

ORDINANCE NO. 533

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, REVISING WHEN IMPROVEMENTS ARE REQUIRED TO BE INSTALLED FOR SHORT PLAT; PROVIDING FOR SEVERABILITY; 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 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 adopted Ordinance No. 465 on December 30, 2008 modifying the requirements for approval of plats and short plats to having the required public improvements constructed prior to plat approval; and

WHEREAS, the Woodinville City Council has received input from citizens that the requirement to construct all the required improvements necessary for short plat approval creates a significant, unreasonable hardship for short sub-division of property; and

WHEREAS, a public hearing was held by the Planning Commission on October 19, 2011; 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 Amendment to Section 20.06.020, Review and approval criteria, of the Woodinville Municipal Code is hereby amended to read as set forth in below. New text is shown by underline; deleted text is shown by ~~striketrough~~. All other provisions of Chapter 20.06.020 shall remain unchanged and in full force and effect.

20.06.020 Review and approval criteria.

- (1) Each proposed subdivision or short subdivision shall be reviewed to ensure that:
 - (a) The proposal conforms to the goals, policies, criteria and plans set forth in the City of Woodinville Comprehensive Plan, community urban forestry plan, and parks, recreation, and open space plan;
 - (b) The proposal conforms to the development standards set forth in WMC Title 21, Zoning Code;

- (c) The proposal conforms to the requirements of this section and those set forth in this chapter, Chapter 20.06 WMC, Subdivisions and Short Subdivision Regulations, and WMC 17.09.020;
 - (d) The proposed street system conforms to the City of Woodinville public infrastructure standards and specifications and neighborhood street plans, and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of traffic;
 - (e) The proposed subdivision or short subdivision will be adequately served with City approved water and sewer, and other utilities appropriate to the nature of the subdivision or short subdivision;
 - (f) The layout of lots, and their size and dimensions, take into account topography and vegetation on the site in order that buildings may be reasonably sited, and that the least disruption of the site, topography, trees and vegetation will result from development of the lots;
 - (g) Identified hazards and limitations to development have been considered in the design of streets and lot layout to assure street and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected;
 - (h) Safe walk to school procedures, as established by the eCity, have been met;
 - (i) Tree preservation has been considered in accordance with the community urban forestry plan and tree preservation requirements have been adequately met.
- (2) Lack of compliance with the criteria set forth in subsection (1) of this section shall be grounds for denial of a proposed subdivision or short subdivision, or for the issuance of conditions necessary to more fully satisfy the criteria.
- (3) No final plat or short subdivision shall be approved unless:
- (a) The final plat or short subdivision is in substantial conformance with the provisions for the preliminary approval, including any conditions imposed as part of the approval.
 - (b) The final plat or short subdivision contains a dedication to the public of all common improvements, including but not limited to streets, roads, sewage disposal and water supply systems which were a condition of approval.
 - (c) All common improvements required as conditions of approval of the proposed subdivision or short subdivision have been referenced on the final plat or short subdivision.
 - (d) City approved water and sewer facilities shall be available to each lot created by the division of land. Other common utilities, systems, and features designed to serve all lots within the subdivision such as, but not limited to, power, phone service, natural gas, critical area(s) impact mitigation, storm drainage and detention systems designed to be used by the entire subdivision, and street illumination systems, all located either within public right of way, future public right of way, or easements dedicated to the utility(ies), shall also be constructed and installed prior to final approval and available to each lot created by the division of land.
 - (e) The final plat or short subdivision is in compliance with the provisions of Chapter 21.24 WMC, Development Standards – Critical Areas, and Chapter 21.28 WMC, Development Standards – Adequacy of Public Facilities and Services. If the required mitigation is not constructed

prior to short subdivision approval, the requirements and conditions shall be included as a condition on the face of the plat.

