

ORDINANCE NO. 510

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON CONCERNING AMENDMENTS TO THE COMPREHENSIVE PLAN; MAKING FINDINGS OF FACT AND THE FOLLOWING AMENDMENTS:

1. AMENDING COMPREHENSIVE PLAN CHAPTER 12, FIGURE A13, IDENTIFIED CRITICAL AREAS, TO REMOVE THE STREAM AND POTENTIAL WETLAND SHOWN ON PARCEL #1126059012, ADDRESSED AS 14386 173RD STREET NE, WOODINVILLE;

2. AMENDING COMPREHENSIVE PLAN CHAPTER 3 TO REVISE THE DESCRIPTION FOR THE PUBLIC AND INSTITUTIONAL LAND USE DESIGNATION;

ADOPTING FINDINGS FOR COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AUTHORIZATION TO CHANGE THE CRITICAL AREA MAP; REQUIRING A COPY BE PROVIDED TO THE DEPARTMENT OF COMMERCE; PROVIDING FOR SUMMARY PUBLICATION BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, RCW 36.70A.130(4) requires that the City of Woodinville, a “fully planning” city within King County shall update its Comprehensive Plan and development regulations, as necessary, to reflect local needs, new data, and current laws; and

WHEREAS, the Woodinville City Council has determined that certain amendments are necessary to keep the Comprehensive Plan updated and to accommodate the needs of its citizens; and

WHEREAS, the Woodinville City Council has reviewed the amendments contained in this ordinance and finds that these amendments meet the required criteria in WMC 21.01.170; and

WHEREAS, public hearings were held by the City of Woodinville Planning Commission on September 15, 2010 and October 20, 2010; and

WHEREAS, a public hearing was held by the City of Woodinville City Council on November 16, 2010 and December 7, 2010; and

WHEREAS, the requirements of the State Environmental Policy Act (SEPA) RCW 43.21C have been met; and

WHEREAS, adoption of this ordinance will promote the public health, safety, and general welfare within the City of Woodinville;

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

Section 1. Findings. The City Council hereby adopts the following findings in support of this ordinance, together with the recitals expressed herein.

1. The 2010 Docket list, including staff and Council initiated Comprehensive Plan and Development Code Amendments, was approved for further review by the Woodinville City Council on June 1, 2010.
2. Pursuant to Woodinville Municipal Code (WMC) Chapter 17, the Planning Commission is required to hold a public hearing on the proposed amendments and make a recommendation to the City Council.
3. The City SEPA Official reviewed the 2010 Docket amendments for environmental impacts under SEPA (RCW 43.21C), and issued a Determination of Nonsignificance (DNS) for each proposed amendment. The appeal periods ended without any comments or appeals being received.
4. Pursuant to the Growth Management Act, the 2010 Docket proposed amendments were submitted to the Washington State Department of Commerce for review and comment. The state initiated the required 60-day state agency review period on August 17, 2010. No comments were received from any state agency regarding the amendments that are the subject of this ordinance.
5. The Planning Commission reviewed components of the 2010 Docket during its June 16, August 18, and October 6, 2010 public meetings.
6. To encourage public involvement, the City held a public open house on September 1, 2010. This open house was noticed in the Woodinville Weekly and on the City website
7. A public hearing was held by the Planning Commission on September 15, 2010 and October 20, 2010. The public hearings were noticed in the Woodinville Weekly and posted on the City's web site
8. The Planning Commission received written comments and public testimony; deliberated and produced a public record and recommendations on the amendments that are subject of this ordinance during the September 15, and October 20, 2010 Planning Commission meetings.
9. The City Council considered the Planning Commission's public record, included as Attachment C of this Ordinance, and recommendations concerning the amendments that are subject of this ordinance at a public hearing on November 16, 2010, and December 7, 2010.
10. The City Council held first reading of Ordinance No. 510 on December 7, 2010.
11. The City Council held second reading of Ordinance No. 510 on December 14, 2010.
12. The Comprehensive Plan amendments that are the subject of this ordinance are consistent with the required decision criteria found in 21.01.170. Analysis of the proposed amendments and decision criteria is contained in Attachment B, which is incorporated herein by reference.

Section 2. Amendment to the Critical Area Map. The Comprehensive Plan Critical Area Map is hereby amended to read as set forth in Attachment A, which is attached hereto and incorporated herein by this reference as if set forth in full. All other provisions of Chapter 12 of the Comprehensive Plan shall remain unchanged and in full force and effect.

Section 3. Amendment to Comprehensive Plan Chapter 3, Land Use. The Comprehensive Plan Chapter 3, Land Use, is hereby amended to read as set forth below. New

text is shown by underline; deleted text is indicated by strikethrough. All other provisions of Chapter 3 of the Comprehensive Plan shall remain unchanged and in full force and effect.

