

**ORDINANCE NO. 556**

**AN ORDINANCE OF THE CITY COUNCIL OF WOODINVILLE, WASHINGTON, ADOPTING FINDINGS; AMENDING CHAPTER 21.14 OF THE WOODINVILLE MUNICIPAL CODE TO REMOVE THE PEDESTRIAN-ORIENTED STREET DESIGNATION FOR NE 173<sup>RD</sup> STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND ALLOWING FOR SUMMARY PUBLICATION BY TITLE ONLY.**

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**WHEREAS**, the Woodinville City Council approved the Ordinance No. 524 on February 7, 2012; and

**WHEREAS**, Ordinance No. 524 established a requirement for residential uses on the ground floor for portions of NE 173<sup>rd</sup> Street; and

**WHEREAS**, a potential conflict has been identified between this requirement for residential uses on the ground floor, and the designation for NE 173<sup>rd</sup> Street as a pedestrian-oriented street; and

**WHEREAS**, the Downtown and Little Bear Creek Corridor Master Plan identified NE 173<sup>rd</sup> Street as a pedestrian boulevard; and

**WHEREAS**, the Woodinville Planning Commission reviewed this matter at study sessions on September 19, 2012 and on October 17, 2012; and at a public hearing on November 14, 2012; and

**WHEREAS**, the Woodinville Planning Commission recommends amendment of the Woodinville Municipal Code to remove designation of NE 173<sup>rd</sup> Street as a pedestrian-oriented street; and

**WHEREAS**, the Woodinville City Council has reviewed the Planning Commission's recommendation and received additional public comment regarding the recommended changes at a public hearing on December 4, 2012; and

**WHEREAS**, the Woodinville City Council has determined that the proposed amendments contained in Ordinance No. 556 are consistent with the City's Comprehensive Plan Goals and Policies, and will remove the potential conflict between the permitted use requirements and the design regulations; 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 above recitals are adopted by this reference as findings in support of Sections 2 and 3 of this Ordinance.

**Section 2. Section 21.14.371 Site planning – Relationship to street front,** 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 these section shall remain unchanged and in full force and effect.

...

(2) Pedestrian-Oriented Street Design Principle. Relate development to designated pedestrian-oriented street frontages. All development for properties fronting on a designated pedestrian-oriented street, as defined in WMC 21.14.960, shall include the following features: site planning measures to define the street edge; encourage pedestrian access amenities; and support the commercial area’s design purpose stated in WMC 21.14.300.

Streets within the Downtown and Little Bear Creek Corridor study area shall comply with the provisions of subsection (4) of this section. The following streets are designated as pedestrian-oriented streets:

- NE 175th Street
- 135th Avenue NE
- ~~NE 173rd Street~~
- 133rd Avenue NE
- 138th Avenue NE
- 140th Avenue NE

...

(4) Downtown and Little Bear Creek Corridor Study Area Site Planning – Relationship to Street Front.

(a) Street Orientation Requirements Matrix. Development in the Downtown and Little Bear Creek Corridor study area shall adhere to the standards in Table 1 of this section. If there is a conflict with other provisions of these standards, the Director shall determine the governing provision.

**Table 1. Downtown and Little Bear Creek Corridor Street Orientation Requirements Matrix**

| Street          | Building Orientation <sup>2</sup>  | Driveway Access  | Adjoining Parking Lots  | Adjoining Parking Garage  |
|-----------------|--|--|---|---|
| NE 175th Street | Adhere to pedestrian-oriented street standards per subsection (2) of this section, except garden area landscaping in the front yard is not an option.  | New driveways are not allowed unless there is no other feasible option, as determined by the Director. | Not allowed.  | Not allowed on ground floor facing street. Adhere to subsection (2)(h) of this section. |
| 135th Ave NE    | Adhere to pedestrian-oriented street standards per subsection (2) of this section. This emphasizes: Building located next to (abutting) the sidewalk with a pedestrian-oriented facade or separated from the sidewalk with a minimum of 5 feet of pedestrian-oriented space or garden area | New driveways not allowed, unless no other feasible option, as determined by the Director.             | Not allowed unless site abuts two pedestrian-oriented streets and there is no other feasible option. Adhere to pedestrian-oriented street standards per subsection (2)(f) of this section. If parking is allowed to locate next to (abutting) | Not allowed on ground floor facing street. Adhere to subsection (2)(h) of this section. |

