARE OF ANY CONFLICT WITH OFFICE USE.)

CITY OF WOODINVILLE  
DETERMINATION OF NON-SIGNIFICANCE  
PROJECT: 2006 Annual Docket of Comprehensive Plan and Zoning Map  
Amendments Relating to Rezone of site from Industrial  
to Central Business District



Threshold Determination: Determination of Non-Significance  
Date of Issuance: May 22, 2006  
File Number: SEP2006-030  
Applicant: Washington Development Company  
Contact Person: Roger Sortino  
Proposal Location: Industrial and Central Business Districts, Woodinville, King County,  
Washington  
S/T/R: NE 9/26N/5E  
Proposal Description: Proposed Comprehensive Plan and Zoning Map Amendment to rezone  
SR 202 at 128<sup>th</sup> Avenue NE from Industrial to Central Business District  
Lead Agency: City of Woodinville



*Citizens, business and local government;  
a community commitment to our future.*

**NOTE:** This determination does not constitute approval of the proposal. This proposal will be reviewed for compliance with SEPA Determination Review Procedures.

Threshold Determination:

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

COMMENTS AND APPEALS:

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 15 days from the signature date below.

Any interested party may submit written comments on this determination. Written comments or appeals must be received in the City of Woodinville, Department Planning and of Community Development before 5:00 P.M. on June 6, 2006

Any appeal shall state with specificity the reasons why the determination should be reversed. All appeals must be accompanied by a non-refundable \$180.00 filing fee. Comments or appeals should be addressed to the responsible official designated below.

If you have any questions, please call Project Planner, Dick Fredlund at (425) 489-2757 ext. 2247.

SEPA OFFICIAL: Ray Sturtz  
POSITION/TITLE: Planning Director  
ADDRESS: 17301 133<sup>rd</sup> Avenue NE  
Woodinville, WA 98072

SIGNATURE: \_\_\_\_\_

DATE: May 22, 2006

RECEIVED  
RECEIVED

EXHIBIT 6  
PAGE 1 OF 1

3/31/06

Washington Development Services Rezone (for Sortino)  
Tax Parcel No.: 092605-9104

MAR 31 2006  
MAY 9 2006  
CITY OF WOODINVILLE  
PLANNING DEPARTMENT  
PLANNING DEPARTMENT

H. Written explanation of how the rezone relates to the Zoning Map Amendment Criteria:

1. There is a demonstrated need for additional zoning as the type proposed:

*The proponent queries three different experienced commercial brokers in the area to confirm there was a strong demand for office use in the area.*

2. The rezone classification is consistent and compatible with the uses and zoning of the surrounding properties:

*The proposed rezone to CBD is generally consistent with prosperities that front on SR-202 and 173<sup>rd</sup> Place in this area. The exception is the small adjacent property SW and across 128<sup>th</sup> Place NE from our site.*

3. There have been significant changes in the circumstances of the property to be rezoned or surrounding properties to warrant a change in classification:

*The property was zoned BC-P when under King County authority, a more appropriate classification in our opinion. We believe the change to Industrial when Woodinville incorporated was significant and not appropriate.*

4. The property is practically and physically suited for the uses allowed in the proposed zone reclassification:

*Yes. See attached proposed new office building.*

5. Other:

*The site is on the westerly gateway to Woodinville's retail and business core. It is also on the Sammamish River, a scarce resource near the City core. We believe that CBD is the more appropriate zone for the goals and policies of Woodinville in this area than Industrial.*

6. Other:

*At 1.25 acres the site is small for industrial users. Connection or expansion is not possible with larger sites as the site is segregated all sides by roads, railroad, or the River. Industrial zoned property needs to be preserved, but this small size is not useful to almost all industrial uses. The property has been for sale under the industrial zone for 15 years with no interest.*

CITY OF WOODINVILLE  
17301 NE 133<sup>rd</sup> Avenue NE  
WOODINVILLE, WA 98072  
(425) 489-2754  
NOTICE OF PUBLIC HEARING

EXHIBIT 7  
PAGE 1 OF 1



The City of Woodinville Hearing Examiner will conduct a Public Hearing to consider public comment on the **Zoning Map Amendment Application** described below.

