

**ORDINANCE NO. 532**

**AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON CONCERNING AMENDMENTS TO THE CITY'S DENSITY REGULATIONS, MAKING FINDINGS OF FACT AND THE FOLLOWING REVISIONS:**

- 1. REPEALING WMC SECTION 20.06.055, INCENTIVES FOR FLEXIBLE LOT STANDARDS FOR LARGE SUBDIVISIONS;**
- 2. REPEALING WMC SECTION 21.06.145, DENSITY CREDIT, TRANSFER (TDC);**
- 3. REPEALING WMC SECTION 21.06.488, RECEIVING SITE AND 21.06.540, SENDING SITE;**
- 4. ESTABLISHING WMC SECTION 21.06.375.0010, LOT, PANHANDLE, AND 21.06.375.0020, LOT WIDTH AT THE STREET;**
- 5. REVISING WMC 21.12.030, TO ELIMINATE MAXIMUM DENSITY, ADOPT MINIMUM LOT SIZES FOR SINGLE-FAMILY RESIDENTIAL ZONES, REVISE MINIMUM LOT WIDTH, ESTABLISH MINIMUM LOT WIDTH'S AT THE STREET, AND ESTABLISH PROVISIONS FOR PANHANDLE LOTS;**
- 6. REVISING WMC 21.12.040, DENSITIES AND DIMENSIONS – PUBLIC AND COMMERCIAL/INDUSTRIAL ZONES, TO ELIMINATE MAXIMUM DENSITY AND REMOVE REFERENCES TO OTHER CHAPTERS;**
- 7. REVISING WMC 21.12.080, TO CHANGE HOW DENSITY IS CALCULATED;**
- 8. ESTABLISHING WMC 21.12.180, AVERAGE LOT SIZING, TO ESTABLISH AVERAGING OF LOT SIZE REGULATIONS;**
- 9. REVISING WMC 21.14.160, MOBILE HOME PARKS – STANDARDS FOR NEW PARKS, TO REMOVE A REFERENCE TO ANOTHER CHAPTER.**
- 10. ESTABLISHING WMC 21.24.085, DENSITY CALCULATIONS FOR CRITICAL AREAS, TO ESTABLISH REGULATIONS FOR SUBDIVISIONS ON LANDS ENCUMBERED BY CRITICAL AREAS;**
- 11. ESTABLISHING WMC 21.32.095, NONCONFORMING LOTS, TO ESTABLISH REGULATIONS FOR DEVELOPMENT OF EXISTING NONCONFORMING LOTS;**
- 12. REPEALING CHAPTER 21.34 WMC, GENERAL PROVISIONS – RESIDENTIAL DENSITY INCENTIVES;**
- 13. REPEALING CHAPTER 21.36 WMC, GENERAL PROVISIONS – TRANSFER OF RESIDENTIAL DENSITY CREDITS;**
- 14. REVISING WMC 21.38.050(4), SPECIAL DISTRICT OVERLAY – PEDESTRIAN-ORIENTED COMMERCIAL DEVELOPMENT, TO REMOVE REFERENCES TO OTHER CHAPTERS;**
- 15. REVISING WMC 21.50.040(2), PERMIT SUSPENSION, REVOCATION OR MODIFICATION, TO REMOVE REFERENCES TO OTHER CHAPTERS;**

**ADOPTING FINDINGS FOR ZONING CODE AMENDMENTS; TERMINATING OF RELATED MORATORIUMS; 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 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 update the Zoning Code in order to endeavor to fulfill the policies and goals of the Woodinville Comprehensive Plan; 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 21, 2011; and

**WHEREAS**, a public hearing was held by the City of Woodinville City Council on February 14, 2012, March 13, 2012; April 3, 2012; June 5 and 19, 2012; July 17, 2012, August 7, 2012; September 18, 2012; and October 2, 2012; 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 2011 Docket list, including staff and Council-initiated Comprehensive Plan and Development Code Amendments, was approved for further review by the Woodinville City Council on February 1, 2011.
2. The Woodinville City Council adopted emergency Ordinance 525, on May 3, 2011, establishing a moratorium on the application of Chapter 21.34 WMC and Chapter 21.36 WMC. On August 2, 2011, the Council amended Ordinance No. 525 to include WMC section 20.06.055. The Council subsequently extended this moratorium through the adoption of Ordinance No. 537; and again extended the moratorium through adoption of Ordinance No. 546. This moratorium is scheduled to expire 11/03/2012.
3. The Woodinville City Council adopted another moratorium with emergency Ordinance 543, on January 24, 2012; on the acceptance and processing of single-family residential subdivisions with lot size less than the base density of the zone. This moratorium was extended by Ordinance 544 and is scheduled to expire on February 6, 2013.

4. 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.
5. The City SEPA Official reviewed the proposed amendment for environmental impacts under SEPA (RCW 43.21C), and issued a Determination of Nonsignificance (DNS) on September 5, 2011. The appeal period ended without any comments or appeals received.
6. Pursuant to the Growth Management Act, the proposed amendment was submitted to the Washington State Department of Commerce for review and comment. The state initiated the required 60-day state agency review period on September 7, 2011. The State Department of Commerce submitted written comments. These comments were considered by the City Council and are addressed in Exhibit A of this Ordinance as well as in an independent consultant's report and other information presented during the City Council's review of this matter.
7. The Planning Commission reviewed the proposed amendment during its July 6, 2011 and August 17, 2011 public meetings.
8. A public hearing was held by the Planning Commission on September 21, 2011. The public hearing was noticed in the Woodinville Weekly and posted on the City's web site.
9. 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 21, 2011 Planning Commission meetings.
10. The City Council considered the Planning Commission's public record, a list of which is included as Exhibit B of this Ordinance, and recommendations concerning the amendments that are subject of this ordinance at a public hearing on February 14, 2012, March 13, 2012; April 3, 2012; June 5 and 19, 2012; July 17, 2012, August 7, 2012, September 18, 2012, and October 2, 2012.
11. The City Council passed first reading of Ordinance No. 532 on October 2, 2012
12. The City Council passed second reading and adopted Ordinance No. 532 on October 16, 2012.
13. The Zoning Code amendments that are the subject of this ordinance are consistent with the required decision criteria found in WMC 21.46.030. Analysis of the proposed amendments and decision criteria is contained in Exhibit A, which is incorporated herein by reference.

