

ORDINANCE NO. 485

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, APPROVING A ZONE RECLASSIFICATION AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY REZONING FROM CENTRAL BUSINESS DISTRICT (CBD) TO PUBLIC INSTITUTION (P/I) PROPERTY LOCATED AT THE SOUTHEAST CORNER OF NE 175TH STREET & 131ST AVENUE NE INTERSECTION, OWNED BY THE CITY OF WOODINVILLE; PROVIDING FOR SEVERABILITY, SUMMARY PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, The City of Woodinville is the owner of certain property (Parcel Nos. 0926059119, 0926059090, AND 0926059147) located at the Southeast corner of the NE 175th Street and 131st Avenue NE; and

WHEREAS, City of Woodinville submitted application on February 20, 2009, for a site specific zone reclassification for the property from Central Business District (CBD) to Public Institution (P/I).

WHEREAS, the City conducted the required environmental review under the State Environmental Policy Act (SEPA) and issued a Determination of Non-significance on April 20, 2009; and

WHEREAS, the City Hearing Examiner held an Open Record Hearing on the proposed site specific rezone request on May 6, 2009, and forwarded a recommendation of 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 in *Attachment 1*, attached hereto and incorporated herein by this reference as if set forth in full.

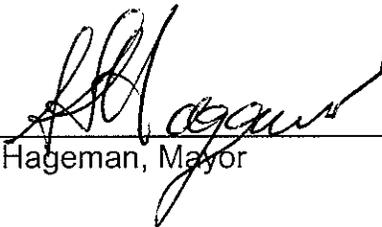
Section 2. The City's official zoning map is hereby amended to rezone the property (Parcel Nos. 0926059119, 0926059090, 0926059147) located at the Southeast corner of NE 175th Street and 131st Avenue NE to Public Institution as set forth in *Attachment 1*, attached hereto and incorporated herein by this reference as if set forth in full.

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.

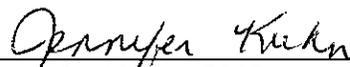
Section 5. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 7th DAY OF JULY, 2009.



Scott Hageman, Mayor

ATTEST/AUTHENTICATED:

By: 

Jennifer Kuhn, CMC
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY
By: 

Greg A. Rubstello

PASSED BY THE CITY COUNCIL: 7-7-2009
PUBLISHED: 7-13-2009
EFFECTIVE DATE: 7-20-2009
ORDINANCE NO. 485

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

In the Matter of the Application of)	ZMA 09-001
)	
City of Woodinville)	Ball Field Expansion
)	
<u>For a Approval of a Zone Reclassification</u>)	FINDINGS, CONCLUSIONS, AND RECOMMENDATION

SUMMARY OF RECOMMENDATION

The Hearing Examiner recommends that the request for a zone reclassification from Central Business District to Public/Institutional for property located at the southwest corner of NE 175th Street and 131st Avenue NE, in Woodinville, Washington, be **GRANTED**.

SUMMARY OF RECORD

Request:

The City of Woodinville Parks Department, through the City Manager, requests a zone reclassification from Central Business District to Public/Institutional for property located at the southwest corner of NE 175th Street and 131st Avenue NE, in Woodinville, Washington. The zone reclassification would facilitate development of the property for public recreation.

Hearing Date:

The City of Woodinville Hearing Examiner held an open record hearing on the request on May 6, 2009.

Testimony:

The following individuals presented testimony under oath:

- Debra Crawford, Project Planner, for Applicant¹
- Ray Sturtz, Planning Manager, for City

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated April 23, 2009
2. Zone Reclassification Application, received February 20, 2009
3. Environmental Checklist, dated February 20, 2009
4. Notice of Application and DNS Threshold Determination, issued March 30, 2009
5. Affidavit of Posting of Notice of Application, dated March 31, 2009

¹ Ms. Crawford is identified in the rezone application as the "Project Planner". She is also the City Planner who authored the City Staff Report. *Exhibit 1, Staff Report; Exhibit 2; Testimony of Ms. Crawford.*

*Findings, Conclusions, and Recommendation
City of Woodinville Hearing Examiner
City Ball Fields Expansion, Zone Reclassification No. ZMA 09-001*

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MAY 19 2009

CITY OF WOODINVILLE
DEBRA CRAWFORD

6. Determination of Nonsignificance, issued April 20, 2009
7. Zoning Map Amendment Checklist
8. Notice of Public Hearing, issued April 20, 2009
9. Affidavit of Mailing of Notice of Public Hearing, dated April 21, 2009
10. Copies of Woodinville Weekly publication of notices
11. Mailing Distribution list
12. Legal Descriptions of subject property
13. Power point slides

