

ORDINANCE NO. 519

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON CONCERNING AMENDMENTS TO THE MUNICIPAL CODE, MAKING FINDINGS OF FACT; REVISING WMC 14.04.120 TO REVISE THE SEPA CHECKLIST FORM; REVISING WMC 17.11.040 TO ALLOW DECLARATIONS OF POSTING, PUBLICATION, AND OR MAILING, IN ADDITION TO AFFIDAVITS; PROVIDING FOR SEVERABILITY; REQUIRING A COPY BE PROVIDED TO THE DEPARTMENT OF COMMERCE; PROVIDING FOR SUMMARY PUBLICATION BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, pursuant to the requirements of the Washington State Growth Management Act, the City of Woodinville is required to develop and adopt development regulations implementing its Comprehensive Plan; and

**WHEREAS**, RCW 36.70A.130(4) requires that the City of Woodinville, a "fully planning" city within King County shall update its 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 Zoning Code 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 21.46.030; and

**WHEREAS**, a public hearing was held by the City of Woodinville Planning Commission on September 15, 2010; and

**WHEREAS**, a public hearing was held by the City of Woodinville City Council on November 16, 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) or SEPA Exemption 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 August 18, 2010 public meeting.
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. The public hearing was 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, 2010 Planning Commission meeting.
9. The City Council considered the Planning Commission's public record, included as Attachment A of this Ordinance, and recommendations concerning the amendments that are subject of this ordinance at a public hearing on November 16, 2010.
10. The City Council held first reading of Ordinance No. 517 on December 7, 2010.
11. The City Council held second reading of Ordinance No. 517 on December 14, 2010.

**Section 2. Section 14.04.120, Environmental Checklist, of the Woodinville Municipal Code** is hereby amended to read as set forth below. New text is shown by underline. Deletions are shown by ~~strikethrough~~. All other provisions of this section shall remain unchanged and in full force and effect.

14.04.120 Environmental checklist.

- (1) A completed environmental checklist ~~(or a copy), in the form provided in WAC 197-11-960,~~ shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this chapter; except, a checklist is not needed if the City and applicant agree that an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The City shall use the environmental checklist to determine the lead agency and, if the City is the lead agency, for making the threshold determination. The checklist shall be in the form of WAC 197-11-960 with the following addition(s): The signature line shall state: "I certify (or declare) under penalty of perjury under the laws of the state of Washington that the above answers are true and complete to the best of my knowledge. I understand the lead agency is relying on them to make its decision".

**Section 3. Section 17.11.040, Notice Methods, of the Woodinville Municipal Code** is hereby amended to read as set forth below. New text is shown by underline. Deletions of text are shown by ~~strikethrough~~. All other provisions of this section shall remain unchanged and in full force and effect.

17.11.040 Notice methods.

- (2) Posting. Posting of the property for site specific proposals shall consist of one or more notice boards as follows:
  - (e) An affidavit or declaration of posting shall be submitted to the City by the applicant prior to the hearing or final comment date. If the affidavits or declarations are not filed as required, any scheduled hearing or date by which the public may comment on the application will be postponed in order to allow compliance with this notice requirement. If the City posts the notice, then the City shall issue an affidavit or declaration of posting.
- (3) Published Notice. Published notice shall include at least the project location, description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed. Notice of a proposed action shall be published by the City at least 15 days prior to the public hearing or the end of any required comment period in the official City newspaper or another newspaper of general circulation in the affected area. The City newspaper issuing the notice shall issue an affidavit or declaration of publication.
- (4) Notice – Mailed Notice. Mailed notice for proposed action shall:
  - (d) The records of the King County or Snohomish County Assessor's Office shall be used for determining the property owner of record. Addresses for a mailed notice required by this code shall be obtained from the applicable County's real property tax records. The City shall issue an affidavit or declaration of mailing. The Director may provide additional notice to persons other than those required to receive notice under the code.

**Section 4. 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.

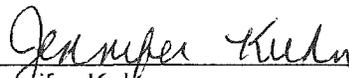
**Section 5. Copy to Department of Commerce.** Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of the amendments to the State Department of Commerce for its files within ten (10) days after adoption of this Ordinance.

**Section 6. 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.

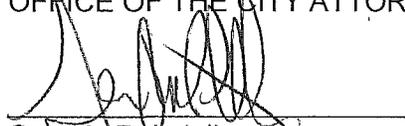
**ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE  
THIS 14<sup>th</sup> DAY OF DECEMBER 2010.**

  
Charles E. Price, Mayor

ATTEST/AUTHENTICATED:

  
Jennifer Kuhn  
City Clerk/CMC

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

  
Greg A. Rubstello  
City Attorney

PASSED BY THE CITY COUNCIL: 12-14-2010  
PUBLISHED: 12-20-2010  
EFFECTIVE DATE: 12-28-2010  
ORDINANCE NO. 519

**PLANNING COMMISSION PUBLIC HEARING EXHIBIT LIST**SEPTEMBER 15, 2010

<b>EXHIBIT NO.</b>	<b>EXHIBIT NAME</b>
<b>1</b>	Staff Report dated September 15, 2010: Docket Public Hearing Overview & Recommended Motions
<b>1b</b>	Power point presentation
<b>2</b>	2010 Docket Amendments Summary List
<b>3</b>	Department of Commerce letter dated August 17, 2010
<b>4</b>	September 1, 2010 Open House Public Notice
<b>5</b>	September 15, 2010 Public Hearing Notice
<b>5a</b>	Public Hearing Sign in Sheets
<b>11</b>	Staff Report dated September 15, 2010 ZCA 10009 Housekeeping Amendments
<b>11a</b>	Proposed Housekeeping Amendments
<b>11b</b>	Analysis of Proposed Amendments and Decision Criteria
<b>11c</b>	SEPA Determination of Nonsignificance dated August 16, 2010
<b>11d</b>	Power point presentation



STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

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