**Section 2. Section 20.06.055, Incentives for flexible lot standards for large subdivisions, of the Woodinville Municipal Code** is hereby repealed in its entirety.

**Section 3. Section 21.06.145, Density credit, transfer (TDC), of the Woodinville Municipal Code** is hereby repealed in its entirety.

**Section 4. Section 21.06.488, Receiving Site and 21.06.540, Sending Site, of the Woodinville Municipal Code** is hereby repealed in its entirety.

**Section 5. Section 21.06.375.0010, Lot, Panhandle, and 21.06.375.0020, Lot width at the Street, of the Woodinville Municipal Code** are hereby established to read as set forth below. New text is shown by underline.

...

21.06.375.0010 Lot, Panhandle. Lot, panhandle: An irregularly shaped lot, also known as a flag lot or pipestem lot, where the main body of the lot connects to a street through an access corridor.

21.06.375.0020 Lot width at street. Lot width at street: the horizontal distance between the side lot lines measured along a line:

(1) Parallel to the front lot line; or

(2) If the front lot line is a curve, parallel to the tangent thereof, and at a distance from the front lot line equal to the depth of the required front yard.

...

**Section 6. Section 21.12.030, Densities and dimensions – Residential zones, 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.

**21.12.030 Densities and dimensions – Residential zones.**

Z O N E S	RESIDENTIAL							
	URBAN RESIDENTIAL							
<b>A. STANDARDS</b>	R-1	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Unit/Acre	1 du/ac	4 du/ac	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Density: Dwelling Unit/Acre	<del>2 du/ac</del> (4)	<del>5 du/ac</del> (1)	<del>7 du/ac</del> (1)	<del>12 du/ac</del> (6)	<del>18 du/ac</del> (6)	<del>27 du/ac</del> (6)	<del>36 du/ac</del> (6)	<del>72 du/ac</del> (6)
Minimum Density: % of Base Density (2)		75%	75%	85%	80%	75%	70%	65%
Minimum Lot Area (1)	<del>35,000</del> sf	<del>9,000</del> sf	<del>6,000</del> sf	<del>5,000</del> sf				
Minimum Lot Width (3)	<del>35</del> 100ft/75 ft (7,12)	<del>30</del> 60 ft	<del>30</del> 50 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Lot Width at Street (9):	<del>100 ft/</del> 75 ft (12)	60 ft	50 ft	30 ft				
Minimum Street Setback (3)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)(17)	10 ft (8)	10 ft (8)	10 ft (8)
Minimum Interior Setback (3)	10 ft (7)	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)(17)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height	35 ft	35 ft	35 ft	35 ft	35 ft (17)	45 ft	45 ft	45 ft (18)
Maximum Building Coverage: Percentage (5) (16)	15% (11) (14)	35%	50%	55%	60%	60%	70%	70%
Maximum Impervious Surface: Percentage (5) (16) (19)	20% (15)	45%	70%	75%	85% (17)	85%	85%	90% (18)

B. Development Conditions.

(1) ~~Maximum density may only be achieved through transfer of density credits (Chapter 21.36 WMC) Except as modified by WMC 21.12.180 and WMC 21.24.085.~~

...

(4) ~~Only as a duplex. Reserved.~~

...

(6) ~~Maximum density may be achieved only through the application of residential density incentives or transfers of density credits Reserved.~~

...

(9) ~~Reserved.~~ Panhandle lots. Panhandle lots shall be allowed subject to the following requirements:

(a) Panhandle lots shall be allowed in cul-de-sacs, where critical areas do not allow the normal frontage required by the underlying zone, and/or where a private road is not practical.

(b) The width of the access corridor shall be twenty feet between the street and the main body of the lot.

(c) The other density and dimension standards in this section shall be determined using only the main body of the lot, and excluding the access corridor, including: minimum lot area, minimum lot width, setbacks, maximum building coverage and maximum impervious surface.

(d) The access corridor shall maintain a minimum height clearance of twelve feet, and shall be designed to meet the driveway requirements in the City's infrastructure standards.

(e) There shall not be two or more contiguous panhandle lots. In cases where multiple contiguous panhandle lots are proposed, a private road shall be required instead.

(f) The access corridor shall provide direct access to a paved public or private street.

(g) The access corridor must be part of the lot, and be under the same ownership as the main body of the lot.

(h) All requirements of the Fire Code shall be met, including access and sprinkler requirements.

...

(12) For the R-1 Zone only, the Minimum Lot Width at Street shall be 100-feet at the street; except that the Minimum Lot Width at Street on cul-de-sacs shall be 75-feet at the street.

...

**Section 7. Section 21.12.040, Densities and dimensions – Public and Commercial/Industrial Zones, 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.