3.4.1 Land Use Designations and Location Criteria

Public and Institutional

This designation ~~has been~~ is generally applied to properties owned by governmental agencies for the conduct of activities related to their authorized purposes, which could include facility operation by contracted public, non-profit, or private organizations; or accessory uses which are consistent with the authorized purpose of the governmental agency ~~existing government/public facilities and includes city hall, libraries, public schools, fire and police stations, as well as the land owned by the Woodinville Water District.~~

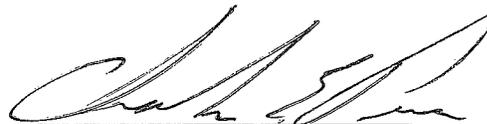
Section 4. Authorization for changing the Critical Area Map. The Planning Director is hereby authorized and directed to make the necessary changes to the City's official Critical Areas Map as set forth in this Ordinance.

Section 5. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance. Provided, however, that if any section, sentence, clause, or phrase of this Ordinance, or any change in a land use designation is held to be invalid by a court of competent jurisdiction, or by the Growth Management Hearings Board, then the section, sentence, clause, phrase, or land use designation in effect prior to the effective date of this ordinance, shall be in full force and effect for that invalidated section, sentence, clause, phrase, or land use designation, as if this ordinance had never been adopted.

Section 6. Copy to Commerce Department. Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of the amendments to the State Department of Commerce for its files within ten (10) days after adoption of this ordinance.

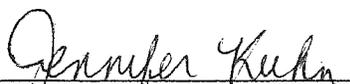
Section 7. Effective Date. This ordinance or a summary thereof shall be published in the City's official newspaper, and shall take effect five (5) days after passage and the publication of the ordinance or a summary thereof consisting of the title.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 14th DAY OF DECEMBER 2010.



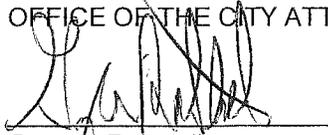
Charles E. Price, Mayor

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 A. Rubstello", is written over a horizontal line.