**DESCRIPTION OF APPLICATION**

Project Name:	Office 202 @ 128 <sup>th</sup> Place NE
File Number:	ZMA2006-029
Applicant(s)	Washington Development Company
Contact:	Roger Sortino
Location:	SR 202 at 128 Place NE, Woodinville, King County, Washington
Section of Code Pertinent to Hearing Procedure:	WMC 17.07.030
Proposal:	Site Specific Zoning Map Amendment from Industrial (I) designation to Central Business District (CBD) designation

**PUBLIC HEARING DATE:** Tuesday, August 07, 2007 TIME: 10:00 A.M.

**HEARING LOCATION:** Woodinville City Hall, Council Chambers  
17301 133<sup>rd</sup> Avenue NE  
Woodinville, WA 98072

**DATE OF NOTICE:** July 23, 2007

**RESPONSIBLE OFFICIAL:** Hal Hart  
Director of Development Services

Copies of all application documents are available for review or purchase at City Hall. In addition, a copy of the staff report will be available 7 days prior to the Hearing. All interested parties may appear and provide testimony to the above proposal at the Public Hearing. Written comments regarding this proposal will be accepted up to and at the Public Hearing. Comments should be addressed to the Planning Department at the address shown above. **If you have any questions, please call Bob Wuotila at (425)489-2754 ext. 2283.**

**\*NOTE:** The hearing subject to this notice is an **OPEN RECORD HEARING**. A record of this hearing will be created. Any party interested in the decision of this hearing must present spoken or written testimony for the record at the **OPEN RECORD HEARING**. Any appeal of this hearing is limited to an administrative appeal based on the existing record. In case of an appeal, the appeal will be heard as a **CLOSED RECORD APPEAL HEARING with no new evidence or information allowed to be submitted.**

July 23, 2007

The Woodinville Weekly/The Northlake News/The Valley View

EXHIBIT 8  
PAGE 1 OF 1

<b>CITY OF WOODINVILLE</b> 17301 NE 133rd Avenue NE WOODINVILLE, WA 98072 (425) 489-2754		
<b>NOTICE OF PUBLIC HEARING</b>		
The City of Woodinville Hearing Examiner will conduct a Public Hearing to consider public comment on the Zoning Map Amendment Application described below.		
<b>DESCRIPTION OF APPLICATION</b>		
Project Name:	Office 202 @ 128th Place NE	
File Number:	ZMA2006-029	
Applicant(s):	Washington Development Company	
Contact:	Roger Sortino	
Location:	SR 202 at 128 Place NE, Woodinville, King County, Washington	
Section of Code Pertinent to Hearing Procedure:	WMC 17.07.030	
Proposal:	Site Specific Zoning Map Amendment from Industrial (!) designation to Central Business District (CBD) designation	
<b>PUBLIC HEARING DATE:</b>	Tuesday, August 07, 2007	<b>TIME: 10:00 A.M.</b>
<b>HEARING LOCATION:</b>	Woodinville City Hall, Council Chambers 17301 133rd Avenue NE Woodinville, WA 98072	
<b>DATE OF NOTICE:</b>	July 23, 2007	
<b>RESPONSIBLE OFFICIAL:</b>	Hal Hart Director of Development Services	
Copies of all application documents are available for review or purchase at City Hall. In addition, a copy of the staff report will be available 7 days prior to the Hearing. All interested parties may appear and provide testimony to the above proposal at the Public Hearing. Written comments regarding this proposal will be accepted up to and at the Public Hearing. Comments should be addressed to the Planning Department at the address shown above. If you have any questions, please call Bob Wuotila at (425) 489-2754 ext. 2283.		
<b>*NOTE:</b> The hearing subject to this notice is an <b>OPEN RECORD HEARING</b> . A record of this hearing will be created. Any party interested in the decision of this hearing must present spoken or written testimony for the record at the <b>OPEN RECORD HEARING</b> . Any appeal of this hearing is limited to an administrative appeal based on the existing record. In case of an appeal, the appeal will be heard as a <b>CLOSED RECORD APPEAL HEARING</b> with no new evidence or information allowed to be submitted.		
<small>Published July 23rd, 2007</small>		