**21.12.040 Densities and dimensions – Public and commercial/industrial zones.**

ZONES	PUBLIC	COMMERCIAL/INDUSTRIAL					
	PUBLIC/ INSTITUTIONAL	NEIGHBORHOOD BUSINESS	TOURIST BUSINESS	GENERAL BUSINESS	CENTRAL BUSINESS	OFFICE	INDUSTRIAL
A. STANDARDS	P/I	NB	TB	GB	CBD	O	I
Base Density: Dwelling Unit/Acre			12 du/ac		36 du/ac	36 du/ac	
Maximum Density: Dwelling Unit/Acre					48 du/ae (1)(3)(26)	48 du/ae (3)	
Residential Maximum Floor/Lot Ratio: Square Feet					2/1 (1)(26)		
Minimum Building Step-Back				10 ft (22)	10 ft (23)		

Minimum Street Setback (17)	10 ft	10 ft (5) 20 ft (11)	10 ft (2) (5) (14)	10 ft (5) 25 ft (15)	10 ft (10) (5)	10 ft	25 ft 10 ft (9) (14) (15)
Minimum Interior Setback (13)	20 ft (7) (16)	10 ft	20 ft (7) (14)	25 ft (7) (15)	20 ft (7)	20 ft (7)	20 ft (7) (14) (15) 50 ft (8) (14)
Base Height (10)	45 ft (4)	35 ft	35 ft (14) (20)	39 ft (18)	39 ft (6)	45 ft (4)	45 ft (14)
Maximum Height with Incentives				51 ft (24)	51 ft (24)		
Maximum Height with Structured Parking				60 ft (19) (25)	57 ft (25)		
Maximum Building Coverage: Percentage							
Commercial/Industrial Maximum Floor/Lot Ratio: Square Feet	4/1	1/1	1/1	2/1 (19)	2.5/1	4/1	3/1
Maximum Impervious Surface: Percentage	85%	75%	85% (14)	85%	90%	75%	90% (14)
Maximum Building Square Footage		10,000		21	21		

**B. Development Conditions.**

(1) A transit-oriented housing development, as defined in WMC 21.06.662 and meeting the criteria contained in WMC 21.38.090(2), may use alternative development standards in WMC 21.38.090(3) as a method of calculating allowable dwelling units.

...

~~(3) Unless subject to subsection (B)(1) of this section, these densities may only be achieved through the application of residential density incentives or transfer of density credits; see Chapters 21.34 and 21.36 WMC. Reserved.~~

...

(26) Residential density for residential developments and residential/commercial mixed use developments located in the CBD zone may be determined by the use of a floor area ratio of 2.0 that provide for mitigation or public benefits that exceed those required under standard regulations. Said mitigation and public benefits shall include individual exceptional design in architectural features of structure and/or site design which features shall include at least two items from each category as listed below and as may be further defined:

<b>Mitigation and Public Benefits for Residential FAR</b>	
<b>Category I</b>	<b>Category II</b>
Water Features	Courtyards
Pedestrian and Bicycle Facilities	Public Open Space
Kiosks limited to one per 300 feet of street frontage	Transit Facilities
Street Furniture	Exceptional Design
Enhanced Weather Canopies	Affordable Housing (10% of the total units to be affordable)
Public Art	LEED Certified Structures (minimum silver) or equivalent

...

**Section 8. Section 21.12.080, Calculations – Site area used for density calculations, 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.

**21.12.080 Calculations – Site area used for density calculations.**

(1) All areas of a site used in the calculation of allowed residential density or project floor area shall exclude from the site area ~~all submerged lands, including Lake Leota, the on-site areas designated for public rights-of-way, private streets, vehicle access easements, storm water facilities, and on-site recreation space subject to the adjustments for critical areas and their buffers subject to the following limitations:~~

- (a) ~~Full density credit shall be allowed for erosion, seismic, and flood hazard areas;~~
- (b) ~~No density credit shall be allowed for streams and wetlands; and~~
- (c) ~~Partial to full density credit shall be allowed for steep slopes, landslide hazard areas, and required buffers for any critical area according to the following table:~~

**Density Credit Table**

<b>Percentage of site in steep slope/landslide area and/or required buffer</b>	<b>Amount of Density Credit</b>
1–10%	100%
11–20%	90%
21–30%	80%
31–40%	70%
41–50%	60%
51–60%	50%
61–70%	40%
71–80%	30%
81–90%	20%
91–99%	10%

**Section 9. Section 21.12.180, Lot Size Averaging, of the Woodinville Municipal Code** is hereby established to read as set forth below. New text is shown by underline.

**21.12.180 Lot size averaging.**

Within the R-1 to R-8 zones, the lot areas in subdivisions and short plats may be reduced below the minimum lot size of the zone, provided:

- (1) The total number of lots in the development shall not exceed the base density pursuant to WMC 21.12.030 for the zone.
- (2) The average lot size shall not be less than that required in the zone. In computing the average lot size, no lot shall be credited with more than 1.15 times the minimum lot size. No lot shall be less than 0.85 times the minimum lot size.
- (3) Corner lots shall not be smaller than the required minimum lot size allowed in that zone.
- (4) The provisions of WMC 21.12.100 shall also apply.
- (5) All other dimensional requirements of the WMC must be met.
- (6) Preliminary plats approved utilizing lot size averaging shall not receive final approval by divisions unless each division individually satisfies these provisions.

**Section 10. Section 21.14.160, Mobile Home Parks – Standards for New Parks, 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.