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

FINDINGS

1. The City of Woodinville City Manager, on behalf of the Parks Department² (Applicant) requests a zone reclassification (rezone) from Central Business District (CBD) to Public/Institutional (P/I) for three contiguous parcels located at the southwest corner of NE 175th Street and 131st Avenue NE, in Woodinville, Washington.³ The 0.79 acre property is owned by the City and is currently developed with a municipal community center, ball fields, and associated parking. The City proposes continuing the current use of the property as part of the Carol Edwards Civic Campus. *Exhibit 1, Staff Report, pages 1 – 4, Exhibit 3.*
2. The City of Woodinville Planning Department (City) determined that the rezone application was complete on March 11, 2009. The City provided notice of the application and threshold environmental determination consistent with City ordinance, by publishing notice in the *Woodinville Weekly* on March 30, 2009, and posting notice on-site on March 30, 2009. On April 20, 2009, the City posted notice on-site and published notice of the open record hearing associated with the application in the *Woodinville Weekly*. The City mailed notice to interested parties, government agencies, and surrounding property owners, consistent with City ordinance. *Exhibit 1, Staff Report, page 8; Exhibit 4; Exhibit 5; Exhibit 8; Exhibit 9; Exhibit 10; Exhibit 11.*
3. The City acted as lead agency in analyzing the environmental impacts of the requested rezone, as required by the State Environmental Policy Act (SEPA). The City determined that granting the rezone would not have a probable significant adverse impact on the

² Project Planner Debra Crawford and City Planning Manager Ray Sturtz testified that the City Manager requested the rezone on behalf of the City Parks Department because there is currently no department head at the Parks Department. *Testimony of Ms. Crawford; Testimony of Mr. Sturtz.*

³ The property is identified by tax parcel numbers 0926059119, 0926059090, and 09260591457. A legal description of the property is included in the staff report, zone reclassification application, and SEPA checklist. *Exhibit 1, Staff Report, page 4; Exhibit 2; Exhibit 3.*

environment, and issued a Determination of Nonsignificance (DNS) on April 20, 2009. The City did not receive any comments or appeals of the DNS prior to the end of the appeal period on May 4, 2009. *Exhibit 1, Staff Report, page 4; Exhibit 6.*

4. The property is currently zoned CBD. In 2007, the City Council amended the Comprehensive Plan designation for the subject property from Central Business District to Public and Institutional (PI). Surrounding property to the south and east is zoned P and designated Public and Institutional. Property to the north, across NE 175th Street, zoned CBD, as is property to the west, across 131st Avenue NE. *Exhibit 1, Staff Report, pages 3 and 4.*
5. The purpose of the P/I zone is to provide and protect properties devoted to public and semi-public uses and uses providing social and physical services to the Woodinville community, by providing a zone in which uses serving the public needs may be located limiting residential and privately owned operations; and protecting adjacent properties from potential impacts of public uses. *Woodinville Municipal Code (WMC) 21.04.040(1)*. Parks and trails are permitted uses within the P/I zone, as are civic centers and community centers. *WMC 21.08.040.A, Recreational/Cultural Land Uses Table*. Libraries, museums, and art galleries are permitted in the P/I zone, but are limited to publicly owned facilities. *WMC 21.08.040.B(3)*. Residential uses are generally limited to uses accessory to school and other institutions. *WMC 21.08.030.A*. Business services are generally not permitted within the P/I zone except as a government, public agency community service, or nonprofit use, or as an accessory to a permitted use. *WMC 21.08.060*. Retail uses permitted within the P/I zone are eating and drinking places as accessory use to a permitted use, and drug stores, florist shops, and gift shops as an accessory to a hospital or other medical facility. *21.08.070*. No manufacturing uses are permitted within the P/I zone. *WMC 21.08.080*. No resource land uses are permitted within the P/I zone. *WMC 21.08.090*.
6. 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. *WMC 21.02.030*.⁴ Comprehensive Plan Land Use goals and policies encourage maintaining the downtown area as the center for civic and recreational activities, providing day and evening activities and uses, and developing the Carol Edwards Civic Center campus (formerly Sorenson School campus) consistent with the City's Civic Center Master Plan. Parks, Recreation, and Open Space Element goals and policies

⁴ 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 regulation; (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*.

promote the creation of park facilities in the downtown area to serve the needs of City residents and visitors. Environmental Element goals and policies encourage the preservation of the urban forest.⁵ *City Comprehensive Plan, Land Use Element, Chapter 3; City Comprehensive Plan Parks and Recreation Element, Chapter 7; City Comprehensive Plan, Environmental Element, Chapter 12; Exhibit 1, Staff Report, pages 5 and 6.*