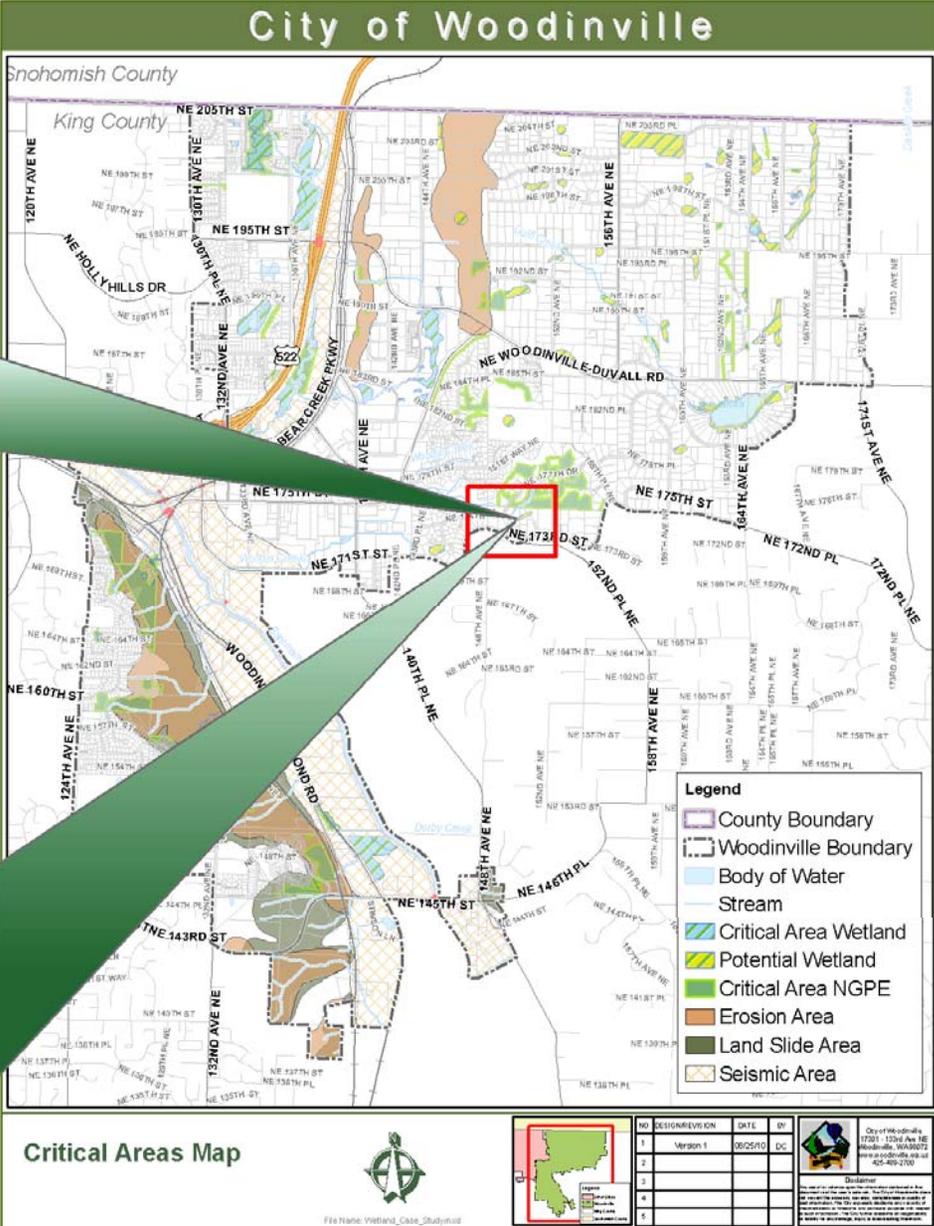
Greg A. Rubstello
City Attorney

PASSED BY THE CITY COUNCIL: 12-14-2010
PUBLISHED: 12-20-2010
EFFECTIVE DATE: 12-28-2010
ORDINANCE NO. 510

**Hanawalt Property (# 1126059012)
Proposed Removal of (Potential) Wetland & Stream**



**Hanawalt Property (# 1126059012)
Current (Potential) Wetland & Stream**



WMC 21.01.170 Decision Criteria for Comprehensive Plan Amendment

CPA10004 – Critical Area Map Amendment to remove nonexistent stream and wetland

Applications for Comprehensive Plan amendments shall be subject to the following criteria.

(1) The proposed action shall be consistent with the Growth Management Act and other applicable State laws;

Comment: The amendment to the Critical Areas Map is consistent with the Growth Management Act, which requires cities to use best available science and the most site-specific data available as the basis for City planning documents.

(2) The proposed action shall be consistent with the applicable Countywide planning policies;

Comment: The amendment to the Critical Areas Map is consistent with the adopted Countywide planning policies, by providing more accurate, site-specific data to base City decisions on.

(3) The proposed action shall be consistent with the goals and policies of the Comprehensive Plan (a change to a particular goal or policy not included);

Comment: The amendment to the Critical Areas Map is consistent with the adopted Comprehensive Plan Goals and Policies, by providing more accurate, site-specific data to base City decisions on.

(4) The proposed action shall be beneficial to the City as a whole, and to the health, safety, and welfare of its residents;

Comment: The proposed amendment increases the accuracy of City planning documents, which in turn creates a better basis to form community decisions. The City as a whole benefits from more accurate data.

(5) The various types of applications shall be subject to the following decision criteria:

(a) Type A. Amendments to the City's Future Land Use Map (Comprehensive Plan Figure 3-3) shall be subject to the criteria listed in Section 3.4.2 in the City's Comprehensive Plan.

(b) Type B. Amendments to the City's goals and policies shall meet the criteria described in Section 3.7.2 of the City's Comprehensive Plan.

(c) Type C. Other text amendments shall meet one of the following criteria:

(i) The change is necessary because of changes to the State Office of Financial Management's population projection;

(ii) The change is necessary because of changes to the counties' allocation of population to the City;

(iii) There has been a change to the law;

(iv) There is an error that requires correction;

(v) The text needs to be refined or to better reflect the goals and policies of the Comprehensive Plan, changes in or clarification of the plan's ability to provide services or accommodate the needs of the City's citizens, or changes in or clarification of conditions in the field.

(d) Type D. The City has determined that it is necessary or desirable to add or delete an element or subarea plan of the Comprehensive Plan in order to better the ability of the plan to accommodate the needs of the existing or future City, or as required by State law.

Comment: None of these types of actions applies to an amendment of a map that is not the Future Land Use Map.

CPA10006 – Public and Institutional Designation Description Change

Applications for Comprehensive Plan amendments shall be subject to the following criteria.

(1) The proposed action shall be consistent with the Growth Management Act and other applicable State laws.

Comment and Finding: The amendment to the Public Institutional designation description is consistent with the Growth Management Act. It clarifies the role of this future land use designation which will make it more consistent with the intended purpose of this designation and the zoning code description.

(2) The proposed action shall be consistent with the applicable Countywide planning policies.

Comment and Finding: The amendment to the Public Institutional designation description is consistent with the King Countywide planning policies. There are no applicable policies that impact or are impacted by the proposed change.

(3) The proposed action shall be consistent with the goals and policies of the Comprehensive Plan (a change to a particular goal or policy not included).

Comment and Finding: There are no applicable goals and policies that impact the proposed change or the Public Institutional designation.