**21.14.160 Mobile home parks – Standards for new parks.**

New mobile home parks shall be developed subject to the following standards:

- (1) A mobile home park shall be at least three acres in area;
- (2) The allowable Residential densities in a mobile home park shall be as follows:
  - (a) ~~The~~ base density of the zone in which the park is located, ~~in all R-6 through R-48 zones;~~ and
  - (b) ~~Mobile home parks shall be eligible to achieve the maximum density permitted in the zone by providing the affordable housing benefit for mobile home parks set forth in Chapter 21.34 WMC;~~

**Section 11. Section 21.24.085, Density Calculations for Critical Areas, of the Woodinville Municipal Code** is hereby established to read as set forth in below. New text is shown by underline.

**Section 21.24.085, Density calculations for critical areas.**

The following regulations for density calculation for single-family residential subdivisions and short plats is designed to provide for the preservation of critical areas and critical area buffers, flexibility in design, and consistent treatment of different types of development proposals. The regulations shall apply to all properties on which critical areas such as streams, wetlands, steep slopes, and floodways of streams and associated critical area buffers limit land area available for development. This section lists the maximum on-site density credits that may be transferred on a particular site from the critical area to a developable site area. However, in some cases the maximum density credits may not be attainable due to other site constraints including but not limited to acreage constraints of the developable site area.

(1) For sites where up to fifty percent of the site is constrained by critical areas, up to one hundred percent of the density that could be achieved on the constrained area portion of the site can be transferred to the non-sensitive portion of the property. For sites that are over fifty percent constrained by critical areas, up to fifty percent of the density that could be achieved on the constrained area portion of the site can be transferred to the non-sensitive portion of the property. Provided, the on-site density transfer provided for in this section shall not be applied to allow density from a constrained site to be transferred to an unconstrained parcel, lot or site when combined with a constrained site by subdivision, binding site plan, lot line adjustment or other means of land assemblage or arrangement for development.

(2) This on-site transfer is subject to the following conditions:

- (a) No additional density is allowed over the base density of the underlying zone.
- (b) The minimum lot size and other dimensional requirements of the underlying zoning classification may be reduced to accommodate the transfers in densities per the following table:

<u>Zone</u>	<u>Minimum Lot Size</u>	<u>Maximum Building Coverage</u>	<u>Maximum Impervious Surface</u>	<u>Lot Width at Street</u>
<u>R-1</u>	<u>31,000 sf</u>	<u>15%</u>	<u>20%</u>	<u>100ft/ 75 ft on Cul-de-sac</u>
<u>R-4</u>	<u>7,200 sf</u>	<u>35%</u>	<u>45%</u>	<u>60 ft</u>
<u>R-6</u>	<u>5,000 sf</u>	<u>50%</u>	<u>70%</u>	<u>50 ft</u>
<u>R-8</u>	<u>4,600 sf</u>	<u>55%</u>	<u>75%</u>	<u>30 ft</u>

- (c) All other applicable dimensional requirements pursuant to WMC 21.12.030 shall be met.
- (d) The area to which the density is transferred shall not be constrained by another critical area regulation.
- (e) No portion of the critical area shall be included as part of the minimum lot size.
- (f) The lot sizes shall not be averaged pursuant to WMC 21.12.180.
- (g) No panhandle lots are permitted.

(3) The density credit can only be transferred within the development proposal site.

(4) Except as allowed by WMC 21.32.095-Nonconforming Lots, in no event shall a lot be less in size than specified by WMC 21.24.085(2).

**Section 12. Section 21.32.095, Nonconforming Lots, of the Woodinville Municipal Code** is hereby established to read as set forth in below. New text is shown by underline.

**21.32 General Provisions – Nonconformance, Temporary Uses, and Re-Use of Facilities**

**21.32.095 Nonconforming lots.**

Legally established lots in existence prior to the effective date of this title which do not meet the requirements set forth in this title are considered nonconforming lots of record and are legally buildable subject to the following conditions:

- (1) Where two or more adjacent nonconforming lots of record are under common ownership, they must be consolidated into one lot. For that single combined lot to be subdivided, all lots created shall conform to area and setback regulations for the district in which they are located and to all applicable critical area regulations.
- (2) To be legally buildable, a lot must be in compliance with the rules and regulations of the county health district. Where there is a conflict between the provisions of this section and those rules of the county health district, the more restrictive rules shall apply.
- (3) A structure on any lot must meet all dimensional requirements for the zone in which the property is located, pursuant to Chapter 21.12 WMC.
- (4) A lot that was created as a “special tract” to protect critical area, provide open space, or as a public or private access tract is not considered a legal nonconforming lot.
- (5) Legal nonconforming lots may be altered or changed, provided such change does not increase the degree of nonconformity.

**Section 13. Chapter 21.34, General Provisions – Residential Density Incentives, of the Woodinville Municipal Code** is hereby repealed in its entirety.

**Section 14. Chapter 21.36 WMC, General Provisions – Transfer of Residential Density Credits, of the Woodinville Municipal Code** is hereby repealed in its entirety.

**Section 15. Section 21.38.050(4), Special District Overlay – Pedestrian-Oriented Commercial Development, 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.

**21.38.050 Special district overlay – Pedestrian-Oriented Commercial Development.**

...

(4) In order to ensure a level of mitigation or public benefit proportionate to the increased impacts of the development, a development agreement authorized under this section may provide for the completion of projects and acquisition of facilities contained within adopted City plans, including, but not limited to, the following:

- (a) Transportation or other improvement projects within the six-year or 20-year Comprehensive Plan Capital Improvement Plan.
  - (b) Nonmotorized transportation improvements within the adopted Nonmotorized Improvement Plan.
  - (c) Park and open space improvements within the Parks, Recreation and Open Space Plan.
  - (d) Environmental enhancement projects approved by the City.
  - ~~(e) Preservation of open space and protection of environmental resources through a transfer of density credits from a low density residential area to sites in the CBD zone, as authorized by Chapter 21.34 WMC.~~
- ...

