

ORDINANCE NO. 537

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, ADOPTED PURSUANT TO RCW 36.70A.390; RENEWING THE TEMPORARY MORATORIUM UPON THE RECEIPT AND PROCESSING OF PROJECT PERMIT APPLICATIONS UTILIZING THE PROVISIONS OF CHAPTER 21.34 WMC, CHAPTER 21.36 WMC, AND SECTION 20.06.055 WMC; SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SAID MORATORIUM; RENEWING THE MORATORIUM; STATING THE EFFECT ON VESTED RIGHTS; AUTHORIZING OFFICIAL INTERPRETATIONS BY THE CITY OF WOODINVILLE PLANNING DIRECTOR; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Woodinville City Council is undertaking a comprehensive review of Chapters 21.34 and 21.36 WMC and Section 20.06.055 as set forth in Ordinance 525 (as amended); and

WHEREAS, the temporary moratorium imposed by Ordinance No. 525 (as amended) is scheduled to expire on November 3, 2011 and the City has been notified by the Washington State Department of Commerce that the City's request for expedited review by the department of the proposed zoning code amendment to be established by ordinance has been denied and that the mandatory review period by the department prior to ordinance adoption will not expire until November 5, 2011; and

WHEREAS, the City will need to consider the comments made by the department and has developed a work plan to accommodate the necessary review

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

Section 1. Findings. The Woodinville City Council hereby makes the following findings in support of the renewal of the moratorium imposed by Ordinance No. 525 (as amended):

- A. The findings of fact in Ordinance No. 525 (as amended) are incorporated herein by reference.
- B. On September 22, 2011 the City received notice from the Washington State Department of Commerce that the City's request for expedited review had been denied and that the departments review period would not expire until November 5, 2011, a date subsequent to the expiration date of Ordinance 525.
- C. The City Community Development Department has prepared a work plan for completing the necessary review, public hearings, consideration of comments from the Washington State Department of Commerce, City Council review and discussion, and requirements for adoption of an ordinance making any changes to Section 20.06.055, Chapters 21.34 and 21.36 of the Woodinville Municipal Code, a copy of said work plan is attached hereto as Exhibit "A" and incorporated herein by this reference.

- D. In order to accommodate the required review by the Washington State Department of Commerce and to complete the elements of the work plan it is necessary to review the moratorium implemented by Ordinance No. 525 (as amended) for an addition six month period of time.
- E. A public hearing on the question of the renewal of the moratorium implemented by Ordinance No. 525 (as amended) for an additional six month period was held on October 18, 2011.

Section 2. Moratorium Imposed. The City hereby renews for an additional consecutive six month period the moratorium imposed upon the receipt and processing of building permit applications, land use applications, and any other project permit application for the siting, development, or improvement of real property within the City of Woodinville proposing or making application for residential density incentives and/or transfers of residential density as provided for in Section 20.06.055, Chapters 21.34 and 21.36 of the Woodinville Municipal Code by the adoption of Ordinance 525 (as amended).

Section 3. Effect upon Vested Rights. The moratorium imposed under Section 2 of this ordinance shall operate to prevent the acceptance and processing of any permit application submitted after the effective date of Ordinance 525, to wit: May 3, 2011. Nothing in this ordinance shall be construed to extinguish, limit or otherwise infringe upon any permit applicant's vested development rights — as defined by state law and City of Woodinville regulations — with respect to any complete permit application submitted before May 3, 2011.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court, board or tribunal of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Interpretative Authority. The City of Woodinville Planning Director is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

Section 6. Effective Date; Duration. This Ordinance shall take effect five (5) days after passage and publication, and shall remain effective for six months unless terminated earlier by the City Council. PROVIDED, that the City Council may, in its sole discretion, renew said moratorium for one or more six additional month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

PASSED by the City Council of the City of Woodinville this 18th day of October, 2011 on first reading. The requirement for a second reading having been suspended pursuant to Council motion.

APPROVED:

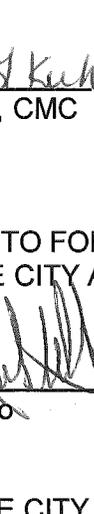


Bernard W. Talmas, Mayor

ATTEST/AUTHENTICATED:


Jennifer L. Kuhn, CMC
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY


Greg A. Rubstello
City Attorney

PASSED BY THE CITY COUNCIL: 10-18-2011
PUBLISHED: 10-24-2011
EFFECTIVE DATE: 10-31-2011
ORDINANCE NO. 537

Ordinance No. 532 - Residential Density Work Plan - Responding to Ordinance No. 525 Moratorium	
Work Item	Date Complete
Council approves 2011 Docket List, item shown as high priority (ZCA11003)	February 1, 2011
Council adopts Ordinance No. 525, moratorium on use of TDR and RDC	May 3, 2011
Planning Commission meetings	January-July 2011
Planning Commission 1st Study Session (ZCA11003)	July 6, 2011
Council adopts 1st Amendment to Ordinance No. 525	August 2, 2011
Planning Commission 2nd Study Session (ZCA11003)	August 17, 2011
Planning Commission Public Hearing	September 21, 2011
Washington State Agency Comment Period	November 5, 2011
If comments do not warrant City response	
City Council Public Hearing	December 6, 2011
City Council 1st Reading of Ordinance	January 3, 2012
City Council 2nd reading and adoption of Ordinance	January 17, 2012
Ordinance effective date	January 31, 2012
If comments warrant City response	
90 days for staff to formulate response (Ordinance changes, attorney review, etc.)	February 5, 2012
New SEPA Determination with 2 week comment period (if needed)	February 13, 2012
Study Session before Planning Commission to reconsider new ordinance (if needed)	February 15, 2012
Public Hearing before Planning Commission to reconsider new ordinance (if needed)	March 7, 2012
City Council Public Hearing	March 20, 2012
City Council 1st Reading of Ordinance	April 3, 2012
City Council 2nd reading and adoption of Ordinance	April 17, 2012
Ordinance effective date	April 30, 2012