**Table 1. Downtown and Little Bear Creek Corridor Street Orientation Requirements Matrix**

| Street                         | Building Orientation <sup>2</sup>  | Driveway Access  | Adjoining Parking Lots   | Adjoining Parking Garage  |
|--------------------------------|--|--|--|---|
|                                | landscaping.   |  | the street, landscape screening shall be provided in accordance with subsection (4)(b) of this section.  |   |
| 138th Avenue NE/ Garden Way NE | If the building is located next to (abutting) the sidewalk, a pedestrian-oriented facade as specified in subsection (2)(b) of this section shall be required. If building is located within 20 feet of the sidewalk, the area between the building and the sidewalk shall be pedestrian-oriented space or garden area landscaping in accordance with subsection (2)(c) of this section and the facade and entrance shall be in accordance with subsections (2)(d) and (e) of this section. If the building is more than 20 feet from the sidewalk, Type II or III landscape screening shall be provided. | Parking lot entrances, driveways and other vehicle access routes restricted to no more than one entrance lane and one exit lane per 300 linear feet of property; see WMC 21.14.880.  | Allowed with required landscape screening. <sup>1</sup> Adhere to subsection (4)(b) of this section for parking lot screening methods.   | Must be set back at least 20 feet and screened with Type I landscaping. <sup>1</sup>  |
| NE 173rd Street                | <p><del>Adhere to pedestrian-oriented street standards per subsection (2) of this section. This emphasizes: Buildings located next to (abutting) the sidewalk with a pedestrian-oriented facade or separated from the sidewalk with at least 5 feet of pedestrian-oriented space or garden area landscaping.</del></p> <p><u>If the building abuts the sidewalk, a pedestrian-oriented facade as specified in subsection (2)(b) of this section shall be required.</u></p> <p><u>If building is located within</u></p>   | <p><del>Allowed, but Director may determine location and special conditions to ensure safety and streetscape quality; see WMC 21.14.880.</del></p> <p><u>Adhere to the vehicle access requirements in WMC 21.14.880.</u></p> | <p><del>Adhere to pedestrian-oriented street standards per subsection (2)(f) of this section.</del></p> <p><u>If parking is allowed to locate next to (abutting) the street, landscape screening shall be provided in accordance with subsection (4)(b) of this section.</u></p> <p><u>Adhere to parking lot requirements in subsection (3)(a) and (4)(b) of this section, and all requirements for parking lots adjoining non-pedestrian oriented</u></p> | <p><del>Not allowed on ground floor facing street. Adhere to subsection (2)(h) of this section.</del></p> <p><u>Allowed with landscape screening conforming to subsection (4)(c) of this section.</u></p> |

**Table 1. Downtown and Little Bear Creek Corridor Street Orientation Requirements Matrix**

| Street                 | Building Orientation <sup>2</sup>   | Driveway Access   | Adjoining Parking Lots   | Adjoining Parking Garage   |
|------------------------|---|---|--|--|
|                        | <p><u>20 feet of the sidewalk, the area between the building and the sidewalk shall be pedestrian-oriented space or garden area landscaping in accordance with subsection (2)(c) of this section and the facade and entrance shall be in accordance with subsections (2)(d) and (e) of this section. If the building is more than 20 feet from the sidewalk, Type II or III landscape screening shall be provided.</u></p>  |   | <p><u>streets.</u></p>   |  |
| <p>133rd Ave NE</p>    | <p>Adhere to pedestrian-oriented street standards per subsection (2) of this section. This emphasizes: Buildings located next to (abutting) the sidewalk with a pedestrian-oriented facade or separated from the sidewalk with at least 5 feet of pedestrian-oriented space or garden area landscaping.</p>   | <p>Allowed, but Director may determine location and special conditions to ensure safety and streetscape quality; see WMC 21.14.880.</p> | <p>Adhere to pedestrian-oriented street standards per subsection (2)(f) of this section. If parking is allowed to locate next to (abutting) the street, landscape screening shall be provided in accordance with subsection (4)(b) of this section.</p>                        | <p>Allowed with landscape screening conforming to subsection (4)(c) of this section.</p> |
| <p>NE 171st Street</p> | <p>If the building is located next to (abutting) the sidewalk, a pedestrian-oriented facade, as specified in subsection (2)(b) of this section, shall be required. If the building is located within 20 feet of the sidewalk, the area between the building and the sidewalk shall be pedestrian-oriented space or garden area landscaping in accordance with subsection (2)(c) of this section and the facade and entrance shall be in accordance with subsections (2)(d) and (e) of this section.</p> | <p>Restricted. Not permitted unless the Director determines there are no feasible alternatives; see WMC 21.14.880.</p>                  | <p>Parking lots facing Woodin Creek are allowed with landscape screening in accordance with subsection (4)(b)(iv) of this section. Otherwise development shall adhere to parking lot location and screening standards set forth in subsection (4)(b)(iii) of this section.</p> | <p>Allowed with landscape screening conforming to subsection (4)(c) of this section.</p> |