**Section 16. Section 21.50.040(2), Permit Suspension, Revocation or Modification, 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.

**21.50.040 Permit suspension, revocation or modification.**

- (2) Authority to revoke or modify a permit or land use approval shall be exercised by the issuer, as follows:
- (a) The City Council may, after a recommendation from the Hearing Examiner, revoke or modify any ~~residential density incentive approval, transfer of development credit,~~ preliminary subdivision, zone reclassification or special use permit;

**Section 17. Findings for Zoning Code Amendment.** The findings presented in Exhibit A to this ordinance, regarding criteria for zoning code amendments, are hereby adopted.

**Section 18. Termination of Related Moratoriums.** Upon the effective date of this Ordinance, the moratoriums most recently extended by Ordinance 544 and by Ordinance 546 shall terminate and expire.

**Section 19. 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.

**Section 20. Copy to Department of Commerce.** Pursuant to RCW 36.70A.106, 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 21. 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 16<sup>th</sup> DAY OF OCTOBER 2012.**

  
Bernard W. Talmas, 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: 10-16-2012  
PUBLISHED: 10-22-2012  
EFFECTIVE DATE: 10-29-2012  
ORDINANCE NO. 532

## **WMC 21.46.030 Required Findings for Zoning Code Amendments**

ZCA11003 – Residential density regulations is consistent with the applicable criteria contained in WMC 21.46.030 pursuant to the following comments and findings:

### **1. The amendments are consistent with the purposes of the Comprehensive Plan.**

Comment and Finding: This amendment is consistent with the comprehensive plan by providing opportunities for residential development consistent with the Growth Management Act, King County Countywide Planning Policies, and the City's Comprehensive Plan, while maintaining the Woodland character of existing single-family residential areas within the City. This Ordinance is consistent with the existing Comprehensive Plan, adopted in 2004. There are no Comprehensive Plan amendments included as part of this Ordinance. The major Comprehensive Plan update, which will include an analysis for consistency with the updated King County Countywide Planning Policies, will be completed by 2015. This Ordinance does not revise the designations in the Comprehensive Plan. The existing regulations have failed in practice to implement the Comprehensive Plan, through lack of use of the existing incentive regulations, and also by allowing densities greater than called for within the Comprehensive Plan. The changes will maintain the Comprehensive Plan designations.

The changes adopted as part of this ordinance are designed to provide for the base density called for in the Comprehensive Plan designations. The minimum lot sizes balance the designated zoning for single-family residential designations (low-density, moderate-density, high-density) with the existing character of the neighborhoods, and the practical considerations of building on a property, including protection of critical areas, and construction of infrastructure concurrent with development.

The City has an ongoing obligation to monitor our development regulations and determine if they are implementing the Comprehensive Plan. The provisions that are being repealed as part of this Ordinance have not been utilized and failed to implement our Comprehensive Plan policies and goals. As these and other development regulations, including the Downtown ordinances passed recently, are implemented by project applicants, the City will continue to monitor them and revise the regulations if they do not implement the Comprehensive Plan. The City will also undergo the major Comprehensive Plan Update in 2015; as part of that review, all portions of the Comprehensive Plan and development regulations will be reviewed again for consistency with the Growth Management Act, King County Countywide Planning Policies.

The vision statement in the Comprehensive Plan states:

*In the year 2015, Woodinville is a safe, friendly, family- oriented community that supports a successful balance of neighborhoods, parks and recreation, tourism, and business. We have preserved our Northwest woodland character, our open space, and our clean environment. We have enhanced our ability to move freely throughout the community by all modes of travel. Woodinville is a pleasant place in which to live, work, play, and visit, with a compact, inviting downtown that is attractive and functional.*

The City has adopted a land use plan and policies that promote a spectrum of housing formats from single family to mixed use housing, and densities from one acre lots to unlimited density in Downtown other than height and floor area limitations. The proposals under consideration would allow the City to continue meeting its vision.

The most relevant Comprehensive Plan goals and policies to this zoning code amendment are:

*GOAL LU-1: To guide the City's population growth in a manner that maintains or improves Woodinville's quality of life, environmental attributes and northwest woodland character.*

The City's proposals would provide two controls – development cannot exceed the more restrictive of the base density or the implied density of minimum lot sizes. The minimum lot size would give more predictability to the character of residential development, allow for tree retention (more difficult on very small lots), as well as recognize the character of Woodinville neighborhoods.

*POLICY LU-1.1: Preserve the character of the existing neighborhoods in Woodinville while accommodating the state's 20 year forecasts for Woodinville.*

The City can meet its designated growth targets as required by the newly adopted King County Countywide Planning Policies, as demonstrated in reports prepared for the City (Berk, July 2012; Berk, September 2012). The consultant also provided feedback on the ordinance as adopted, and provided an updated estimated yield count, which is incorporated into the table below. This analysis uses a parcel-based approach to demonstrate that with adoption of this ordinance, the City will be able to meet the 2031 housing allocation target of 3,000 units; the analysis shows that there is a projected surplus of approximately 473 dwelling units with the adoption of this ordinance.

Growth Target (2006-2031)	3,000 du
Units Permitted (2006-2011)	573 du
Units Approved (not yet constructed)	225 du
<u>Remaining Target (2012-2031)</u>	<u>2,202 du</u>
Estimated Yield (2012-2031)	2,675 du
<b>Unit Surplus</b>	<b>473 du</b>

The Ordinance will not change the ability to meet the housing growth targets of 3,000 dwelling units by 2031. With the adoption of the provisions in the ordinance that adopt use of gross area to calculate density, allow for transfer of density for areas encumbered by critical areas, as well as other recent ordinance changes that allow for increased density in the City's Central Business District, the report projects that a total of 2,675 dwelling units will be allowed to be constructed in the remaining period.