City of Woodinville  
AFFIDAVIT OF POSTING  
FOR  
NOTICE OF PUBLIC HEARING

EXHIBIT 9  
PAGE 1 OF 1

Development Services Department  
425-489-2754 • 17301 133<sup>rd</sup> Avenue NE • Woodinville, WA 98072  
Permit Desk Hours • Monday – Friday • 8:30am – 4:00pm • Wednesday 11:30am-4:00pm

Roger Sortino  
Applicant Name

ZMA2006-029  
File Number

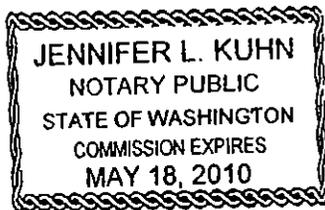
I understand that WMC 17.11.030 Application Requirements/Notice Methods of Woodinville Municipal Code of the City of Woodinville requires me to post the property at least fifteen (15) days prior to the Public Hearing.

I certify that on July 23, 2007 the **NOTICE OF PUBLIC HEARING SIGN(S)** in accordance with applicable requirements and guidelines were posted on the property located at SR 202 at 128 Place NE so as to be clearly seen from each right-of-way providing vehicular access to the property.

State of Washington  
County of King

[Handwritten Signature]  
Signature

Subscribed and Sworn to me this 2nd day of August, 2007



Jennifer L. Kuhn  
Jennifer L. Kuhn  
Notary Public for the  
State of Washington, residing  
Woodinville, Washington  
My Commission expires May 18, 2010

This affidavit must be properly completed upon this posting of the required **Notice of Public Hearing** and returned to the Development Services Department, not later than the 15<sup>th</sup> day preceding the Public Hearing date.

Return to:  
City of Woodinville  
Development Services  
17301 133<sup>rd</sup> Avenue NE  
Woodinville, WA 98072

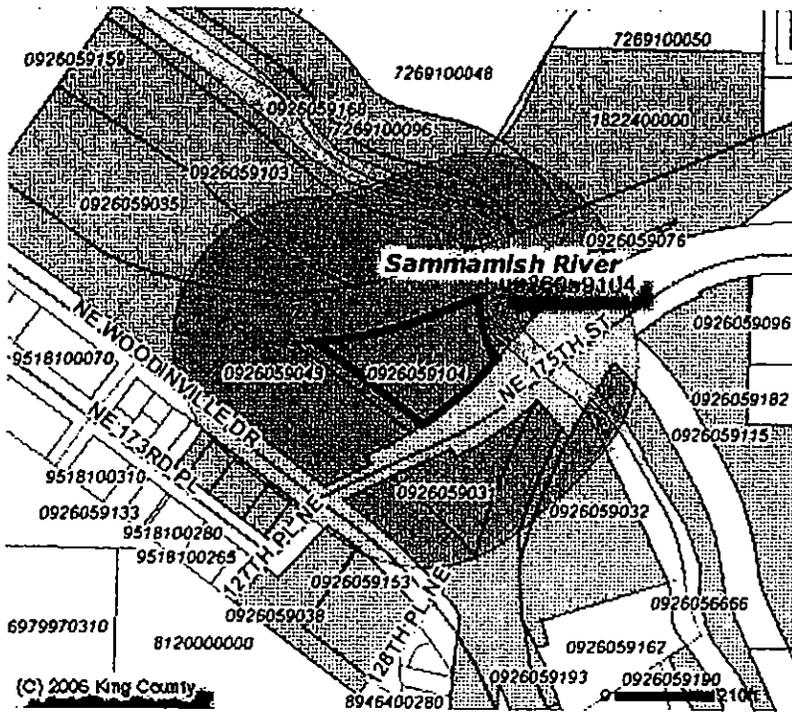


EXHIBIT 10  
PAGE 1 OF 4

2 sets of 300' labels.