**Table 1. Downtown and Little Bear Creek Corridor Street Orientation Requirements Matrix**

| Street                           | Building Orientation <sup>2</sup>   | Driveway Access   | Adjoining Parking Lots  | Adjoining Parking Garage  |
|----------------------------------|---|---|---|---|
|                                  | <p>When buildings are separated from NE 171st St. by Woodin Creek, alternate landscaping may be permitted by the Director. If the building is more than 20 feet from the sidewalk, Type II or III landscape screening shall be provided.</p>  |   |   |   |
| <p>Little Bear Creek Parkway</p> | <p>If the building is located next to (abutting) the sidewalk, a pedestrian-oriented facade, as specified in subsection (2)(b) of this section, shall be required. If the building is located within 20 feet of the sidewalk, the area between the building and the sidewalk shall be pedestrian-oriented space or garden area landscaping in accordance with subsection (2)(c) of this section and the facade and entrance shall be in accordance with subsections (2)(d) and (e) of this section. If the building is more than 20 feet from the sidewalk, Type II or III landscape screening shall be provided.</p> | <p>Joint driveways serving more than one property where possible. Adhere to WMC 21.14.880. No more than one entry and exit per 300 LF of street property are allowed.</p> | <p>Parking lots facing the street are allowed with landscape screening, as specified in subsection (4)(b)(iii) of this section.</p> | <p>Allowed with landscape screening conforming to subsection (4)(c) of this section.</p>    |
| <p>Woodinville-Duvall Road</p>   | <p>If the building is located next to (abutting) the sidewalk, a pedestrian-oriented facade, as specified in subsection (2)(b) of this section, shall be required. If the building is located within 20 feet of the sidewalk, the area between the building and the sidewalk shall be pedestrian-oriented space or garden area landscaping in</p>   | <p>Joint driveways where possible to reduce accidents. Adhere to WMC 21.14.880.</p>   | <p>Parking lots facing street allowed with landscape screening, as specified in subsection (4)(b)(iii) of this section.</p>         | <p>Allowed with landscape screening, as specified in subsection (4)(c) of this section.</p> |

**Table 1. Downtown and Little Bear Creek Corridor Street Orientation Requirements Matrix**

| Street          | Building Orientation <sup>2</sup>   | Driveway Access  | Adjoining Parking Lots  | Adjoining Parking Garage  |
|-----------------|---|--|---|---|
|                 | <p>accordance with subsection (2)(c) of this section and the facade and entrance shall be in accordance with subsections (2)(d) and (e) of this section.</p> <p>If the building is more than 20 feet from the sidewalk, Type II or III landscape screening shall be provided.</p>   |  |   |   |
| NE 178th Street | <p>If the building is located next to (abutting) the sidewalk, a pedestrian-oriented facade, as specified in subsection (2)(b) of this section, shall be required.</p> <p>If the building is within 20 feet of the sidewalk, pedestrian-oriented space or garden area landscaping shall be provided in accordance with subsection (2)(c) of this section and the facade and entrance shall be in accordance with subsections (2)(d) and (e) of this section.</p> <p>If the building is more than 20 feet from the sidewalk, Type II or III landscape screening shall be provided.</p> | <p>Joint driveways where possible to reduce accidents.<sup>1</sup></p> <p>Adhere to WMC 21.14.880.</p> | <p>Parking lots facing street allowed with 10 feet of Type III landscape screening.<sup>1</sup></p>   | <p>Allowed with landscape screening conforming to subsection (4)(c) of this section.<sup>1</sup></p>                      |
| 140th Ave NE    | <p>If the building is located next to (abutting) the sidewalk, a pedestrian-oriented facade, as specified in subsection (2)(b) of this section, shall be required.</p> <p>If the building is within 20 feet of the sidewalk, pedestrian-oriented space or garden area landscaping shall be provided in accordance with subsection (2)(c) of this section and the facade and entrance shall be</p>   | <p>Driveways restricted where possible.</p> <p>Adhere to WMC 21.14.880.</p>                            | <p>Parking lots proposed to be located next to (abutting) a street allowed only if no other configuration is possible.</p> <p>If allowed, parking is limited to 50% of street frontage and 10 feet of Type III landscape screening is required.</p> | <p>Allowed with landscape screening per subsection (4)(c) of this section only if no other configuration is possible.</p> |