*POLICY LU-1.2: Encourage future development in areas:*

- 1. With the capacity to absorb development (i.e., areas with vacant or underdeveloped land and available utility, street, park, and school capacity, or where such facilities can be cost effectively provided), and*
- 2. Where adverse environmental impacts can be minimized; and where such development will enhance the area's appearance or vitality.*

The City has focused its growth in the Central Business and General Business areas, where infrastructure is available. The proposed amendments would further this objective, while not precluding future development of the single family residential zones. The City will maintain its critical areas regulations and the proposed amendments will maximize protection of critical areas, further minimizing adverse environmental impacts.

*GOAL LU-2: To establish land use patterns, densities, and site designs that encourage less reliance on single-occupant vehicle travel.*

*POLICY LU-2.1 Provide a compatible mix of residential and commercial land uses downtown to:*

- 1. Make it possible for people to safely walk or bicycle to work and shopping,*
- 2. Reduce reliance on automobiles and reduce commuting time and distance,*
- 3. Make area transit service more viable, and*
- 4. Provide greater convenience for residents.*

*POLICY LU-2.3 Encourage the most intensive residential and employment land uses along major transportation routes to support transit service.*

The City has adopted the Downtown Little Bear Creek Corridor Master Plan and associated development regulations intending to promote mixed uses and multiple modes of travel. By focusing growth in the Central Business designation, the City will allow for land use patterns that encourage use of multiple modes including transit and non-motorized modes.

*GOAL LU-3: To attain a wide range of residential patterns, densities, and site designs consistent with Woodinville's identified needs and preferences.*

The City's zoning residential densities range from 1 dwelling unit per acre to 48 units per acre in residential zones and between 36 units per acre and up to 2.5 residential floor-to-area ratio in the Central Business designation.

*POLICY LU-3.1 Encourage development that complements the existing residential development patterns in Woodinville's neighborhoods.*

*POLICY LU-3.3 Maintain each residential area as a safe, pleasant, and enjoyable place to live.*

The adoption of minimum lot sizes and lot width at the street are designed to allow new development that is consistent with and complements the existing residential neighborhoods.

*POLICY LU-3.2 Preserve the existing natural environment of Woodinville's neighborhoods.*

The ordinance maintains the existing critical areas regulations. Some density credit will be given for clustered development away from the critical area.

*POLICY LU-3.5 Allow lot clustering where applicable when residential development abuts sensitive areas or rural resource lands to provide open space buffers and to reduce potential land use conflicts.*

The Comprehensive Plan policies relating to clustered development would be furthered by the critical area density transfer provisions, as well as the lot width at the street and lot size averaging allowances.

*POLICY LU-3.6 Encourage moderate (5-8 d.u.) and medium (9-18 d.u.) density housing throughout the community where sufficient public facilities and services are available, where the land is capable of supporting such uses, and where compatible with adjacent land uses.*

The City has a variety of zones in the moderate and medium density category and has not proposed to change zoning boundaries with the current proposal.

*POLICY LU-3.7 Permit a range of densities to encourage a variety of housing types that meet the housing needs of residents with a range of incomes.*

The City's zoning densities range from 1 dwelling unit per acre to 48 units per acre in residential zones and between 36 units per acre and up to 2.5 residential floor-to-area ratio in the Central Business designation.

*POLICY LU-3.8 Allow for an appropriate level of flexibility in the development regulations, while balancing community goals and the need for predictability in decision making.*

The City is focusing incentives on the Central Business designation to create greater density where infrastructure and services will actually be available. Lot size minimums in the residential areas are offset by lot size averaging and critical area density transfer provisions.

*POLICY LU-3.9 Where appropriate, allow larger parcels with moderate density land use designations to develop with a mix of housing types, including single family, townhouse, apartment, and senior-assisted residences.*

The following provisions provide for a mixed of housing types:

- Flexible dwelling capacity in the Central Business designation with 36 du/ac on the low end and up to 2.5 residential floor-to-area ratio. The floor area ratio and height provisions include incentives to provide public benefits.
- Accessory dwelling units and duplexes are allowed in all residential zones.
- Manufactured homes are treated the same as stick built homes on individual lots.
- Manufactured home parks are allowed in moderate and medium density zones (R-6 to R-18).
- Townhouses are allowed in medium and high density zones (R-12 to R-48) and conditionally allowed in other lower density (R-4 to R-8) zones.

*GOAL LU-7: To encourage and achieve multi-story mixed uses in the downtown mixed use area.*

*POLICY LU-7.1 Encourage a mix of commercial, office and residential land uses to locate in the downtown.*

*GOAL LU-8: To manage growth and development within the Downtown Mixed-Use Overlay in a manner that balance the needs of commercial and residential uses.*

*POLICY LU-8.1 Encourage a mix of housing types in and around the downtown for all economic segments of the community.*

*POLICY LU-8.3 Locate larger development of retail and residential uses nearest freeway access and major streets.*

*POLICY LU 8.7 Ensure that regulations governing zoning incentives, are used appropriately to further the goals and policies of the Comprehensive Plan.*

With the current proposals, the City is focusing voluntary incentives on the Central Business designation where services and infrastructure will actually be available. The City's Central Business designation is the primary location where the City is promoting compact development with a mix of residential and commercial uses, in a location with available infrastructure and services. The Central Business designation public benefit menu, adopted in WMC 21.12.040,

can be used to attain floor area ratio and height incentives, and affordable housing is one type of public benefit.