*Jenni Nugent*

092605 9030  
King County  
500 4th Ave #500  
Seattle, WA 98104

092605 9031  
Harold & Judy Larsen  
12801 NE 175th St  
Woodinville, WA 98072

092605 9032  
Woodinville Landing Llc  
PO Box 1650  
Woodinville, WA 98072

092605 9035  
Calwest Industrial Properties Llc  
101 California St #2600  
San Francisco, CA 94111

092605 9038  
Sunridge Properties L L C  
10900 NE 4th St #1510  
Bellevue, WA 98004

092605 9043  
Ant Llc  
811 1st Ave #400  
Seattle, WA 98104

EXHIBIT 10  
PAGE 2 OF 4

092605 9103  
Calwest Industrial Properties Llc  
101 California St #2600  
San Francisco, CA 94111

092605 9115  
City Of Woodinville  
17301 133rd Ave NE  
Woodinville, WA 98072

092605 9143  
King County  
500 4th Ave #500  
Seattle, WA 98104

092605 9153  
Jeffrey Deroulet  
20804 42nd Ave SE  
Bothell, WA 98021

092605 9168  
Wa State & Natural Resources  
PO Box 47016  
Olympia, WA 98504

092605 9193  
Woodinville Landing Llc  
PO Box 1650  
Woodinville, WA 98072

726910 0096  
King County  
500 4th Ave  
Seattle, WA 98104

951810 0005  
Richard Shawver  
1216 Pine St #201  
Seattle, WA 98101

951810 0010  
Richard Shawver  
1216 Pine St #201  
Seattle, WA 98101

951810 0025  
Kyu Chin Bang  
10303 Main St  
Bothell, WA 98011

951810 0035  
William Baxter  
14341 157th Ave NE  
Woodinville, WA 98072

951810 0045  
William & Linda Baxter  
14341 157th Ave NE  
Woodinville, WA 98072

092605 9030  
King County  
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Seattle, WA 98104

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EXHIBIT 10  
PAGE 3 OF 4

092605 9035  
Calwest Industrial Properties Llc  
101 California St #2600  
San Francisco, CA 94111

092605 9035  
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San Francisco, CA 94111

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San Francisco, CA 94111

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City Of Woodinville  
17301 133rd Ave NE  
Woodinville, WA 98072

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King County  
500 4th Ave #500  
Seattle, WA 98104

092605 9153  
Jeffrey Deroulet  
20804 42nd Ave SE  
Bothell, WA 98021

092605 9162  
Woodinville Landing Llc  
PO Box 1650  
Woodinville, WA 98072

092605 9168  
Wa State & Natural Resources  
PO Box 47016  
Olympia, WA 98504

092605 9193  
Woodinville Landing Llc  
PO Box 1650  
Woodinville, WA 98072

726910 0048  
Abp Wa Woodinville Llc  
1300 Wildwood Pkwy  
Atlanta, GA 30339

726910 0096  
King County  
500 4th Ave  
Seattle, WA 98104

894640 0270  
Woodinville City Of  
17301 133rd Ave NE  
Woodinville, WA 98072

894640 0280  
Bita Pourzad  
1831 SE 263rd Ct  
Rent, WA 98030

951810 0005  
Richard Shawver  
1216 Pine St #201  
Seattle, WA 98101

951810 0010  
Richard Shawver  
1216 Pine St #201  
Seattle, WA 98101

951810 0025  
Kyu Chin Bang  
10303 Main St  
Bothell, WA 98011

951810 0025  
Kyu Chin Bang  
10303 Main St  
Bothell, WA 98011

951810 0035  
William Baxter  
14341 157th Ave NE  
Woodinville, WA 98072

951810 0045  
William & Linda Baxter  
4341 157th Ave NE  
Woodinville, WA 98072

951810 0050  
Air Baxter  
12625 NE Woodinville Dr  
Woodinville, WA 98072

951810 0055  
Walter & Sheri Carruthers III  
18685 NE Woodinville Duvall Rd  
Woodinville, WA 98072