**Table 1. Downtown and Little Bear Creek Corridor Street Orientation Requirements Matrix**

| Street                     | Building Orientation <sup>2</sup>  | Driveway Access  | Adjoining Parking Lots   | Adjoining Parking Garage  |
|----------------------------|--|--|--|---|
|                            | in accordance with subsections (2)(d) and (e) of this section.<br>If the building is more than 20 feet from the sidewalk, Type II or III landscape screening shall be provided.  |  |  |   |
| Woodinville-Snohomish Road | If the building is located next to (abutting) the sidewalk, a pedestrian-oriented facade, as specified in subsection (2)(b) of this section, shall be required.<br>If the building is within 20 feet of the sidewalk, pedestrian-oriented space or garden area landscaping shall be provided in accordance with subsection (2)(c) of this section and the facade and entrance shall be in accordance with subsections (2)(d) and (e) of this section.<br>If the building is more than 20 feet from the sidewalk, Type II or III landscape screening shall be provided. | Joint driveways where possible to reduce accidents; see WMC 21.14.880. | Parking lots facing street allowed with 10 feet of Type III landscape screening. | Allowed with landscape screening conforming to subsection (4)(c) of this section. |

**Notes:**

1. Implemented only when new development occurs on 138th Avenue NE and NE 178th Street.
2. Setbacks may be required to accommodate new streetscape and sidewalk standards, according to Public Works Standards and the street configuration chart (Table 2 of this chapter).

**(b) Parking Lot Screening Along Streetscapes in the Downtown and Little Bear Creek Corridor Study Area.**

- (i) If allowed, parking lots next to (abutting) streets in the Downtown and Little Bear Creek Corridor study area shall be screened from the sidewalk according to the standards in subsection (2)(g) of this section unless otherwise noted in subsections (4)(b)(i) through (vi) of this section.
- (ii) Parking lots next to (abutting) 138th Ave NE/Garden Way NE shall be screened from the sidewalk with a 20-foot-wide landscaped screening buffer. This can consist of either:
  - (A) A berm raised at crown at least two feet above sidewalk grade. The landscaping shall consist of Type III landscaping in accordance with WMC 21.16.040. Fifty percent of the required shrubs and groundcover shall exhibit decorative flowers or foliage.
  - (B) An alternative design, as approved by the Director, that meets the following intent:
    1. Continuous screen three feet high;

- 2. Attractive streetscape with a variety of decorative planting;
  - 3. Attractive stormwater features such as a rain garden or biofiltration swale;
  - (iii) Parking lots abutting Little Bear Creek Parkway NE, NE 171st Street, and NE Woodinville-Duvall Road shall be screened with a 15-foot-wide area of Type II landscaping;
  - (iv) Parking lots, parking garages, vehicle circulation, and service areas abutting Woodin Creek or its critical areas buffer must be screened from the creek corridor with at least a 10-foot-wide area of Type I landscaping. Buildings with storefronts or residential units directly facing Woodin Creek or its critical areas buffer do not require screening;
  - (v) Parking lots adjacent to streets not noted in subsections (4)(b)(i) through (iv) of this section and in the Downtown and Little Bear Creek Corridor study area, where allowed, shall provide one of the options described in subsection (2)(g) of this section or a 10-foot-wide landscape screening buffer consisting of Type III landscaping in accordance with WMC 21.16.040;
  - (vi) Alternate Street Front Landscaping Requirements. The Director may allow alternate landscape screening standards if he/she finds that the intent of the guidelines is met.
- (c) The ground floor of any parking garage facing a sidewalk in the Downtown and Little Bear Creek Corridor study area, where allowed, shall be fully screened with 10-foot-wide area of Type I landscaping.
- (d) Setbacks for Street Improvements. The Director may require that buildings and other site improvements be set back from the street right-of-way to allow for street improvements such as sidewalks, bike lanes and parking lanes. Table 2 of this section indicates the City's general intent for street configuration on each street. It is included only as an informational guide. Actual street configuration may vary as design progresses or with specific locations.