(4) The proposed action shall be beneficial to the City as a whole, and to the health, safety, and welfare of its residents.

Comment and Finding: This amendment is beneficial to the health, safety, and welfare of its residents by clarifying the purpose of the Public Institutional zone description and further allowing for public facilities for the Woodinville community. This minor change will allow for community services to continue to be provided in a manner consistent with previous operation of those same services.

(5) The various types of applications shall be subject to the following decision criteria:

(a) Type A. Amendments to the City's Future Land Use Map (Comprehensive Plan Figure 3-3) shall be subject to the criteria listed in Section 3.4.2 in the City's Comprehensive Plan.

Comment and Finding: Not applicable.

(b) Type B. Amendments to the City's goals and policies shall meet the criteria described in Section 3.7.2 of the City's Comprehensive Plan.

Comment and Finding: Not applicable.

(c) Type C. Other text amendments shall meet one of the following criteria:

(i) The change is necessary because of changes to the State Office of Financial Management's population projection;

(ii) The change is necessary because of changes to the counties' allocation of population to the City;

- (iii) There has been a change to the law;
- (iv) There is an error that requires correction;
- (v) The text needs to be refined or to better reflect the goals and policies of the Comprehensive Plan, changes in or clarification of the plan's ability to provide services or accommodate the needs of the City's citizens, or changes in or clarification of conditions in the field.

Comment and Finding: The existing description of the Public Institutional zone is outdated. It is also in conflict with the existing zoning code description for the Public Institutional zone. The zoning code description is a better reflection of the current uses and purposes of the P/I zone. The proposed change to the comprehensive plan will correct the inconsistency and allow the City to more fully utilize land designated as Public Institutional.

(d) Type D. The City has determined that it is necessary or desirable to add or delete an element or subarea plan of the Comprehensive Plan in order to better the ability of the plan to accommodate the needs of the existing or future City, or as required by state law.

Comment and Finding: Not applicable.

PLANNING COMMISSION PUBLIC HEARING EXHIBIT LIST

SEPTEMBER 15, 2010

| EXHIBIT NO. | EXHIBIT NAME |
|--------------------|--|
| 1 | Staff Report dated September 15, 2010: Docket Public Hearing Overview & Recommended Motions |
| 1b | Power point presentation |
| 2 | 2010 Docket Amendments Summary List |
| 3 | Department of Commerce letter dated August 17, 2010 |
| 4 | September 1, 2010 Open House Public Notice |
| 5 | September 15, 2010 Public Hearing Notice |
| 5a | Public Hearing Sign in Sheets |
| 6 | Staff Report dated September 15, 2010 CPA10004 Amend the Critical Areas Map to Remove a Nonexistent Stream & Wetland |
| 6a | Stream & Wetland Reconnaissance Report by Altmann Oliver Associates, LLC |
| 6b | Map of Hannawalt Property |
| 6c | Map of Woodin Creek Water Flow |
| 6d | Amended Critical Areas Map |
| 6e | SEPA Determination of Nonsignificance, dated July 26, 2010 |
| 6f | Analysis of Proposed Amendments and Decision Criteria |
| 6g | Power point presentation |

OCTOBER 20, 2010

| EXHIBIT NO. | EXHIBIT NAME |
|--------------------|--|
| 1 | Staff Report dated October 20, 2010 re: CPA10006, ZCA10017 |
| 2 | Proposed Comprehensive Plan and Zoning Code Amendments |
| 3 | Alternative Zoning Code Amendments (Community Facility Option) |
| 4 | Public Hearing Notice dated September 27, 2010 |
| 5 | SEPA Determination of Nonsignificance issued October 4, 2010 |
| 6 | Analysis of Consistency with WMC 21.46.030 |
| 7 | Department of Commerce letter dated October 7, 2010 |
| 8 | Existing Code Language for the Public Institutional Zone |
| 9 | List of Properties with Public Institutional Zoning |
| 10 | Map of Public Institutional Zoning |
| 11 | Power Point presentation |
| 12 | Public Sign-in sheet |



STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

December 22, 2010

Jennifer Kuhn
City Clerk
City of Woodinville
17301 - 133rd Avenue Northeast
Woodinville, Washington 98072

Dear Ms. Kuhn:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

City of Woodinville - Adopted Ordinances 510, 511, 517, and 519, regarding several Municipal Code amendments and Comprehensive Plan amendments as outlined in those ordinance titles. These materials were received on December 22, 2010 and processed with the Material ID # 16497.

We have forwarded a copy of this notice to other state agencies.

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment, then final adoption may occur no earlier than sixty days following the date of receipt by Commerce. Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please call me at 360.725.3056.

Sincerely,

Linda Weyl
for

Ike Nwankwo
Technical & Financial Assistance Manager
Growth Management Services