7. The property is within walking distance of other City parks. Debra Crawford, Project Planner, testified for the Applicant that the property has been used as a ball field for several years. She testified that City plans to expand the existing ball fields and install landscaping, gateway elements, and a new walking/jogging path around the ball field perimeter.⁶ She testified that the proposed rezone would make the property zone consistent with the Comprehensive Plan designation, and would facilitate fulfillment of the City's Master Plan for the Carol Edwards Civic Center. Ms. Crawford testified that surrounding properties are also a part of the Carol Edwards Civic Center. Ray Sturtz, Planning Manager, testified that City policy is that all City owned properties be zoned as P/I. *Exhibit 1, Staff Report, pages 5 – 7; Testimony of Ms. Crawford; Testimony of Mr. Sturtz.*
8. NE 175th Street runs east/west along the northern property boundary, and 131st Avenue NE runs north/south along the western property boundary. An existing roadway connection in the southwest corner of the property provides access to the property from 131st Avenue NE. NE 175th Street is currently developed with three lanes of asphalt, curb and gutters, a bicycle lane, and sidewalks. The Staff Report states that transportation infrastructure standards and specifications have been met, and that no transportation impact fees are required. The proposed use would entail creation of 95 new parking spaces. The site is currently served by METRO transit. *Exhibit 1, Staff Report, page 7; Exhibit 3.*

⁵ The City identified the following Comprehensive Plan goals and policies as particularly relevant to the rezone request: Land Use Element Goal LU-9 and Policies LU-9.1 and LU-9.3; Parks and Recreation Element Policies PRO-1.1, PRO-2.1, and PRO-2.2; and Environmental Element ENV-3.1. *Exhibit 1, Staff Report, pages 5 and 6.*

⁶ According to the exhibits submitted at the open record hearing, the Applicant proposes replacing existing natural grass fields with artificial turf to reduce environmental impacts of irrigation and fertilizers, and to improve surface water drainage. The Applicant would install landscaping around the perimeter of the fields, and would provide street trees and parking-area landscaping. On-site lighting would be directed toward the fields and parking areas to prevent spill over. The Applicant proposes renovating the existing former school building, identified as the Carol Edwards Center. The property is currently served by public water and sewer systems. *Exhibit 1, Staff Report, pages 8 and 9; Exhibit 3.* The Hearing Examiner is considering only whether the proposed rezone complies with the criteria, and is not evaluating the proposed use of the property in this decision.

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 are 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).

Conclusions Based on Findings

1. **There is a demonstrated need for additional zoning of the type proposed.** The City Council approved the Comprehensive Plan designation of the property as Public Institutional in 2007. The City's Comprehensive Plan specifically references the use of the subject property as a civic center, to provide outdoor and indoor recreation opportunities. Approval of the zone reclassification would allow for the continued use of the property as a City-owned civic center, consistent with Comprehensive Plan goals and policies. *Findings I, 4 – 7.*

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2. **The zone reclassification would be consistent and compatible with uses and zoning of the surrounding properties.** Surrounding properties to the south and east are currently zoned P/I. Property across NE 175th Street to the north and 131st Avenue NE to the west is zoned CBD. The property is accessed from 131st Avenue NE. The property currently contains a community center and outdoor ball fields. City staff testified that the subject property and surrounding property would form the Carol Edwards Civic Center campus. Civic and community centers are permitted uses within the P/I zone. Approval of the zone reclassification would allow the Applicant to continue and expand the existing use consistent with City policy and the City Comprehensive Plan. *Findings 1 – 8.*
3. **The property is practically and physically suited for the uses allowed in the proposed zone reclassification.** Parks and trails are permitted uses within the P/I zone, as are civic centers and community centers. The property has been used as a ball field for several years, and also features a building to be used as a community center. The Applicant intends to use the property as part of the Carol Edwards Civic Center campus. The property is served by public water and sewer systems. Bordering streets have been developed consistent with City transportation infrastructure standards. City staff testified that the Applicant would enhance existing landscaping along the ball field perimeter, install street and parking-area trees, and would provide additional parking areas. The City reviewed the requested rezone for environmental impacts and determined that it would not result in probable significant adverse environmental impacts. The City issued a Determination of Nonsignificance (DNS) on April 20, 2009. The City provided adequate notice of the zone reclassification application and associated open record hearing. No comments or appeals of the DNS were received. *Findings 1 – 8.*
4. **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 has already approved designating the property as Public and Institutional. In designating the property as Public and Institutional, the City Council has already determined that to be the ideal land use for the property. Approval of the zone reclassification request would amend the zone to be consistent with the current Comprehensive Plan. The zone reclassification would allow for the continued use of the property as a civic center, consistent with Comprehensive Plan goals and policies.

The requested rezone bears a substantial relationship to the public health, safety, morals or welfare. In designating the property as Public and Institutional under the City Comprehensive Plan, the City Council has already analyzed potential impacts of the proposed rezone. In addition, 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

Nonsignificance on April 20, 2009. The proposal would allow the continued use of the property as a civic and recreational center. *Findings 1 – 8.*

RECOMMENDATION

Based upon the preceding Findings and Conclusions, the Hearing Examiner recommends that a request for a zone reclassification from Central Business District to Public/Institutional for property located at the southwest corner of NE 175th Street and 131st Avenue NE, in Woodinville, Washington, be **GRANTED**.

Decided this 18th day of May 2009.


THEODORE PAUL HUNTER
Hearing Examiner

Attachment 1 – P/I (Public/Institutional) Zoning Designation for Ball Field Expansion Property