- (f) The applicant provides evidence of an adequate water supply for the intended use.
- (g) Except when a surety bond, a cash deposit or assignment of funds for the construction of certain improvements has been approved pursuant to subsection (3)(h) of this section, all required improvements, public or private, have been constructed or installed in accord and with the provisions of this chapter and the requirements of the approved preliminary plat, subject to inspection and approval by the Public Works Director.
- (h) For subdivisions, (long plats), ~~the applicant may be allowed to submit a surety bond, a cash deposit or an assignment of funds acceptable to the City in lieu of actually installing or constructing certain of the required improvements meeting the description in criteria (3)(h)(i), (ii) or (iii) of this section below and subject to written approval by both the Public Works Director and Planning Director. Their decision shall consider all relevant factors including of the following criteria:~~
 - (i) Whether only Mminor items of the required improvements need to be completed such as the final lift of asphalt pavement and/or landscaping; or
 - (ii) Whether ~~the~~ City and/or other public agency's capital project needs to be completed ahead of the required improvements to allow for logical sequence of construction to prevent damage or disruption to the improvements being made; or
 - (iii) Whether ~~C~~constructing the required improvements prior to plat approval will create an unnecessary and unusual hardship to the applicant that is not self-created; and
 - (iv) Whether ~~T~~the need for the surety bond, cash deposit, or assignment of funds is not the result of deliberate actions of the applicant; and
 - (v) The extent to which public health, safety, and welfare are not endangered by allowing the plat to be approved without the required improvements being completed, prior to final plat approval; and
- (i) For short subdivisions (short plats), in lieu of actually constructing the required frontage improvements, the applicant has the option of furnishing a financial guarantee (surety bond in a form acceptable to the City, cash deposit, assignment of funds) in an amount determined by the City, for the installation of the same improvements including but not limited to; street frontage improvements, and storm drainage systems for any individual lot within the subdivision. In approving the plat and allowing the financial guarantee in lieu of actually constructing the required frontage improvements, both the Development Services Director and the Public Works Director shall determine that the public health, safety, and welfare is not endangered by allowing plat to be approved without the required improvements being completed within the time period set forth in WMC 20.06.200.

- (4) When the Planning Director finds that the final plat or short subdivision is in substantial conformity to the preliminary approval, he or she shall endorse his or her approval on the final plat or short subdivision and shall implement the final approval and recording procedures set forth in Chapter 20.08 WMC, Subdivision and Short Subdivision Procedures, and WMC Title 17.

Section 2. Chapter 20.06.200, Improvements – Completion or Guarantee of the Woodinville Municipal Code is hereby amended to read as set forth below. New text is shown by underline; deleted text is shown by ~~strikethrough~~. All other provisions of Chapter 20.06.200 shall remain unchanged and in full force and effect.

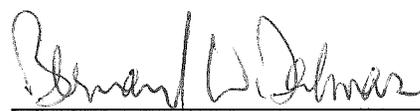
Unless installation prior to plat approval is excused by the provisions of this chapter, the applicant shall complete the required improvements before final approval of the plat and shall financially guarantee installation thereof as set forth in WMC 20.06.210, Improvements – Security for performance and warranty, prior to construction. The applicant may be allowed to submit a surety bond, a cash deposit or assignment of funds for items not completed at the time of approval of the plat, only as set forth in WMC 20.06.020(3)(h). The surety bond, cash deposit, or assignment of funds shall identify the improvements, name the date the improvements are to be completed, and be of a form and substance subject to the approval of the above Directors. All required improvements shall be installed and/or completed within one (1) year for subdivisions (long plats). For short subdivisions (short plats), all required improvements shall be constructed within three (3) years of the date of plat approval. If a building permit for any residential or commercial building constructed within the short plat boundaries is issued before three (3) years after the date of plat approval, frontage improvements, other required improvements adjacent to the lot, and other required improvements necessary for the public health, safety, and welfare such as access to the lot that meets fire code requirements, are required to be constructed within six (6) months of the date of issuance of the building permit, whichever is earliest to occur.

Section 3. 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 4. 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.

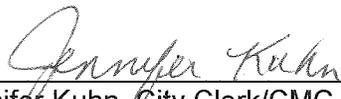
Section 5. Effective Date. This ordinance or a summary thereof shall be published in the City's official newspaper, and shall take effect five (5) days after passage and the publication of the ordinance or a summary thereof consisting of the title.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 20th DAY OF MARCH 2012.



Bernard W. Talmes, 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: 3-20-2012
PUBLISHED: 3-26-2012
EFFECTIVE DATE: 4-2-2012
ORDINANCE NO. 533



STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

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

March 22, 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. 533, amending the City of Woodinville municipal code and revising when improvements are required to be installed for short plat. These materials were received on March 22, 2012 and processed with the Material ID # 17941.

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, or call Dave Andersen (509) 434-4491 or Paul Johnson (360) 725-3048.

Sincerely,

Review Team
Growth Management Services