*GOAL H-1: To preserve existing housing and neighborhoods and provide a diversity of housing types that promote housing opportunities for all economic segments of the City's population.*

*POLICY H-1.1: Allow for a variety of housing types and lot sizes through mixed use development and small and large lot single family development, townhomes, duplexes, multiplexes, apartments, manufactured housing, mobile home parks, and accessory dwelling units.*

The City has a diversity of zones from R-1 to R-48 as well as mixed uses allowed in the Central Business and Tourist Business designations at greater densities. Attached and detached housing forms are allowed. Accessory dwelling units, duplexes, manufactured homes, and townhouses are allowed within the residential zones.

*POLICY H-1.4 Define residential land use regulations to allow for development that will accommodate a range of incomes by providing for a variety of housing types and cost.*

*Regulations shall include provisions such as:*

- 1. Requiring minimum densities for subdivisions to ensure full land use where urban services are provided,*
- 2. Allowing for bonus densities in developments that meet certain community goals such as senior housing, housing affordability, proximity to transit, dedication of parks/trails/open space, preservation of historic landmarks, energy conservation, protection of sensitive areas, and tree preservation,*
- 3. Permitting high density for low income elderly housing projects when consistent with the Housing Strategy Plan and other applicable land use policies, and*
- 4. Providing flexible subdivision standards subject to adopted criteria.*

This ordinance eliminates the density bonuses in WMC 20.06.055 and WMC 21.34. These programs have not furthered Policy H-1.4. Instead, the City has shifted the focus to providing for these bonuses in the Central Business Designation. Recently passed ordinances, codified in WMC 21.12 and WMC 21.14, provide for bonuses in residential density and height, for development projects that provide two items from a menu of options, including public amenities, open space, transit, affordable housing, and LEED design.

In addition, the following provisions remain or are added to the City's code by this Ordinance:

- Maintaining minimum densities.
- Reorienting optional bonus densities from all residential zones to mixed uses zones, particularly the Central Business.
- Assisted living housing is allowed in several residential zones and would be promoted by the bonus incentives in the Central Business designation as well.
- Lot size averaging provisions are added.
- Critical area density transfer provisions are expanded to include all types of critical areas, where before, wetlands and streams were excluded from the transfer provisions.

*POLICY H-1.5: Support additional affordable housing with the goal of meeting the targets established and defined in the Growth Management Planning Council Countywide Planning Policies for low and moderate income housing. These Growth Management Planning Council targets are:*

- 1. 17% of growth in new households affordable to moderate income households, and*

2. *24% of growth in new households affordable to low-income households.*  
(Note: Units may be either new or converted.)

The percentages match the adopted CPPs. The CPPs are under revision and would lead to alternative percentages. The City will amend its Housing Element at the next Comprehensive Plan Update cycle in 2015 to address any modified CPP affordable housing targets.

*POLICY H-1.6 Provide incentives for moderately priced housing ownership through flexible lot size requirements and permitting townhome and condominium housing.*

The City is also retaining its present allowances for townhomes and condominiums. The Comprehensive Plan policies relating to flexible lot sizes would be furthered by the City's proposed lot size averaging and critical area density transfer provisions.

*POLICY H-1.7 Encourage preservation and maintenance of existing affordable housing.*

Greenbrier is an affordable housing development built in Woodinville several years ago, and will be preserved over the long term for affordability.

*POLICY H-1.8 Work in partnership with public and private groups to seek resources for a balance of affordable housing development types and needs.*

The City will continue to be a part of ARCH to develop regional approaches for affordable housing.

*POLICY H-1.9 Promote regulatory efficiency to minimize the cost of housing development.*

The intent of this Ordinance is to simplify, clarify and streamline how residential density is calculated for single-family residential projects. This is done through removing a net area calculation and calculating the allowed density based on the gross area, by setting clear minimum lot sizes, and by simplifying the critical area provision standards and making those provisions more straightforward by including all types of critical areas.

*POLICY H-1.10 Encourage the building of affordable housing compatible with existing residential development.*

The City would continue to promote forms of housing that are affordable according to the purposes of different districts. For example, accessory dwelling units and duplexes are allowed in all residential zones, manufactured housing is allowed where any single-family residence is allowed, and high density attached housing is promoted in the Central Business designation.

*POLICY H-1.11 Promote the development of housing for seniors of all incomes.*

Assisted living housing is allowed in several residential zones and would be promoted by the bonus incentives in the Central Business designation as well.

*POLICY H-2.3 Maintain traditional single family subdivisions and promote creative site planning and regulatory measures to increase variety in living opportunities in residential neighborhoods, downtown, and other commercial areas by:*

1. *Allowing accessory dwelling units in single-family houses or on single-family lots subject to specific development, design, and occupancy standards,*
2. *Providing incentives to encourage creative neighborhood design and layout concepts, and*
3. *Encouraging mixed use (commercial/residential) developments in the downtown where such developments are financially viable and market driven.*

The City allows accessory dwelling units in all zones and has encouraged mixed uses in the Central Business designation. Creative neighborhood design would be met with the City's proposed lot size averaging and critical area density transfer provisions.

**2. The amendments are consistent with the purposes of this title (Zoning Code).**

Comment and Finding: The amendment is consistent with the purposes of the Zoning Code. It clarifies how residential density may be calculated, and establishes residential densities in line with the underlying zoning. The density incentive program, in WMC 21.34, has only been used for one project within the City of Woodinville since it was adopted in 1997. The transfer of residential density program, in WMC 21.36, has never been used since it was adopted in 1997, as the City lacks an interlocal or other agreement to administer such a program with the County.