951810 0059  
Honore Benson  
2608 NE 173rd Pl  
Woodinville, WA 98072

951810 0061  
Walter & Sheri Carruthers III  
18685 NE Woodinville Duvall Rd  
Woodinville, WA 98072

951810 0062  
King County Fire Protection District #3  
19900 144th Ave NE  
Woodinville, WA 98072

951810 0065  
Walter & Sheri Carruthers III  
18685 NE Woodinville Duvall Rd  
Woodinville, WA 98072

951810 0070  
Westpoint Properties Llc  
12461 NE Woodinville Dr  
Woodinville, WA 98072

951810 0265  
Riverview Ent's Llc  
23826 75th Ave SE  
Woodinville, WA 98072

951810 0280  
Gentle Dental Cent Woodinville  
1201 3rd Ave #3200  
Seattle, WA 98101

951810 0295  
Gentle Dental Cent Woodinville  
1201 3rd Ave #3200  
Seattle, WA 98101

951810 0296  
Gentle Dental Cent Woodinville  
1201 3rd Ave #3200  
Seattle, WA 98101

951810 0305  
Gentle Dental Cent Woodinville  
1201 3rd Ave #3200  
Seattle, WA 98101

951810 0310  
Damon & Paulette Fletcher  
19809 NE 174th St  
Woodinville, WA 98077

EXHIBIT 10  
PAGE 4 OF 4

SEPA Register  
Department of Ecology  
Environmental Review Section  
P.O. Box 47703  
Olympia, WA 98504

WSDOT Northwest Region  
King County Area Developer Services  
MS 240 / P.O. Box 330310  
Seattle, WA 98133-9710

EXHIBIT   //    
PAGE   /   OF   /  

Ms. Shirley Marroquin  
Environmental Planning Supervisor  
King County Wastewater Treatment Division  
201 S. Jackson St. MSKSC-NR-0505  
Seattle, WA 98104-3855

State of Washington Capital Projects  
Department of Transportation  
Attn: Ramln Pazooki  
P.O. Box 330310  
Seattle, WA 98133

Steve Foley, Senior Engineer  
King Co. Water and Lands Resource Division  
201 S. Jackson Street Ste. 600  
Seattle, WA 98104-3855

Washington Department of Ecology  
NW Regional Office  
3190 160<sup>th</sup> Ave. SE  
Bellevue, WA 98008-5452

 THESE 6 ALL RECEIVE COPY OF NOTICE AND CHECKLIST 

 THIS GROUP RECEIVES COPY OF NOTICE ONLY 

Woodinville Water District  
Woodinville-Duval Rd.  
P.O. Box 1390  
Woodinville, WA 98072

City of Bothell  
Responsible SEPA Official  
18305 101st NE  
Bothell, WA 98011

(Send Subdivisions to )  
Northshore School District (Send NOA, PHN &  
Capital Projects Decisions)  
22105 23<sup>rd</sup> Rd/. SE  
Bothell, WA 98021

Elaine Babby  
Puget Sound Energy  
P.O. Box 97034  
M/S EST-11W  
Bellevue, WA 98009-9734

*(Send if stream is involved)*

*(Send & Notify if subdivision is involved  
for Northshore School District)*

Dept. of Fish & Wildlife  
Ginger Holser  
16018 Mill Creek Blvd.  
Mill Creek, WA 98012  
(206)339-3876  
Fax 334-7241

Denise Sliffarm (623-7580)  
Preston, Gates & Ellis  
925 4<sup>th</sup> Avenue Suite 2900  
Seattle, WA 98104-

Attachment 3