**Table 2. Downtown and Little Bear Creek Corridor Street Configuration Guidelines Matrix**

| Street                            | No. of Lanes   | Sidewalk Width  | Bike Lane   | On-Street Parking | Median   |
|-----------------------------------|--|---|---|-------------------|--|
| NE 175th Street                   | 1 each way with left-turn lanes at 135th, 133rd, and Garden Way NE | 12' wide (minimum) with trees and amenities   | Yes   | None              | Yes, where feasible (west of 133rd Ave NE)   |
| 135th Ave NE                      | 1 each way   | 12' wide (minimum) with street trees that do not obstruct view                                  | Yes; connects 21 Acres to Little Bear Creek and transit | Yes               | No   |
| 138th Avenue NE/<br>Garden Way NE | 3 lanes<br>72' ROW   | 6' sidewalk and 10' planting area   | Yes   | Yes               | Yes, where feasible  |
| NE 173rd Street                   | 2 lanes  | 12' (minimum) sidewalks both sides<br>or<br>15' (minimum) trail on one side<br>Street trees and | Yes, separated bike trail acceptable<br><br>No          | Yes               | Not required, but allowed if abutting property owner volunteers to dedicate sufficient ROW or easement<br><br>No |

**Table 2. Downtown and Little Bear Creek Corridor Street Configuration Guidelines Matrix**

| Street                     | No. of Lanes                | Sidewalk Width  | Bike Lane | On-Street Parking | Median              |
|----------------------------|-----------------------------|---|-----------|-------------------|---------------------|
|                            |                             | <u>plantings</u><br>16' (minimum) for sidewalk and planting area            |           |                   |                     |
| 133rd Ave NE               | 2 lanes                     | 12' – 15' for sidewalk and planting area                                    | No        | Yes               | No                  |
| NE 171st Street            | 5 lanes with left-turn lane | 8'<br>Street trees or native vegetation on north side; south open for views | Yes       | No                | No                  |
| Little Bear Creek Parkway  | 3 lanes                     | 8'  | Yes       | No                | Yes, where feasible |
| Woodinville-Duvall Road    | As existing                 | As existing with planter strip and trees                                    | No        | No                | No                  |
| NE 178th Street (Mill Pl.) | As existing                 | As existing   | Yes       | No                | No                  |
| 140th Ave NE               | As existing                 | 8' (minimum) with 6' planting strip and trees                               | Partial   | No                | No                  |
| Woodinville-Snohomish Road | 5 lanes to 3 lanes          | 8' on west side<br>Street trees and landscape strip                         | No        | No                | No                  |

(e) Businesses with drive-through access are prohibited in the Downtown-Little Bear Creek Corridor-Pedestrian Core Design District.

(f) Entries. All buildings shall have at least one public entry directly facing the street with an eight-foot-wide (minimum) walkway between the sidewalk and the street.

...

**Section 3. Section 21.14.960 Definitions**, 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 these section shall remain unchanged and in full force and effect.

...

Pedestrian-Oriented Street. "Pedestrian-oriented streets" include:

- (1) ~~NE 173rd Street~~, NE 175th Street, 133rd Avenue NE, 135th Avenue NE, 138th Avenue NE, and 140th Avenue NE within the CBD zone.
- (2) SR 202 located in the Tourist District Overlay described in WMC 21.38.065.
- (3) An undefined north/south corridor connecting NE 171st Street and Woodinville-Snohomish Road in the vicinity of 135th Avenue NE.

...

**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.

**Section 5. 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 6. Effective Date.** The adoption of this Ordinance, which is a power specifically delegated to the City legislative body, is not subject to referendum. This Ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after publication.

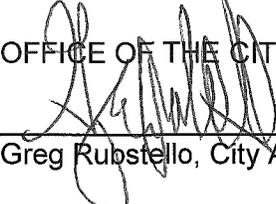
**ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 5<sup>th</sup> DAY OF FEBRUARY, 2013.**

  
Bernard W. Talmas, Mayor

ATTEST/AUTHENTICATED:

  
Jennifer Kuhn  
City Clerk/CMC

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY  
  
Greg Rubstello, City Attorney

PASSED BY THE CITY COUNCIL: 2-5-2013  
PUBLISHED: 2-11-2013  
EFFECTIVE DATE: 2-19-2013  
ORDINANCE NO. 556



STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

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

February 7, 2013

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. 550 amending Woodinville Municipal Code Chapter 21.38.030 and 20.06.080 pertaining to Sanitary Sewer Regulations. These materials were received on February 06, 2013 and processed with the Material ID # 18909.**

**City of Woodinville - Adopted Ordinance No. 554 Housekeeping amendments pertaining to specific regulations. These materials were received on February 06, 2013 and processed with the Material ID # 18910.**

**City of Woodinville - Adopted Ordinance No. 556 removing the Pedestrian Oriented Street Designation for NE 173rd Street. These materials were received on February 06, 2013 and processed with the Material ID # 18911.**

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