The other substantive changes to the residential density regulations as part of this ordinance include:

1. Establishing minimum lot sizes for single-family residential zones
  - a. R-1: 35,000sf
  - b. R-4: 9,000sf
  - c. R-6: 6,000sf
  - d. R-8: 5,000sf
2. Establishing lot widths at the street and revising the lot width circle to equal:
  - a. R-1: 100 feet, or 75 feet in a cul-de-sac
  - b. R-4: 60 feet
  - c. R-6: 50 feet
  - d. R-8: 30 feet (same as existing)
3. Eliminate net density calculations. Density will be calculated using the gross area, minus any areas submerged under water.
4. Establish lot size averaging. Lot sizes in a subdivision will be allowed to be averaged to the minimum lot size, subject to some criteria.
5. Revising critical area transfers. The new code simplifies how this is calculated by replacing a ten-tiered system with a two-tiered system, including all types of critical areas in the calculation, and setting clear standards for these types of projects.
6. Establishing provisions for existing, legal nonconforming lots.

These provisions code are designed to provide greater clarity to project applicants while maintaining the number of units that can be constructed by any one project. As a result of this ordinance, the existing single-family residential zoning designations are maintained. Project applicants will be able to construct densities in the range allowed by the zone, whether it be R-1, R-4, R-6, or R-8. Project applicants will be required to provide at least the minimum density in the R-4 to R-8 zones, and up to the base density in all zones.

As part of a supplemental report (Berk, September 2012), a consultant provided analysis regarding the range of lot width at the street for all lots within the R-1 zone, as well as recently approved plats (between 2000 to 2006). The average lot width at the street for all lots within the R-1 zone is 171 feet, and the median lot width at the street is 150 feet. The range of lot width at

the street for the more recently approved plats vary between 58 to 102 feet. As part of this Ordinance, the lot width at the street for the R-1 zone is set at 100 feet, except for lots on a cul-de-sac, it is 75 feet. These adopted lot width at the street standards are within the range of the recently approved plats and reflects more recent trends of smaller lot widths at the street, while also maintain the existing character of the existing single-family residential neighborhoods, which has a considerably higher lot width at the street.

Several provisions relating to residential do not change as a result of this Ordinance, and also remain in effect:

1. Rounding to nearest integer. When determining the number of residential building lots, any fraction that is .5 or greater is rounded up to the next integer. While this provision impacts all residential density calculations, it has the greatest impact for R-1 zoned properties, where there are many 1.75 acre lots that could still be subdivided under the ordinance. For the R-1 area, any parcel over 1.6 acres would be allowed to be split into two lots – this is the minimum where two 35,000 square foot lots could be created.
2. Provision for minimum density. All projects, either subdivisions or applications for new single-family zones, in the R-4 to R-8 zones, are required to either meet the minimum density requirements, or demonstrate that the proposed project doesn't preclude meeting the minimum density in the future. This means that a project will either be required to meet the minimum density requirements with an application, or design the project in a way that a future application could meet the minimum density requirements. In effect, this provision acts as a shadow platting method, to plan for the zoned densities in the R-4 to R-8 zones.

**3. The benefit or avoided cost to the public health, safety and welfare is sufficient to warrant the action.**

Comment and Finding: The amendments are expected to have positive impacts on public health, safety, and welfare. The amendments would streamline how residential density is calculated. They would make it clear to residents, staff and developers what the minimum and maximum density is for any one subdivision. This will ease administration of the code and lead to fewer mistakes during development review, resulting in less nonconforming developments. The density provisions are appropriately regulating density, including the use of minimum lot sizes, minimum density, use of gross density as a basis for the number of lots or units allowed, lot size averaging, and nonconforming lots. In addition, the calculation of density on sites encumbered by critical areas replaces two other sections of code (net density calculations and density incentives) to state how any one site using density transfers will be treated in a straightforward manner, without use of complicated calculations or discretionary and cumbersome incentives.

**PLANNING COMMISSION PUBLIC HEARING EXHIBIT LIST**SEPTEMBER 21, 2011

<b>EXHIBIT NO.</b>	<b>EXHIBIT NAME</b>
1	Staff Report dated September 21, 2011: Public Hearing - Ordinance 532: Review of Residential Density Regulations (ZCA11003)
2	DRAFT Ordinance No. 532 with Attachments
3	September 21, 2011 Public Hearing Notice
4	SEPA Determination of Nonsignificance issued September 5, 2011 with SEPA Checklist
5	Ordinance 525 – Moratorium on Processing of Applications for Residential Development with First Amendment
6	Department of Commerce letter
7	Example density calculations
8	Chapter 21.34 WMC, General Provisions – Residential Density Incentives
9	Chapter 21.36 WMC, General Provisions – Transfer of Residential Density Credits
10	WMC 20.06.055, Incentives for flexible lot standards for large subdivisions
11	WMC 21.06 Definitions Proposed to be Deleted
12	Supplemental Staff Report dated September 21, 2011: Public Hearing - Ordinance 532: Review of Residential Density Regulations (ZCA11003)
13	REVISED Draft Ordinance No. 532 with Attachments
14	WMC 21.24.080(2) – Reasonable Use Provisions
15	Staff PowerPoint presentation
16	Public Hearing Sign In Sheets



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)

October 24, 2012

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 Ordinance No. 532, concerning amendments to the city's density regulations and adopting findings for zoning code amendments. These materials were received on October 23, 2012 and processed with the Material ID # 18624.**

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 contact Growth Management Services at [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov), or call Dave Andersen (509) 434-4491 or Paul Johnson (360) 725-3048.

Sincerely,

Review Team  
Growth Management Services